m | r | wolfe
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attorneys-at-law

September 11, 2017

By E-Mail
Acknowledgement of Receipt Requested

Honorable Mayor and City Council
City of San Jose
c/o City Clerk
200 E. Santa Clara Street
San Jose, CA 95113
Email: cityclerk@sanjoseca.gov

RE: Conditional Use Permit and Determination of Public Convenience or Necessity for Alcohol Sales – Commercial/Retail Development at 320 Race St (File Nos. CP17-005 and ABC17-002)

Dear Mayor Liccardo and City Councilmembers:

On behalf of San Jose residents Janice Nelson, Hector Moreno, and Michael Madeiros, this is to formally object, on the record, to the issuance of the above-referenced conditional use permit (CUP) and determination of public convenience and necessity (DPCN) for the proposed Smart & Final grocery store at West San Carlos and Race Streets in San Jose (Project). We previously submitted written objections to these entitlements to the Planning Commission, by letter dated August 22, 2017. That letter is included in your meeting agenda packets for this item, and we incorporate its contents by reference here.

We have reviewed the August 28, 2017 staff report, and find nothing that adequately addresses or rebuts the factual and legal arguments presented in our August 22 letter. The record before you still does not contain substantial evidence to support the findings necessary to issue a CUP under Section 20.100.720.A.4. of the San Jose Zoning Ordinance, or the to grant a DPCN under Section 6.84.030 of the Municipal Code. For this reason, the City Council should deny issuance of the CUP and DPCN for the project.

Thank you for your consideration of these concerns.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



Mark R. Wolfe

MRW:
cc: John Tu (by email)