



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** January 21, 2020

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**COUNCIL DISTRICT: 3**

**SUBJECT: CP19-028. CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE OFF-SALE OF ALCOHOL (TYPE 21 FULL RANGE OF ALCOHOLIC BEVERAGES) AT AN EXISTING 1,150-SQUARE FOOT RETAIL STORE (MABURY MARKET) ON AN APPROXIMATELY 0.46-GROSS ACRE SITE.**

## **RECOMMENDATION**

The Planning Commission voted 7-0-0 to recommend that the City Council take all of the following actions:

- (a) Consider the exemption in accordance with CEQA;
- (b) Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,150-square foot retail store on an approximately 0.46-gross acre site.

## **OUTCOME**

If the City Council approves all the actions listed above, the applicant would be able to request an ABC (Alcohol Beverage Control) license to operate an existing retail establishment with the off-sale of alcohol, which includes a full range of alcoholic beverages in a 1,150-square foot retail store.

## **BACKGROUND**

On January 15, 2019, the Planning Commission considered the proposed Conditional Use Permit and Determination of Public Convenience or Necessity. This item remained on the Planning Commission's Consent Calendar. No members of the public requested to speak on this item and

there was no discussion by the Commissioners. Commissioner Oliverio made a motion to approve the recommendation. Commissioner Yesney seconded the motion. The motion passed unanimously.

### **ANALYSIS**

Analysis of the issues regarding the proposed Conditional Use Permit and Determination of Public Convenience or Necessity, including General Plan conformance and the proposed resolution, are contained in the attached Planning Commission Staff Report. Additionally, staff has attached a comment letter from Bill Coker (Greater Opportunities) and a signed petition, which were provided after the posting of the Planning Commission Staff Report. The letter is from the CEO of Greater Opportunities, a non-profit organization serving adults with developmental disabilities which is located west of the subject site across North King Road. The letter is in support of the off-sale of alcohol at the subject site. The petition is signed by approximately 445 neighbors in support of the off-sale of alcohol at the subject site. Neither the content of the letter, nor the petition modify the required findings in the resolutions and staff report.

### **CONCLUSION**

The Planning Commission's motion to recommend that the City Council adopt a resolution approving the Conditional Use Permit and Determination of Public Convenience or Necessity for the subject property was approved (7-0-0).

### **EVALUATION AND FOLLOW-UP**

If the Conditional Use Permit and Determination of Public Convenience or Necessity are approved, the applicant would be able to operate a retail establishment with the off-sale of a full range of alcoholic beverages in an existing 1,150-square foot retail store.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum aligns with one or more Climate Smart San José mobility goals. The project would reduce Vehicle Miles Traveled (VMT) by providing a more convenient shopping experience in a rapidly growing neighborhood in the Berryessa BART Urban Village area. The project would also facilitate the choice of mobility choices other than single-occupancy, gas-powered vehicles by providing the required number of bicycle parking spaces.

## **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the project. A notice of public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public. This memorandum will be posted on the City's Council Agenda website for the February 11, 2020 Council Meeting.

## **COORDINATION**

This project was coordinated with the City Attorney's Office.

## **COMMISSION RECOMMENDATION/INPUT**

On January 15, 2019, the Planning Commission considered the proposed Conditional Use Permit and Determination of Public Convenience or Necessity. This item remained on the Planning Commission's Consent Calendar. No members of the public spoke on this item and there was no discussion by the Commissioners.

The motion to recommend that the City Council adopt a resolution approving the Conditional Use Permit and Determination of Public Convenience or Necessity for the subject property was approved (7-0-0). No commission recommendation or input is associated with this action.

## **CEQA**

Under the provisions of Section 15301 for Existing Facilities of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San Jose Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

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The project would allow off-sale alcohol at an existing retail store. The project would include interior modifications to allow the display of alcoholic beverages. The retail use of off-sale alcoholic beverages will be conducted solely inside the building. Based on the discussion and findings in the above sections, the activity is not anticipated to have a significant effect on the environment. Therefore, a CEQA exemption can be issued under Section 15301(a) for Existing Facilities.

/s/

ROSALYNN HUGHEY,  
Secretary, Planning Commission

For questions, please contact Deputy Director, Robert Manford, at (408) 535-7900.

Attachments: Planning Commission Staff Report  
Comment Letter from Greater Opportunities  
Signed Petition





# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Rosalynn Hughey

**SUBJECT:** CP19-028

**DATE:** 12/11/2019

**COUNCIL DISTRICT:** 3

<b>Type of Permit</b>	Conditional Use Permit
Demolition	None
Proposed Land Uses	Off-Sale of Alcohol
New Residential Units	None
New Square Footage	None
Additional Policy Review Items	Determination of Public Convenience or Necessity
Tree Removals	None
<b>Project Planner</b>	Alec Atienza
<b>CEQA Clearance</b>	Exemption per CEQA Guidelines Section 15301(a): Class 1, for Existing Facilities
<b>CEQA Planner</b>	Not Applicable

## RECOMMENDATION

Staff recommends that the Planning Commission recommends that the City Council take all of the following actions:

1. Consider the exemption in accordance with CEQA
2. Recommend that the City Council adopt a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,150-square foot retail store on an approximately 0.46-gross acre site.

## PROPERTY INFORMATION

<b>Location</b>	Southeast corner of North King Road and Mabury Road (788 North King Road)
<b>Assessor Parcel No.</b>	254-04-099
<b>General Plan</b>	Urban Village
<b>Growth Area</b>	Berryessa BART Urban Village
<b>Zoning</b>	Commercial Pedestrian
<b>Historic Resource</b>	Not Applicable
<b>Annexation Date</b>	March 6, 1967 (Penitencia No 7)
<b>Council District</b>	3
<b>Acreage</b>	0.46-gross acre
<b>Proposed Density</b>	Not Applicable

## PROJECT BACKGROUND

As shown on the attached [vicinity map \(See Exhibit A\)](#), the project site is located on the southeast corner of North King Road and Mabury Road. The site is currently developed with an approximately 5,535-square foot retail building. The subject site is a 1,150-square foot retail store located in a tenant space within the aforementioned 5,535-square foot retail building. The site is accessed by two driveways, one from North King Road and one from Mabury Road. The site is adjacent to residential uses to the north and south. Industrial uses are located to the west. The land adjacent to the site to the east is vacant.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Mixed Use Neighborhood	A(PD) Planned Development (File No. PDC85-010)	Apartment complex
South	Residential Neighborhood	Agricultural	Single-family home
East	Residential Neighborhood	R-1-8 Single-Family Residence	Vacant
West	Light Industrial	Light Industrial	Printing company and adult day-care center

On August 23, 2019, Amrital Kaur Powar submitted a Conditional Use Permit application to allow for the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,150-square foot retail store (Mabury Market) on an approximately 0.46-gross acre site. The use requires State Alcoholic Beverage Control License Type 21. A Type 21 License allows for the off-sale of beer, wine, and distilled spirits for consumption off the premises where items are sold. Floor plans for the project clearly delineate the locations of the off-sale alcohol sales area (See Exhibit E below).

The existing 5,535-square foot retail building, in which the subject retail store is located, was approved through a Site Development Permit (File No. H04-047) in 2005. A Lot Line Adjustment (File No. AT07-043) to combine each of the parcels on the site into one parcel was approved in 2007.

A Conditional Use Permit for the off-sale of alcohol was previously denied at the subject site in 2008 (File No. CP08-035). The process required that if a finding for a Determination of Public Convenience or Necessity could not be made, the Planning Commission must deny the project. If denied the applicant could appeal the decision to City Council. At Planning Commission, the project was denied based on the finding that the site was within an area of high crime, and the Police Department was opposed to the off-sale of alcohol at the site. Furthermore, the site was located within 150 feet of a residentially zoned property. At the time of denial, the subject site was not in an overconcentrated census tract nor was it within 1,000 feet of another use involving the off-sale of alcoholic beverages. The denial of the Conditional Use Permit was appealed to City Council. The appeal was withdrawn prior to the City Council hearing.

Presently, the site is not located in an area of high crime. As stated in the attached Police Department Memorandum, dated October 1, 2019, the Police Department is now neutral to the off-sale of alcohol at the subject site. There are presently no off-sale uses within 1,000 feet of the subject site. However, the subject site is now located in an overconcentrated census tract (5037.09). The site is also located within 150 feet of a residentially zoned property, and within 500 feet of two social services agencies. As the

subject site is located within 500 feet of a social services agency and within 150 feet of a residentially zoned property, a Conditional Use Permit and Determination of Public Convenience or Necessity for the off-sale of alcohol may only be approved by City Council.

RELATED APPROVALS	
Date	Action
3/6/1967	Site annexed into the City of San José (Penitencia No 7).
3/25/2005	Site Development Permit (File No. H04-047) to demolish two single-family detached residences and construct a 5,502 square foot building for retail commercial uses on a 0.46-gross acre site
6/6/2007	Lot Line Adjustment (File No. AT07-043) to combine four lots into one parcel on a 0.46-gross acre site

## ANALYSIS

The proposed Conditional Use Permit and Determination of Public Convenience or Necessity are analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. Zoning Ordinance Conformance
3. Conditional Use Permit Findings
4. Determination of Public Convenience or Necessity (PCN) Findings
5. California Environmental Quality Act (CEQA)

### [Envision San José 2040 General Plan](#) Conformance

#### *Land Use Designation*

As shown in the attached **General Plan map (See Exhibit B)**, the subject site has an Envision San Jose 2040 General Plan designation of **Urban Village**. This designation is intended for a wide variety of commercial, residential, institutional or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept. Prior to preparation of an Urban Village Plan, this designation supports uses consistent with those of the Neighborhood Community Commercial designation.

The subject site is located in the Berryessa BART Urban Village boundary. Creation of Urban Villages is Major Strategy #5 in the General Plan, and the Urban Village concept is to create a policy framework to direct most new job and housing growth to occur within walkable and bike-friendly Urban Villages that have good access to transit and other existing infrastructure and facilities. Urban Villages are to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the General Plan's environmental goals. The project includes the off-sale of alcohol at an existing convenience store, which provides retail amenities to the surrounding area.

## General Plan Policies

The project conforms to the following key General Plan policies:

Land Use Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

*Analysis: The existing convenience store is one of the few commercial retail uses within a half mile radius and located within walking and biking distance of the Berryessa BART Station and new and existing residential areas.*

Land Use Policy LU-5.2: To facilitate pedestrian access to a variety of commercial establishments and services that meet the daily needs of residents and employees, locate neighborhood-serving commercial uses throughout the city, including identified growth areas and areas where there is an existing or future demand for such uses.

*Analysis: The current and future demand for such off-sale alcohol use is expected to increase as the area is located in the Berryessa BART Urban Village. According to Appendix 5 of the General Plan, there have already been 3,884 dwelling units entitled, with 930 additional dwelling units planned for Horizon 1 in the Berryessa BART Urban Village. The project's use would add to the variety of retail products available to the growing community. The subject retail store is within convenient walking and biking distance of the surrounding neighborhood and within 1,000 feet of the Berryessa BART Station.*

Community Design Policy 1.15: Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.

*Analysis: The subject site is located at the intersection of two major streets that serve the surrounding community and provide access to the Berryessa BART Station. The project does not change the overall footprint of the existing building and the retail building and entrance to the convenience store are set back one foot from the sidewalk along Mabury Road. The retail building is oriented with the storefronts to the street. Pedestrians and bicyclists are adequately served by sidewalks as well as bicycle lanes on both North King Road and Mabury Road. Additionally, the existing building provides adequate bicycle parking spaces. The subject site is also served by three VTA Bus Lines, Routes 61, 12, and 77, all of which have stops within 250 feet of the subject site.*

## Zoning Ordinance Conformance

### Land Uses

The existing building conforms to the development standards set forth in the CP Commercial Neighborhood Zoning District. The site is located in the CP Commercial Pedestrian Zoning District, which conforms to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation. The Commercial Pedestrian district is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. The existing use as a retail store is a permitted use in the Commercial Pedestrian Zoning District. The off-sale of alcoholic beverages requires a Conditional Use Permit in this zoning district.

### Development Regulations

There are no changes to the existing 5,535-square foot retail building, nor the 1,150 square foot retail store, which was entitled through a Site Development Permit (File No. H04-047). The subject site has two front property lines along North King Road and Mabury Road and two rear property lines. In the

Commercial Pedestrian Zoning District, there are no minimum front setbacks and a maximum front setback of 10 feet is required. The existing building has front setbacks of one foot along both North King Road and Mabury Road. In the Commercial Pedestrian Zoning District, a 25-foot rear setback is required. The existing building provides rear setbacks of 52 feet and 77 feet respectively. The required maximum building height in the Commercial Pedestrian Zoning District is 50 feet. The existing building has a maximum height of 35 feet. No modifications are proposed to the existing building. The existing setbacks and height are not being altered by this Conditional Use Permit.

### *Parking*

There are no changes to the existing 5,535-square foot retail building. The existing retail building was entitled through a Site Development Permit (File No. H04-047) and is required to provide 24 vehicle parking spaces. The project site currently provides 24 vehicle parking spaces. The additional off-sale alcohol use would not require additional vehicle parking spaces. The subject site requires 4 bicycle parking spaces, which are provided in the parking lot area at the east end of the subject site.

### **Conditional Use Permit Findings**

In order to make the Conditional Use Permit findings and recommend approval to the Planning Commission, staff must determine that:

1. The Conditional Use Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans and area development policies; and

*Analysis: As explained in detail above, the project use would be consistent with and further the policies of the General Plan. The existing convenience store is the one of the few commercial uses providing retail products in a safe and convenient multimodal neighborhood. The use would add to the variety of retail products available to the surrounding community and would further facilitate pedestrian and bicycle access to the subject site.*

2. The Conditional Use Permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project; and

*Analysis: The project has no modifications to the existing building. The existing setbacks, height, and number of parking spaces are not being altered by this Conditional Use Permit. The existing retail use is allowed in the Commercial Pedestrian Zoning District, and off-sale alcohol use would also be permitted with a Conditional Use Permit pursuant to [Table 20-90](#) of the Municipal Zoning Code. Therefore, the project would be in conformance with the requirements of the of the Commercial Pedestrian Zoning District.*

3. The Conditional Use Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: There are no applicable City Council policies for the project.*

4. The proposed use at the location requested will not:
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the site; or

- c. Be detrimental to public health, safety or general welfare; and

*Analysis: As indicated in the San José Police Department Memorandum dated October 1, 2019, the project use is located in an area that is unduly concentrated with alcohol sales but is not in an area of high crime. The Police department is neutral regarding this project. Due to the concentration of alcohol sales within this census tract, a Determination of Public Convenience and Necessity is required. The sales area dedicated to off-sale alcohol sales is 50 square feet, which is 5% of the 1,000-square foot sales area. Additionally, the Mitigation Management and Operations Plan, prepared by the applicant and submitted on October 25, 2019, provides provisions for trash and graffiti removal, security and safety, loitering and panhandling, and employee training. Therefore, the use would not be considered detrimental to the surrounding neighborhood.*

5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

*Analysis: The existing retail building conforms to the development regulations, including setbacks, height, and parking for a building in the Commercial Pedestrian Zoning District. There are no modifications to the exterior of the building.*

6. The proposed site is adequately served:

- a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
- b. By other public or private service facilities as are required.

*Analysis: The subject site is adequately served and accessed from North King Road and Mabury Road. The subject site is located within 1,000 feet of the future Berryessa BART Station, and is along the path of three VTA bus routes, numbers 12, 77, and 61. There are three stops that are less than 250 feet from the site located to the east, west, and southwest.*

7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The project does not involve any modifications to the existing retail building. There would be no construction on-site. The retail store in which the off-sale alcohol would be sold is already an existing retail use. Therefore, there would be no unacceptable negative environmental impacts related to noise, vibration, dust, drainage, storm water runoff, or odor, and the project will not have an unacceptable negative affect on adjacent properties.*

### **Required Findings for the Off-Sale of Alcohol**

A Conditional Use Permit may be issued pursuant to the applicable provisions of this title for the off-sale of any alcoholic beverages only if the decision-making body first makes the following additional findings, where applicable:

1. For such use at a location closer than five hundred feet from any other such use involving the off-sale of alcoholic beverages, situated either within or outside the city, that the proposed location of the off-sale alcohol use would not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location.

*Analysis: The use is not located within 500 feet from any such use involving the off-sale of alcoholic beverages. The project use would also not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand foot radius from the subject site. Therefore, this finding **can** be made.*

2. For such use at a location closer than five hundred feet from any other use involving the off-sale of alcoholic beverages, situated either within or outside the city, where the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location, that the resulting excess concentration of such uses will not:
  - a. Adversely affect the peace, health, safety, morals, or welfare of persons residing in or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the area; or
  - c. Be detrimental to public health, safety or general welfare

*Analysis: The use is not located within 500 feet from any such use involving the off-sale of alcoholic beverages. The use would also not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one thousand-foot radius from the subject site. As indicated in the San José Police Department Memorandum dated October 1, 2019, the Police Department is neutral regarding the project use. Additionally, the Mitigation Management and Operations Plan, prepared by the applicant and submitted on October 25, 2019, provides provisions for trash and graffiti removal, security and safety, loitering and panhandling, and employee training. Therefore, this finding **can** be made.*

3. For such use at a location closer than five hundred feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, or one hundred fifty feet from any residentially zoned property, that the building in which the proposed use is to be located is situated and oriented in such a manner that would not adversely affect such residential, child care center, public park, social service agency, residential care facility, residential service facility and/or school use.

*Analysis: The use is located less than 500 feet from two social service agencies. Family Supportive Housing, a shelter providing temporary housing to families is located approximately 330 feet from door to door to the south of the subject site. Greater Opportunities Day Program, a non-profit agency providing daytime services to adults with developmental disabilities, is located approximately 180 feet west of the subject site across North King Road. There are residentially zoned properties located less than 150 feet from the subject site to the north, south, and east. Therefore, this finding **cannot** be made. Because this finding cannot be made, the project is required to receive a Determination of Public Convenience or Necessity.*

Pursuant to [Section 20.80.900B](#) of the San José Municipal Zoning Code, where a Conditional Use Permit Application requesting the off-premises sale of alcoholic beverages also would require a Determination of Public Convenience or necessity under the provisions of [Chapter 6.84](#) of [Title 6](#) of the Municipal Code, and the Planning Commission cannot make the required findings under [Section 6.84.030](#) of Chapter 6.84 of Title 6 of the Municipal Code, the Planning Commission shall make a report and recommendation to the City Council on said Conditional Use Permit application. In this instance, the City Council shall be the initial and final decision-making body on said Conditional Use Permit Application.



**Required Findings for Determination of Public Convenience or Necessity**

Under California Business and Professions Code Sections 23958 and 23958.4, the Department of Alcohol Beverage Control (ABC) must deny an application for a liquor license “if issuance of that license would tend to create a law enforcement problem, or if the issuance would result in or add to an undue concentration of liquor licenses in the area,” unless the City determines that the public convenience or necessity would be served by the issuance of the license (Determination of Public Convenience or Necessity, or PCN). An “undue concentration” is defined as follows:

1. The premises of the proposed license are located in an area that has 20 percent greater number of reported crimes than the average number of reported crimes for the City as a whole, or
2. The premises of the proposed license are located in a census tract where the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole.

*Analysis: The project site is located within Census Tract 5037.09. According to the Police Department Memorandum, dated October 1, 2019, the neighborhood does not report 20 percent more crimes above the city average. However, the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole. Therefore, for the California Department of Alcoholic Beverage Control to be able to issue a license for this off-sale use, the City must grant a Determination of Public Convenience or Necessity. The analysis of the proposal is based on the required findings identified in [Title 6](#) of the San José Municipal Code and is described below.*

[Chapter 6.84](#) of Title 6 identifies the process and findings related specifically to the off-sale of alcohol and specifies that the Planning Commission may issue a PCN only after first making all of the findings specified below (see San Jose Municipal Code section [6.84.030](#)):

1. The proposed use is not located within a Strong Neighborhoods Initiative or neighborhood revitalization area or other area designated by the city for targeted neighborhood enhancement services or programs, or located within an area in which the chief of police has determined based upon quantifiable information that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area; and

*Analysis: The project site is not located within an SNI or neighborhood revitalization area or other area designated by the City for targeted neighborhood enhancement services or programs. According to the Police Department Memorandum dated October 1, 2019, The Police Department stated that it is neutral to the issuance of a Conditional Use Permit for the off-sale of alcohol at the subject site. Additionally, the Mitigation Management and Operations Plan, prepared by the applicant and submitted on October 25, 2019, provides provisions for trash and graffiti removal, security and safety, loitering and panhandling, and employee training. The use would not be detrimental to public health, safety, or welfare of persons located in the area, or increase the severity of existing law enforcement or public nuisance problems in the area. Therefore, this finding can be made.*

2. The proposed use would not lead to the grouping of more than four off-premises sale of alcoholic beverage uses within a one thousand-foot radius from the exterior of the building containing the proposed use; and

*Analysis: The use would result in less than four off-sale establishments in a 1,000-foot radius. There are currently no off-sale establishments within a 1,000-foot radius. Therefore, this finding can be made.*



3. The proposed use would not be located within five hundred feet of a school, day care center, public park, social services agency, or residential care or service facility, or within one hundred fifty feet of a residence; and

*Analysis: The use would be located less than 500 feet from two social services agencies and within 150 feet of a residence. Family Supportive Housing, a shelter providing temporary housing to families is located approximately 330 feet, door to door, to the south of the subject site. Greater Opportunities Day Program, a non-profit agency providing services to adults with developmental disabilities, is located approximately 180 feet to the west of the subject site. The use would be located less than 150 feet from residentially zoned properties to the north, south, and east. Therefore, this finding **cannot** be made.*

4. Alcoholic beverage sales would not represent a majority of the proposed use; and

*Analysis: The existing convenience store is 1,150 square feet. The sales floor area of the convenience store is approximately 1,000 square feet. The floor area dedicated to alcohol sales is 50 square feet or 5% of the total sales floor area. Therefore, the percentage of alcohol sales would be 5% of the sales floor area. Therefore, this finding **can** be made.*

5. At least one of the following additional findings:

- a. The census tract in which the proposed outlet for the off-premises sale of alcoholic beverages is located is unusually configured and the proposed outlet would act as a convenience to an underserved portion of the community without presenting a significant adverse impact on public health or safety; or

*Analysis: The census tract is not unusually configured in shape. However, the geographic concentration of sites providing off-sale alcohol in the census tract is unusually configured. Based on a California Alcoholic Beverage Control report for Census tract 5037.09, there are 4 existing businesses that have off-sale alcohol licenses (Type 20 or 21). The allowed number of off-sale licenses in the census tract is 2. The closest off-sale business is located approximately 2,300 feet to the southeast of the subject site and is an importer of high quality commodities, beer, and wine from East Africa, and only provides wholesale products to businesses. The remaining three off-sale businesses are convenience stores located within 200 feet of one another and are located at the southernmost edge of the census tract, approximately 3,800 feet from the subject site, along McKee Road. Therefore, this finding **can** be made.*

- b. The proposed outlet for the off-premises sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety; or

*Analysis: The project is located in an area that has experienced significant population growth. With the opening of Berryessa BART, the neighborhood is expected to increase in population and jobs through the development of an urban multi-modal, transit-oriented neighborhood. The surrounding neighborhood has experienced significant residential development in recent years. From 2014 to present there have been 511 residential units constructed within 1,000 feet of the subject site (File Nos. PD13-023, PD14-029, PD14-044, and PD15-024), significantly increasing the population density of the census tract. The additional off-sale alcohol use would provide a more convenient shopping experience and would further enhance the pedestrian and bicycle-oriented nature of the neighborhood. Furthermore, the immediate area around the subject site is expected to experience further population and job growth with the opening of the Berryessa BART station. Finally, based on the Police Memorandum, Dated October 1, 2019, the subject site is not located*

*in a high crime area, and the Police are neutral to the additional off-sale alcohol use at the subject site. Therefore, the addition of off-sale alcohol use at the existing convenience store would not present a significant adverse impact on public health or safety. Therefore, this finding can be made.*

- c. The census tract in which the proposed outlet is located has a low population density in relation to other census tracts in the city, and the proposed outlet would not contribute to an over-concentration in the absolute numbers of outlets for the off-premises sale of alcoholic beverages in the area; or

*Analysis: The census tract in which the project is located has a higher population density in relation to other census tracts in the city and is located in an already over-concentrated area. Therefore, this finding cannot be made.*

- d. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

*Analysis: Approximately 5% of the sales floor area would be dedicated to the off-sale of alcohol. The remainder of the sales floor area would be dedicated to sales of items typical of a convenience store. The subject site is the only convenience store within 1,000 feet of the new BART station. Furthermore, it serves a census tract that has a higher than average population density for the City of San José. Other businesses that provide off-sale alcohol are not located within walking distance. Furthermore, the off-sale of alcohol at this location would provide a more complete and convenient shopping experience in a neighborhood with transit, bicycle, and pedestrian connections. Therefore, this finding can be made.*

*Analysis: Given the above-stated analysis, the third finding for the Determination of Public Convenience or Necessity cannot be made by the Planning Commission for the off-sale of alcohol because the project site is located within 500 feet of a social services agency and 150 feet of a residentially zoned property. However, the Planning Commission can make three of the four findings. Moreover, the Commission can make findings 5.a, 5.b and 5.d of the additional findings for a PCN determination. While the Planning Commission cannot make all of the required findings for the Determination of Public Convenience or Necessity, there are significant and overriding benefits by the use, as it would further activate an existing commercial area and provide new amenities to the existing and proposed population and job growth in the surrounding area.*

If the Planning Commission cannot make one or more of the first four findings (items 1 through 4) listed above, then the Planning Commission is required by San Jose Municipal Code [Section 6.84.030.D](#) to make a recommendation to the City Council as to whether the Council should make a determination for the proposed use.

*Analysis: Given the above-state analysis, the third finding for the PCN cannot be made for the off-sale of alcohol because the project site is located within 500 feet of a social services agency and within 150 feet of a residentially zoned property. Therefore, City Council approval is required for the proposed use. The Planning Commission must make a recommendation on the proposed use to the City Council and the City Council may issue a determination in connection with an application for a license from the California Department of Alcoholic Beverage Control for the off-premises sale of alcoholic beverages where it can make a determination that not all of the required findings can be made, and when the Council identifies that a significant and overriding public benefit or benefits will be provided by the proposed use. The Council can identify and find that significant and overriding public benefit will be provided by the proposed use.*

Notwithstanding the foregoing provisions and requirements contained in Subsection D. above, the City Council may issue a determination in connection with an application for a license from the California Department of Alcoholic Beverage Control for the off-premises sale of alcoholic beverages where the City Council does all of the following:

- a. Makes a determination that not all of the required findings set forth in Subsection B. can be made; and

*Analysis: Given the above-stated analysis, the third finding for the Determination of Public Convenience or Necessity cannot be made by the Planning Commission for the off-sale of alcohol because the subject site is located within 500 feet of a social services agency and within 150 feet of a residentially zoned property. However, the Planning Commission can make three of the four findings. Moreover, the Commission can make findings 5.a, 5.b and 5.d of the additional findings for a PCN determination.*

- b. Identifies and finds that a significant and overriding public benefit or benefits will be provided by the proposed use.

*Analysis: The surrounding neighborhood has experienced significant residential development in recent years. From 2014 to present, there have been 511 residential units constructed within 1,000 feet of the subject site, significantly increasing the population density of the census tract. Furthermore, the immediate area around the subject site is expected to experience further population and job growth with the opening of the Berryessa BART station. The existing retail stores is one of the few commercial retail uses within a half-mile of the Berryessa BART station and within walking and biking distance of new and existing residential areas. As stated above, the alcohol sales area would represent approximately 5% of the total sales area of the store and would not be a primary use of the building. While the Planning Commission cannot make all of the required findings for the Determination of Public Convenience or Necessity, there are significant and overriding benefits by the project use, as it would further activate an existing commercial area and provide new amenities to the existing and future residents in the surrounding area.*

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Under the provisions of Section 15301(a) for Existing Facilities of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Zoning Code, implementing the California Environmental Quality Act of 1970, as amended.


Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. The project does not involve any modifications or expansion to the footprint of the existing retail building.

The project would allow off-sale alcohol at an existing retail store. The project would include interior modifications to allow for the display of alcoholic beverages. The retail use of off-sale alcoholic beverages will be conducted wholly inside the building. Based on the discussion and findings in the above sections, the activity is not anticipated to have a significant effect on the environment. Therefore, a CEQA exemption can be issued under Section 15301(a) for Existing Facilities.

**PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed project. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

**Project Manager:** Alec Atienza

**Approved by:**  Deputy Director, Planning Official for Rosalynn Hughey, Director of PBCE

**ATTACHMENTS**

Exhibit A: Vicinity Map

Exhibit B: General Plan Map

Exhibit C: Zoning Map

Exhibit D: Alcohol Radius Map

Exhibit E: Floor Plan

Exhibit F: Plan Set

Exhibit G: Operations Plan

Exhibit H: Police Memo

Exhibit I: Draft Resolution

Exhibit J: Notice of Environmental Exemption

<b>Owner:</b>	<b>Applicant:</b>	<b>Applicant's Representative:</b>
Bhupindar S. Dhillon for Carmelo G. and Leticia C. Rosado 2679 Baton Rouge Drive San Jose, CA 95133	Amritpal Kaur Powar 3126 Foxboro Place San Jose, CA 95135	Jesse Singh Powar 3126 Foxboro Place San Jose, CA 95135



Exhibit A (Vicinity Map):

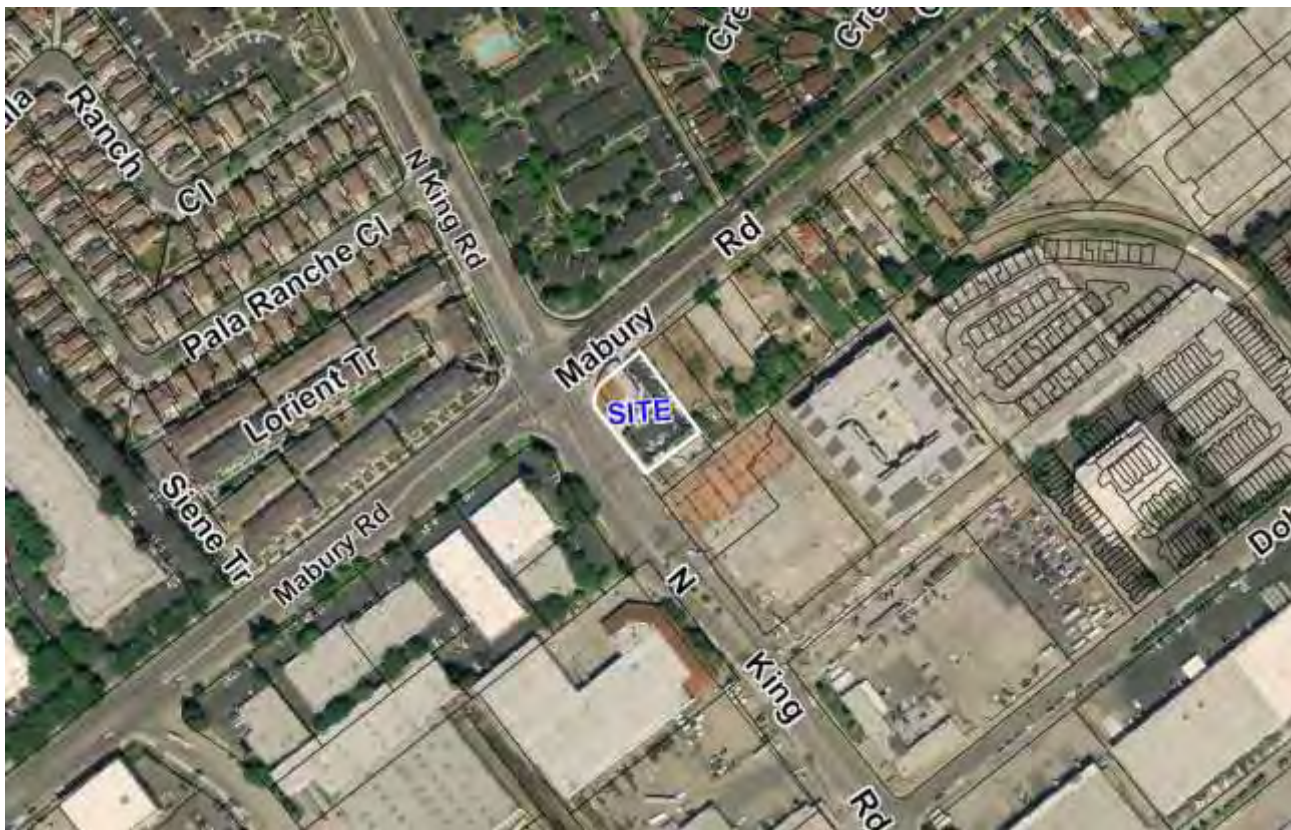


Exhibit B (General Plan Map):





Exhibit C (Zoning Map):

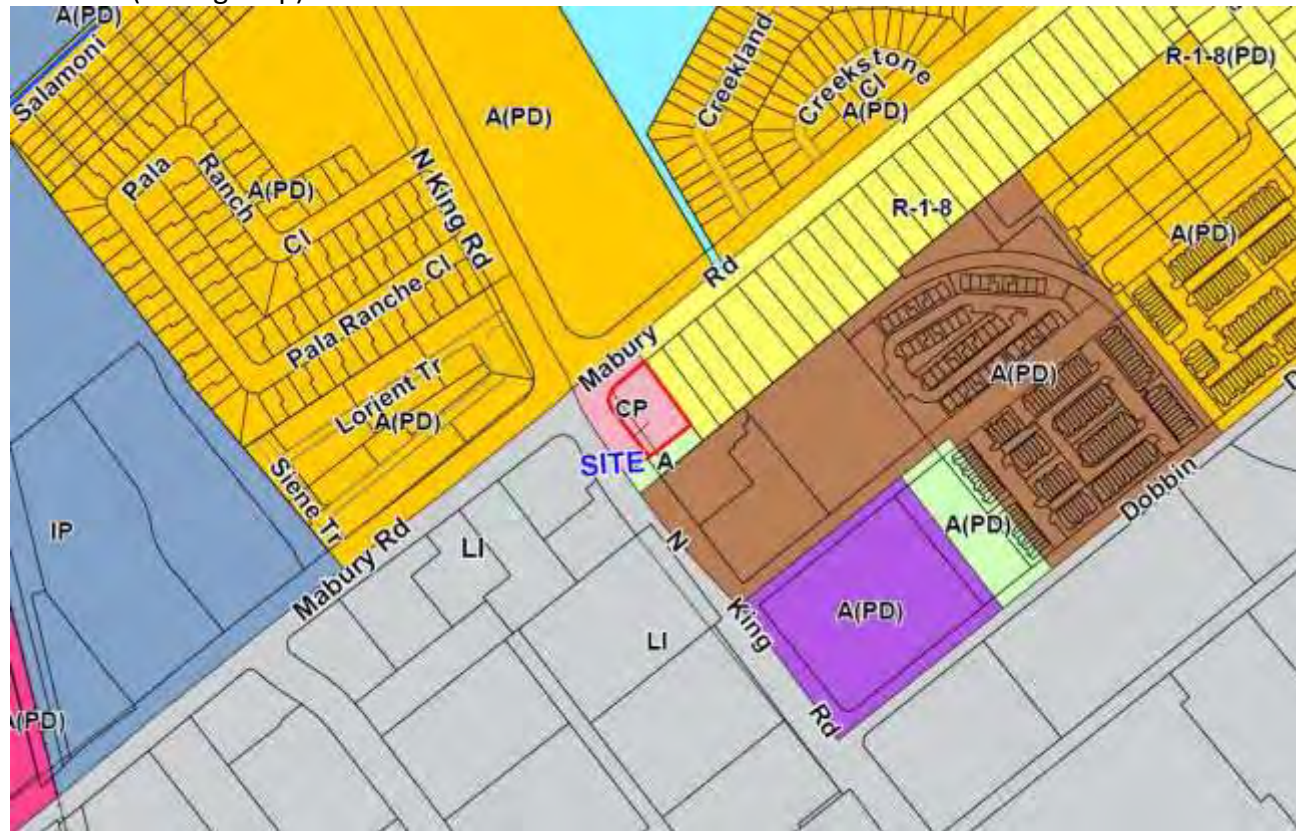


Exhibit D (Alcohol Radius Map):





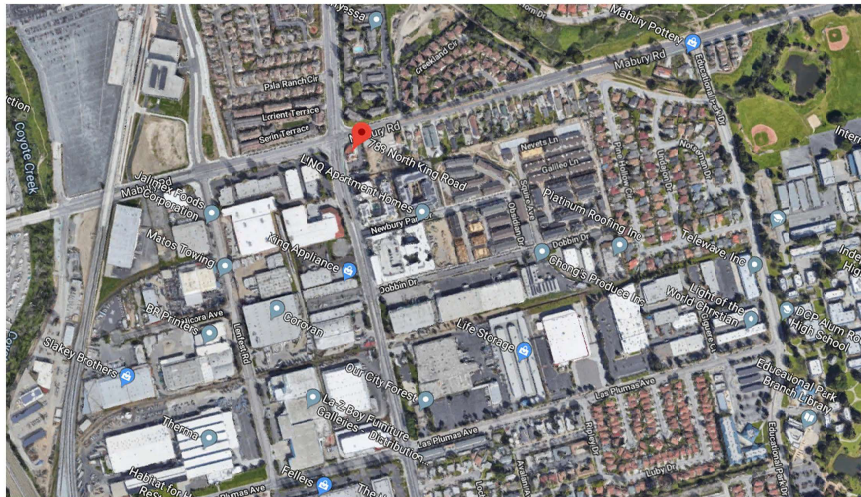


# CONDITIONAL USE PERMIT

## FOR OFF-SALE OF ALCOHOL

### MABURY MARKET

788 N KING ROAD #80  
SAN JOSE CA 95133  
FILE NO. CP19-028



### GENERAL PLAN - URBAN VILLAGE

### ZONING - COMMERCIAL/PEDESTRIAN

#### DATA

EXISTING USE:	RETAIL
PROPOSED USE:	MARKET
BUILDING:	ONE STORY

**BUILDING SIZE 5535 SQ. FT.**  
**MABURY MARKET 1150 SQ. FT.**  
**ABC LICENCE TYPE - 21 OFF SALE**  
**FULL RANGE OF**  
**ALCOHOLIC BEVERAGES**



#### SCOPE OF WORK

CONDITIONAL USE PERMIT  
AND DETERMINATION OF  
PUBLIC CONVENIENCE OR NECESSITY.

#### DIRECTORY

Building  
Owner Name:  
Bob Dhillon  
Applicant Name:  
Amritpal Power

#### DRAWING INDEX

SHEET NO.	DESCRIPTION
Sheet A0.0	Cover Sheet
Sheet A0.1	Site Plan
Sheet A2.1	Floor Plan
Sheet A3.1	Pictures

**PERMIT SET - OCTOBER 24, 2019**

CONDITIONAL USE PERMIT  
MABURY MARKET  
788 N. KING ROAD #80, SAN JOSE CA 95133

PERMIT SET  
10/24/2019

COVER SHEET

SCALE: NONE

A0.0

OF



# CONDITIONAL USE PERMIT

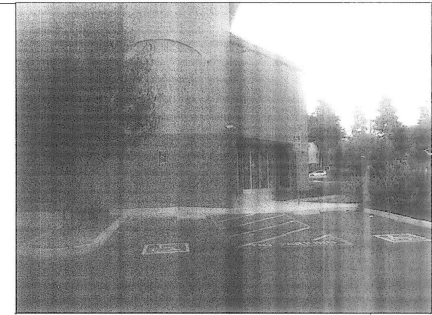
FOR OFF-SALE OF ALCOHOL

## MABURY MARKET

788 N KING ROAD #80

SAN JOSE CA 95133

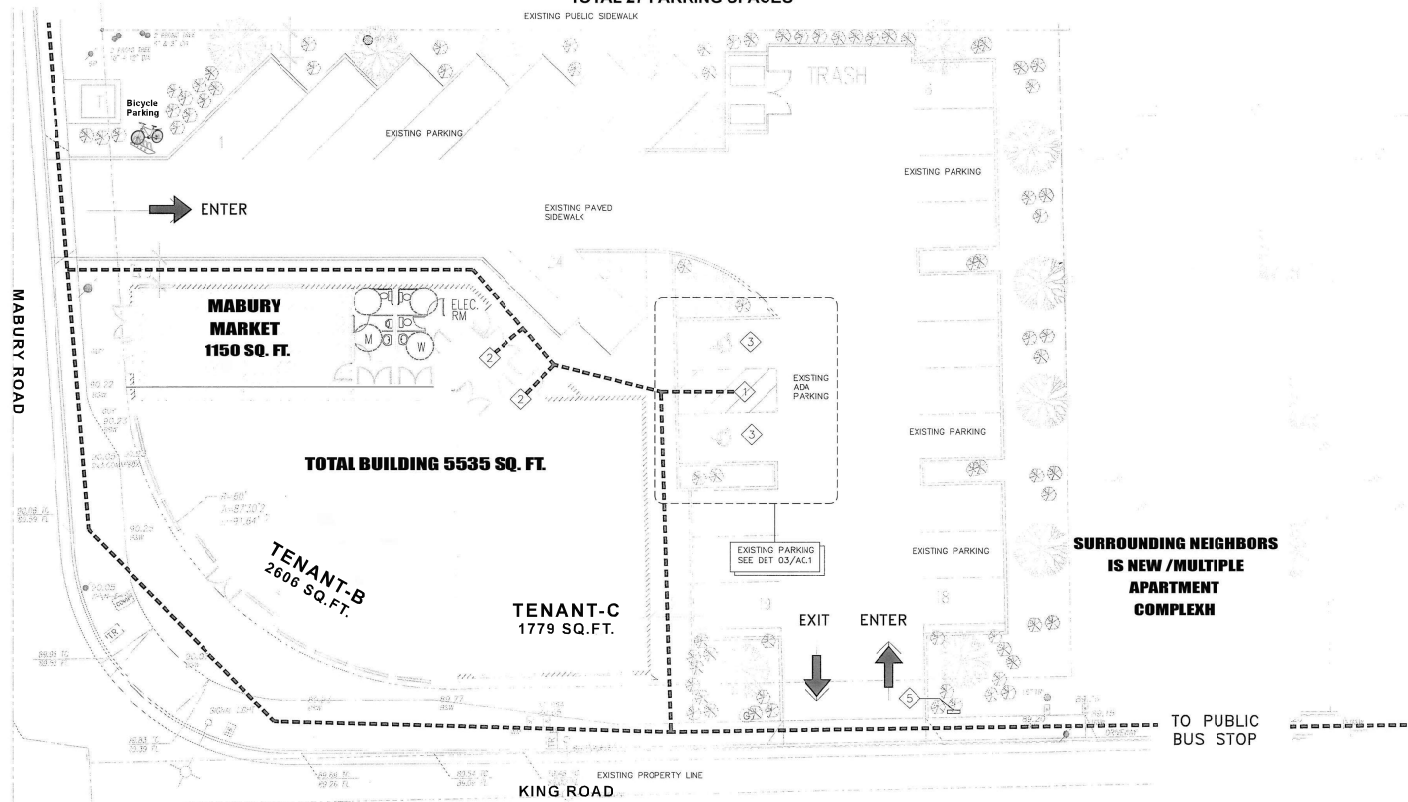
FILE NO. CP19-028



SURROUNDING NEIGHOR ISA  
VACANT 1 ACRE LOT

24 PARKING SPACES  
3 STREET - 10 MINUTE PARKING  
TOTAL 27 PARKING SPACES

4 BICYCLE PARKING  
SPACES PROVIDED.



PERMIT SET - OCTOBER 24, 2019

CONDITIONAL USE PERMIT

MABURY MARKET

788 N. KING ROAD #80, SAN JOSE CA 95133

PERMIT SET  
10/24/2019

PERMIT SET

SITE PLAN &  
ACCESSIBILITY

SCALE: AS NOTED

A0.1

OF

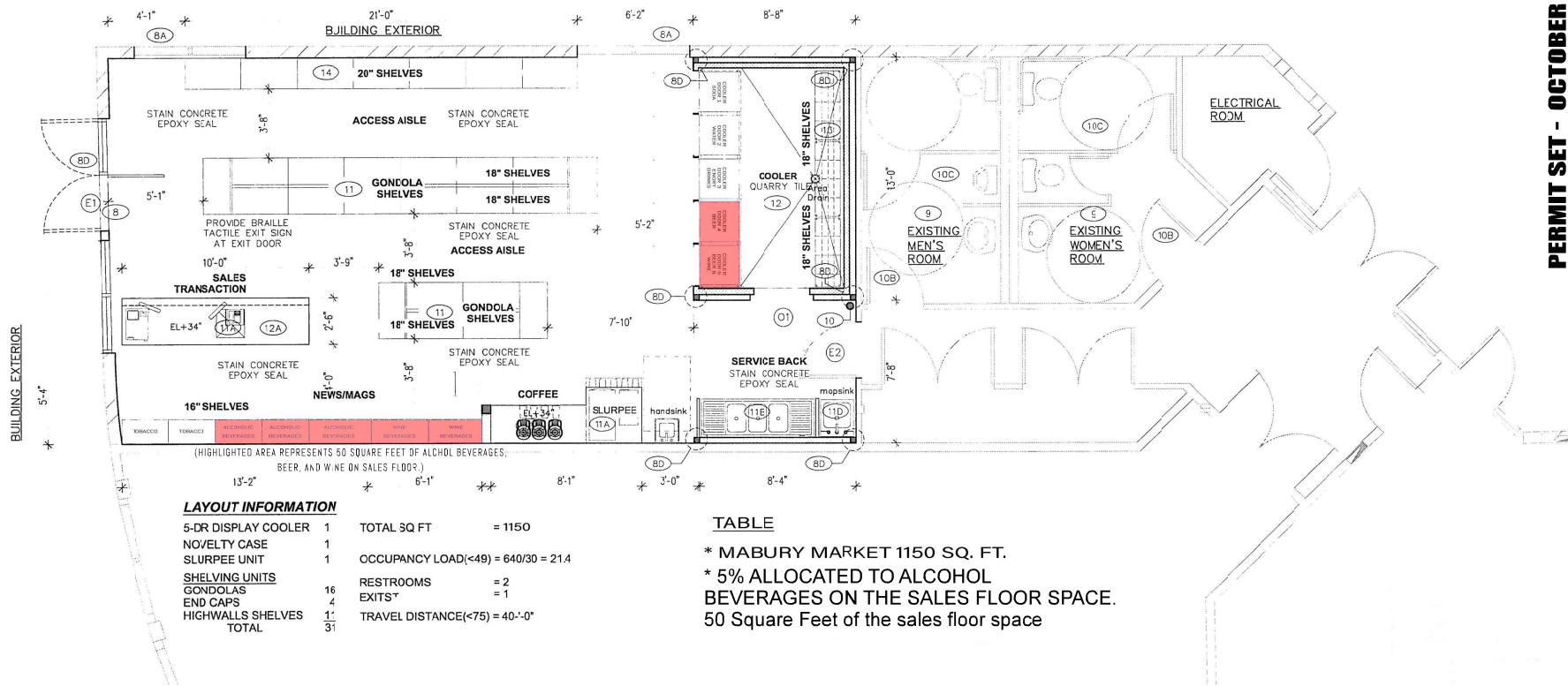
# CONDITIONAL USE PERMIT

## FOR OFF-SALE OF ALCOHOL

### MABURY MARKET

788 N KING ROAD #80  
SAN JOSE CA 95133  
FILE NO. CP19-028

Total Square Footage Space for Mabury Market  
is 1150 Sq. Feet. The Sales Floor area is 1000 Sq. Ft.  
5% which is 50 Sq. Feet of floor space will be dedicated to Alcohol Sales.



#### LAYOUT INFORMATION

5-DR DISPLAY COOLER	1	TOTAL SQ FT	= 1150
NOVELTY CASE	1	OCCUPANCY LOAD(<49)	= 640/30 = 21.4
SLURPEE UNIT	1	RESTROOMS	= 2
SHELVING UNITS		EXITS*	= 1
GONDOLAS	16	TRAVEL DISTANCE(<75)	= 40'-1.0"
END CAPS	4		
HIGHWALLS SHELVES	11		
TOTAL	31		

#### TABLE

\* MABURY MARKET 1150 SQ. FT.  
\* 5% ALLOCATED TO ALCOHOL  
BEVERAGES ON THE SALES FLOOR SPACE.  
50 Square Feet of the sales floor space

PERMIT SET - OCTOBER 24, 2019

CONDITIONAL USE PERMIT

MABURY MARKET

788 N. KING ROAD #80, SAN JOSE CA 95133

PERMIT SET  
10/24/2019

FLOOR PLANS,  
NOTES &  
SCHEDULES

SCALE: AS NOTED

A2.1

SCHEDULE 02 FIRST FLOOR PLAN

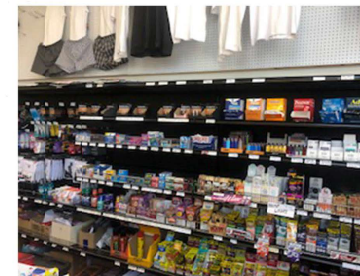
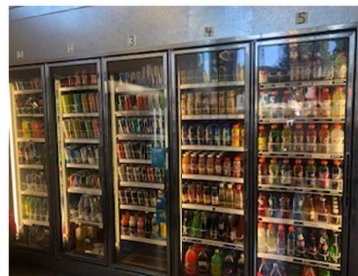
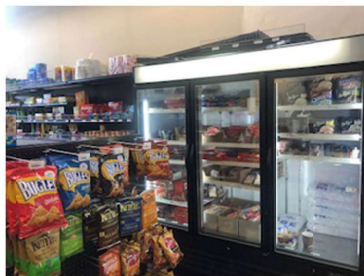
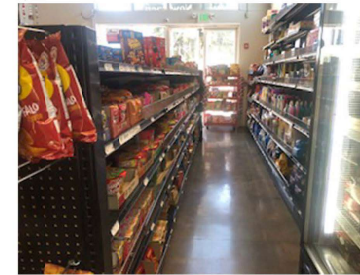
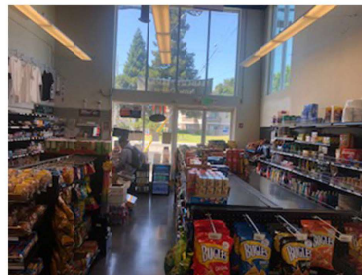
1/4" = 1'-0"  
FLOOR PLAN 01

# CONDITIONAL USE PERMIT

## FOR OFF-SALE OF ALCOHOL

### MABURY MARKET

788 N KING ROAD #80  
SAN JOSE CA 95133  
FILE NO. CP19-028



PERMIT SET - OCTOBER 24, 2019

CONDITIONAL USE PERMIT  
MABURY MARKET  
788 N. KING ROAD #80, SAN JOSE CA 95133

PERMIT SET  
10/24/2019

PICTURES

SCALE: NONE

A3.1  
OF

**MABURY MARKET**  
**788 N King Road. Suite 80**  
**San Jose, CA 95133**

**Operations Plan for 21 Off-Sale License**

**File No: CP19-028**

**Location:** 788 N King Road, San Jose, CA 95133

**Days of Operation:** 7 days- Monday to Sunday

**Hours of Operation:** 6:30 AM to 11:30 PM

1. **Trash/Litter/Graffiti/Site Maintenance, etc.** The project site and all public streets and spaces within 300 feet of the site will be well maintained, clean and free of litter, graffiti, etc. We have a cleaning and landscaping company that provides service 3 days a week for the entire shopping center.
2. **Security and Police Issues.** The project will employ up to 1 security personnel, positioned at each exit/throughout the facility. At a minimum, there will be a minimum of 1 security persons for every 10 patrons. If required by operations/law, security personnel will check all patron identification cards prior to admitting. If there is queueing, this will be monitored by security personnel and will occur in a defined area. Security cameras will be strategically throughout the space, including facing the public right-of-way. All security camera video footage will be retained for 30 days in the event that an incident needs review by security personnel or the police.
3. **Loitering and Panhandling.** Loitering and panhandling will not be tolerated and the business operator will maintain a zero tolerance policy. No loitering signs will be posted in conspicuous places containing wording (Spanish and English) that aligns with state and local law (business owner to work with San Jose Police to obtain proper language). All loitering and panhandling issues will be dealt with in a swift and consistent manner by notifying local police. No consumption or open alcoholic beverages will be permitted on the premises. Signs specifically prohibiting this activity will also be placed in conspicuous places in both Spanish and English.
4. **Addressing Neighborhood Concerns.** The project applicant/business operator will engage the community organization/neighborhood leaders/etc. to address neighborhood concerns with any aspect of the business. The project applicant/business operator will be available to meet with concerned parties and create a mutually beneficial mitigation plan in accordance with any and all relevant laws and regulations.
5. **Entertainment.** There are no entertainment uses proposed for this site currently.
6. **Lighting and Windows.** The proposed project is located in a well-lit area that contains ample street light/parking lot lighting/exterior lighting (detailed on the site plan). All lighting issues, such as inadequate lighting or burned out lights, will be addressed promptly by our maintenance provider. The business is designed with full height glass windows to provide a clear and unobstructed view from inside and out. All signage affixed to the windows will not obstruct these views.

7. **Noise.** The project will conform to all local noise performance standards as required by the Municipal Code. All efforts will be made to limit the amount of noise emanating from the business at all times. No entertainment is proposed in the space. Any music played will be kept to ambient background music.
8. **Number of Employees on the site.** There will be a minimum of 2 employees at all times from open to close.
9. **Employee Training.** All staff are trained to check IDs when necessary and cease service to patrons if they feel they've had too much to drink. We will have ID reader machines to protect the law and order of the minimum age requirements.
10. **Percentage of Floor Area Dedicated to Alcohol Sales.** Currently we have allocated 4.9 % for Alcoholic Beverages.
11. **Type of ABC License Requested.** We are in possession of a 21 Off Sale
12. **Minimum Age Requirements for Entry.** Since we are a local neighborhood market we do not have age requirements for entry. Tobacco and Alcoholic beverage requirements are 21 in the State of California. To purchase Alcohol & Tobacco they need to have an ID and be 21 and over.
13. **What will be sold on the site.** The following items will be sold at Mabury Market. General grocery, chips, snacks, soda, water, energy drinks, soups, frozen foods, ice cream, soft drinks, coffee, candy, sun Flower seeds, medication, Coffee, tobacco product, and if approved we will be selling liquor, beer, and wine.



# Memorandum

**TO:** Manuel (Alec) Atienza  
Planner

**FROM:** Daniel Anderson #3177  
Vice Unit

**SUBJECT:** Maybury Market  
CP19-028

**DATE:** Oct 1, 2019

---

Approved

Date

---

I have received your request for input regarding the Maybury Market, located at 788 North King Road, San Jose, Ca. Maybury Market is seeking a Conditional Use Permit and a Type 21 Off Sale Beer, Wine and Distilled Spirits license to allow off-sale sales of alcohol.

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control shall deny an ABC Application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4(a)(2). A location can be unduly concentrated because of its criminal statistics and/or it's proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of San Jose Planning Department or the Planning Commission are the delegated authorities to grant these exceptions.

The proposed location is in San Jose Police Beat M1. The reported crime statistics as defined by B&P Section 23958.4(c) **are not** over the 20% crime index thus the location **is not** considered unduly concentrated per B&P Section 23958.4 (a)(1).

## Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
M1 (2018)	351	162	513	No
City Average	335	151	486	

Department of Alcohol Beverage Control (ABC) records indicate that the proposed location is in census tract 5037.09. Pursuant to B&P Section 23958.4 (a)(2), the ratio of off-sale retail licenses population in census tract 5037.09 **does** exceed the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

**Authorized and Current ABC Licenses in Census Tract 5037.09**

Census Tract	Authorized ABC Licenses		Current ABC Licenses		Unduly Concentrated	
	On - Sale	Off - Sale	On – Sale	Off – Sale	On - Sale	Off – Sale
5037.09	6	2	6	4	NO	YES

The San Jose Police Department is **neutral** to the issuance of a Conditional Use Permit at this location.

Please feel free to contact me at 277-4322 if you have any questions.

Ofc. Daniel Anderson #3177  
Administrative Officer  
Special Investigations Unit /Vice Section



## RESOLUTION NO.

A Resolution of the Planning Commission of the City of San José granting, subject to conditions, a Conditional Use Permit to allow the off-sale of alcohol in an existing 1,150 square foot retail store and granting the Determination of Public Convenience or Necessity for a Type 21 Alcoholic Beverage Control License on an approximately 0.46-gross acre site, located at the southeast corner of North King Road and Mabury Road (788 North King Road).

### FILE NO. CP19-028

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on August 8, 2019, an application (**File No. CP19-028**) was filed by the applicant, Amritpal Kaur Powar, on behalf of owners Carmelo and Leticia Rosado, with the City of San José for a Conditional Use Permit to allow the off-sale of alcohol in an existing 1,150 square foot retail store and granting the Determination of Public Convenience or Necessity for off-sale alcohol for a proposed retail use, on an approximately 0.46-gross acre site, on that certain real property situated in the CP Commercial Pedestrian Zoning District and located on the southeast corner of North King Road and Mabury Road (788 North King Road, San José, which real property is sometimes referred to herein as the “subject property”); and

WHEREAS, the subject property is all that real property more particularly described in Exhibit “A,” entitled “Legal Description,” which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Planning Commission conducted a hearing on said application on December 11, 2019, notice of which was duly given; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendations of the City’s Planning Commission and the City’s Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a plan for the



subject property entitled, “Conditional Use Permit for Off-Sale of Alcohol Mabury Market, 788 King Road #80 San José, CA 95133, File No. CP19-028” dated received October 25, 2019, said development plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said public hearing before this Planning Commission was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission; and

WHEREAS, this Planning Commission has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the project applicant, City staff, and other interested parties;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE THAT:

After considering all of the evidence presented at the Public Hearing, the Planning Commission determines, concludes and finds as follows:

1. **Site Description and Surrounding Uses.** The subject 0.46-gross acre site is located on a corner lot occupied by an existing 5,535-square foot retail building. The existing retail store is located in a 1,150 square foot tenant space within the existing retail building. The subject site is surrounded by vacant land to the east and a single-family house to the south. To the west of the subject site, across King Road are industrial uses. The north of the site, across Mabury Road are existing multi-family residences. The nearest residential use is adjacent to the subject site to the south. The site is accessed by two driveways, one on North King Road and one on Mabury Road. There are 24 existing parking spaces on-site.
2. **Project Description.** The project is a Conditional Use Permit and Determination of Public Convenience or Necessity for a Type 21 Alcoholic Beverage Control (ABC) License to allow for the off-sale of alcoholic beverages (full range of alcoholic beverages) at an existing retail store in the Commercial Pedestrian Zoning District on the approximately 0.46-gross acre subject site. There is no increase in building square footage. As described above, the site is accessible from one entrance on North King Road and one on Mabury Road. As noted in the Operations Management Plan, store hours of operation are from 6:30 AM to 11:30 PM on Monday to Sunday. There will be two employees on site at all times. The sales floor area of the existing stores is approximately 1,000 square feet. The area dedicated to the sale of alcoholic beverages would be 50 square feet or 5% of the total sales floor area.
3. **General Plan Conformance.** The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Urban Village. The Urban Village land use designation is applied within the Urban Village areas that are planned in the current Horizon to accommodate higher density housing growth along with a significant amount of job growth. This designation supports a wide variety of commercial, residential, institutional or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village Concept.

The subject site is in the Berryessa BART Urban Village. Creation of Urban Villages is Major Strategy #5 in the General Plan and the Urban Village concept is to create a policy framework to direct most new job and housing growth to occur within walkable and bike-friendly Urban Villages that have good access to transit and other existing infrastructure and facilities. Urban Villages are to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the General Plan's environmental goals.

The proposed project is consistent with the following General Plan Policies:

Land Use Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

*Analysis: The existing convenience store is one of the few commercial retail uses within a half mile radius of and located within walking and biking distance of the Berryessa BART Station and new and existing residential areas.*

Land Use Policy LU-5.2: To facilitate pedestrian access to a variety of commercial establishments and services that meet the daily needs of residents and employees, locate neighborhood-serving commercial uses throughout the city, including identified growth areas and areas where there is existing or future demand for such uses.

*Analysis: The current and future demand for off-sale alcohol use is expected to increase as the area is located in the Berryessa BART Urban Village. According to Appendix 5 of the General Plan, there have already been 3,884 dwelling units entitled, with 930 additional dwelling units planned for Horizon 1 in the Berryessa BART Urban Village. The project's use would add to the variety of retail products available to the growing community. The store is within convenient walking and biking distance of the surrounding neighborhood and within 1,000 feet of the Berryessa BART Station.*

Community Design Policy 1.15: Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.

*Analysis: The subject site is located at the intersection of two major streets that serve the surrounding community and provide access to the Berryessa BART Station. The project does not change the overall footprint of the existing building and the retail building and entrance to the convenience store are set back one foot from the sidewalk along Mabury Road. The retail building is oriented with the storefronts to the street. Pedestrians and bicyclists are adequately served by sidewalks as well as bicycle lanes on both North King Road and Mabury Road. Additionally, the existing building provides adequate bicycle parking spaces. The subject site is also served by three VTA Bus Lines, Routes 61, 12, and 77, all of which have stops within 250 feet of the subject site.*

#### **4. Zoning Ordinance Conformance.**

The existing building conforms to the development standards set forth in the CP Commercial Neighborhood Zoning District. The site is located in the CP Commercial Pedestrian Zoning District, which conforms to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation. The Commercial Pedestrian district is intended to support pedestrian-

oriented retail activity at a scale compatible with surrounding residential neighborhoods. The existing use as a retail store is a permitted use in the Commercial Pedestrian Zoning District. The off-sale of alcoholic beverages requires a Conditional Use Permit.

#### Development Standards

**Setbacks:** There are no changes to the existing 5,535-square foot retail building, which was entitled through a Site Development Permit (File No. H04-047). The subject site has two front property lines along North King Road and Mabury Road and two rear property lines. In the Commercial Pedestrian Zoning District, there are no minimum front setbacks and a maximum front setback of 10 feet is required. The existing building has front setbacks of 1 foot along both North King Road and Mabury Road. In the Commercial Pedestrian Zoning District, a 25 foot rear, corner setback is required. The existing building provides rear setbacks of 52 feet and 77 feet respectively. The required maximum building height in the Commercial Pedestrian Zoning District is 50 feet. The existing building has a maximum height of 35 feet. No modifications would occur to the existing building. The existing setbacks and height are not being altered by this Conditional Use Permit.

**Parking:** There are no changes to the existing 5,535-square foot retail building. The existing retail building was entitled by a Site Development Permit (File No. H04-047) and is required to provide 24 vehicle parking spaces. The project site currently provides 24 vehicle parking spaces. The additional off-sale alcohol use would not require additional vehicle parking spaces. The subject site requires 4 bicycle parking spaces, which are provided in the parking lot area at the east end of the subject site.

1. **California Environmental Quality Act.** Under the provisions of Section 15301(a) for Existing Facilities of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. The project does not involve any modifications or expansion to the footprint of the existing retail building.

The project would allow off-sale alcohol in an existing retail store. The project would include interior modifications to allow for the display of alcoholic beverages. The retail use of off-sale alcoholic beverages will be conducted wholly inside the building. Based on the discussion and findings in the above sections, the activity is not anticipated to have a significant effect on the environment. Therefore, a CEQA exemption can be issued under Section 15301(a) for Existing Facilities.

2. **Required Findings for Off-Sale of Alcohol**

A conditional use permit may be issued pursuant to the applicable provisions of this title for the off-sale of any alcoholic beverages only if the decision-making body first makes the following additional findings, where applicable:

- a. For such use at a location closer than five hundred feet from any other such use involving the off-sale of alcoholic beverages, situated either within or outside the city, that the

proposed location of the off-sale alcohol use would not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location.

*Analysis: The use is not located within 500 feet from any other use involving the off-sale of alcoholic beverages. The project use would also not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a 1,000-foot radius from the project location. Therefore, this finding can be made.*

- b. For such use at a location closer than five hundred feet from any other use involving the off-sale of alcoholic beverages, situated either within or outside the city, where the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location, that the resulting excess concentration of such uses will not:
- Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
  - Impair the utility or value of property of other persons located in the vicinity of the area; or
  - Be detrimental to public health, safety or general welfare.

*Analysis: The use is not located within 500 feet from any such use involving the off-sale of alcoholic beverages. The use would also not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one thousand-foot radius from the project location. As indicated in the San José Police Department Memorandum dated October 1, 2019, the Police Department is neutral regarding the project use. Additionally, the Mitigation Management and Operations Plan, prepared by the applicant and submitted on October 25, 2019, provides provisions for trash and graffiti removal, security and safety, loitering and panhandling, and employee training. Therefore, this finding can be made.*

- c. For such use at a location closer than five hundred feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, or one hundred fifty feet from any residentially zoned property, that the building in which the proposed use is to be located is situated and oriented in such a manner that would not adversely affect such residential, child care center, public park, social service agency, residential care facility, residential service facility and/or school use.

*Analysis: The use is located less than 500 feet from two social service agencies. Family Supportive Housing, a shelter providing temporary housing to families is located approximately 330 feet from door to door to the south of the subject site. Greater Opportunities Day Program, a non-profit agency providing daytime services to adults with developmental disabilities, is located approximately 180 feet west of the subject site across North King Road. There are residentially zoned properties located less than 150 feet from the subject site to the north, south, and east. Therefore, this finding cannot be made. Because this finding cannot be made, the project is required to receive a Determination of Public Convenience or Necessity.*

3. **Requirements for Determination of Public Convenience or Necessity.** Under California Business and Professions Code Sections 23958 and 23958.4, the Department of Alcoholic Beverage Control (ABC) must deny an application for a liquor license “if issuance of that license would tend to create a law enforcement problem, or if the issuance would result in or add to an undue concentration of liquor licenses in the area,” unless the City determines that the public convenience or necessity would be served by the issuance of the license (Determination of Public Convenience or Necessity). An “undue concentration” is defined as follows:

- a. The premises of the proposed license are located in an area that has 20 percent or greater number of reported crimes than the average number of reported crimes for the City as a whole, or
- b. The premises of the proposed license are located in a census tract where the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole.

*Analysis: The project site is located within Census Tract 5037.09. According to the Police Memorandum, dated October 1, 2019, the neighborhood does not report 20 percent more crimes above the city average. However, the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole. Therefore, for the California Department of Alcoholic Beverage Control to be able to issue a license for this off-sale use, the City must grant a Determination of Public Convenience or Necessity. The analysis of the project is based on the required findings identified in Title 6 of the San José Municipal Code and is described below.*

Chapter 6.84 of Title 6 identifies the process and findings related specifically to the off-sale of alcohol and specifies that the Planning Commission may issue a PCN only after first making all of the findings specified below (see San Jose Municipal Code section 6.84.030):

- i. The proposed use is not located within a strong neighborhoods initiative or neighborhood revitalization area or other area designated by the city for targeted neighborhood enhancement services or programs, or located within an area in which the chief of police has determined based upon quantifiable information that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area; and
  - 1) Would be detrimental to the public health, safety, or welfare of persons located in the area; or
  - 2) Would increase the severity of existing law enforcement or public nuisance problems in the area; and

*Analysis: The project site is not located within an SNI or neighborhood revitalization area or other area designated by the City for targeted neighborhood enhancement services or programs. According to the Police Department Memorandum dated October 1, 2019, The Police Department stated that it is neutral to the issuance of a Conditional Use Permit for the off-sale of alcohol at the subject site. Additionally, the Mitigation Management and Operations Plan, prepared by the applicant and submitted on October 25, 2019, provides provisions for trash and graffiti removal, security and safety, loitering and panhandling, and employee training. The project would not be detrimental to public health, safety, or welfare of persons located in the area, or increase the severity of existing law enforcement or public nuisance problems in the area. Therefore,*



this finding can be made.

- ii. The proposed use would not lead to the grouping of more than four off-premises sale of alcoholic beverage uses within a one thousand-foot radius from the exterior of the building containing the proposed use; and

*Analysis: The use would result in less than four off-sale establishments in a 1,000-foot radius. There are currently no off-sale establishments within a 1,000-foot radius. Therefore, this finding can be made.*

- iii. The proposed use would not be located within five hundred feet of a school, day care center, public park, social services agency, or residential care or service facility, or within one hundred fifty feet of a residence; and

*Analysis: The use would be located less than 500 feet from two social services agencies, and within 150 feet of a residence. Family Supportive Housing, a shelter providing temporary housing to families is located approximately 330 feet door to door to the south of the subject site. Greater Opportunities Day Program, a non-profit agency providing services to adults with developmental disabilities, is located approximately 180 feet to the west of the subject site. The subject site is located approximately 150 feet from residentially zoned properties to the north, east, and south. Therefore, this finding cannot be made.*

- iv. Alcoholic beverage sales would not represent a majority of the proposed use; and

*Analysis: The existing convenience store is 1,150 square feet. The sales floor area of the convenience store is approximately 1,000 square feet. The area dedicated to alcohol sales is 50 square feet or 5% of the total sales floor area. Therefore, the percentage of alcohol sales would be 5% of the sales area. Therefore, this finding can be made.*

- v. At least one of the following additional findings:

- 1) The census tract in which the proposed outlet for the off-premises sale of alcoholic beverages is located is unusually configured and the proposed outlet would act as a convenience to an underserved portion of the community without presenting a significant adverse impact on public health or safety; or

*Analysis: The census tract is not unusually configured in shape. However, the geographic concentration of sites providing off-sale alcohol in the census tract is unusually configured. Based on a California Alcoholic Beverage Control report for Census tract 5037.09, there are 4 existing businesses that have off-sale alcohol licenses (Type 20 or 21). The allowed number of off-sale licenses in the census tract is 2. The closest off-sale business is located approximately 2,300 feet to the south east of the subject site and is an importer of high quality commodities, beer, and wine from East Africa, and only provides wholesale products to businesses. The remaining three off-sale businesses are convenience stores located within 200 feet of one another and are located at the southernmost edge of the census tract, approximately 3,800 feet from the subject site, along McKee Road. Therefore, this finding can be made.*

- 2) The proposed outlet for the off-premises sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety; or

*Analysis: The project is located in an area that has experienced significant population growth. With the opening of Berryessa BART, the neighborhood is expected to increase in population and jobs through the development of an urban multi-modal, transit-oriented neighborhood. As shown in Exhibit A, the surrounding neighborhood has experienced significant residential development in recent years. From 2014 to present there have been 511 residential units constructed within 1,000 feet of the subject site (File Nos. PD13-023, PD14-029, PD14-044, and PD15-024), significantly increasing the population density of the census tract. The additional off-sale alcohol use would provide a more convenient shopping experience and would further enhance the pedestrian and bicycle-oriented nature of the neighborhood. Furthermore, the immediate area around the subject site is expected to experience further significant population and job growth with the opening of the Berryessa BART station. Finally, based on the Police Memorandum, Dated October 1, 2019, the subject site is not located in a high crime area, and the Police are neutral to the addition of off-sale alcohol use at the subject site. Therefore, the additional off-sale alcohol use at the existing convenience store would not present a significant adverse impact on public health or safety. Therefore, this finding can be made.*

- 3) The census tract in which the proposed outlet is located has a low population density in relation to other census tracts in the city, and the proposed outlet would not contribute to an over- concentration in the absolute numbers of outlets for the off-premises sale of alcoholic beverages in the area; or

*Analysis: The census tract in which the project is located has a higher population density in relation to other census tracts in the city, and is located in an already over-concentrated area. Therefore, this finding cannot be made.*

- 4) The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

*Analysis: Approximately 5% of the sales floor area would be dedicated to the off-sale of alcohol. The remainder of the sales floor area would be dedicated to sales of items typical of a convenience store. The subject site is the only convenience store within 1,000 feet of the new BART station. Furthermore, it serves a census tract that has a higher than average population density for the City of San José. Other businesses that provide off-sale alcohol are not located within walking distance. Furthermore, the off-sale of alcohol at this location would provide a more complete and convenient shopping experience in a neighborhood with transit, bicycle, and pedestrian connections. Therefore, this finding can be made.*

Notwithstanding the foregoing provisions and requirements contained in the San José Municipal Code Section 6.84.030.D, the City Council may issue a determination in connection with an application for a license from the California Department of Alcoholic Beverage Control for the off-premises sale of alcoholic beverages where the City Council does all of the following:

- a. Makes a determination that not all of the required findings in San José Municipal Code Section 6.84.040.B can be made; and

*Analysis: Given the above-stated analysis, the third finding for the Determination of Public Convenience or Necessity cannot be made by the Planning Commission for the off-sale of alcohol because the subject site is located within 500 feet of a social services agency and within 150 feet of a residentially zoned property. However, three of the four findings can be made. Moreover, the Commission can make findings 5.a, 5.b and 5.d of the additional findings can also be made for a PCN determination.*

- b. Identifies and finds that a significant and overriding public benefit or benefits will be provided by the proposed use.

*Analysis: The surrounding neighborhood has experienced significant residential development in recent years. From 2014 to present, there have been 511 residential units constructed within 1,000 feet of the subject site, significantly increasing the population density of the census tract. Furthermore, the immediate area around the subject site is expected to experience further population and job growth with the opening of the Berryessa BART station. The existing retail stores is one of the few commercial retail uses within a half-mile of the Berryessa BART station and within walking and biking distance of new and existing residential areas. As stated above, the alcohol sales area would represent approximately 5% of the total sales area of the store and would not be a primary use of the building. While not all of the required findings can be made for the Determination of Public Convenience or Necessity, there are significant and overriding benefits by the project use, as it would further activate an existing commercial area and provide new amenities to the existing and future residents in the surrounding area.*

In accordance with the findings set forth above, a Conditional Use Permit and Determination of Public Convenience or Necessity to use the subject property for said purposes specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Planning Commission expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owner of the subject property, and all persons who sue the subject property for the use conditionally permitted hereby.

- 4. **Conditional Use Permit** Section 20.100.700 of the Zoning Ordinance specifies the required findings for approval of a Conditional Use Permit. These findings are made for the project based on the analysis related to General Plan, Zoning Ordinance, and CEQA conformance and subject to the conditions set forth in the Permit.

- a. The Conditional Use Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans and area development policies.

*Analysis: As explained in detail above, the project use would be consistent with and further the policies of the General Plan. The existing convenience store is the only commercial uses providing retail products in a safe and convenient multimodal neighborhood. The use would add to the variety of retail products available to the surrounding community and would further facilitate pedestrian and bicycle access to the subject site.*

- b. The Conditional Use Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

*Analysis: The project has no modifications to the existing building. The existing setbacks, height, and number of parking spaces are not being altered by this Conditional Use Permit. The existing retail use is allowed in the Commercial Pedestrian Zoning District, and off-sale*



*alcohol use would also be permitted with a Conditional Use Permit pursuant to Table 20-90 of the Municipal Zoning Code. Therefore, the project would be in compliance with the requirements of the Commercial Pedestrian Zoning District.*

- c. The Conditional Use Permit, as approved, is consistent with applicable city council policies, or counter Conditional Use Permit balancing considerations justify the inconsistency.

*Analysis: There are no applicable City Council policies for project.*

- d. The proposed use at the location requested will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or impair the utility or value of property of other persons located in the vicinity of the site; or be detrimental to public health, safety or general welfare.

*Analysis: As indicated in the San José Police Department Memorandum, dated October 1, 2019, the project use is located in an area that is unduly concentrated with alcohol sales, but is not in an area of high crime. The Police department is neutral regarding this project. Due to the concentration of alcohol sales, a Determination of Public Convenience and Necessity is required. The sales area dedicated to off-sale alcohol sales is 50 square feet, which is 5% of the 1,000-square foot sales area. Additionally, the Mitigation Management and Operations Plan prepared by the applicant and submitted on October 25, 2019 provides provisions for trash and graffiti removal, security and safety, loitering and panhandling, and employee training. Therefore, the use would not be detrimental to the surrounding neighborhood.*

- e. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas.

*Analysis: The existing retail building conforms to the development regulations, including setbacks, height, and parking for a building in the Commercial Pedestrian Zoning District. There are no modifications to the existing building.*

- f. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate, and by other public or private service facilities as are required.

*Analysis: The subject site is adequately served and accessed from North King Road and Mabury Road. The subject site is located within 1,000 feet of the future Berryessa BART Station, and is along the path of three Valley Transportation Authority bus routes, numbers 12, 77, and 61. There are three stops that are less than 250 feet from the site located to the east, west, and southwest.*

- g. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The project does not involve any modifications to the existing retail building. There would be no construction on-site. The retail store in which the off-sale alcohol would be sold is already existing. Therefore, there would be no unacceptable negative environmental impacts related to noise, vibration, dust, drainage, storm water runoff, or odor, and would not have an unacceptable negative affect on adjacent properties.*

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. This Planning Commission expressly declares that it would not have approved this Conditional Use Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

## CONDITIONS

1. **Acceptance of Conditional Use Permit and Determination of Public Convenience or Necessity.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the permittee fail to file a timely and valid appeal of this Conditional Use Permit and Determination of Public Convenience or Necessity within the applicable appeal period, such inaction by the permittee shall be deemed to constitute all of the following on behalf of the permittee:
  - a. Acceptance of the Conditional Use Permit and Determination of Public Convenience or Necessity by the permittee; and
  - b. Agreement by the permittee to be bound by, to comply with, and to do all things required of or by the permittee pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** This Conditional Use Permit and Determination of Public Convenience or Necessity shall automatically expire two years from and after the date of issuance hereof by the Planning Commission, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Conditional Use Permit and Determination of Public Convenience or Necessity. The date of issuance is the date this Conditional Use Permit and Determination of Public Convenience or Necessity is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20 of the San José Municipal Code. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this Permit and the permittee's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara

Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.

5. **Use Authorization.** This Conditional Use Permit and Determination of Public Convenience or Necessity authorizes the off-sale of alcohol (full range of alcoholic beverages) in an existing 1,150-square foot convenience store, on the approximately 0.46-gross acre subject site. The Management and Operations Plan, prepared by the applicant and submitted on October 25, 2019, provides provisions for trash and graffiti removal, security and safety, loitering and panhandling, and employee training. The hours of operation allowed are between 6:30 a.m. and 11:00 p.m.
6. **Off-Sale of Alcohol.** This Conditional Use Permit and Determination of Public Convenience or Necessity authorizes the off-sale of alcohol at the subject establishment and successors of said tenant spaces whereby the subsequent tenant maintains a similar use as deemed by the Director of Planning.
7. **Alcoholic Beverage Control.** The off-sale of alcohol (full range of alcoholic beverages) is allowed in conformance with the requirements of the Department of Alcoholic Beverage Control (ABC). The permittee shall obtain and maintain full compliance with its ABC license and remain in good standing with the Department of Alcoholic Beverage Control.
8. **Limitations on the Area of Alcohol Sales.** The sale of alcohol for off-site consumption allowed by this Permit shall be limited and incidental to the primary use of a convenience store. The area in which alcoholic beverages are displayed or otherwise offered for sale shall not exceed 5 percent of the total floor area of the retail area that is open and accessible to the general public (i.e., excluding backroom storage and office spaces). Alcohol product displays shall not be placed outside the retail tenant space.
9. **Conformance to Plans.** The development of the site shall conform to the approved Conditional Use Permit plans entitled, "Conditional Use Permit for Off-Sale of Alcohol Mabury Market, 788 King Road, San José, CA 95133, File No. CP19-028," dated received October 25, 2019, on file with the Department of Planning, Building and Code Enforcement as may be amended and approved by the Director of Planning, Building, and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24). The plans are referred to herein as the "approved plans" or the "Approved Plan Set."
10. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
11. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
12. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or

restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.

13. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
14. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris:
  - a. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage and shall include daily damp washing of all exterior walls and sidewalks along the project's frontage.
  - b. The operator of the proposed use shall clean the public right-of-way immediately adjacent to the subject site before 8:00 a.m. each day.
  - c. Mechanical equipment used for outside maintenance, including blowers and street sweepers may not be used between 10:00 p.m. and 6:00 a.m. daily.
15. **Noise.** Noise shall be contained within the buildings and the buildings shall be adequately insulated to prevent excessive noise from emanating outside. Adequate HVAC (air conditioning) shall be provided to allow all doors and windows on the subject site to remain closed during the operation and activities of the site. Maximum noise levels from the interior of the facility shall not exceed 55 decibels at the adjacent property line.
16. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
17. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
18. **Building and Property Maintenance.** The permittee shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the enclosure such as paint, roof, lighting and landscaping.
19. **Lighting.** All on-site exterior, unroofed lighting shall conform to the Outdoor Lighting Policy (Council Policy 4-3) as amendment. All proposed lighting shall require issuance of a Permit Adjustment.
20. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Construction Plans.* This permit file number *CP19-028* shall be printed on all construction plans submitted to the Building Division.
  - b. *Americans with Disabilities Act.* The permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
  - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
  - d. *Construction Hours.* Construction and grading activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.

21. **Fire Department Clearance.** Hazmat clearance and compliance with all applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.
22. **Revocation, Suspension, Modification.** This Conditional Use Permit and Determination of Public Convenience or Necessity may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- A violation of any conditions of the Conditional Use Permit and Determination of Public Convenience or Necessity was not abated, corrected or rectified within the time specified on the notice of violation; or
  - A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - The use as presently conducted creates a nuisance.

**APPROVED and issued this 15<sup>th</sup> day of January, 2020** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
SHILOH BALLARD  
Chairperson

ATTEST:

\_\_\_\_\_  
ROSALYNN HUGHEY  
Director of Planning, Building & Code Enforcement  
Planning Commission Secretary

***NOTICE TO PARTIES***

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*

**STATEMENT OF EXEMPTION**

<b>FILE NO.</b>	CP19-028
<b>LOCATION OF PROPERTY</b>	Southeast corner of North King Road and Mabury Road (788 North King Road)
<b>PROJECT DESCRIPTION</b>	Conditional Use Permit and Determination of Public Convenience or Necessity for an ABC License to allow the off-sale of alcohol (full range of alcoholic beverages) at an existing 1,150-square foot retail store on an approximately 0.46-gross acre site.
<b>ASSESSOR'S PARCEL NUMBER</b>	254-04-099

**CERTIFICATION**

Under the provisions of Section 1530 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

**Section 15301. Existing Facilities**

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of project which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples of this exemption include Subsection (a) for interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

**Analysis**

The project is to allow the off-sale of alcohol at an existing 1,150-square foot retail store. The off-sale of alcohol will not involve an expansion of uses beyond the existing retail store. Minimal interior alterations would be made in order to display the off-sale items. The subject site is served by all public services, including water, sewer, and trash. The proposed project has a land use designation of Neighborhood/Community Commercial which is intended to support a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail. Additionally, based on the Santa Clara Valley Habitat Agency Plan, the site is located in the Urban-Suburban land cover area. Therefore, the subject property is not in an environmentally sensitive area. The project would not result in a significant environmental



impact and qualifies for an exemption under section 15301(a) for Existing Facilities of the CEQA Guidelines.

*Exceptions:*

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the project's applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Section 15300.2(a) does not apply to the Class Category 1 and 15 of exemptions. Even so, the project would not impact an environmental resource of hazardous or critical concern.
- (b) Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes no expansion or change to the current development and allowable use. It has been determined that the project will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) The project site is not located adjacent to or visible from a designated state scenic highway. Therefore the project is not subject to 15300.2(d).
- (e) The proposed project is not located on a site which is included on any hazardous waste list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the project is not subject to 15300.2(e).
- (f) The proposed project is not eligible as a City Landmark and therefore is not a historical resource. Additionally, the site is not located in a historical conservation area. Therefore, the project would not adversely change the significance of a historical resource.

ROSALYNN HUGHEY, Director  
Planning, Building and Code Enforcement

Date 12/23/19

  
Deputy

Project Manager: Alec Atienza

The following  
items were  
received after  
packets were  
distributed.



CP19-028  
item: 4.b.

**Greater Opportunities**  
for the Developmentally Disabled

Bill Coker, CEO



900 Lafayette Street, Suite 700  
Santa Clara, CA 95050  
(408) 248-4464

Federal tax-ID: 77-0029972

October 8, 2019

Re: Mabury Market

To Whom it May Concern:

We would like to make it known, Greater Opportunities has no objection to Mabury Market obtaining a 21 Liquor License. It is convenient for the neighborhood and the general community as well as the people we support. We understand the neighborhood had changed so much in the last decade and the new residents of the area would like a local store where they can simply walk to and from. We are confident Mabury Market, convenient store will follow are laws set forth by the licensing authorities.

We support support Mabury Market obtaining a 21 Off Sale Liquor License. If you have any questions, we can be reached at the above address and phone number.

Best Regards,

A handwritten signature in dark ink, appearing to read "Bill Coker".

Bill Coker, CEO  
Greater Opportunities

cc: cl/10-8-19

## MABURY MARKET

788 N KING RD. SAN JOSE, CA 95133

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
9/10/19	Donna Lucero	80 S Market Street SJ CA 95133	(408) 409-7107	[Signature]
9/10/19	GARY NICHOLS	1777 NEWBURY PARK DR #210	408-543-7990	[Signature]
9/10/19	Rev Donato	1534 ALLIANCE DR MOUNTAIN VIEW	510-406-9091	[Signature]
9/10/19	FELIPE MURRAY	3570 Gum Tree Dr	408 833 9586	[Signature]
9/10/19	Lilia Kibak	1700 NEWBURY PARK DRIVE	859-878-0769	[Signature]
9/10/19	Marcia Lira	1458 Terra Nova Blvd	650 308 5746	[Signature]
9/10/19	TRUNG HANG	1777 Newbury Park Drive #509	(408) 926-1635	[Signature]
9/10/19	DAVID REY	545 AVALANCH AVE APT 6 SJ	662-247-0271	[Signature]
9-10-19	JOSE GARCIA	1635 NORSEMAN DR	669 204-6431	[Signature]
9-10-19	Clara Sam	1601 Mabury Rd San Jose	408 802 6637	[Signature]
9-10-19	Jesse Sanderson	1481 MESA CT. CA	408 314-9151	[Signature]
9-10-19	MICHAEL RUIZ	308 HERITAGE ST. MILPITAS	925 315 2425	[Signature]
9-10-19	Melissa Chavez	1203 Coyote Creek Pl SJ	408 802 5900	[Signature]
9-10-19	GIL DIXON	699 N. KING RD	408 754 8408	[Signature]
9-11-19	Alfonso Velez	687 N. King Rd	408 272-3626	[Signature]
9-10-19	Ronald Ingram	678 N. King Rd	408 830-7605	[Signature]
9-10-19	Lucy Gomez	87 Date Dr San Jose	408 1937-6366	[Signature]
9-10-11	[Signature]	12440 Mabury Rd SJ 95133	408 217 4226	[Signature]
9-10-11	Mateo Jimenez	12360 Mabury Rd. SJ 95133	916 205-3438	[Signature]
9-10-11	RICARDO RUIZ	12401 Mabury Rd	408 1332-2900	[Signature]
9-11-19	Ornella Naranjo	4347 Garfield Dr. San Jose	408 306 3411	[Signature]
9-11-19	Beto Jimenez	1500 monumen. V L 95150	510 845 4325	[Signature]
9-11-19	Edter VORIANO	1700 Newbury Park Drive, Apt 277	925 325 1664	[Signature]
9-11-19	KHAM TO	3167 Madred Dr CA 95107	408 852 8277	[Signature]
9-11-19	James Nilson	34 Heritage Village Ln	917 521-9909	[Signature]
9-11-19	George Ontia	4750 Almaden Expy Ste 29 San Jose	408 600 9187	[Signature]
9-11-19	MIEN PHAN	723 N 33rd St, San Jose, CA 95112	408 398 8870	[Signature]
9-11-19	Nely Hernandez	960 N 16 St San Jose CA 95117	(408) 794 9164	[Signature]

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
9.11.19	Xinyuan	1300 Love Drive, San Jose	408 38219735	[Signature]
9.11.19	Neil	200 PACKING PL.	408 609 7015	[Signature]
9/11/19	Galvies	1485 R Fleming Ave	408 833 5451	[Signature]
9/11/19	James M.	3741 Monteverde dr.	650-4648818	[Signature]
9/11/19	Adapito Lopez	478 Overland way	408-594-9674	[Signature]
9/11/19	Casimiro	1059 De Meo	408 422 0041	[Signature]
<del>9/11/19 [REDACTED]</del>				
9/11/19	Alen Le	320 N 11th Street San Jose CA	408 232 3510	[Signature]
9/11/19	MARIA	MAGANA	408 937 6889	[Signature]
9/11/19	Yuan	1677 MABURY	408 242 0435	[Signature]
9-11-19	Anahe Johnson	PO BOX 360787 MARTINEZ CA	408 641 5372	[Signature]
9/11/19	Yuan	1677-23-A V	408 242 0435	[Signature]
9/11/19	Daniel Montano	11451 Redwood Court	905 595 5594	[Signature]
9/11/19	Alisa Lee	804 Bamboo Palm Ct San Jose CA 95129	(510) 449 7811	[Signature]
9/11/19	Nico Bonni	1277 Newbury St	408 946 9731	[Signature]
9/11/19	Yara Sanchez	569 Alvarado Ave 95133	408 401 8135	[Signature]
9-11-19	Melissa Stachura	2318 Llanero Ct. SJ 95133	408 430 2808	[Signature]
9-11-19	Elias Martinez	873 Summerbrook Ln SJ 95123	408-658-4332	[Signature]
9/11/19	CHHUN VINH	851 - N - King Rd San Jose, CA 95133	408 575 2111	[Signature]
9/11/19	Chi Hua	1777 NEW BURY PARK DR #310	408 334 1104	[Signature]
9/11/19	Oscar Vallejo	3238 Fifth Way SJ 95121	408 644 8160	[Signature]
9/11/19	Anthony Gattuso	678 N King Road, San Jose CA 95133	408 408 8306	[Signature]
9/11/19	Juan Alcantara	15559 Juron Ave Los Gatos Ca	415 528 8219	[Signature]
9/11/19	JENNIE CASEY	1679 PALA RANCH CIRCLE	408 722 4240	[Signature]
9/11/19	Josue Berriz	12330 Mabury Rd	408 680 4233	[Signature]
9/11/19	Esco Santoran	670 North King Rd	408 784 9319	[Signature]
9/11/19	[REDACTED]	2425 E STANFORD	408 315 5918	[Signature]

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
9/12/19	BAO NGUYEN	1296 BRIARBERRY CT	669-265-5715	[Signature]
9/12/19	Kai Lin	2982 Verna Dr	408 207 2083	[Signature]
9/12/19	ANGEL CARRAS	E Taylor ST.	408 497-7056	[Signature]
9-12-19	Samuel Dorrochy	1215 Cortez	408-701-8085	[Signature]
9/12/19	Leo Houshmand	1353 E TAYLOR ST	408 857-5466	[Signature]
9-12-19	Adrian Romero	570 ESPINOSA Way	669-309-8697	[Signature]
9-12-19	JESUS LOPEZ	495 HASSINGER RD	408-460-1195	[Signature]
9-12-19	Amia Landrey	2484 Baton Rouge Dr	408 373-6601	[Signature]
9.12.19	SHAWN CARR	702 N. 13TH ST SS CA	408 892 7686	[Signature]
9.13-19	Joel Alan	521 East Ave		[Signature]
9/13-19	Ernesto Orenq	314 N. 33 Rd St S, CA	408-688-2044	[Signature]
9/13/19	REBEKAH	605 N. KING RD ST CA	408-559-4380	[Signature]
9/12/19	MIAU & L	681 Lemfest Rd ST	408 394-1148	[Signature]
9/12/19	[Signature]	1357 E Taylor St	408-329-1072	[Signature]
9/13/19	[Signature]	12320 Mabury Rd	408 901-7475	[Signature]
9/13/19	Alisia Matute	780 N King Rd San Jose CA	209) 450-8733	[Signature]
9/14/19	Sampreet Kaur	1456 Hopkins Dr San Jose	669-210-9457	[Signature]
9/14/19	Joson Carr	1700 Newbury Park Dr San Jose	408-772-8463	[Signature]
9/14/19	Felipe [Signature]	2196 S. King Rd	408-401-9416	[Signature]
9/14/19	Thomas Johnston	1700 Newbury Park Dr	310 408 3876	[Signature]
9/14/19	Marie Samaniego	43912 San Way	408 500-6960	[Signature]
9-14-19	Lewi DAVIS	12360 Mabury Rd ST	917 560-5321	[Signature]
	CANDRA MAD	503 ADAMS LOUIC	408 526 3529	[Signature]
9/15/19	Tam Pham	3553 Pleasant Crest Dr. 95148	408 656 0800	[Signature]
9/15/19	Rajinder Singh	1456 HOPKINS DR San Jose 95122	408 835 8103	[Signature]
9/15/19	Micolas Avila	3296 Portofino Dr	(415) 302-7151	[Signature]
9/15/19	Almond Spell	2326 Mossdale Way	(415) 472-1144	[Signature]



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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
9-12-19	Francisco Carrillo	649 Lurline Ave San Jose	(408) 849-5252	Francisco Carrillo
9-12-19	Richard Caudy	1299 E Santa Clara St	(416) 240-3376	Richard Caudy
9/12/19	Paul Ramos	3877 Honolulu Dr.	(408) 509-2862	Paul Ramos
9/12/19	Tempe Valenzuela	1330 N. Bacon Ave Apt 22	669-226824	Tempe Valenzuela
9/12/19	Luis Villa	5368 Montebello Hwy Apt 2	408-355-5000	Luis Villa
9/12/19	Christian Ramos	2831 DAMICO DR	408 610 9401	Christian Ramos
9/12/19	Concepcion Espinoza	1522 MABURY RD	(408) 932-5390	Concepcion Espinoza
9/12/19	Paul Ramos Jose	541 NORDYKE Dr	408 272740	Paul Ramos Jose
9/12/19	Antonio Chavez	541 NORDYKE DR APT 2	408) 5201869	Antonio Chavez
9/13/19	Ashley Phelps	6250 Santa Teresa Blvd Apt 25	408 997 0209	Ashley Phelps
9-30-19	Aaron Bonner	1165 Alhambra Pl San Jose CA 95127	408-926-2006	Aaron Bonner
1-30-19	Tony Cruz	2560 Quince Drive #123	408-667-1715	Tony Cruz
10/1/19	Eric Suneles	1400 Dorothy Ln.	408) 684-5400	Eric Suneles
10/1/19	Chris Mikh	1400 Dorothy Ln.	(408) 761008	Chris Mikh
10-2-19	Marc Rodriguez	4410 Alhambra Ave.	(408) 776-6671	Marc Rodriguez
10-4-19	Anthony Calzon	5226 ZENITH DR	(408) 622-8808	Anthony Calzon
10/4/19	Pamela KANSISAVADY	1666 MABURY RD	408 469 0756	Pamela KANSISAVADY
10/5/19	ADOG	120 EICKLEMAN APT 26	408) 509-8884	ADOG
10/5/19	Eric Espinoza	1711 George St	(408) 929-6619	Eric Espinoza
10/5/19	Andres Londinez	375 Vista Roma Way	650 695 9033	Andres Londinez
10/5/19	Victor Molina	1365 S TAYLORS	669-350-8711	Victor Molina
10/5/19	TRI Lee		669-263-5205	TRI Lee
10/5/19	Leishan	669 Alexander 3	408 910 7811	Leishan
10/5/19	Theresa	561 Patrice St		Theresa
10/5/19	Sanchez	1515 HARBOR BLVD APT	669-293-9115	Sanchez
10/5/19		2355 Santa	530 656 7714	
10/7/19	Marcos Thomas	1055 Sylvia Dr St	(408) 771-2127	Marcos Thomas

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10-07-2019	Juan Villalobos	750 N. King Rd	773-729-0521	[Signature]
10-08-2019	Miguel Valenzuela	942 El Estero Ct.	408-645-9352	[Signature]
10-08-2019	Lanith S.	827 Serin Ter	408-269-6598	[Signature]
10-8-19	Emilio Flores	600 DEVLIN CT	408-647-7242	[Signature]
10-8-19	Ben Hwang	1711 Bay St	408-931-4031	[Signature]
10-8-19	Wenden Miller	822 2nd Ave	773-992-3835	[Signature]
10/8/19	MATTHEW BERN	2729 Scottsdale	408-650-4077	[Signature]
10-8-19	Branely Robinson	1700 Newbury Bk Dr	714-255-1415	[Signature]
10/8/19	Ramiro Mung	770 Greenwood	408-660-9243	[Signature]
10/8/19	JOHN LUCAS	2012 SHILBAUER PL. 7. -LOSC	408-923-6070	[Signature]
10/8/19	E. Hughes	628 N King Rd	408-736-6784	[Signature]
10/8/19	KEO, D	595 AVALAN AVE #6	N/A	[Signature]
10-8-19	Wayne Bluke	14053 Riva Ave, SL. CA	510-918-9800	[Signature]
10/8/19	ANTHONY BERN	3368 FAETHING WAY, SAN JOSE, CA	669 265 7542	[Signature]
10/8/19	MICHAEL CRISOLOZO	899 N. KING RD. 2305 SAN JOSE CA	669 206 9890	[Signature]
10-6-19	JERRY DEGUZMAN	899 N. KING RD. 2305 SAN JOSE CA	908-401-7498	[Signature]
10/8/19	Sabrina Zapata	678 N King Rd San Jose CA	408-813-2969	[Signature]
10/8/19	David Ramirez	12333 Mabury rd	7408-826-6624	[Signature]
10/8/19	Eddie Shields	80 South Market St	408-791-9737	[Signature]
10/8/19	John Kim	2051 Tupper Way, San Jose, CA 95122	408-357-9302	[Signature]
10/8/19	DESIREE GARCIA	725 CREDICILLO CIL	408-706-3283	[Signature]
10-8-19	Leon George	35209 11th Stray	510-586-9355	[Signature]
10-8-19	Christian Tarate	New Merber	408-506-0656	[Signature]
10/8/19	Celeste Grant-Hawke	2521 Blue Rock Ct San Jose		[Signature]
12/9/19	Chae Raven	98732 Melbury Rd	1151-387-7630	[Signature]
10/9/19	Ryan Lopez	666 Fleming Ave	408-306-6764	[Signature]
10/9/19	[Signature]	6140 North King	408-630-6045	[Signature]



MABURY MARKET

788 N KING RD. SAN JOSE, CA 95133


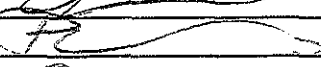
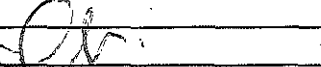
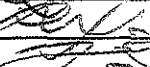
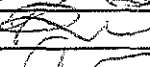

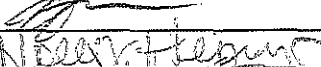
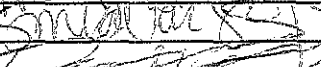
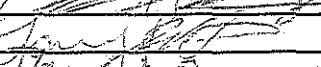
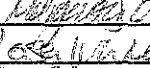

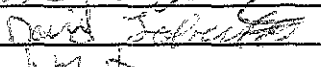
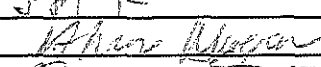

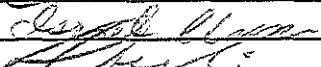
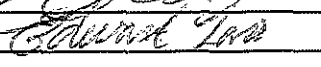
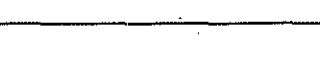



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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10-10-19	J. Lynn Bratcher	1777 Newbury Park Dr		
10-10-19	Lynette	33th Street CA 95125	669-200-6626	
10-10-19	MAXIMILLIAN M	33th Street, CA 95125		
10-10-19	Andrew Kennedy	2515 Goliad Ct, CA 95133	408-528-5000	
10-10-19	Andy Tam	2515 Goliad Ct, (A) 95133	925-208-8111	
10-10-19	Pedro Cruz		925-384-3316	Pedro Cruz
10-10-19	Eugene J.		408-726-9185	
10-10-19	Estelle Palomino	12480 Mabury Rd SJ CA 95133	408-807-2011	
10-10-19	ANTHONY HARRIS	1700 Newbury Park Drive SJ CA 95133	919-454-1053	
10-10-19	JOSE CANACHE	1700 Newbury Park Dr. #401	558-818-0463	Jose Canache
10-11-19	GABRIEL ANTON	9636 MURILLO AVE	408-667-1111	
10-11-19	Paul Garcia	1038 MURILLO AVE	408	
10-11-19	Rafael	2423 Ridgeway Way	408-429-5051	Rafael
10-11-19	Brianne Allen	1540 Alamo Avenue		
10-11-19	JOE GORTON	442 Fleming Ave SJ CA 95127	408-495-5544	
10-11-19	Carlyle	4137 LEMAY AVE		
10-12	JOSE HERRERA	1985 MORGENTHAU DR.	669-204-6431	Jose Herrera
10-12	John Mafu	1700 Newbury Park Dr	408-271-3170	
10-12	EMILIO FIDRES	678 N King Rd #407	408-1386-0770	
10-12	Jessica Martinez	678 N King Rd #408	408-449-9500	
10-12	NICOLE CHAMBERLAIN	873 RIDGEWAY ST	(916) 578-8595	
10-12	Brenda Rose	1088 Tera N del City	(408) 774-2131	
10-12	PRESIDENT			
10-12	JOSE ALFREDO PEREZ	12480 Mabury Rd	(408) 386-0040	
10-12-19	Esmeralda Zamora	105 Sutter St.	(408) 455-7595	
10-12-19	JOSE TIZ	1667 ONDINE CT.	(408) 778-0902	
10-12-19	GABRIEL	1601 Luby Dr	408-970-2213	

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10.12	Sukinder Singh	2515 Gilead Ct	408 747 7601	
10/12	Ricardo Loya	1678 N King Rd	408 544 9444	
10/12	Fernando Pineda	1761 Oaklands Cir	650 400 2935	
10/12	Nikitha Datta	522 Santa Fe	678 232 5583	
10/13	STEFAN RYAN	1078 N KING RD	408 786 4300	
10/13	Meliana Huerta	1410 Webster Dr	408 896 9002	
10/13	Francisco Escobar	1759 Carrollan Ave	510 766 6728	
10/13	Ryan McKenzie	1759 Carrollan Ave	415 835 0947	
10/13	Emery Johnson	639 N 10th	559 358 4038	
10/13	Donna Lugo	PK S Market San Jose	408 406 7057	
10/13	Edgar Castan	1265 N Capitol Ave	408 580 2087	
10/14	Holly Herman	DL Webster	508 620 0528	
10/14	SORAYA VARELA	1078 N KING RD	408 599 1425	
10/14	Thomas Hernandez	678 N King Rd	408 401 4675	
10/15	James Felt	678 N King Rd	650 166 8335	
10/15	Marcela Cruz	12380 Mabury Rd Apt C	1408 250 9890	
10/15	Rosalva Alvarez	12380 Mabury Rd	408 266 4791	
10/15	Jordan Samuel	701 Oaklands Cir	408 726 6147	
10/16	Oliver Gleditsch	773 Oaklands Cir	408 656 6590	
10/16	David Lehto		408 550 4512	
10/16	Jose M Torres	12380 Mabury Rd	408 772 3786	
10/16	Alvaro M. Murgueta	12380 Mabury Rd	408 836 4789	
10/16	Brian L. Gonzalez	720 N King Rd	408 500 0670	
10/17	E. Perez	707 Oaklands Cir		
10/17	Israel Flores	750 Santa Clara St	204 829 7533	
10/17	US Car Wash	563 Milvia Ave	707 444 7774	
10-17	Edward Lam	1777 Newbury Park Dr	408 726 3403	

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10/10	Little Corner			Little Corner
10/17	Henry	15000 Robin Dr	408-455-4513	Henry
10/18	Huente Flores	N 18th St 90	(408) 505-9331	Huente Flores
10/18	Miguel	<del>12345</del> 690 N 19th St	(408) 373-8017	Miguel
10/18	Nicholas Vazquez	1637 Coleman Dr.	(408) 809-8412	Nicholas Vazquez
10/18	JASON MURRAY	728 7 CITYNACK PL	(408) 858-8888	JASON MURRAY
10/18	WALTER HERNANDEZ	123 13th St OAKLAND CA	510-658-7148	WALTER HERNANDEZ
10/18	Fahim Rahman	656 N JACOBSON AVE	408-624-2882	Fahim Rahman
10/18	Josafian Fernandez	408-772-2107	10270 Enfield Way	Josafian Fernandez
10-18	MARCO RO	690-7977298	(408) 903-2020	MARCO RO
10-18	Michael Fre	33915 Holly Drive		Michael Fre
10-18	Agan			Agan
10/19	Christine DUMPO	346 Riverside Court	408-510-0063	Christine DUMPO
10-19	Joseph Olmaga	346 Riverside Ct.	408-650-4297	Joseph Olmaga
10-19	MICHAEL DANKIN	600 N. 2nd St 5th St at 5th St	408-849-8602	MICHAEL DANKIN
10/19	Abdi Abdi	815 Cambridge St	408-707-2567	Abdi Abdi
10/20	David Chen	815 Cambridge St	408-882-1982	David Chen
10/20	BESSIE			BESSIE
10/22	Art Serrano	228 N 10th St	408-500-1224	Art Serrano
10/21	TIMMY	2917 BETSY WAY	408-609-7423	TIMMY
10/21	Juan Pablo Chavez	678 N King Rd	(408) 724-2456	Juan Pablo Chavez
10/22	STELLA SERRANO	3467 GILA ST	408-916-7845	STELLA SERRANO
10-22	Antonio Lozano	1952 Greenwood B, SJ CA 95133	408-431-8311	Antonio Lozano
10-22	James Jones	601 N King Rd 95133	510-290-1218	James Jones
10-22	Alex C. H.	500 E. 1st St	330-503-1111	Alex C. H.
10-22	Michael Nguyen	12450 Mabury Rd. 95133	(408) 674-1546	Michael Nguyen
10-22	Jake Miller	280 Birch Dr San Jose	847-708-9248	Jake Miller
10-22	MARCO RAMIREZ	2966 P. E. Woodward Dr	408-726-9917	MARCO RAMIREZ

**788 N KING RD. SAN JOSE, CA 95133**

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**MABURY MARKET**

**788 N KING RD. SAN JOSE, CA 95133**

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10/22/19	Joyce McEuen	412 N. King Road 95133		JMcEuen
10/22/19	Adriana Montano	Adriana Montano		Adriana Montano
10/22/19	Ricardo Rivas	Ricardo Rivas		Ricardo Rivas
10-22-19	OMAR AGUILO	1515 LA VONNE AVE	408 725 2507	OMAR AGUILO
10-22-19	Richard Linan	3175 GALTAIN DR S.J. CA		Richard Linan
10-22-19	JOE BEN	224 E 15 ST. OAKLAND	21	JOE BEN
10-23				
10-25-19	Michael Garcia	3202 Mabury Ave		Michael Garcia
10/24	Enca Thompson	2730 Park Dr		Enca Thompson
10/24	James Uichen	565 Martin Ct		James Uichen
10-24-29	VICTOR SOLIS	1410 Conder Av. San Jose	408 768 4539	VICTOR SOLIS
10-24	Prasad M	54 Heathst Milpitas		Prasad M
10-24	LYLE THOMASIN	733 Oakman2 St.		LYLE THOMASIN
10-24	CONRAD RAMIREZ	3383 GOLF DRIVE SAN JOSE	408 834 5454	CONRAD RAMIREZ
10-24	Hector Ruiz	108 E. St. SJ		Hector Ruiz
10-29-19	Samantha Rivera	577 DYNIA DR. SJ. 95131		Samantha Rivera
10-29-19	John (Javier)	3180 Modred Dr.		John (Javier)
10-29-19	Ivan Franco	1520 F Capitol Expy SJC	(408) 707-0782	Ivan Franco
10-29-19	Rosario Quanya	619 Glenine Dr.		Rosario Quanya
10-29	John Perez	505 ALDINE W 07		John Perez
10-29	John P	517 -		John P
10/29/19	Daniel G	515 Williams St		Daniel G
10-29-19	Nicolas Chavez	284 Picking Pl SJ 95136	408-886-1794	Nicolas Chavez
10-30-19	Richard Cruz	80 S MARKET ST. SJ CA	408-2790	Richard Cruz
10-30-2019	JOHN S	1687 PARRUCH CIR. SJ, 95133	408 648-6071	JOHN S
10-30-19	Julia Tran	1502 Miller Ave. San Jose CA 95129	408 577-2949	Julia Tran

9.42

**MABURY MARKET**  
**788 N KING RD. SAN JOSE, CA 95133**

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10/25	Carlos Rodriguez	1460 Mabury Rd 95133	(510) 240-2469	
10/25	Joseph Ortega	1932 Clayton Rd 95127	(408) 744-4661	
10/25	David Flores	678 N King Rd 95133	(408) 401-8032	
10/26	Wm O'Neil	2030 Pomeroy Ct 95131	408 685 3386	
10/26	JAMES ROBINSON	1700 NEWBURY PARK DR	720 469, 9157	
10/27	ROGER CARDIEL	899 N KING RD	450 669 0953	
10/27	Babain Martinez	Mabury Sq		
10/27	Danny Bernal	Mabury Rd.	559-731-3852	
10/31	Carlos Sanitez	Mabury RD.	910 415 4042	
11-11-19	Rosa Torres	4373 Blackford		
11/11	EDGAR CHU	1700 NEWBURY PARK DR. 95133	310 727 5826	
11/12	Mohby Humez	1918 Lido Way S	409-240-5049	
11/2	ALONSO CAZANGA	1175 EAST SAN ANTONIO		
11/2	Thomas Lee	1900 Paez Way	(408) 377-4873	
11/2	Rolando Kuro	523 Peltier Rd A San Jose	408-889-9998	
11/2	Blanca Garza	395 Mabury Rd. SJ 95127	408 525 5734	
11/2	Mark DeGuzman	1961 Mabury Circle San Jose, 95133	(408) 421-1441	
11/2	Wm Rodriguez	1664 Lehigh Dr.	(408) 802-5229	
11/3	Fatima Ibarra	541 Westlake Dr	(408) 881-2928	
11/4	Brandon Brooks	11300 Garbino Way N.	(903) 324-7474	
11/4	Karen Escobar	270 La Palta Drive San Jose CA	(510) 557-4255	
11/4/10	MELISSA STEPHAN	238 DARNELL CT SAN JOSE	408-301-0414	
11/4/10	Michaela Rojas	3572 Millicent Ct	408 896 4739	
11-4-13	TOMY CAMACHO	1405 HURMINGHAM WAY	408-450-9885	
11-4-14	Austin Foster	1460 Mabury	650-880-8117	
11-4-14	Paul Grant	880 Mabury Rd	793-5068	

*for 46*

**MABURY MARKET**

**788 N KING RD. SAN JOSE, CA 95133**

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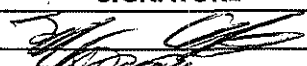
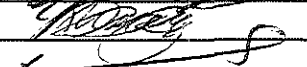

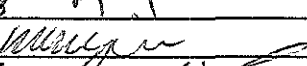
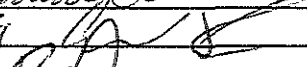

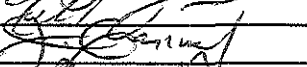
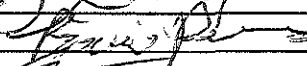



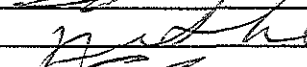
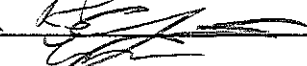

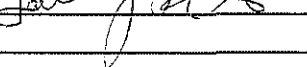


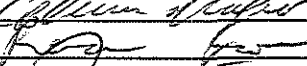
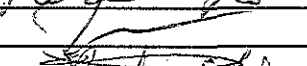
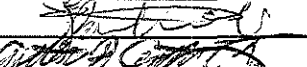


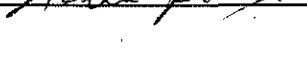




DATE	NAME	ADDRESS	PHONE #	SIGNATURE
11/5/19	Dany Hoi Hoang	1700 Newbury Park Dr Apt 352	415 225 4583	[Signature]
11/06/19	Rohit Sandhu	641 Ken Fess Rd.	408 7569-2000	[Signature]
11/06/19	YOSMAY MENDOZA	1700 Newbury Park	408 791 3121	[Signature]
11/06/19	Luis Mendez	1700 Newbury Park	408 791 3121	[Signature]
11/06/19	Chen Chen	1700 Newbury Park	408 7502-0729	[Signature]
11/7/19	Charlie Leers	12360 Mabury Rd. 95133	669 285 8457	[Signature]
11/7/19	Jim Shalath	1455 Lihigh	408 618 0812	[Signature]
11/7/19	Irene Bergara	165 SAN FERNANDO ST ST 95112	510 203 8464	[Signature]
11/7/19	Ricardo Rojas	12440 Mabury rd	408 1332-2901	[Signature]
10/8/19	Steele Chance	1717 Newbury park Dr	(669) 213-8602	[Signature]
11/8/19	[Signature]	678 N. King RD	669 288 4322	[Signature]
11/9/19	Julia Santos	1000 Undaun Dr	510-2100-7555	[Signature]
11/9/19	Amor Corral	100 1103 Sparkane dr San Jose	669-238-7270	[Signature]
11/9	KLITHI MATHESH	1700 Newbury Park dr.		[Signature]
11/9	Euzenne Brit	1700 Newbury Park dr.		[Signature]
11/9	Susan Garcia	544 Battie way	408 469 4500	[Signature]
11/9	Luis Maldonado	1249 Mabury rd.	408 821-3545	[Signature]
11/9	Susan R. J.	1249 Mabury rd.	408 756-8119	[Signature]
11/9	Rosie's Muriel	300 N. Jackson Ave.	408 456 7824	[Signature]
11-9	Paul Venegas	3196 Gaurin Dr	408-230-6536	[Signature]
11-9	Rafael	3196 Gaurin Dr	408 201 8296	[Signature]
11-9	Andrew Rivera	678 N. King Rd	408 544 1759	[Signature]
11-9	Alex Sandoval	1055 N Capitol Ave	(669) 274-9043	[Signature]
11-9-19	William Chase	201 Canyon Creek Dr	408 509 5800	[Signature]
11-9-19	Jenny Smith	678 N King RD #231	(408) 713 0732	[Signature]
11-10-19	Justine Polanco			[Signature]
	Fredy Cortes			[Signature]



# MABURY MARKET

788 N KING RD. SAN JOSE, CA 95133

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
11/10/19	Freddy Cortez	678 N King Rd.	408-549-6150	
11/10/19	David Ramirez	67 N. Jackson Ave.	(669) 206-8195	
11/10/19	Fast Sam	12490 mabury rd	408-217-4020	
11/10/19	Ruby Turner	678 N. King	408-589-9800	
11/10/19	Monica Ruiz	Mabury Rd	408-775-7645	
11/11/19	Cassandra Soto	678 N. King Rd	408-476-4466	
11/11/19	Nicholas Rodriguez	1705 View Dr. Milpitas CA	408-944-2726	
11-12-19	TEO LEE	880 MABURY RD	702 246 4119	
11/12/19	Jim Garenac	P.O BOX 13033 Coyte, CA	669-207-6715	
11-12-19	Kosaku Perez	12490 Mabury Rd	408 661 8238	
11/12/19	W. Kancian	1205 COXC Cms Pr	408) 509-5801	
11/12/19	Lashonda Struss	707 Creekland Circle San Jose CA 95133	(408) 916 6266	
11/12/19	Sally Chazara	1501 Grand Ave 92113	-	
11/12/19	Sulib Gumpor	1501 Grand Ave 92113	-	
11/12/19	Bertha O.	12490 Mabury Rd	408 648 6347	
11/13/19	AFRORO BETANCUR	845 TAYLOR ST.	(408) 807-0352	
11/13/19	Isabel Hln	12490 Mabury Rd	(408) 97-5742	
11/14/19	James Ford	N. King Rd. 678	(650) 660-8335	
11/14/19	Yannick Canales	2567 Junalusca Dr	-	
11/15/19	Kassandra Para	2366 S. King Rd	-	
11/15/19	Richard Reyes	755 N. King	559-307-6622	
11/16/19	Adriana Montoya	12490 mabury rd	408-307-1601	
11/16/19	Ricardo Rivas	12490 mabury rd	332-1901	
11/16/19	Jason Matau	1700 Newbury Park Dr	408-210-4163	
11/16/19	Deep Ancholi	1708 LORENT TER	415-508-7162	
11/17/19	Arthur E. Capillo Jr.	328 N 5th	408 250 7652	
11/17/19	Erica Benert	1744 Creech Stae CR.	659 1761-9975	
11-18-19	Andrew Ribera	453 Duffin Dr.	831 313 7445	

MABURY MARKET

788 N KING RD. SAN JOSE, CA 95133

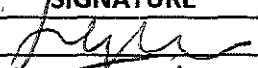
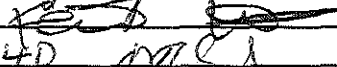
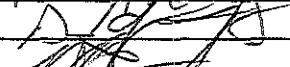
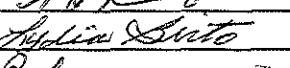
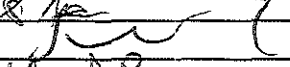


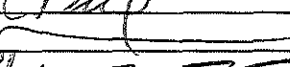
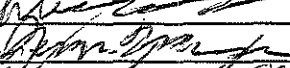

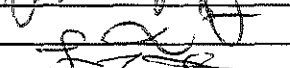

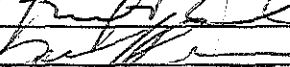







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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
11-18-17	BRIAN HARDEN	1968 DONDRAE CT ST	408 574 0605	[Signature]
11-19-19	Fernando Espinosa	1700 Newbury Park Dr. Apt 174	869 232 3231	[Signature]
11-19-19	Egor Gruz	720 MATTISAW ST	408-475-5635	[Signature]
11-22-19	MICHAEL RUZAN	679 BLACKBURY LN.	201-741-3901	[Signature]
11-23-19	Dominic Helovera	1771 Newbury park dr	408-210-9039	[Signature]
	MARCUS DRAKE	18442 Marbury Ave	510-650-7321	[Signature]
11/25/19	Nathan Simeet	2000 Monterey Rd	408/12149-7625	[Signature]
11/27/19	ANDREA HDEZ	16321 ATTENE DR	408/499-2022	[Signature]
11/28/19	Frysdal Stan	1700 Newbury Park Pr.	8135852400	[Signature]
11/29/19	ALVARO MAGANA	12330 Mabury Rd	408 836-4783	[Signature]
11/29/19	Frank T...	679 N K Rob - A222	408-500-6072	[Signature]
11/30/19	GEORGE JIMENEZ	2600 MELINDA AV ST CA	408 466 4047	[Signature]
11/30/19	Brian Quintanilla	1645 Mabury Rd	408 204 6023724	[Signature]
11/30/19	Erica Pagan	1645 Mabury Rd	408 782 0400	[Signature]
12-1-19	Edvardy Delgado	750 N. 23rd St	408 526-5349	[Signature]
12/3/19	Hena Glover	193 East San Fernando St	408 818 8332	[Signature]
12/3/19	Daniel Ng	231 Brown Landing Rd	408-878-5329	[Signature]
12/3/19	PICARDO R.	SAN JOSE CA 95132	408-348-7785	[Signature]
12-3-19	Ivan Amezcua	San Jose 95133	408-717-3520	[Signature]
12-3-19	Sandra Frausto	598. 9 Street Apt #1 San Jose	(408) 706-3680	[Signature]
12-4-19	BENJ THOMAS	919 Lindy Ave Apt # 101	408-887-2603	[Signature]
12/4/19	Brian Guzman	14 Clareview Ave ST CA	(408) 299-910-8320	[Signature]
12/4/19	Edgar Ochoa	14 Clareview Ave ST, CA	(408) 839-0895	[Signature]
12/6/19	Sylvia Rosillo	1725 Pine Hollow Cir 95133	408 509-8661	[Signature]
12/6/19	JOHN MARTINEZ	891 W KING RD #1309 95133	408 807 7722	[Signature]
	Benzamin N...	137 pre W Githen ct	(202) 809-8178	[Signature]

# MABURY MARKET

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
12-10-19	LY VU	<del>642 N King Rd</del>	669 2283313	
12-10-19	Kevin Huynh	1025 Calumet Ct	408 394 0014	
12/10/19	S. NGUYEN	1777 Newbury	408-903-5340	
12/10/19	DAVID JENNINGS	1890 SLATE PL	408-594-4866	
12/10/19	Waco Afeworki	1590 Mission Springs Ct	408 334 3251	
12/10/19	L. Brito	678 King Rd. SJ 95133		
12-14-19	S. Ganhur	456 Taylor Ave		
12-14-19	JAGWINTERSEN	1515 MARKURG WH FL SAN J	408 786 8202	
12-15-19	Nick R. Bailey	1744 CREEKSTONE CIR.	408 310 3777	
12-15-19	Manuel Mase	741 Creekside Cir.	775 742 6305	
12-16-19	José Mascareño	60 Clodie Way.		
12-17-19	Machine Nasty	1122 Hallwood	1000 210 71157	
12/19/19	ROBERT ALVAREZ	943 LUNDY AVE #306 SJ 95133		
12-20/19	Charles Kennedy	475 Dover Way #17 Campbell	408-525-6487	
11-20/2019	Dennis M. Stolar	699 P Wh. Ct S. J. 95133	408 600 4851	
12-20/19	Nicole M. Mader	678 N King Rd #208 SJ 95133	669 211 3792	
12/20/19	Shirley Sharp	525 Vera Linn Ave, CA 95111	408-246-8552	
12/21	USCI HOI	beacham & melli	408 600 7420	
12/21	Frank H	431 Linden Ave	(408) 772 2121	
12/21	Destiny Chavez	2085 McLaughlin Ave #312	(408) 217-3396	
12/21	Kutrie Lidocox	651 Blackbury Lane	517 943 3858	
12/21	Daniel Ferreira	750 King road 951??		
12/26	Silvia Canela	700 N 23rd St #9 SJ 95112		
12/29/19	Ken Truong	677 Marking San Jose	408 221 7565	
12/30/19	Karla Loretta Martinez	111 Codomo Dr Beres Ave		
12/30/19	Franklin Lina	678 N King Rd. 222		
1/1/20	Peaches Gaines	2530 Berryessa Rd #121	(408) (710) 910 5820	

MABURY MARKET

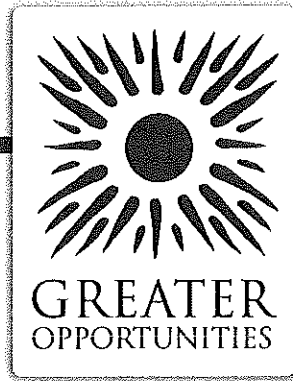
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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
1-2-20	Rey Romo	630 N. Jackson Ave	(408) 401-7250	
1-2-20	Shelly Hull	1089 Pala Ranch Circle	908 427 2295	Shelly Hull
1-4-20	Richard Gomez	1130 Stachard Circle	669-235-6974	Richard Gomez
1-4-20	Christopher Garcia	725 Creekland Ave	408-949-	Christopher Garcia
1-15/20	DAVID BELLORE	330 Checkers Dr	408 702-7331	David Bellore
1/4/20	RICHARD TRIPP	1529 Briggsboro Ct	408 712124	Richard Tripp
1/4/20	Rosa Aharon	899 N. King Rd	(408) 614-5236	Rosa Aharon
1/4/20	Steve FLORES	550 N King Rd	408 3948548	Steve Flores
1/5/20	Jeremy Cortez	628 N King Rd #110	408 401 8140	Jeremy Cortez
1/5/20	Manuel Siquedra	156 N KING ROAD	408 644-4230	Manuel Siquedra
1/7/20	Daniel Torres	956 Gerard Way	408 7599055	Daniel Torres
1/7/20	Noel Castillo	2236 Gateland Ct	669 251 3804	Noel Castillo
1/7	SHERYL	123 SQUARE HAVEN CT	(408) 655 7706	Sheryl
1/7	MY LOI	1015 MARYBURY CA 95133	669 293 9111	My Loi
1/8	SELS	108 LESTER AVE		Sels
1/8/20	MOLISSA SPONZA	22318 TAMPICCT	669 271 0471	Molissa Sponza
1/8/20	Ricardo Loya	628 N. King Rd San Jose	408 344-2444	Ricardo Loya
1/8/20	Jose Martinez	1319 TRIPP AVE 95116	408 272-8012	Jose Martinez
1/8/20	Francisco Loya	1512 TRIPP AVE 95116	408 310-1131	Francisco Loya
1/8/20	George Mora	587 Avalon Ave 95133	408 279-1218	George Mora
1/8/20	Alex Galindo	587 Avalon Ave 95133	408 318-9182	Alex Galindo
1/8/20	Robert Mena	1777 NEW LAMPY PARK DR 95133	(408) 316 9008	Robert Mena
1/8/20	Brandy Cisneros	750 N King Rd	408 502 0672	Brandy Cisneros
1/8/20	Juan Sebastian	672 Grand Ave LB 95110	408 822 4329	Juan Sebastian
1/8/20	Amelia			Amelia
1/8/20	Larry White	1846 3RD AVE #17 OAKLAND CA	510 277-7275	Larry White
1/8/20	Francisco Escalante	168 Mabury Rd	408 792 6234	Francisco Escalante

**Greater Opportunities**  
for the Developmentally Disabled

Bill Coker, CEO



900 Lafayette Street, Suite 700  
Santa Clara, CA 95050  
(408) 248-4464

Federal tax-ID: 77-0029972

October 8, 2019

Re: Mabury Market

To Whom it May Concern:

We would like to make it known, Greater Opportunities has no objection to Mabury Market obtaining a 21 Liquor License. It is convenient for the neighborhood and the general community as well as the people we support. We understand the neighborhood had changed so much in the last decade and the new residents of the area would like a local store where they can simply walk to and from. We are confident Mabury Market, convenient store will follow are laws set forth by the licensing authorities.

We support support Mabury Market obtaining a 21 Off Sale Liquor License. If you have any questions, we can be reached at the above address and phone number.

Best Regards,

A handwritten signature in black ink, appearing to read "Bill Coker".

Bill Coker, CEO  
Greater Opportunities

cc: cl/10-8-19



MABURY MARKET

788 N KING RD. SAN JOSE, CA 95133

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
9/10/19	Donna Lucero	80 S Market Street SJ CA 95133	(408) 469-7157	
9/10/19	GARY NISHITA	1222 NEWBURY PARK DR #210	408-843-7940	
9/10/19	Rev Douglas	1834 ALLWELL DR MILPITAS	510 974 9509	
9/10/19	FELIPE Munoz	3520 Gum Tree Dr	408 833 9886	
9/10/19	LULIA KUBAK	1700 NEWBURY PK DRIVE	657-878-0168	
9/10/19	Mareka Lira	1450 Terra Nova Blvd	650 308 5746	
9/10/19	TRUNG HOANG	1777 Newbury Park Drive #505	(408) 926-1635	
9/10/19	DAVID REY	596 AVALANIO AVE APT 6, SJ	661-297-8271	
9-10-19	JOSE GARCIA	1635 NORSEMAN DR	669 204 6431	
9-10-11	CLAR. PARR	1601 Mabury Rd San Jose	408 882 4457	
9-10-19	Jessie Sanchez	1401 MESA CT. CA	408 314 4151	
9-10-19	RICHARD ELMID	398 HEATH ST. MILPITAS	925 315 2425	
9-10-19	William Cho	1203 Coyote Creek Pl SJ	408 881 5907	
9-10-19	GIL DUVAR	699 N. KING RD	408 259 8440	
9-11-19	Akhon Khan	687 N. King Rd	408 272-3626	
9-10-19	Ronald Ingram	678 N. KING RD.	408 830-7606	
9-10-19	Luis Gomez	87 Date Dr San Jose	408 193 7436	
9-10-11		12440 Mabury Rd SJ 95133	408 217 4226	
9-10-11	Mateo Jimenez	12360 Mabury Rd. SJ 95133	416-205-3430	
9-10-11	RICARDO RUCS	12490 Mabury Rd	408 1332-290	
9-11-19	Ornella Nasser	4347 Portador Dr. SJ 95121	408 104 3411	
9-11-19	Bebe to maza	1500 monumen. V. L. 95130	510 845 4325	
9-11-19	EDER VORIANO	1700 Newbury Park Drive, Apt 277	925 325 1664	
9-11-19	Kham TO	3167 Madras Dr CA 95127	408 852 8171	
9-11-19	James Nilson	34 heritage village Ln	417 521-9909	
9-11-19	George Onti	4750 Almaden Expy Ste 24 San Jose	408 600 9187	
9-11-19	WEN-DHAN	723 N 23rd St, San Jose, CA 95112	408 398 8870	
9-11-19	Nely Hernandez	960 N 16 St San Jose CA 95117	408 794 9164	

**MABURY MARKET**  
**788 N KING RD. SAN JOSE, CA 95133**

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
9.11.19	Xinyuan	1300 Love Drive, San Jose	408 38219735	[Signature]
9.11.19	Neil	200 PACKING PL.	408 609 7015	[Signature]
9/11/19	Galvies	1485 R Fleming Ave	408 833 5451	[Signature]
9/11/19	James M.	3741 Monteverde dr.	650-4648818	[Signature]
9/11/19	Adapito Lopez	478 Overland way	408-594-9674	[Signature]
9/11/19	Casim Calu	1059 De Meo	408 422 0041	[Signature]
<del>9/11/19 [REDACTED]</del>				
9/11/19	Alen Le	320 N 11th Street San Jose CA	408 212 4233	[Signature]
9/11/19	MARIA	MAGANA	408 937 6889	[Signature]
9/11/19	Yuan	1677 MABURY	408 242 0435	[Signature]
9-11-19	Anahe Johnson	PO BOX 360787 MARTINEZ CA	408 641 5372	[Signature]
9/11/19	YVETTE HERRERA	1677-23-A V	408 702 3152	[Signature]
9/11/19	Daniel Mont-Sant	11451 Redgate Court	925 595 5594	[Signature]
9/11/19	Alisa Lee	804 Bamboo-palmct San Jose CA 95119	(510) 449 7811	[Signature]
9/11/19	Nico Bonni	1277 Newbury St	408 946 9731	[Signature]
9/11/19	Yara Sanchez	569 Avian Ave #9533	408 401 8135	[Signature]
9-11-19	Melissa Stachura	2318 Llanedict. St. 95133	408 430 2808	[Signature]
9-11-19	Elias Martinez	873 Summerbrook Ln S 95123	408-658-4332	[Signature]
9/11/19	CHHUN VINH	851 - N - King Rd San Jose CA 95133	408 575 2111	[Signature]
9/11/19	Chi Hua	1777 NEW BURY PARK DR #310	408 334 1104	[Signature]
9/11/19	Oscar Vallejo	3238 Fifth Way, ST 95121	408 644 8160	[Signature]
9/11/19	Anthony Gattoni	678 N King Road, San Jose CA 95133	408 408 8306	[Signature]
9/11/19	Juan Alcantara	15559 Juron Ave Los Gatos Ca	415 528 8219	[Signature]
9/11-19	JENNIE CASEY	1679 PALA RANCH CIRCLE	408 722 4240	[Signature]
9/11/19	Josue Berriz	12330 Mabury RD	408 680 4233	[Signature]
9/11/19	Esco Saotaren	670 North King Rd	408 784 9319	[Signature]
9/12/19	[REDACTED]	2425 E STANFORD	408 315 5918	[Signature]

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
9/12/19	BAO NGUYEN	1296 BRIARBERRY CT	669-265-5715	[Signature]
9/12/19	Kai Lin	2982 Verna Dr	408-207-2083	[Signature]
9/12/19	ANGEL CARRAS	E Taylor ST.	408-497-7056	[Signature]
9-12-19	Samuel Dorrochy	1215 Cortez	408-701-8085	[Signature]
9/12/19	Leo Houshmand	1353 E TAYLOR ST	408-857-5466	[Signature]
9-12-19	Adrian Romero	570 ESPINOSA LANE	669-309-8697	[Signature]
9-12-19	JESUS LOPEZ	495 HASSINGER RD	408-460-1195	[Signature]
9-12-19	Amia Landrey	2484 Baton Rouge Dr	408-373-3660	[Signature]
9.12.19	SHAWN CARR	702 N. 13TH ST SS CA	408-892-7686	[Signature]
9.13-19	Joel Alan	521 East Ave		[Signature]
9/13-19	Ernesto Orenq	314 N. 33 Rd St S, CA	408-688-2044	[Signature]
9/13/19	REBEKAH	605 N. KING RD ST CA	408-559-4380	[Signature]
9/12/19	MIAU & L	681 LEWIST ST	408-394-1148	[Signature]
9/12/19	[Signature]	1357 E Taylor St	408-349-1072	[Signature]
9/13/19	[Signature]	12320 Mabury Rd	408-901-7475	[Signature]
9/13/19	Alisia Matute	780 N King Rd San Jose CA	209-450-8733	[Signature]
9/14/19	Sampreet Kaur	1456 Hopkins Dr San Jose	669-210-9457	[Signature]
9/14/19	Joson Carr	1700 Newbury Park Dr San Jose	408-772-8463	[Signature]
9/14/19	Felipe [Signature]	2196 S. King Rd	408-401-9416	[Signature]
9/14/19	Thomas Johnston	1700 Newbury Park Dr	310-408-3976	[Signature]
9/14/19	Marie Samaniego	43912 San Way	408-500-6960	[Signature]
9-14-19	Lewin DAVIS	12360 Mabury Rd ST	917-560-5321	[Signature]
	CANDRA MAD	503 ADAMS LANE	408-526-3529	[Signature]
9/15/19	Tam Pham	3553 Pleasant Crest Dr. 95148	408-656-0800	[Signature]
9/15/19	Rajinder Singh	1456 HOPKINS DR San Jose 95122	408-835-8103	[Signature]
9/15/19	Micolas Avila	3296 Percivale Dr	(415) 302-7151	[Signature]
9/15/19	Almond Spell	2326 Mossdale Way	(415) 472-1144	[Signature]

788 N KING RD. SAN JOSE, CA 95133

DATE	NAME	ADDRESS	PHONE #	SIGNATURE
15 SEP 2017	KHANH TRUNG			[Signature]
15 SEP 2017	Tri Pham			[Signature]
9-18-17	Zorica Nura	3217 Vesuvius Ln	408 444-1117	[Signature]
9/18	Daria Smith	3047 Nashville Dr		[Signature]
9/19	Esteria Aponte	678 N. King Road	(408) 627-1278	[Signature]
9-19	Vivian V.	679 N. King Rd		[Signature]
9-19	Ph. McKinnon	12950 N. Ave		[Signature]
9/20/17	Alex Nasser	1447 Gulches Lane		[Signature]
9/21/17	BRAHM D COPPIN	2301 CHANIER ST	408 901 9462	[Signature]
9/24/17	CYRIL BELLOD		951 217 0228	[Signature]
9/24/17	Esmeralda Gomez	678 Overland Ave	808 561-6159	[Signature]
9/26	Juan Carlos	723 Cantelero Way		[Signature]
9/24	Winnie Castro	715 Ransom Drive S.J. CA 95133	408 212 7248	[Signature]
9/24	Marijane R	San Jose CA 95127		[Signature]
9/24	Elizabeth Jolley	561 Lechridge Ct 95133		[Signature]
9/24	OSCAR LUIZ	2005 GOLFVIEW CT #3 95133	408 561-7459	[Signature]
9/26	Gabriela Alanis	610 Brandtville De 95111	408-608-5750	[Signature]
9/26	Michael Green	1610 Greenwood Dr San Jose 95140	502 285 5935	[Signature]
9/26	Franco Chaves	13430 Marbury Rd 95133	408 757-2798	[Signature]
9-26	Alma Amador	1347 E San Antonio St 95116	209-992-1788	[Signature]
9-26	Russell Lopez		510 731-9896	[Signature]
9-26	OSITA CARILLASO	2311 LAVA DR SAN JOSE 95127	408 314 1119	[Signature]
9-26	Nicola Jereiko	381 Garfield Road Way	408 726 7718	[Signature]
9-26	JOHN GARCIA	1860 Biscayne Way		[Signature]
9-26	JOE GARLIN	3180 MEDLEY DR		[Signature]
9-27	Marina Muz	492 N. King Rd.		[Signature]
9-27	Jay Lacapa	692 N. King Rd.		[Signature]

MABURY MARKET

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
9-12-19	Francisco Carrillo	699 Lurline Ave San Jose	(408) 849-5252	Francisco Carrillo
9-12-19	Richard Caudy	1299 E Santa Clara St	(416) 240-3376	Richard Caudy
9/12/19	Paul Ramos	3877 Honolulu Dr.	(408) 509-2862	Paul Ramos
9/12/19	Tempe Valenzuela	1330 N. Bacon Ave 2022	669-226824	Tempe Valenzuela
9/12/19	Luis Villa	5368 Montebello Hwy Apt 2	408-355-5000	Luis Villa
9/12/19	Christian Ramos	2831 DAMICO DR	408 610 9401	Christian Ramos
9/12/19	Concepcion Espinoza	1522 MABURY RD	(408) 932-5390	Concepcion Espinoza
9/12/19	Paul Ramos Jose	541 NORDYKE Dr	408 272740	Paul Ramos Jose
9/12/19	Antonio Chavez	541 NORDYKE DR APT 2	408) 5201869	Antonio Chavez
9/13/19	Ashley Phelps	6250 Santa Teresa Blvd Apt 25	408 997 0209	Ashley Phelps
9-30-19	Adrian Bonner	1165 Mubury Pl San Jose CA 95128	408-926-2006	Adrian Bonner
1-30-19	Tony Cruz	2560 Quince Drive 15123	408-667-1715	Tony Cruz
10/1/19	Eric Suneles	1100 Dorothy Ln.	408) 684-5400	Eric Suneles
10/1/19	Chris Mikh	11407 Alvarado Rd	(408) 761008	Chris Mikh
10-2-19	Marc Rodriguez	4410 Alvarado Ave.	(408) 776-6671	Marc Rodriguez
10-4-19	Anthony Calzon	5226 ZENITH DR	(408) 622-8808	Anthony Calzon
10/4/19	Pamela KAMISAVADY	1666 MABURY RD	408 469 0756	Pamela KAMISAVADY
10/5/19	ADOG	120 EICKLEMAN APT 26	408) 509-8884	ADOG
10/5/19	Eric Espinoza	1711 George St	(408) 929-619	Eric Espinoza
10/5/19	Andres Londinez	375 Vista Roma Way	650 695 9033	Andres Londinez
10/5/19	Victor Molina	1365 S TAYLORS	669-350-8711	Victor Molina
10/5/19	TRI Lee		669-263-5205	TRI Lee
10/5/19	Leishan	669 Alexander 3	408 910 7811	Leishan
10/5/19	Theresa	561 Patrice St		Theresa
10/5/19	Sanchez	1515 HARBURY B6 APT	669-293-9115	Sanchez
10/5/19		2355 Santa	530 656 7714	
10/7/19	Marcos Thomas	1055 Sylvia Dr St	(408) 771-2127	Marcos Thomas



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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10-07-2019	Juan Villalobos	750 N. King Rd	773-729-0521	[Signature]
10-08-2019	Miguel Valenzuela	942 El Estero Ct.	408-645-9352	[Signature]
10-08-2019	Lonita S.	827 Serin Ter	408-269-6598	[Signature]
10-8-19	Emilio Flores	600 DEVLIN CT	408-647-7242	[Signature]
10-8-19	Ben Hwang	1711 Bay St	408-931-4031	[Signature]
10-8-19	Wenden Miller	822 2nd Ave	773-992-3835	[Signature]
10/8/19	MATTHEW BERN	2729 Scottsdale	408-650-4077	[Signature]
10-8-19	Branely Robinson	1700 Newbury Bk Dr	714-255-1415	[Signature]
10/8/19	Ramiro Mung	770 Greenwood	408-660-9243	[Signature]
10/8/19	JOHN LUCAS	2012 SHILBAUER PL. 7. -LOSC	408-923-6070	[Signature]
10/8/19	E. Hughes	628 N King Rd	408-736-6784	[Signature]
10/8/19	KEO, D	595 AVALAN AVE #6	N/A	[Signature]
10-8-19	Wayne Blake	14053 Reno Ave, SL. CA	510-918-9800	[Signature]
10/8/19	ANTHONY BERN	3368 FAETHING WAY, SAN JOSE, CA	669 265 7542	[Signature]
10/8/19	MICHAEL CRISOLDO	899 N. KING RD. 2305 SAN JOSE CA	669 206 9890	[Signature]
10-6-19	JERRY DEGUZMAN	899 N. KING RD. 2305 SAN JOSE CA	908-401-7498	[Signature]
10/8/19	Sabrina Zapata	678 N King Rd San Jose CA	408)813-2969	[Signature]
10/8/19	David Ramirez	12333 Mabury rd	7408)826 6624	[Signature]
10/8/19	Eddie Shields	80 South Market St	408-791-9737	[Signature]
10/8/19	John Kim	2051 Tupper Way, San Jose, CA 95122	408-357-9302	[Signature]
10/8/19	DESIREE GARCIA	725 CRECHILSON CIL	408-706-3283	[Signature]
10-8-19	Leon George	35209 11th Stray	510-586-9355	[Signature]
10-8-19	Christian Tarate	New Merber	408-506-0656	[Signature]
10/8/19	Celeste Grant-Hawke	2521 Blue Rock Ct San Jose		[Signature]
12/9/19	Chae Raven	98732 Melbury Rd	1151)387-7630	[Signature]
10/9/19	Ryan Lopez	666 Fleming Ave	408-306-6764	[Signature]
10/9/19	[Signature]	619 North King	408-630-6045	[Signature]

MABURY MARKET

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10-10-19	J. Lynn Bratcher	1777 Newbury Park Dr		
10-10-19	Lynette	33th Street CA 95125	669-200-6626	
10-10-19	MAXIMILLIAN M	33th Street, CA 95125		
10-10-19	Andrew Kennedy	2515 Golezio Ct, CA 95133	408-528-5000	
10-10-19	Andy Tam	2515 Golezio Ct, (A) 95133	925-208-8111	
10-10-19	Pedro Cruz		925-384-3316	Pedro Cruz
10-10-19	Eugene J.		408-726-9185	
10-10-19	Estelle Palomino	12480 Mabury Rd SJ CA 95133	408-807-2011	
10-10-19	ANTHONY HARRIS	1700 Newbury Park Drive SJ CA 95133	919-454-1053	
10-10-19	JOSE CANACHE	1700 Newbury Park Dr. #401	558-818-0463	Jose Canache
10-11-19	GABRIEL ANTON	9636 MURILLO AVE	408-667-1111	
10-11-19	Paul Garcia	1038 MURILLO AVE	408	
10-11-19	Rafael	2423 Ridgeway Way	408-429-5051	Rafael
10-11-19	Bruno Alvarez	1540 Alamo Avenue		
10-11-19	JOE GARCIA	442 Fleming Ave SJ CA 95127	408-495-5544	
10-11-19	Carlyle	4137 LEMAY AVE		
10-12	JOSE HERRERA	1985 MORGENTHAU DR.	669-204-6431	Jose Herrera
10-12	John Mafu	1700 Newbury Park Dr	408-271-3170	
10-12	EMILIO FIDRES	678 N KING RD #407	408-1386-0770	
10-12	Jessica Martinez	678 N KING RD #408	408-449-9500	
10-12	NICOLE GARCIA	873 RIDGEWAY ST	(916) 578-8595	
10-12	Brenda Rose	1088 Tera N del City	(408) 774-2131	
10-12	Perez		(408) 774-2131	
10-12	JOSE ALFREDO PEREZ	12480 Mabury Rd	(408) 386-0040	
10-12-19	Esmeralda Zamora	105 Sutter St.	(408) 455-7595	
10-12-19	Carlos Torres	1667 Onda Ct.	(408) 774-0902	
10-12-19	Gordon	1601 Luby Dr	(408) 970-0213	

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10.12	Sukinder Singh	2515 Gilead Ct	408 747 7601	[Signature]
10/12	Ricardo Loya	1678 N King Rd	408 544 9444	[Signature]
10/12	Fernando Hernandez	1761 Oaklands Cir	650 400 2935	[Signature]
10/12	Nikitha Datta	522 Santa Fe	678 232 5583	[Signature]
10/13	STEFAN RYAN	1078 N KING RD	408 786 4300	[Signature]
10/13	Meliana Huerta	1410 Webster Dr	408 896 9002	[Signature]
10/13	Fernando Escobar	1759 Oaklands Cir	510 766 6728	[Signature]
10/13	Ryan McKenzie	[Signature]	415 835 0947	[Signature]
10/13	Emery Johnson	639 N 10th	559 358 4038	[Signature]
10/13	Donna Lugo	PKS S. Market San Jose	408 406 7057	[Signature]
10/13	Edgar Astor	1265 N Capitol Ave	408 580 2087	[Signature]
10/14	Holly Herman	DL Webster	508 620 0528	[Signature]
10/14	SORAYA VARELA	1078 N KING RD	408 599 1425	[Signature]
10/14	James P. Hernandez	678 N King Rd	408 401 4675	[Signature]
10/15	James P. Hernandez	678 N King Rd	408 401 4675	[Signature]
10/15	Marcela Cruz	12380 Mabury Rd Apt C	408 250 9880	[Signature]
10/15	Rosalva Alvarez	12380 Mabury Rd.	408 250 9880	[Signature]
10/15	Jordan Samuel	701 Oaklands Cir	408 720 6147	[Signature]
10/16	Oliver Gleditsch	773 Oaklands Cir	408 656 6590	[Signature]
10/16	David Lehto		408 550 4512	[Signature]
10/16	Jose M Torres	12380 Mabury Rd	408 772 3786	[Signature]
10/16	Alvaro M. Murgueta	12380 Mabury Rd	408 836 4789	[Signature]
10/16	Brian L. Gonzalez	720 N King Rd	408 500 0670	[Signature]
10/17	E. Perez	707 Oaklands Cir		[Signature]
10/17	Israel Flores	750 Santa Clara St	204 829 7533	[Signature]
10/17	US Car Wash	563 Milvia Ave	707 444 7774	[Signature]
10-17	Edward Lam	1777 Newbury Park Dr	408 726 3403	[Signature]

**MABURY MARKET**

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10/10	Little Corner			Little Corner
10/17	Henry	15000 Robin Dr	408-455-4513	Henry
10/18	Huente Flores	N 18th St 90	(408) 505-9331	Huente Flores
10/18	Miguel	<del>18000</del> 690 N 18th St	(408) 373-8017	Miguel
10/18	Nicholas Vazquez	1637 Coleman Dr.	(408) 809-8412	Nicholas Vazquez
10/18	JASON MURRAY	728 7 CITYNACK PL	(408) 858-8888	JASON MURRAY
10/18	WALTER HERNANDEZ	123 13th St OAKLAND CA	510-658-7148	WALTER HERNANDEZ
10/18	Fahim Rahman	656 N JACOBSON AVE	408-624-2882	Fahim Rahman
10/18	Joseluis Fernandez	408-772-2107	10270 Enfield Way	Joseluis Fernandez
10-18	MARCO RO	690-7977298	(408) 903-2020	MARCO RO
10-18	Michael Fre	33915 Holly Drive		Michael Fre
10-18	Agan			Agan
10/19	Christine DUMPO	346 Riverside Court	408-510-0063	Christine DUMPO
10-19	Joseph Olmaga	346 Riverside Ct.	408-650-4297	Joseph Olmaga
10-19	MICHAEL DANKIN	600 N. 2nd St 5th St at 5th St	408-849-8602	MICHAEL DANKIN
10/19	Abdi Abdi	815 Cambridge St	408-707-2567	Abdi Abdi
10/20	David Chen	815 Cambridge St	408-882-1982	David Chen
10/20	BESSIE			BESSIE
10/22	Art Serrano	228 N 10th St	408-500-1224	Art Serrano
10/21	TIMMY	2917 BETSY WAY	408-609-7423	TIMMY
10/21	Juan Pablo Chavez	678 N King Rd	(408) 724-2456	Juan Pablo Chavez
10/22	STELLA SERRANO	3467 GILA ST	408-916-7845	STELLA SERRANO
10-22	Antonio Lozano	1952 Greenwood B, SJ CA 95133	408-431-8311	Antonio Lozano
10-22	James Jones	601 N King Rd 95133	510-290-1218	James Jones
10-22	Alex C. H.	500 E. 1st St	330-503-1111	Alex C. H.
10-22	Michael Nguyen	12450 Mabury Rd. 95133	(408) 674-1546	Michael Nguyen
10-22	Jake Miller	280 Birch Dr San Jose	847-708-9248	Jake Miller
10-22	MARCO RAMIREZ	2966 P. E. Woodward Dr	408-726-9917	MARCO RAMIREZ

788 N KING RD. SAN JOSE, CA 95133

[illegible]

MABURY MARKET

788 N KING RD. SAN JOSE, CA 95133

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10/22/19	Joyce McEuen	412 N. King Road 95133		JMcEuen
10/22/19	Adriana Mota	Adriana Mota		Adriana Mota
10/22/19	Ricardo Rivas	Ricardo Rivas		Ricardo Rivas
10-22-19	OMAR AGUILO	1515 LA VONNE AVE	408 725 2507	OMAR AGUILO
10-22-19	Richard Linan	3175 GALTAIN DR S.J. CA		Richard Linan
10-22-19	JOE BEN	224 E 15 ST. OAKLAND	21	JOE BEN
10-23				
10-25-19	Michael Garcia	3202 Mabury Ave		Michael Garcia
10/24	Enca Thompson	2730 Park Dr		Enca Thompson
10/24	James Uichen	565 Martin Ct		James Uichen
10-24-29	VICTOR SOLIS	1410 Conder Av. San Jose	408 768 4539	VICTOR SOLIS
10-24	Prasad M	54 Heathst Milpitas		Prasad M
10-24	LYLE THOMASIN	733 Oakman2 St		LYLE THOMASIN
10-24	CONRAD RAMIREZ	3383 GOLF DRIVE SAN JOSE	408 834 5454	CONRAD RAMIREZ
10-24	Hector Ruiz	108 E St. SJ		Hector Ruiz
10-29-19	Samantha Rivera	577 DYNIA DR. SJ. 95131		Samantha Rivera
10-29-19	John (Javier)	3180 Modred Dr.		John (Javier)
10-29-19	Ivan Franco	1520 F Capitol Expy SJC	(408) 707-0782	Ivan Franco
10-29-19	Rosario Quanya	619 Glenine Dr.		Rosario Quanya
10-29	John Perez	505 ALDINE W 07		John Perez
10-29	John P	517 -		John P
10/29/19	Daniel G	515 Williams St		Daniel G
10-29-19	Nicolas Chavez	284 Picking Pl SJ 95136	408-886-1794	Nicolas Chavez
10-30-19	Richard Cruz	80 S MARKET ST. SJ CA	408-2790	Richard Cruz
10-30-2019	JOHN S	1687 PARRUCH CIR. SJ, 95133	408 648-6071	JOHN S
10-30-19	Julia Tran	1502 Miller Ave. San Jose CA 95129	408 577-2949	Julia Tran



9.42

**MABURY MARKET**  
**788 N KING RD. SAN JOSE, CA 95133**

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
10/25	Carlos Rodriguez	1460 Mabury Rd 95133	(510) 240-2469	
10/25	Joseph Ortega	1932 Clayton Rd 95127	(408) 744-4661	
10/25	David Flores	678 N King Rd 95133	(408) 401-8032	
10/26	Wm O'Neil	2030 Pomeroy Ct 95131	408 685 3386	
10/26	JAMES ROBINSON	1700 NEWBURY PARK DR	720 469, 9157	
10/27	ROGER CARDIEL	899 N KING RD	450 669 0953	
10/27	Babain D. Martinez	Mabury Sq		
10/27	Danny Bernal	Mabury Rd.	559-731-3852	
10/31	Carlos Sanitez	Mabury RD.	910 415 4042	
11-11-19	Rosa Torres	4373 Blackford		
11/11	EDGAR CHU	1700 NEWBURY PARK DR. 95133	310 727 5826	
11/12	Mohby Nunez	1918 Lido Way S.	409-240-5049	
11/2	ALONSO CAZANGES	1175 EAST SAN ANTONIO		
11/2	Thomas Lee	1900 Paez Way	(408) 377-4873	
11/2	Rolando Kato	523 Peltier Rd. A San Jose	408-889-9998	
11/2	Blanca Pardo	395 Mabury Rd. S. 95133	408 525 5734	
11/2	Mark P. Gorman	1961 Mabury Circle San Jose, 95133	(408) 421-1441	
11/2	Wm Rodriguez	1666 Lehigh Dr.	(408) 802-5229	
11/3	Fatima Iliya	541 Westlake Dr.	(408) 881-2928	
11/4	Brandon Brooks	11300 Garbino Way N.	(903) 324-7474	
11/4	Karen Escobar	270 La Palca Drive San Jose CA	(510) 557-4255	
11/4/10	MELISSA STEPHAN	238 DARNELL CT SAN JOSE	408-301-0414	
11/4/10	Michaela Rojas	3572 Millicent Ct	408 896 4739	
11-4-14	TOMY CAMACHO	1405 HURMINGHAM WAY	408-450-9885	
11-4-14	Austin Foster	1460 Mabury	650-880-8117	
11-4-14	Paul Gatt	880 Mabury Rd	793-5068	

*for 46*

**MABURY MARKET**

**788 N KING RD. SAN JOSE, CA 95133**

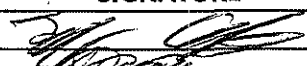
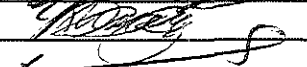

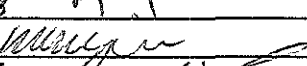
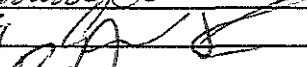

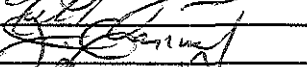
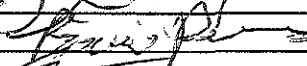



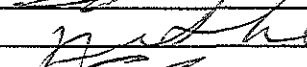
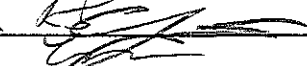

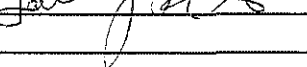


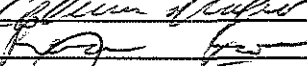
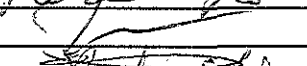
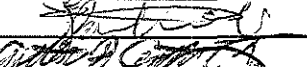


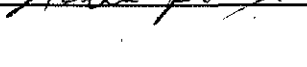




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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
11/5/19	Dany Hoi Hoang	1700 Newbury Park Dr Apt 352	415 225 4683	[Signature]
11/06/19	Rohit Sandhu	641 Ken Fess Rd.	408 7569-2000	[Signature]
11/06/19	YOSMAY MENDOZA	1700 Newbury Park	408 791 3121	[Signature]
11/06/19	Luis Mendez	1700 Newbury Park	408 791 3121	[Signature]
11/06/19	Chen Chen	1700 Newbury Park	408 7502-0729	[Signature]
11/7/19	Charlie Leers	12360 Mabury Rd. 95133	669 285 8457	[Signature]
11/7/19	Jim Shalath	1455 Lihigh	408 618 0812	[Signature]
11/7/19	Irene Bergara	165 SAN FERNANDO ST ST 95112	510 203 8464	[Signature]
11/7/19	Ricardo Rojas	12440 Mabury rd	408 1332-2901	[Signature]
11/8/19	Steele Chance	1717 Newbury park Dr	(669) 213-8602	[Signature]
11/8/19	[Signature]	678 N. King RD	669 288 1432	[Signature]
11/9/19	Julia Santos	1000 Undaun Dr	510-2100-7555	[Signature]
11/9/19	Amos Corral	100 1103 Sparkane dr San Jose	669-238-7270	[Signature]
11/9	KLITHI MATHESH	1700 Newbury Park dr.		[Signature]
11/9	Euzenne Brin	1700 Newbury Park dr.		[Signature]
11/9	Susan Garcia	544 Battie way	408 469 4500	[Signature]
11/9	Luis Moya	1249 Mabury rd.	408 821-3545	[Signature]
11/9	Susan R. J.	1249 Mabury Rd.	408 756 8119	[Signature]
11/9	Rosie Moya	1249 N. Jackson Ave.	408 456 7824	[Signature]
11-9	Paul Venegas	3196 Gaurin Dr	408-230-6536	[Signature]
11-9	Rafael	3196 Gaurin Dr	408 201 8296	[Signature]
11-9	Andrew Rivera	678 N. King Rd	408 544 1759	[Signature]
11-9	Alex Sandoval	1055 N Capitol Ave	(669) 274-9043	[Signature]
11-9-19	William Chase	1201 Canyon Creek Dr	408 509 5800	[Signature]
11-9-19	Jenny Smith	678 N King RD #231	(408) 713 0732	[Signature]
11-10-19	Justine Polanco			[Signature]
	Fredy Cortes			[Signature]

# MABURY MARKET

788 N KING RD. SAN JOSE, CA 95133

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
11/10/19	Freddy Cortez	678 N King Rd.	408-549-6150	
11/10/19	David Ramirez	67 N. Jackson Ave.	(669) 206-8195	
11/10/19	Fast Sam	12490 mabury rd	408-217-4020	
11/10/19	Ruby Turner	678 N. King	408-589-9800	
11/10/19	Monica Ruiz	Mabury Rd	408-775-7645	
11/11/19	Cassandra Soto	678 N. King Rd	408-476-4466	
11/11/19	Nicholas Rodriguez	1705 View Dr. Milpitas CA	408-944-2726	
11-12-19	TEO LEE	880 MABURY RD	702-246-4119	
11/12/19	Jim Garenac	P.O BOX 13033 Coyte, CA	669-207-6715	
11-12-19	Kosaku Perez	12490 Mabury Rd	408-661-8238	
11/12/19	W. Kancian	1205 COYC Cms Pr	408-509-5801	
11/12/19	Lashonda Struss	707 Creekland Circle San Jose CA 95133	(408) 916-6266	
11/12/19	Sally Chazara	1501 Grand Ave 92113	-	
11/12/19	Sulib Gumpor	1501 Grand Ave 92113	-	
11/12/19	Bertha O.	12490 Mabury Rd	408-648-6347	
11/13/19	AFRORO BETANCUR	845 TAYLOR ST.	(408) 807-0352	
11/13/19	Isabel Hln	12490 Mabury Rd	(408) 97-5742	
11/14/19	James Ford	N. King Rd. 678	(650) 660-8335	
11/14/19	Pamela Cadez	2567 Journal Rd	-	
11/15/19	Kassandra Para	2366 S. King Rd	-	
11/15/19	Richard Reyes	755 N. King	559-307-6622	
11/16/19	Adriana Montoya	12490 mabury rd	408-307-1601	
11/16/19	Ricardo Rivas	12490 mabury rd	332-1901	
11/16/19	Jason Matau	1700 Newbury Park Dr	408-210-4163	
11/16/19	Deep Ancholi	1708 LORENT TER	415-508-7162	
11/17/19	Arthur E. Capillo Jr.	328 N 5th	408-250-7652	
11/17/19	Erica Benert	1744 Creech Stae CR.	(559) 761-9973	
11-18-19	Andrew Ribera	453 Duffin Dr.	831 313 7445	

MABURY MARKET

788 N KING RD. SAN JOSE, CA 95133

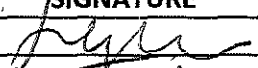
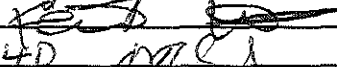
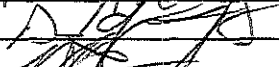
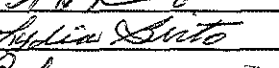
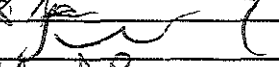


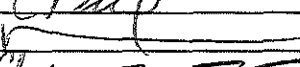
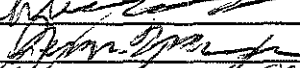

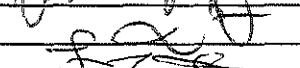

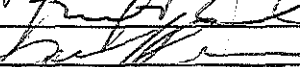

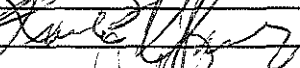





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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
11-18-17	BRIAN HARDEN	1968 DONDRAE CT ST	408 574 0605	[Signature]
11-19-19	Fernando Espinosa	1700 Newbury Park Dr. Apt 174	869 232 3231	[Signature]
11-19-19	Egor Yuz	720 HARTISAW ST	408-475-5635	[Signature]
11-22-19	MICHAEL RUZAN	679 BLACKBURY LN.	201-741-3901	[Signature]
11-23-19	Dominic Helovera	1771 Newbury park dr	408-210-9039	[Signature]
	MARCUS DRAKE	18442 Marbury Ave	510-650-7321	[Signature]
11/25/19	Nathan Simeet	2000 Monterrey Rd	408/12149-7625	[Signature]
11/27/19	ANDREA HDER	16321 ATTENE DR	408/499-2022	[Signature]
11/28/19	Frysdal Stan	1700 Newbury Park Pr.	813 585 2400	[Signature]
11/29/19	ALVARO MAGANA	12330 Mabury Rd	408 836-4783	[Signature]
11/29/19	Frank T...	679 N K Rob - A222	408-500-6072	[Signature]
11/30/19	GEORGE JIMENEZ	2600 MELINDA AV ST CA	408 466 4047	[Signature]
11/30/19	Brian Quintanilla	1645 Mabury Rd	408 204 6023	[Signature]
11/30/19	Erica Pagan	1645 Mabury Rd	408 782 0400	[Signature]
12-1-19	Edvard Delgado	750 N. 23rd St	408 526-5349	[Signature]
12/3/19	Hena Glover	193 East San Fernando St	408 818 8332	[Signature]
12/3/19	Daniel Ng	231 Brown Landing Rd	408-878-5329	[Signature]
12/3/19	PICARDO R.	SAN JOSE CA 95132	408-348-7785	[Signature]
12-3-19	Ivan Amezcua	San Jose 95133	408-717-3520	[Signature]
12-3-19	Sandra Frausto	598. 9 Street Apt #1 San Jose	(408) 706-3680	[Signature]
12-4-19	BENJ THOMAS	919 Lindy Ave Apt # 101	408-887-2603	[Signature]
12/4/19	Brian Guzman	14 Clareview Ave ST CA	(408) 299-910-8320	[Signature]
12/4/19	Edgar Ochoa	14 Clareview Ave ST, CA	(408) 839-0895	[Signature]
12/6/19	Sylvia Rosillo	1725 Pine Hollow Cir 95133	408 509-8661	[Signature]
12/6/19	JOHN MARTINEZ	891 W KING RD #1309 95133	408 807 7772	[Signature]
	Benzamin N...	137 pre N Githen ct	(202) 809-8178	[Signature]

# MABURY MARKET

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
12-10-19	LY VU	<del>642 N King Rd</del>	669 228 3313	
12-10-19	Kevin Huynh	1025 Calumet Ct	408 394 0014	
12/10/19	LI NGUYEN	1777 Newbury	408-903-5340	
12/10/19	DAVID JENNINGS	1890 SLATE PL	408-594-4866	
12/10/19	Waco Afeworki	1590 Mission Springs Ct	408 334 3251	
12/10/19	L. Brito	678 King Rd. S J 95133		
12-14-19	S. Ganhur	456 Taylor Ave		
12-14-19	JAGWINTERSEN	1515 MARKURG WH FL 5A16	408 786 8202	
12-15-19	Nick R. Bailey	1744 CREEKSTONE CIR.	408 310 3777	
12-15-19	Manuel Mase	741 Creekside Cir.	775 742 6305	
12-16-19	José Mascareño	60 Clodie Way.		
12-17-19	Machine Nasty	1122 Hallwood	1000 210 7115	
12/19/19	ROBERT ALVAREZ	943 LUNDY AVE #306 SJ 95133		
12-20/19	Charles Kennedy	475 Dover Way #17 Campbell	408-525-6487	
11-20/2019	Dennis M. Stolar	699 P Wh. Ct S J 95133	408 600 4851	
12-20/19	Nicole M. Mader	678 N King Rd #208 SJ 95133	669 211 3792	
12/20/19	Shirley Sharp	525 Vera Linn Ave, CA 95111	408-246-8552	
12/21	USCI HOI	beachman & melli	408 600 7420	
12/21	Frank H	431 Linden Ave	(408) 772 2121	
12/21	Destiny Chavez	2085 McCaughlin Ave #312	(408) 217-3396	
12/21	Kutrie Lidocoxop	651 Blackbury Lane	517 943 3858	
12/21	Daniel Ferreira	750 King road 951??		
12/26	Silvia Canela	700 N 23rd St #9 SJ 95112		
12/29/19	Ken Truong	677 Marking San Jose	408 221 7565	
12/30/19	Kathleen Martin	111 Codomo Dr Boro Ann		
12/30/19	Franklin Lian	678 N King Rd. 222		
1/1/20	Peaches Gaines	2530 Berryessa Rd #101	(408) (710) 910 5820	

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DATE	NAME	ADDRESS	PHONE #	SIGNATURE
1-2-20	Rey Romo	630 N. Jackson Ave	(408) 401-7250	
1-2-20	Shelly Hull	1089 Pala Ranch Circle	908 427 2295	Shelly Hull
1-4-20	Richard Gomez	1130 Stachard Circle	669-235-6974	Richard Gomez
1-4-20	Christopher Garcia	725 Creekland Ave	408-949-	Christopher Garcia
1-15/20	DAVID BELLORE	330 Checkers Dr	408 702-7331	David Bellore
1/4/20	RICHARD TRIPP	1529 Briggsboro Ct	408 712 1226	Richard Tripp
1/4/20	Rosa Alaban	899 N. King Rd	(408) 614-5236	Rosa Alaban
1/4/20	Steve FLORES	550 N King Rd	408 394 8548	Steve Flores
1/5/20	Jeremy Cortez	628 N King Rd #110	408 401 8140	Jeremy Cortez
1/5/20	Manuel Segueda	156 N KING ROAD	408 644 4230	Manuel Segueda
1/7/20	Daniel Torres	956 Gerard Way	408 759 9055	Daniel Torres
1/7/20	Noel Castillo	2236 Gateland Ct	669 251 3804	Noel Castillo
1/7	SHERYL	123 SQUARE HAVEN CT	(408) 655 7706	Sheryl
1/7	MY LOI	1015 MARYBURY RD 95133	669 293 9111	My Loi
1/8	SELS	108 LESTER AVE		Sels
1/8/20	MOLISSA SPONZA	22318 TAMPICCT	669 271 0471	Molissa Sponza
1/8/20	Ricardo Loya	628 N. King Rd San Jose	408 344-2444	Ricardo Loya
1/8/20	Jose Martinez	1319 TRIPP AVE 95116	408 272-8012	Jose Martinez
1/8/20	Francisco Loya	1512 TRIPP AVE 95116	408 310-1131	Francisco Loya
1/8/20	George Mora	587 Avalon Ave 95133	(408) 279-1218	George Mora
1/8/20	Alex Galindo	587 Avalon Ave 95133	408 318-9182	Alex Galindo
1/8/20	Robert Moya	1777 NEW LAMPY PARK DR 95133	(408) 316 9008	Robert Moya
1/8/20	Brandy Cisneros	750 N King Rd	408 502 0672	Brandy Cisneros
1/8/20	Juan Sebastian	672 Grand Ave LB 95110	408 822 4329	Juan Sebastian
1/8/20	Amalia			Amalia
1/8/20	Larry White	1846 3RD AVE #17 OAKLAND CA	510 277-7275	Larry White
1/8/20	Francisco Escalante	168 Mabury Rd	408 792 6234	Francisco Escalante