

RULES COMMITTEE: 10/11/2023
Item: B.1
File ID: ROGC 23-358



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
September 28 – October 5, 2023

DATE: October 11, 2023

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

1. Letter from Jesus Flores, dated September 28, 2023, regarding: Reconsideration Request for Liquor License Approval at 1484 South White Road (CP22-024 & ER22-187).
2. Letter from Emmanuel Abello (LAFCO), dated October 2, 2023, regarding: Supplemental Information No. 1 - Agenda for October 4th LAFCO Meeting.
3. Letter from Jordan Moldow, dated October 3, 2023, regarding: Public Comment - Jordan Moldow 95112 - 10/3/2023 Council Public Comment.
4. Letter from Blair Beekman, dated October 5, 2023, regarding: Blair Beekman... Oct. 9-13. RaOG. Rules and Open Government cmte. Public Record.

Toni J. Taber, CMC
City Clerk

Reconsideration Request for Liquor License Approval at 1484 South White Road (CP22-024 & ER22-187)

Thu 9/28/2023 3:32 PM

To: Planning Commission 6 <PlanningCom6@sanjoseca.gov>; Planning Commission 5 <PlanningCom5@sanjoseca.gov>; Planning Commission 9 <PlanningCom9@sanjoseca.gov>; Planning Commission 8 <PlanningCom8@sanjoseca.gov>; Planning Commission CW <PlanningComCW@sanjoseca.gov>; Planning Commission 3 <PlanningCom3@sanjoseca.gov>; Planning Commission 4 <PlanningCom4@sanjoseca.gov>; Planning Commission 2 <PlanningCom2@sanjoseca.gov>; Planning Commission 7 <PlanningCom7@sanjoseca.gov>; Planning Commission 1 <PlanningCom1@sanjoseca.gov>; Planning Commission 10 <PlanningCom10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Cc: Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Garcia, Sara <Sara.Garcia@sanjoseca.gov>; Sandoval, Vanessa <vanessa.sandoval@sanjoseca.gov>; Arreola, Kiara <Kiara.Arreola@sanjoseca.gov>; Nguyen, Lam <Lam.Nguyen@sanjoseca.gov>; Madero, Angel <Angel.Madero@sanjoseca.gov>; Ruiz, Kimberly <Kimberly.Ruiz@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; Hughes, Scott <scott.hughes@sanjoseca.gov>; Adera, Teddy <Teddy.Adera@sanjoseca.gov>

📎 1 attachments (142 KB)

Reconsideration Request for Liquor License Approval at 1484 South White Road (CP22-024 ^0 ER22-187).pdf;

You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Planning Commission of San Jose City Hall, 200 East Santa Clara Street San Jose, CA 95113

Reconsideration Request for Liquor License Approval at 1484 South White Road (CP22-024 & ER22-187)

Dear Members of the Planning Commission:

I am writing to express my deep concerns regarding the recent approval of a Liquor License under reference CP22-024 & ER22-187 for the location at 1484 South White Road.

Before delving into my concerns, I would like to emphasize that while I serve as the President and CEO of the Latino Business Foundation of Silicon Valley, the views expressed in this letter are solely my own as a long-standing resident of East San Jose and as a parent of children attending nearby schools.

Having been a committed advocate for small businesses since 1998, I greatly appreciate and support the entrepreneurial spirit. New small businesses often rejuvenate communities, making them more thriving,

walkable, and attractive. The recent decision by the owners to open a grocery store at this location was welcomed by many, and their commitment to serving our community is commendable.

However, the approval to allow this specific establishment to sell alcohol has left many of us deeply unsettled, particularly considering the troubled history associated with the previous tenants and **its proximity to Mount Pleasant High School, which is only a mere 6-minute walking distance.**

Furthermore, to call things as they truly are, it appears this establishment will function primarily as a liquor store that also sells groceries, rather than the other way around.

This site, as many residents can attest, has historically been a hotspot for negative activities. It's been the preferred "hangout" for underage drinking, especially for students from the nearby Mount Pleasant High School. The location has seen numerous incidents in the past, from drunk driving to public disturbances, a result of the unsupervised sale of alcohol.

The previous owner's loss of their liquor license was a relief for the community, and it's disheartening to see the potential return of these challenges.

During the hearing, the community's voice was undeniably against the approval of this liquor license. Other than the applicant, no one voiced support for the license. Many community members, both online and in-person, asked the commission to reject the application, sharing numerous incidents and problems associated with the location's past.

I found it alarming to learn that the applicant's security plan is based on a ratio of one security personnel for every 10 patrons. **Drawing parallels between this establishment and a nightclub, as expressed by the applicant's consultant, should have raised serious concerns.** The mere need for such heightened security suggests a recognition of the potential problems their alcohol sales could cause.

I say this with the utmost respect: If the commission had full visibility into the location's past and the profound implications of reintroducing alcohol sales there, I believe a different decision might have been reached. I earnestly urge the honorable Planning Commission to reconsider this decision.

Please conduct a more in-depth investigation into the history and implications of allowing liquor sales at this location.

I understand that the Planning Commission faces numerous complex decisions daily. My intention is not to criticize but to advocate for a safer and more secure community for our children and residents. Please consider the broader implications and potential consequences of this license approval.

Thank you for your time and consideration.

Warm regards,

Jesus

Jesus Flores

East San Jose Resident



Jesus Flores



September 28, 2023

Planning Commission of San Jose City Hall, 200 East Santa Clara Street San Jose, CA 95113

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Thank you for your time and consideration.

Warm regards,

A solid black rectangular box redacting the signature of Jesus Flores.

Jesus Flores
East San Jose Resident

Supplemental Information No. 1 - Agenda for October 4th LAFCO Meeting

Abello, Emmanuel <[REDACTED]>

Mon 10/2/2023 1:56 PM

[External Email]

The following supplemental information has been added to the October 4th LAFCO Meeting Agenda:

- **Supplemental Information No. 1** – Agenda Item # 5: Countywide Fire Service Review - Replacing Attachment C of the staff report in order to show the comments made by Daniel Pistor, City of Sunnyvale, dated September 18, 2023, and the consultant's responses (pages 37 to 75 of the agenda packet).

The agenda and related materials, including the above supplemental information, can be viewed online at:

<https://santaclaralafco.org/meetings/commission-meeting-2023-10-04-201500>

Thank you,

Emmanuel Abello

Associate Analyst, LAFCO of Santa Clara County

[REDACTED] | Twitter: [@SantaClaraLAFCO](https://twitter.com/SantaClaraLAFCO) | www.SantaClaraLAFCO.org

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Public Comment - Jordan Moldow 95112 - 10/3/2023 Council Public Comment

Jordan Moldow <[REDACTED]>

Tue 10/3/2023 6:02 PM

To:City Clerk <city.clerk@sanjoseca.gov>;CouncilMeeting <CouncilMeeting@sanjoseca.gov>

[External Email]

Thank you for supporting remote public comment, and for allowing the full 2-minutes, even during the very long budget discussion a few weeks ago. Appreciate the moderators.

I do hope that, despite the distressing disruptions today, that you will continue to offer remote public comments. It is a great accessibility tool for those who are not able to attend in person, which during the workday is many people.

Please make it easier for citizens to understand the order that agenda items will be heard from. People who aren't used to the legalese won't know to search for "Will be heard before" to understand the true order of the agenda. It would be great if the agenda had an easy way to see the true ordering of items.

Consider emphasizing active transportation and public transportation, for San Pedro and other city locations. There are very prominent ads for ParkSJ free parking for 90 minutes, but comparatively very little for other modes. This weekend I biked to San Pedro and used the BikeLink secure lockers in San Pedro, and then walked to the Little Italy festival, it was great. BikeLink also has free parking initially, and then cents per hour long-term. Hopefully more of those can be installed everywhere, and advertise them more.

Thank you,
Jordan Moldow
District 3
95112

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Blair Beekman.. ...Oct. 9-13. RaOG. Rules and Open Government cmte. Public Record.

b. beekman <[REDACTED]>

Thu 10/5/2023 10:31 AM

To:Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>;Taber, Toni <toni.taber@sanjoseca.gov>

[External Email]

Dear San Jose city govt, and community,

I missed being able to speak, at Open Forum, at Rules and Open Govt, October 4. 2023.

To offer my public comment, at this time, for the Public Record.

It was decided at RaOG, October 4, at the SJ city council, October 17, 2023 - that Item 4.1, public comment, will be limited, to 1 minute. And overall public comment, on the item, will be limited, to 30 mins.

Can I make the suggestion, to continue to allow public comment, for item 4.1, at Open Forum time, at the end of the city council meeting. for 1 minute. And if you are in an especially good mood, the regular 2 mins, of public comment, would be helpful.

There will probably not be, as many people remaining, to speak on item 4.1, at the end of the meeting. But offering, continued public comment, for item 4.1, at Open Forum time, is an important, goodwill gesture. And, at 1 minute each, for public comment time, their portion of Open Forum, may take, only 10-15 mins. Or perhaps, not much longer, than 30-45 minutes.

The end of a city council meeting, and Open Forum, is a time of less pressure. And that city council, should be available to listen, if people will want their voices heard, on the issue. Much like, how the VTA practices, its open forum time, if needed, at the beginning, and at the end, of a VTA Board of Directors public meeting.

In combination, with regular open forum public comment, i hope SJ city govt, can plan for, at least, an additional 30-60 mins, of Open Forum time, at the end, of the October 17, city council meeting. And to hear remaining public comment, for item 4.1.

To comment on items, 2.11 & 4.1, from the SJ city council meeting, of October 3, 2023.

These are two items, that addressed the future, of predictive policing, as how to better address, the future of recidivism, people missing court dates, and perhaps, as ways to better address, internal issues within the SJP, as well.

From this, there was simply, a lot of good, decent, public comment, from Silicon Valley Debug, among others, that well-described, there is a problem. And that, there needs to be ways, to better address, San Jose jail recidivism issues. And people, who are supposed to return, for a court appearance.

I think it made an impression. And that will have to be better addressed.

I think working with, city manager Angel Rios, and the work he does, with Pancho Guervera, and Pancho's group efforts, towards SJP public oversight, along with Silicon Valley De-Bug, can offer some important questions & improvements, to the initial jail recidivism ideas, of Mayor Mahan and SJP.

I think Santa Clara County Board of Supervisors, in the past few years, have possibly developed, some really important, good work, with mental health housing, shelters, counseling, and institutionalization concepts.

From an initial, uncomfortable, conservative position, in starting this dialogue - Santa Clara County Board of Supervisors, are learning to find, a better balance, of more progressive, human rights ideals, in how to develop, their current mental health questions & concerns.

It is from this, I hope San Jose. at this time, will also be wanting to consider ideas, of how to work towards, a better balance, of human rights, reimagine, and health & human services, to address jail recidivism issues.

To write a bit more, about items,, 2.11 & 4.1, that were approved, at the SJ city council meeting, Oct. 3,

SJP, and city council, both talked about how these apps, could better address, internal SJP issues. But they could not, more openly talk about, that these new, predictive policing apps, are also data collection tools, that are meant to track persons, who are a part of, the incarceration system. And to even help track persons, in the use of ALPR technology, as well.

There is simply a new system, of data collection, and surveillance technology, that is starting to go to work, in local communities, We need to have open conversations about this. And that, there is a wide range of new tech uses & purposes, with the items, that really needs to be more openly discussed, at the public meeting process. Open dialogue. should be welcomed & not feared, on the use & purpose, of community surveillance technology, when it is agendized, for the public meeting process.

I have a very specific point this fall, to make very clear, that in the public meeting process - We need to learn to trust, that it can be safe, to have more open, honest conversations, and to not fear, to more clearly describe- how our surveillance & data collection technology & practices, will actually be functioning, within a community.

Victor Sin of Silicon Valley ACLU, and his work, with the privacy & civil protections concerns, in new community surveillance & data collection technology, maybe a good addition, to the work of Angel Rios, Pancho Rivera, and Silicon Valley Debug, at this time, to help address, a better balance, of a more open, progressive set of ideas & ways, to address recidivism issues, for the future of San Jose.

And ways, to much better help address, the future of reimagine, and health & human services, before more jail & more police.

To conclude this letter - San Jose is considering to build, a municipal energy company, for a few, large industrial facilities, in North San Jose. It seems this project, is also meant to help, as ways to develop years of planning, for a more, downsized, yet well-focused future, for PG&E.

We are simply trying to build, a more sustainable good future, with the practices, of more open participatory, community process, in the future, of local community energy, I worry, there can become, some serious conflicts of interest, within San Jose City govt depts, with the ideas of a specialized, San Jose municipal energy.

. I worry there will be, continued conflicts, between, a very high powered, and very questionable agency, like PG&E, compared to the needs & concerns of building, a friendly, dependable, local community energy future, with much public input & participation.

There were some incredibly important studies done, within the East Bay Municipal Utility District, EBMUD, about the future of local community energy programs, for the San Francisco Bay Area, from at least, the 1990s, to about 2015, if not earlier.

It simply helped set the standard,, in how the future of local community energy will function, in the Bay Area. There should be, a wide range of study material from this time. It should be available to yourselves, as good research & review.

And it can possibly be of help, for better decisions, in how San Jose, can better understand, well intentioned, local community energy practices, municipal power applications, and in what to consider, in downsizing the future of PG&E.

I think it will be important to view this issue, from well intentioned, local community energy practices & perspectives. And as ways, that can help address & mitigate, future issues of conflict between, what may be, two major energy sources, for the future of San Jose.

Of course, as always, this asks the question, if we should again go through, with propping up, a major new corporate project, when we will simply building it off of, the incredibly good practices, of smaller, familiar, more organic ideas. As smaller, more organic systems, is a future, large city govts & political systems, simply need to better consider, more often, at this time, in our human history.

sincerely,
blair beekman

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