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**FW: CPA16-005-01 Public Correspondence**

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**From** City Clerk <city.clerk@sanjoseca.gov>

**Date** Fri 10/3/2025 4:01 PM

**To** Agendadesk <Agendadesk@sanjoseca.gov>

 11 attachments (1 MB)


Email 1.pdf; Email 2.pdf; Email 3.pdf; Email 4.pdf; Email 5.pdf; Email 6.pdf; Email 7.pdf; Email 8.pdf; Email 9.pdf; Email 10.pdf; Fuze CUP public feedback Applicant Response.pdf;

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**From:** Shah, Rina <Rina.Shah@sanjoseca.gov>

**Sent:** Friday, October 3, 2025 2:49 PM

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

**Cc:** Atienza, Manuel 

**Subject:** Re: CPA16-005-01 Public Correspondence

Hello:

Please see the attached public correspondence emails received from the general public for this project. I have also attached Fuze's (applicant's) response letter.

Please include these with the Council packet.

Please let me know if you have any questions.

Thanks,



**Rina Shah, Planner**

[Planning Division](#)

200 E. Santa Clara St. - 3rd FL | San José, CA 95113

**408.535.7835** | [rina.shah@sanjoseca.gov](mailto:rina.shah@sanjoseca.gov)

[www.sanjoseca.gov/PBCE](http://www.sanjoseca.gov/PBCE)

**From:** Nicole Bodene [REDACTED]  
**Sent:** Wednesday, October 1, 2025 8:41 AM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** Opposition to Fuze Bar & Grill Permit Amendment – Case Nos. CPA16-005-01 & ER25-125

Dear San José City Council,  
Attn: Rina Shah

My name is **Nicole Bodene**, and I am a resident [REDACTED] near Fuze Bar & Grill. I am writing to formally oppose the requested permit amendment for Fuze Bar & Grill (Case Nos. CPA16-005-01 & ER25-125), specifically **Point 4**, which proposes removing the existing restriction on amplified music after 10:00 p.m. and extending music hours until 2:00 a.m.

As a resident directly impacted by this establishment, I strongly urge the Council to deny this amendment based on the following:

1. **Documented Noise Violations:** On multiple occasions, music from Fuze Bar & Grill has exceeded **87+ decibels after 10:00 p.m.** This is well above acceptable limits under **San José Municipal Code Chapter 20.40.600**, which restricts noise in residential areas during nighttime hours to protect residents' health and peace. The bass is so strong it causes windows to vibrate in nearby residences, creating a highly disruptive and unhealthy living environment.
2. **Family & Child Well-Being:** The excessive noise and inappropriate music directly obstruct my family's ability to enjoy our community spaces. We cannot safely or comfortably be outside with our toddler due to the constant blaring of music—often with lyrics inappropriate for a two-year-old—being blasted into the shared outdoor areas. The **American Academy of Pediatrics** and **EPA noise guidelines** both emphasize that prolonged noise exposure can be harmful to young children, disrupting sleep, learning, and development. Extending music until 2:00 a.m. would only intensify these harms.
3. **Community Disruption & Safety Concerns:** The late-night disturbances already attract unsafe behavior around the property. Residents have repeatedly reported issues with loitering, intoxicated patrons, and disorderly conduct, which pose risks to neighborhood safety and are incompatible with maintaining a livable residential environment.
4. **Track Record of Non-Compliance:** Fuze Bar & Grill has consistently ignored community complaints and has failed to comply with existing permit conditions. Granting additional privileges despite this pattern undermines the purpose of the City's permitting process and sends the wrong message to other businesses.

For these reasons, it is clear that extending music until 2:00 a.m. would be **devastating for Globe residents** and directly conflict with both **San José's municipal noise regulations** and the City's stated commitments to public health, safety, and family-friendly neighborhoods.

I respectfully request that the City Council **deny the permit amendment in its entirety** and uphold the existing 10:00 p.m. music restriction.

Thank you for your consideration and for prioritizing the well-being of San José families and residents.

Sincerely,

Nicole Bodene

[REDACTED]

[REDACTED]

[REDACTED]

**From:** Ash A <[REDACTED]>  
**Sent:** Wednesday, October 1, 2025 8:45 AM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Subject:** Opposition to Permit Case CPA16-005-01 & ER25-125 for Fuze Extended Hours and Loud Music

Dear Ms. Rina Shah,

I am Ash Ahuja, a resident of Downtown San Jose living [REDACTED] of Fuze nightclub. I am writing to strongly oppose the permit request under case numbers CPA16-005-01 & ER25-125, specifically point four regarding the proposed extension of operating hours until 2 AM with blasting music.

Currently, Fuze consistently plays loud music well past their current licensed cutoff of 10 PM, often continuing late into the night, disturbing all nearby residents, including myself. The bass vibrations shake my entire condo windows facing 2nd Street, and it is impossible to open windows for fresh air due to the intolerable noise levels starting early evening and continuing beyond 10 PM today.

Despite numerous complaints delivered directly to Fuze, there has been no mitigation or respect for the community. The music is not just loud but amplified heavily in the brick alleyway between Fuze and residences, exacerbating the disturbance. Allowing them to operate until 2 AM with loud music would only exponentially increase the noise pollution and negatively impact the quality of life for residents who need rest and safety.

Furthermore, the history of Fuze includes ignoring resident concerns and incidents that raise serious safety and community well-being issues. Extending the hours would worsen public safety concerns in the area that already has rising violence linked to such establishments.

For the health, safety, and peace of the Downtown San Jose community, I urge the City Council to deny the request for extended hours and loud music under case numbers CPA16-005-01 & ER25-125.

Thank you for considering the wellbeing of your residents over the interests of one disruptive business.

Sincerely,

Ash Ahuja

Downtown San Jose Resident

**From:** Ivan Robertson [REDACTED]  
**Sent:** Tuesday, September 30, 2025 2:25 PM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Subject:** Strong Objection to Permit Amendment CPA16-005-01 & ER25-125 - Fuze Bar and Grill

Dear City Council Members & Rina

I am writing as President of The Globe Homeowners Association in Downtown San Jose to express our strong objection to the proposed Conditional Use Permit Amendment for Fuze Bar and Grill (File Nos. CPA16-005-01 & ER25-125) located at 58 S. 1st Street.

**Primary Objection: Point 4 of the Permit Amendment**

We are particularly opposed to Point 4, which seeks to remove the 10:00 p.m. music restriction and allow music until 2:00 a.m. This change would have devastating consequences for our residential community.

**Current Problems with Fuze Operations**

Even under current restrictions, Fuze has demonstrated a pattern of non-compliance:

- Regularly plays loud music past their licensed 10:00 p.m. cutoff
- Sound levels exceed 87 decibels after hours, causing windows to vibrate
- Music echoes in the brick alleyway directly into residential units
- DJ consistently screams into the microphone
- All resident complaints to management have been ignored
- Lowest-rated establishment on 1st Street (3 Yelp stars)
- History of attempting to remove negative reviews

**Impact on Residents**

Current violations already prevent residents from:

- Opening windows for fresh air due to excessive noise
- Getting adequate rest, especially on weeknights
- Enjoying peaceful use of their homes

Extending hours until 2:00 a.m. would severely worsen these impacts and prioritize a problematic business over the health and safety of our entire residential community.

**Request for Denial**

Given Fuze's documented pattern of violating current conditions and complete disregard for community concerns, we strongly urge the City Council to deny this permit amendment in its entirety.

If this establishment cannot operate responsibly under current restrictions, extending their hours would only exacerbate existing problems and set a dangerous precedent for downtown businesses.

Thank you for prioritizing the livability and safety of downtown residents.

Respectfully,

Ivan Robertson  
President, The Globe Homeowners Association  
Downtown San Jose, CA

**From:** Ajay Patel <[REDACTED]>  
**Sent:** Tuesday, September 30, 2025 8:59 PM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Subject:** Strong Objection to Permit Amendment CPA16-005-01 & ER25-125 - Fuze Bar and Grill

To: San Jose City Council  
Attention: Rina Shah, Planner  
From: Ajay Patel  
Date: September 30, 2025  
Subject: Strong Objection to Permit Amendment CPA16-005-01 & ER25-125 - Fuze Bar and Grill

Dear Honorable Mayor and City Council Members,

I am writing as a resident [REDACTED] San Jose to express my strong objection to the proposed Conditional Use Permit Amendment for Fuze Bar and Grill (File Nos. CPA16-005-01 & ER25-125) located at 58 S. 1st Street.

Primary Objection: Point 4 of the Permit Amendment

I am particularly opposed to Point 4 of the proposed amendment, which seeks to remove the condition that restricts playing music on the patio after 10:00 p.m. and allow music to be played until 2:00 a.m. This change would have devastating consequences for the residential community surrounding this establishment.

Documented Issues with Current Operations

Even under the current restricted hours, Fuze has consistently demonstrated a pattern of non-compliance and disregard for community standards:

Noise Violations:

- The establishment regularly plays loud music past their current licensed time of 10:00 p.m.
- Sound levels have been documented exceeding 87 decibels after 10:00 p.m., often extending until 11:30 or 11:45 p.m.
- The loud bass music causes windows in residential units to vibrate
- The DJ consistently screams into the microphone, adding to the noise disturbance

Community Impact:

- Residents cannot open windows for fresh air due to excessive noise levels

- Music echoes and is amplified in the brick alleyway, projecting directly into living spaces
- The loud music contributes to chaos and violence on 2nd Street by riling up bystanders
- Multiple complaints to Fuze management have been completely ignored

#### Poor Community Standing:

- Fuze is the lowest-rated establishment on 1st Street with only 3 Yelp stars
- The business has a documented history of attempting to remove negative Yelp reviews that highlight these issues

#### Safety and Management Concerns

The establishment's management has demonstrated concerning behavior, including:

- Confrontational interactions with neighboring business operators
- Apparent attempts to conceal incidents, including a fire in the adjacent parking lot
- Operating events during COVID-19 shutdowns when other businesses remained closed
- Complete disregard for resident concerns and complaints

#### Impact on Residential Livability

Extending music hours until 2:00 a.m. would:

- Severely impact residents' ability to rest before the work week
- Worsen existing noise pollution that already exceeds acceptable levels
- Increase safety concerns given the documented rise in violence in the downtown area
- Prioritize the interests of a single problematic business over the health and safety of the entire residential community

#### Request for Denial

Based on the establishment's documented pattern of non-compliance with current conditions, their disregard for community concerns, and the severe negative impact on residential livability, I strongly urge the City Council to deny this permit amendment in its entirety.

If Fuze cannot operate responsibly under current restrictions, extending their permitted hours and removing noise limitations would only exacerbate existing problems and further deteriorate the quality of life for downtown residents.

The approval of this amendment would set a dangerous precedent that businesses can operate with impunity at the expense of the residential community that calls downtown San Jose home.



Thank you for your time and consideration. I trust the City Council will prioritize the health, safety, and livability of our residential community over the commercial interests of an establishment with such a poor track record.

Respectfully,

Ajay Patel

[REDACTED]

Downtown San Jose, CA

Contact Information:

Rina Shah, Planner

Phone: (408) 535-7835

Email: [Rina.shah@sanjoseca.gov](mailto:Rina.shah@sanjoseca.gov)

Case Reference: CPA16-005-01 & ER25-125

**From:** kirkpennington [REDACTED]  
**Sent:** Wednesday, October 1, 2025 1:25 PM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Cc:** 'Jeremy Miller' [REDACTED]; 'Yama - The 88 Board of Directors' [REDACTED]; 'Chatan Charan' [REDACTED] >  
**Subject:** CUP revision 56 S First St. - Pennington

Hello Rina,

I live at [REDACTED]. I received your correspondence regarding the property at 58 S First St. requesting changes to its existing Conditional Use Permit. I have strong objection to music being played outdoors until 2am. The Fuz patio is less than a half a block from my building. We already have four restaurant and bars in that immediate area that violate noise ordinances on a regular basis. There has been absolutely no help or enforcement from the from the City of San Jose to help mitigate the current ongoing noise problems, including the Code Compliance Division, the Planning Department, and San Jose Police. One more outside venue will be intolerable for our residents. Please send the existing CUP and file for my review. Several people from my building will be at the Planning Commission meeting to object to these changes.

Kirk Pennington  
[REDACTED]

Voicemail: [REDACTED]

Text: [REDACTED]

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**From:** Rosalyn Lum [REDACTED]  
**Sent:** Wednesday, October 1, 2025 1:47 PM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Subject:** Strong Objection to Permit Amendment CPA16-005-01 & ER25-125 - Fuze Bar and Grill

To: San Jose City Council  
Attention: Rina Shah, Planner  
From: Rosalyn Lum  
Date: September 30, 2025  
Subject: Strong Objection to Permit Amendment CPA16-005-01 & ER25-125 - Fuze Bar and Grill

Dear Honorable Mayor and City Council Members,

I am writing as a resident [REDACTED] San Jose to express my strong objection to the proposed Conditional Use Permit Amendment for Fuze Bar and Grill (File Nos. CPA16-005-01 & ER25-125) located at 58 S. 1st Street.

Primary Objection: Point 4 of the Permit Amendment

I am particularly opposed to Point 4 of the proposed amendment, which seeks to remove the condition that restricts playing music on the patio after 10:00 p.m. and allow music to be played until 2:00 a.m. This change would have devastating consequences for the residential community surrounding this establishment.

Documented Issues with Current Operations

Even under the current restricted hours, Fuze has consistently demonstrated a pattern of non-compliance and disregard for community standards:

Noise Violations:

- The establishment regularly plays loud music past its current licensed time of 10:00 p.m.
- Sound levels have been documented exceeding 87 decibels after 10:00 p.m., often extending until 11:30 or 11:45 p.m.
- The loud bass music causes windows in residential units to vibrate
- The DJ consistently screams into the microphone, adding to the noise disturbance

Community Impact:

- Residents cannot open windows for fresh air due to excessive noise levels

- Music echoes and is amplified in the brick alleyway, projecting directly into living spaces
- The loud music contributes to chaos and violence on 2nd Street by riling up bystanders
- Multiple complaints to Fuze management have been completely ignored

#### Poor Community Standing:

- Fuze is the lowest-rated establishment on 1st Street with only 3 Yelp stars
- The business has a documented history of attempting to remove negative Yelp reviews that highlight these issues

#### Safety and Management Concerns

The establishment's management has demonstrated concerning behavior, including:

- Confrontational interactions with neighboring business operators
- Apparent attempts to conceal incidents, including a fire in the adjacent parking lot
- Operating events during COVID-19 shutdowns when other businesses remained closed
- Complete disregard for resident concerns and complaints

#### Impact on Residential Livability

Extending music hours until 2:00 a.m. would:

- Severely impacts residents' ability to rest before the work week
- Worsen existing noise pollution that already exceeds acceptable levels
- Increase safety concerns given the documented rise in violence in the downtown area
- Prioritize the interests of a single problematic business over the health and safety of the entire residential community

#### Request for Denial

Based on the establishment's documented pattern of non-compliance with current conditions, their disregard for community concerns, and the severe negative impact on residential livability, I strongly urge the City Council to deny this permit amendment in its entirety.

If Fuze cannot operate responsibly under current restrictions, extending their permitted hours and removing noise limitations would only exacerbate existing problems and further deteriorate the quality of life for downtown residents.

The approval of this amendment would set a dangerous precedent that businesses can operate with impunity at the expense of the residential community that calls downtown San Jose home.

Thank you for your time and consideration. I trust the City Council will prioritize the health, safety, and livability of our residential community over the commercial interests of an establishment with such a poor track record.

Respectfully,

Rosalyn Lum

[REDACTED]

Downtown San Jose, CA

Contact Information:

Rina Shah, Planner

Phone: (408) 535-7835

Email: [Rina.shah@sanjoseca.gov](mailto:Rina.shah@sanjoseca.gov)

Case Reference: CPA16-005-01 & ER25-125

R o s a l y n L u m

[REDACTED]

**From:** Yama - The 88 Board of Directors [REDACTED]  
**Sent:** Wednesday, October 1, 2025 9:58 PM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Cc:** 'Jeremy Miller' <[REDACTED]>; 'Chatan Charan' [REDACTED]>;  
Kirk Pennington <[REDACTED]>; Joiner, Lisa <lisa.joiner@sanjoseca.gov>; District3  
<district3@sanjoseca.gov>  
**Subject:** Re: CUP revision 56 S First St. - Pennington

Dear Rina Shah,

I would like to take a moment to echo Mr. Kirk Pennington's sentiments regarding Fuze's formal request to extend their outdoor music allowance to 2am. Our community at The 88 strongly opposes their request and we urge city officials to consider our perspective and stance. Before deep diving into the matter, I would like to formally introduce myself. My name is Yama Homayoun and I serve as the Vice President for The 88's HOA. I have lived [REDACTED] for a decade and have witnessed the rapid decline in the neighborhood's condition. From homelessness to violent criminal activity, there seems to be no light at the end of the tunnel. More recently, our community has been battling persistent noise pollution manifesting from the nightclubs and likewise establishments in the vicinity. These issues are major quality of life factors that negatively impact our community members. Loft Bar & Bistro was a major contributor to this problem. At one point, they were illegally playing live music from their rooftop patio. The music was beyond excessive and to the point of rattling our building. Community members relentlessly reached out to city departments such as the police, code enforcement, etc. We received no help at all and had to take matters into our own hands. We ended up paying our attorneys to draft numerous demands of cooperation. Finally, they budged (knowing their actions were illegal) and agreed to no longer play music from their rooftop patio. How outrageous is it that property tax paying community members received zero assistance from the local government that they pay into? This is a prime example of why we strongly oppose any modification or extension to Fuze's outdoor music hours. The few bucks that they profit from extending their outdoor music hours will cost community members vastly in terms of safety and security. The nefarious and criminal activities that stem from Fuze style establishments pose huge safety threats to our community members. Just a few months ago, our building sustained multiple gunshots from an exchange of gunfire that occurred in an adjacent parking lot. Not to our surprise, club goers were responsible for the heinous act. I invite you to go take a look at our bullet ridden building. This is just one incident of many that have occurred within our doorsteps because of the club goers that are patrons to Fuze and likewise establishments. I will be attending and speaking at the hearing that is scheduled for Tuesday, October 21, 2025. In addition, I will be generating a petition to garner the support of community members that oppose Fuze's request. We take this matter with the utmost level of seriousness and will tenaciously fight against Fuze's request. I appreciate your time and consideration. Please let me know if you have any questions.

Sincerely,  
Yama Homayoun

**From:** Ed Wehrman <[REDACTED]>  
**Sent:** Thursday, October 2, 2025, 7:00 AM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>; District3 <district3@sanjoseca.gov>  
**Subject:** Strong Objection to Permit Amendment CPA16-005-01 & ER25-125 - Fuze Bar and Grill

Case Reference: CPA16-005-01 & ER25-125

Hello Rina & Councilmember Tordillos,

I am writing, along with other homeowners [REDACTED] in Downtown San Jose, to express my strong objection to the proposed Conditional Use Permit Amendment for **Fuze Bar and Grill** (File Nos. CPA16-005-01 & ER25-125) located at 58 S. 1st Street.

#### **Primary Objection - Point 4**

I am particularly opposed to Point 4, which seeks to remove the 10:00 p.m. music restriction and operation until 2:00 a.m.

Allowing this change would further increase the trouble we are having with safety, excessive noise, and disturbances for our downtown community.

Even under current restrictions, Fuze has demonstrated a pattern of non-compliance and lack of self-regulation over the past few years I've lived downtown:

- Regularly plays loud music past their licensed 10:00 p.m. cutoff
- Sound levels routinely exceed 87 decibels (sufficient to damage hearing) after hours, which causes my windows and my literal bed to vibrate. Fuze is also over 200 feet away, which means it is even louder on the patio.
- HOA representatives and individual residents have spoken to the applicant's management several times over these past few years, but all complaints to management have been ignored.
  - In fact, the owner publicly denies that the verifiable facts stated in this letter are true.

Due to these current violations, I am routinely prevented from:

- Opening windows for fresh air overnight
- Getting adequate sleep, especially on nights later in the week and weekend

Extending hours until 2:00 a.m. would severely worsen these impacts and prioritize a problematic business over the health and safety of our entire downtown community.

#### **Request for Denial**

Given Fuze's documented pattern of violating current conditions and complete disregard for our community concerns, we strongly urge the City Council to **DENY** this permit amendment as requested.

If this establishment cannot operate responsibly under current restrictions, extending their hours would only exacerbate existing problems and set a dangerous precedent for downtown businesses.

Thank you for prioritizing the livability and safety of all downtown residents.

Respectfully,

Edward Wehrman  
Homeowner

[REDACTED]  
San Jose, CA, 95113



**From:** kirkpennington [REDACTED]  
**Sent:** Wednesday, October 1, 2025 1:25 PM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Cc:** 'Jeremy Miller' [REDACTED]; 'Yama - The 88 Board of Directors' [REDACTED]; 'Chatan Charan' [REDACTED]  
**Subject:** CUP revision 56 S First St. - Pennington

Hello Rina,

I live at [REDACTED]. I received your correspondence regarding the property at 58 S First St. requesting changes to its existing Conditional Use Permit. I have strong objection to music being played outdoors until 2am. The Fuz patio is less than a half a block from my building. We already have four restaurant and bars in that immediate area that violate noise ordinances on a regular basis. There has been absolutely no help or enforcement from the from the City of San Jose to help mitigate the current ongoing noise problems, including the Code Compliance Division, the Planning Department, and San Jose Police. One more outside venue will be intolerable for our residents. Please send the existing CUP and file for my review. Several people from my building will be at the Planning Commission meeting to object to these changes.

Kirk Pennington  
88 HOA Board Director

[REDACTED]  
[REDACTED] 0 [REDACTED]  
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**From:** Torrance Carroll [REDACTED]  
**Sent:** Wednesday, October 1, 2025 7:16 PM  
**To:** Shah, Rina <Rina.Shah@sanjoseca.gov>  
**Cc:** District3 <district3@sanjoseca.gov>  
**Subject:** Opposition to Permit Request – Reference: CPA16-005-01 & ER25-125

To the San Jose City Council,  
Attn: Rina Shah

My name is Torrance Carroll and I am a resident [REDACTED] San Jose, living near 2nd and 1st Streets. I am writing to express my strong opposition to the conditional use permit amendment for Fuze Bar and Grill (Case Nos. CPA16-005-01 & ER25-125).

While I have concerns about all proposed changes, I am especially opposed to the fourth point: removing the condition that restricts playing music on the patio after 10:00 p.m., allowing music to be played until 2:00 a.m. The excessive and late-night noise from this establishment is already a significant disruption to our community's peace and well-being, and extending the hours for outdoor amplified music will only worsen the negative impact. Residents have repeatedly experienced disturbances well beyond the current permitted hours, and previous complaints have been ignored by the business owner. Moreover, past behavior by this establishment has shown a disregard for both city rules and neighborhood welfare.

Approving this amendment would prioritize a single business over the health, safety, and livability of hundreds of downtown residents. I urge the council to deny this request, and to protect the quality of life for those living in this area.

Thank you for your time and attention to this matter. Please use my comments as part of the public record for the hearing.

Sincerely,

Torrance Carroll  
[REDACTED]