

**Le, Thai-Chau**

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**From:** PGE Plan Review [REDACTED]  
**Sent:** Tuesday, May 25, 2021 10:09 AM  
**To:** Le, Thai-Chau  
**Subject:** Re: Notice of Preparation (NOP) for the Wat Khmer Kampuchea Krom Temple Project Draft Environmental Impact Report (C20-021/SP20-024/ER20-147)  
**Attachments:** Initial\_Response\_Letter\_5-25-2021.pdf

[External Email]

Dear Thai-Chau Le,

Thank you for submitting the 2740 Ruby Ave plans. The PG&E Plan Review Team is currently reviewing the information provided. Should we find the possibility this project may interfere with our facilities, we will respond to you with project specific comments on or prior to the provided deadline. Attached is general information regarding PG&E facilities for your reference. **If you do not hear from us, within 45 days, you can assume we have no comments at this time.**

This email and attachment does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

[REDACTED] g our response, please contact the PG&E Plan Review Team at [REDACTED]

Thank you,



Pacific Gas and Electric Company

[REDACTED] am  
[REDACTED]

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**From:** Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Sent:** Monday, May 24, 2021 9:33 AM  
**Subject:** Notice of Preparation (NOP) for the Wat Khmer Kampuchea Krom Temple Project Draft Environmental Impact Report (C20-021/SP20-024/ER20-147)

**\*\*\*\*\*CAUTION: This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.\*\*\*\*\***

**NOTICE OF PREPARATION OF ADRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT**

**FILE NO:** C20-021/SP20-024/ER20-147

**PROJECT APPLICANT:** Khmer Buddhist Temple Foundation and Andrew Mann Architecture

**APN:** 652-29-014

**Project Description:** The project applicant proposes to rezone the property from R-1-5 Residence District to PQP Public/Quasi-Public to construct an approximately 17,800 square feet temple sanctuary building and a community building with a community hall, finishing kitchen, library/classroom, administrative offices, and restrooms. A monk's residence hall with five bedrooms (eight full-time residents) occupies a smaller second story portion of the community building. Two gate structures flank and mark the entrance to a central courtyard, with two smaller landscaped courtyards sited along the temple sanctuary building. A surface parking lot is located at the interior of the lot. The project would also provide new buffer landscaping on the perimeter of the site, including new street trees.

**Location:** 2740 Ruby Avenue, San Jose, CA 95148

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A joint community and environmental public scoping meeting for this project will be held:

**When:** Wednesday, June 2, 2021 from 6:00 p.m.

**Where:** Via Zoom (see instructions below on project page at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs))

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le, Environmental Project Manager  
200 East Santa Clara Street, 3rd Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658, e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

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May 25, 2021

Thai-Chau Le  
City of San Jose  
200 E Santa Clara St, 3<sup>rd</sup> Flr Tower  
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Thai-Chau Le,

Thank you for submitting the C20-021 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management

## Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



## Le, Thai-Chau

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**From:** Flores, Michelle  
**Sent:** Wednesday, June 2, 2021 4:49 PM  
**To:** 'Karina Liao'  
**Cc:** Le, Thai-Chau  
**Subject:** RE: Khmer Budhist Temple - 2740 Ruby Ave.

Hi Karina,

As Thai mentioned, the Code's parking requirement for assembly uses is: 1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship. In this project's case, they are not doing seating so the parking is calculated based on the area designed for assembly in the temple. We asked the applicant to describe the use of other buildings in their operation plan so show if any other buildings are being used at the same time as the temple.

Kind regards,  
Michelle Flores  
Planner | Planning Division | City of San Jose  
200 E. Santa Clara Street, 3<sup>rd</sup> floor  
<http://www.sanjoseca.gov/planning>

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**From:** Karina Liao [REDACTED]  
**Sent:** Friday, May [REDACTED]  
**To:** Le, Thai-Chau <[REDACTED]@sanjoseca.gov>  
**Cc:** Flores, Michelle <michelle.flores@sanjoseca.gov>  
**Subject:** Re: Khmer Budhist Temple - 2740 Ruby Ave.

[External Email]

Thank you for your response. Much appreciated.  
For more clarification, it would be helpful if Ms. Flores can give a precise calculation.  
The Community meeting is on Wed., June 2nd., I hope I can get a follow up answer before then.  
Have a nice holiday break!

Karina

On Fri, May 28, 2021 at 10:08 AM Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)> wrote:

Hi Karina,

Please see the information below from the Implementation team:

Consistent with the Municipal Code, the Parking is not based on the building capacity but by the land use type, which for this project is religiously assembly. The project will include an operation plan to describe all uses that would function at the same time to account for the parking requirements or shared parking if one portion of the site is open while the other is not in operation.

Church/religious assembly

1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designe

Best regards,  
Thai

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**From:** Le, Thai-Chau  
**Sent:** Friday, May 21, 2021  
**To:** Karina Liao  
**Cc:** Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>  
**Subject:** RE: Khmer Buddhist Temple - 2740 Ruby Ave.

Hi Karina,

As Michelle is out of the office, I am checking in with her supervisor and will get back to you once I get that information. Please note that Monday is a City holiday so all staff will be out that day as well.

Best regards,  
Thai

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**From:** Karina Liao  
**Sent:** Friday, May 21, 2021  
**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Cc:** Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>  
**Subject:** Re: Khmer Buddhist Temple - 2740 Ruby Ave.

[External Email]

Hi Thai!  
Any follow up response to my 2nd question? Thanks

Regards,  
Karina Liao

On Tue, May 25, 2021 at 4:40 PM Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)> wrote:

Hi Karina,

Thank you for reaching out! The Notice of Preparation was prepared before the latest plan set came in and was based on an estimated number of the overall square footage. We noticed the document in the newspapers as well so we were unable to change it at that time the document went out. Furthermore, as the EIR is able to analyze a larger project to be more conservative in its analysis, we did not change it in the notice. The current proposal is the 14k number.

I will get back to your 2<sup>nd</sup> item as I need to check in with the PM, Michelle Flores, on this matter as well.

Best regards,  
Thai



[External Email]

Hi!

I'm a concerned neighbor who lives close to the project. I have questions:

1. The Foundation PR said it's 14, 983 SF project, according to your letter (Draft EIR Notice of Preparation) it's 17,800 SF. What's the discrepancy?
2. In Temple application, parking requirement is 98 spaces. May I know how to calculate this number? Is it based on temple or the hall capacity? What happens if these two buildings are used simultaneously, in term of number of parking requirement?

Thank you for your attention, your prompt reply is greatly appreciated.

Regards,  
Karina P. Liao

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**From:** [Hai Chang](#)  
**To:** [Le, Thai-Chau](#)  
**Subject:** Fw: Project No. PDC19-049 (WAT KHMER KAMPUCHEA KROM TEMPLE - 2740 RUBY AVE)  
**Date:** Wednesday, June 2, 2021 9:17:09 PM  
**Attachments:** [Buddhist Temple - 300 families.pdf](#)  
[Sylvia Arenas Temple Position Letter Feb2020 REPORT CARD.pdf](#)

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[External Email]

Dear Thai-Chau,

I wanted to make sure my email below concerning the temple project also reached your inbox. I hope you will strongly consider that the head of the Temple foundation has stated to the media that their membership is roughly 300 families as of January 2020. I expect their membership will continue to grow over time. I ask that you consider that figure of 300 families (which is greater than 300 people; maybe 1000 or more people?) attending that site during major events as part of your analysis. How many cars will 300 families arrive in? Where are they all going to park?

The applicant documentation also states that they have designed the structures with an occupancy load significantly higher than their planned usage by 300 people. If they will only have 300 people max at the site at any time, why don't they significantly downsize the temple and community hall structures for a max 300 person occupancy load? That should make this project much more palatable for the community.

Thanks for your consideration.

Hai

----- Forwarded Message -----

**From:** Hai Chang [REDACTED]  
**To:** Michelle.Flores@sanjoseca.gov <michelle.flores@sanjoseca.gov>  
**Cc:** Sylvia Arenas <sylvia.arenas@sanjoseca.gov>; Patrick McGarrity <patrick.mcgarrity@sanjoseca.gov>; Nancy Le <nancy.le@sanjoseca.gov>; Victoria Lam <victoria.lam@sanjoseca.gov>; Councilwoman Sylvia Arenas <district8@sanjoseca.gov>  
**Sent:** Tuesday, June 1, 2021, 03:50:14 PM PDT  
**Subject:** Project No. PDC19-049 (WAT KHMER KAMPUCHEA KROM TEMPLE - 2740 RUBY AVE)

Dear Michelle,

I won't be able to join the community meeting tomorrow, so please enter my email comments and attachments into the project record.

I've reviewed the 2nd submittal documents, and as a D8 resident since 1997, I continue to object to this project due to its overbearing size and adverse impact on that residential neighborhood, and its gross design incompatibility with the character and style of the residential structures there. The current R-1-5 zoning and neighborhood character need to be preserved by city planners, and the community

residents must given due respect and vigorous consideration.

I have attached an email exchange with a San Jose Spotlight reporter who interviewed Lyna Lam who stated that the temple has a membership of roughly 300 families. This membership of 300 families was published in a media article about this project. In response to my email asking the reporter whether this number was a typo, she stood by this figure after reviewing her notes. 300 families could easily be the equivalent of well over 1000 people. I ask that planning strongly consider the impact of 300 FAMILIES utilizing the 2740 Ruby Ave site for events and festivities from the perspective of traffic, parking, noise, trash, and general disturbance of the peace in that residential community.

I have also attached a letter that Councilwoman Arenas sent in February last year documenting her clear position about this project after listening to hundreds of community voices. The letter is an excellent general summary of the broad issues, and I have taken the liberty to use it to grade the applicant on each of her points as a "report card" of their 2nd submittal. It is clear that the applicant has not addressed most of the issues in her letter, and I'm very encouraged that our councilmember has taken such a transparent and firm position in not supporting this project until the community's concerns have been fully addressed.

Please share my concerns with the project team in the Planning Department. Thank you.

Sincerely,

Hai Chang  
District 8 Resident

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**Re: New Buddhist Temple - 300 families - typo?**

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From: Katie Lauer [REDACTED]

To: [REDACTED]

Date: Monday, September 7, 2020, 12:00 PM PDT

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Hello Hai,

Thanks for reading and reaching out! You're correct that Lyna didn't speak at the meeting, but I called her and scheduled an interview ahead of the presentation.

I did check my notes again, and confirmed that she said their membership is around 300 families, so that isn't a typo. She said there are often not many people there during the weekdays, closer to 30 people. From my own experience, this is often a trend in many religious establishments – higher membership than daily/weekly attendance. However, I can't speak to how many are active. If I remember correctly, the fact that their current location is small is part of the reason for the new project, so that makes sense to me.

Thanks,  
Katie

On Sun, Sep 6, 2020 at 8:05 PM Hai Chang [REDACTED] wrote:

Hello Katie, Quick question for you concerning your Temple article from January. I wasn't at this meeting but I watched a video that someone posted on YouTube of this meeting. I didn't see Lyna speak.

You mentioned that Lyna said that they had a membership of about 300 families. Could that be a typo in the article? Maybe it's 30 families? Their current location is very small, and I don't see how they could serve 300 multi-generational families there. And their new temple at 2740 Ruby will only have a capacity of 300 people according to their permit application. 300 people capacity seems to serve 30-60 multi-generational families. It's not adding up.

Please take a look and let me know. 300 families seems too high.

Thank you,  
-Hai

[REDACTED]  
D8-Evergreen

[San Jose: Proposed Buddhist temple in Evergreen neighborhood met with backlash - San José Spotlight](#)

**San Jose: Proposed Buddhist temple in Evergreen neighborhood met with ba...**

A proposed Buddhist temple in San Jose's Evergreen neighborhood sparked a contentious, nearly two-hour meeting a...



SAN JOSE CITY COUNCIL | EVERGREEN • EASTSIDE

Dear neighbors,

I've done my research, listened to hundreds of concerned community members, and been briefed by the City's planning staff regarding the Watt Khmer Kampuchea Krom Temple project proposal. I've met with the applicant of the temple as well. I appreciate their desire to have their new home in our community, but it cannot come at the expense to our families.

As a Councilwoman, my job is focused on ensuring a fair and open process that supports the right of a landowner to build, but balances that with the right of the community to be part of an inclusive process for the planning of their neighborhood. I avoid taking early positions until I have finished all my homework – which I admit can be frustrating for concerned community members. I've promised you that I've been listening, and I have been.

I'm communicating to the Temple's developers that I cannot support the project as currently proposed – letting them know that there are eight issues of primary concern that would need to be fully addressed if they want my support in the future:

- 1) A design that more closely matches our family neighborhood feel – especially my concerns about the total size and also the features that undermine the neighborhood feel of the street and sidewalks. **FAIL - size of structures in 2nd submittal is still overbearing on the family neighborhood feel, and the design is still entirely out of character with the surrounding residences**
- 2) The total size of the project needs to be much smaller, and if there is any underground construction it needs to be dramatically reduced and used for purposes other than underground parking. **PARTIAL FAIL - underground garage has been designed out; however, the project size is still too large, and structures are significantly larger than required for the stated 300 person utilization**
- 3) The clear need for a Construction Plan to minimize impact during the construction process and an Operations Plan that extends into the future. This operations plan would need to cover the number of events per year, the days of the week those events occur on, the size of those events, and the plan for parking. The plans must be comprehensive and enforceable. **FAIL - plans that impact the community adversely have been stated; however, there is no evidence that the plans will be enforced by the city**
- 4) The need for a sound wall and landscaping designed to avoid harm to the neighbors immediately adjacent to the site. **PASS**
- 5) A significant investment towards street safety at the intersection. **PARTIAL FAIL - while investment in a traffic circle is planned, there's no mitigation for entry/exit congestion or illegal parking**
- 6) If there are environmental or traffic impacts, they must be successfully mitigated. We know there will be issues if the project goes forward – those issues need to be solved. **FAIL - Single entry/exit driveway from Ruby and parking lot design will create tremendous congestion on Ruby**



7) There must be positive impacts in our community, including fair payment of fees. If the originally planned houses were built at this site, there would have been a park fee paid. This current proposal includes housing for 8 people to be living on site. The applicant should pay the same fees they would pay if they were building houses for these 8, which would include park fees that would provide needed funding for improvements at Groesbeck Park.

**FAIL - positive impacts to community are still unknown**

8) If the applicant wants my support, they need to address the concerns expressed above – and also bring the community into the process. They need to earn community support by incorporating the concerns of the community into the final proposal.

**FAIL - there are still many outstanding community concerns in the 2nd submittal**

I cannot speak for the City's Planning Department, nor the Planning Commission. The Department will continue reviewing this project for the spring and summer and then make their recommendation. The Planning Commission will either approve or deny the project in the fall. If there haven't been any changes and the project is appealed to the City Council – I will oppose the project.

Everyone deserves a place to worship, and I hope these issues can be resolved. The Planning Department has committed to provide at least two official city-led community meetings before they make their recommendations – and they have committed to me that they will notice much wider than is normally required (at least 1000 feet, not the normal 200).

I also have a commitment from Planning to host a meeting very soon with concerned neighbors and discuss the planning process and next steps.

I hope that the Temple's developers will use this time and process to improve the project and earn the community's support. If they do, I will reconsider.

But I simply cannot support the project as it currently is proposed.

Your Councilwoman,

Sylvia Arenas

**From:** [REDACTED]  
**To:** [Flores, Michelle](#); [Tu, John](#); [Le, Thai-Chau](#)  
**Cc:** [tim.rood@sanjoseca.gov](mailto:tim.rood@sanjoseca.gov)  
**Subject:** FW: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Date:** Thursday, June 3, 2021 2:42:24 AM  
**Attachments:** [2740RubyCommentsRev04.pdf](#)  
**Importance:** High

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[External Email]

Dear Michelle, John, Thai-Chau and Tim:

Again, thank you very much for hosting the community meeting on 6/2. The entire neighborhood was hoping that it would be live in person. But we appreciate the opportunity to voice our concerns.

In addition to my comments sent (reforwarded). I have a few additional comments, questions on behalf of all the neighbors that could not make the meeting, due to work, graduation, and other schedule conflicts. So I had set up a quick survey, 24 hrs prior to the meeting. There were about 40 responses. These folks have seen my attached letters, and in supports of the points made. Please find it attached as comments from these 40 neighbors.

I believe my questions/comments do represent the majority of the neighbors that oppose the Rezoning and SUP applications. I would like to enter this email in addition to my letter public record, for the recorded to be forwarded to the Planning Commissioners and Council Members. The basics of the comments and questions are:

1. These are comments following the community meeting on 6/2. I would like to thank staffs for hosting and managing the meeting. I can understand how difficult it is to do on Zoom. Per my rough counts, there about 140 people that spoke. I believe there were about 100 more attendees that were not given the opportunity to speak, due to the time constraints, as people were not able to raise their hands after a cutoff time. That would mean only about 60% of the people spoke. Could you please share the number attendees that spokes vs the total of attendees. Could you make the recorded session available to the public review, please. Thank you.
2. Of the ~140 people that spoke, there were 7-8 people who are members of the temple. The remaining speakers were community members who live in the neighborhood, I counted 3 neighbors that support the project. That equates to 130 people that opposed the Rezoning and Special Use Permit. **So 130 out of 133 is ~ 98% of the neighbors OPPOSED** the Rezoning and SUP application. Of the 40 people that took the survey, 100% opposed the Rezoning and SUP application. Of the 400 people that received the flyers handout about the meeting, about 100% of those also OPPOSED this project. These numbers DO represent this community, this neighborhood and should be documented in staff report for the record.
3. Also for the record, I and many of people I spoke with after the meeting were VERY

OFFENDED by the members of temple! Extremely negative comments. **What rights do these members have to accuse the neighbors of being racists, and that “Asian Hate” was the primary motive of the neighbors opposing this project. It is obvious that the temple members do not know what made up this neighborhood.** We are a very diverse community, and the majorities have lived in this neighborhood for over 20 years. **It is also very transparent that the temple members do not live this neighborhood and do not have any consideration for our real concerns.** *How can anyone believe the applicant’s statements regarding the temple good neighbor intentions, when the message that the temple members are telling the community members are with so much hatred, instead of hearing the neighborhood concerns???*

4. The temple members’ comments were more than disappointing and contradictory to the applicant’s statement that they want to build this temple for the community, when the **members of the temples OBVIOUSLY DON’T KNOW and DON’T CARE about the people that live in this neighborhood,** as they indicated. **How many members of the temple actually live within 0.25 mile of the proposed site?** I person did not hear from any temple members living in this neighborhood. I’ve personally lived in small court with 8 homes. There are “1” Caucasian family, “1” Brazilian family and “6” Asian family. My court has annual block parties over the past 23 years together. Therefore, I DO NOT appreciate anyone not knowing anything about our neighborhood, accusing us of being racist! A few neighbors spoke to this point during the meeting. Again, I would like for this important point to be on record of the applicant’s extreme comments against the neighborhood.
5. A large # of neighbors made up of a very diverse ethnic group, took times out of their busy schedules to prepare presentation and voice their concerns regarding the REZONING & SUP applications. We pointed out facts and data surrounding the project. NO positive comments were made by the temple members, nor constructive comments shared by the applicant. Instead, we are accused of not being inconsiderate? Everything in the applicant’s statements contradicts all the comments made by the members of the temple that spoke at the meeting.
6. Again, the size of the combined gathering facilities is simply INCOMPATIBLE in this dense RN zone. The 15,000 sf MASSIVE structure, 60ft tall (4-stories high), with a potential occupancy capacity of  $787+799+795 = 2381$  per the proposed SUP, is just not appropriate for this small parcel in a majority Residential Neighborhood. The additional 2131 occupancy capacity in the temple courtyards would make the potential capacity of this facility over 4000 people. Therefore, the Operation Plan of maximum 300 people is extremely deceiving and difficult to comprehend. What is the truth? Is this an attempt to manipulate the zoning codes and to submit a plan that meet certain requirements, and the reality is beyond the paper design? The original plan was much bigger. Was that plan also to accommodate only 300 visitors? Again, this is very difficult for the residents to make sense of the proposal. Logically, no one would invest and build a gathering facility that can hold 4000 people, and promise that there will be only a 300 visitor max? Can staffs please help the community understand how this MASSIVE facility is appropriate for this small parcel and how is it compatible in the dense Residential Neighborhood?
7. For an Residential Neighborhood Zone (R1-5), designed for a max 5-6 single family homes, the max would be 30 people, assuming 5 persons per typical household. How can we justify even the minimum 300 people? I do understand that if one apply to rezone an R1-5 to PQP, then a different size of build be constructed. However the plan for a MASSIVE ~15000 sf, 60ft tall

building is just NOT COMPATIBLE, NOT APPROPRIATE for this RN parcel.

8. A PQP is simply a tactic to manipulate a simple R1-5 to allow a oversized structure of 15,000 sf. How is this meeting CEQA?
9. The fact that the facility is designed to hold easily 4000 people is simply unreal and incompatible with the neighborhood. The Operation Plan (300 visitors) contradicts the project potential capacity (4000 people). Please review my comments regarding my personal experiences with the other temples regarding overflow parking to the surrounding streets, traffics. The timing when traffic analysis is done should be realistic, when ALL activities are back to normal (POST-COVID). One speaker concurred, and mentioned that he stopped going the local Buddhist temples and go to one 30 mi away to avoid parking problem that we are real life's concerns. This is the reality that will never show up on any paper designs submitted for approval.
10. Please observe the real traffic and parking problems at the temples at 2420 McLaughlin Ave and 2715 S White Road during any "major" holiday event to truly validate the "real-life" problems that is beyond any paper designs! Observing/doing traffic analysis during the summer when kids are out and while everything are still not back to normal due to COVID, are simply misleading. Data would not be valid.
11. Norwood is a narrow 2-lane road. There would not be any visitors coming from the hillside. Ruby Ave is a "double-yellow" 2-lane road. There is only one-way to enter the proposed project on Ruby. Traffic would be coming for the south on Ruby Ave from Quimby. Or the visitors would have to travel up Norwood and turn left on Ruby at the stop sign. There is only a short 250 ft from the stop sign at Ruby and Norwood. Thus the reason, one neighbor commented that without an EIR, this would be a major programmatic and realistic problem that all the neighbors fear of. More than likely, visitors will turn left illegally crossing the "double-yellow" coming from Tully Rd on Ruby Ave, as Tully Rd is a main path for many people. It is also a main road that connect all other major road and freeway access.
12. As for the applicant's plan to bus/shuttle visitors from nearby schools, how is this plan safe for kids near schools and the small streets that these buses will travel through? How does this address the traffic and parking concerns? How is this appropriate for this highly dense Residential Neighborhood?

Please consider all these points if you are moving forward with the EIR and CEQA compliance review. Thank you for hearing our concerns.

Best regards,  
Nick Pham

[REDACTED]

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**From:** Nick Pham [REDACTED]  
**Sent:** Wednesday, June 2, 2021 3:40 PM  
**To:** '[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)' <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>  
**Subject:** Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Importance:** High

Hi Michelle:

Please find attached a letter with my comments for this project, that I would like to enter for public record. Feel free to share screen the letter during the meeting as needed, if appropriate. I am planning to be at on the Zoom Meeting and comment to it, as well.

I am a resident within ~ 1000ft.

Thank you,  
**Nick Pham**



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# RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024

June 2, 2021

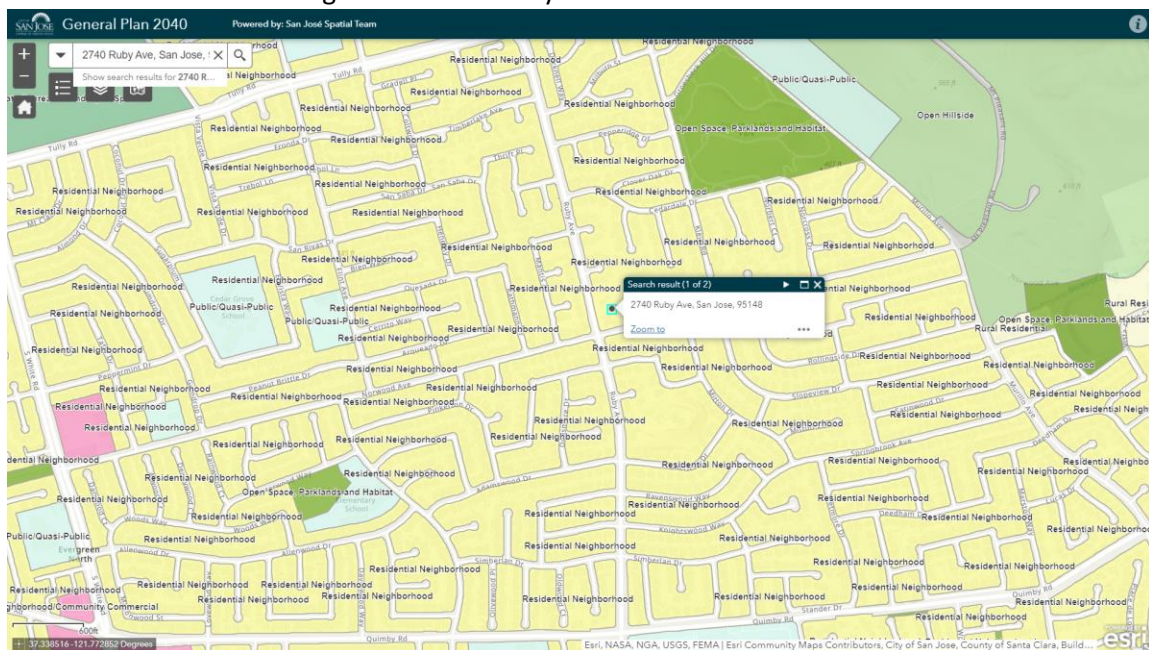
To: City of San Jose Planning Department, Planning Commissioners, Council Members

This proposed project **DOES NOT** meet the City of San Jose's General Plan Policy in many aspects. More importantly, it has more NEGATIVE impacts than benefit in this highly dense Residential Neighborhood.

As a former Planning Commissioner and a member of the General Plan 2040 Review Task Force, one of the main responsibilities I upheld, was to consider all matters that do not meet the General Plan 2040, in terms of zoning, rezoning, the land-use, and the impact to neighborhood and community. I have recommended approvals for many projects during my term. I also **voted against projects that only met the city's guidelines/requirements by a small margin, mainly because they would have more negative impacts to the community, the neighborhood.**

The WAT KHMER KAMPUCHEA project is one that **DOES NOT** meet the General Plan 2040 designation for the zoning, and land-use guideline. It would have more negative impacts than significant benefits to the immediate and surrounding neighborhood:

1. The General Plan 2040 has designated this parcel to be Residential neighborhood. From the map below, **the current land-use designation of R1-5 is consistent with the General Plan 2040 and the immediate neighborhood and beyond.**



2. The applicant is asking to REZONE the parcel from Residential R1-5 to Public Quasi-Public (PQP). The PQP would make it easier for the applicant to then apply for a Special Use Permit (SUP) to build the temple that their prior (CUP) Conditional Use Permit would not allow.

## RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024

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3. Even though the applicant has attempted to modify their plan, **it is still not compatible with the surrounding neighborhood**. The design, size, FAR of the structure **IS NOT AESTHETICALLY COMPATIBLE** with the immediate neighborhood homes with of 1,500-2,500 SF living space on average.
4. The current land use designation for 2740 Ruby is **RESIDENTIAL NEIGHBORHOOD** which **IS CONSISTENT with all the surrounding neighborhoods and consistent with the General Plan 2040! AND SHOULD NOT CHANGE**. Any other designation would have significant impacts to the current zoning, and goes against the City of San Jose General Plan 2040 designation for the parcel.
5. While the rezoning process, or the General Plan's Amendment would allow changes to the General Plan 2040 in some cases, **this project would not be appropriate for rezoning**. And while the land-use guideline does not preclude a development of a temple, it does need to be compatible with the surrounding neighborhood. In this case, **IT DOES NOT AND IS NOT COMPATIBLE** with the immediate and surrounding **RESIDENTIAL NEIGHBORHOODS**.
6. If the applicant would provide a scaled 3D rendering of the temple from all angles, with views from the left, right, rear and front elevations superimposed on the immediate surrounding existing homes, the temple would be significant different in many aspects. The 3D drawings would show that land-use, size, appearance and esthetics are completely out of character with its surroundings.
7. **The project DOES NOT meet a number of General Plan Policies, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12.**
8. The next few pictures are examples of churches and temples that may fit into this rather DENSED RESIDENTIAL NEIGHBORHOOD in term of character, size and aesthetic design. The Iglesia de Dios church located at 3095 Norwood Ave, the East Valley Church at 2827 Flint Ave. The structure of these churches DO NOT change the look and feel of the neighborhood. The assembly hall, shape, size and design are consistent with the neighborhood.

RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024



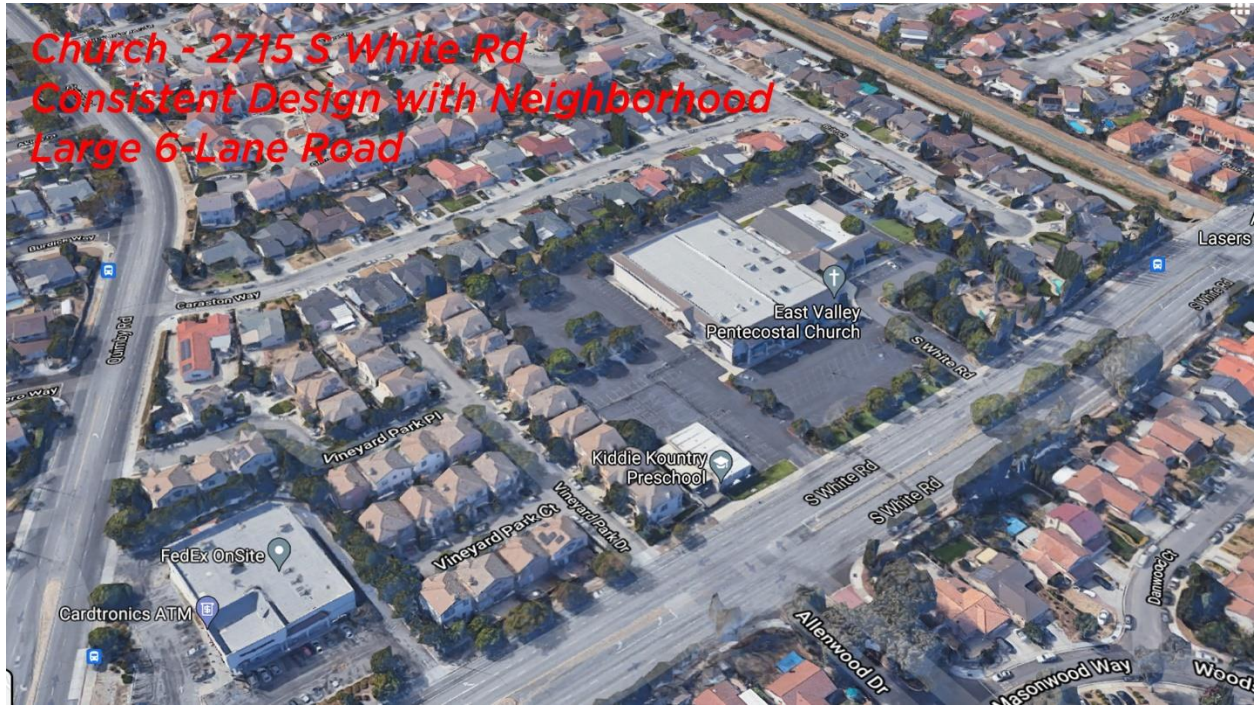


RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024



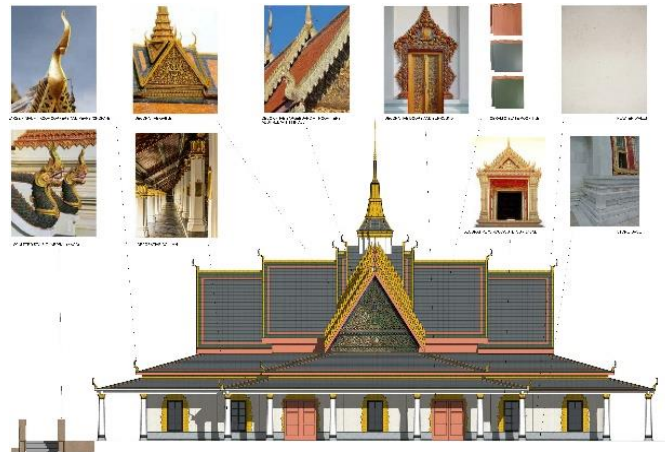
**RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024**

- 9. Even when you compare the look and feel for another closelyby **church on major 6-lane road**, such as the East Valley Pentecostal Church at 2715 S. White Rd, you can see that the structure is consistent in design, size proportional to the surrounding 2-stories homes.



**RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024**

10. A visualization of the proposed temple with respect to the neighborhood, especially the small existing home at 2720 Ruby Ave surrounded on 3 sides by the proposed project, the temple would be **COMPLETELY OVERSIZED**, out of character for this small lot of land. It is also **ESTHETICALLY NON-COMPATIBLE**.



I have been a strong supporter of a diverse community, affordable housing and other related community growth through my services, and volunteer work. I however **strongly oppose the oversized, out of character assembly and temple buildings in a very dense residential neighborhood**

# RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024

The belows are additional comments after 1<sup>st</sup> meeting inputs from the community, and 2<sup>nd</sup> proposal from the applicant.

This project is VERY VISIBLE, but it was very much **UNDER-ANNOUNCED** for residents that live just a bit outside of the notification radius. This corner is one of the main through-way for many of the residents, and kids that go to schools closeby! The amount of foot traffic, bicycles, in addition to vehicular traffics are very busy 7-days a week, once we are back to our normal life, post-pandemic.

While members of the public appreciate the applicant's effort to revise their plan, the proposal is still **VERY MUCH INCOMPATIBLE & COMPLETELY OUT OF CHARACTER** for this **HIGHLY DENSE NEIGHBORHOOD, FOR THE FOLLOWING REASONS, and WITH MANY CONTRADICTORY JUSTIFICATIONS**

1. The applicant proposed that there will be DAILY ACTIVITIES, and could hold 300 or more visitors at any time. The parcel is not appropriate for such a big gathering. **The applicant's statement and the 15,000 sf structure are very contradictory and very very deceiving.** The applicant's statements potrait the project as a very small gathering places. But yet the design can hold more than thousands of people.

Community Building Occupant Load					
Number	Name	Area	Occupancy	Occupant Factor	Occupant Load
<b>Basement</b>					
209F	MECH./ELEC.	861 SF	Mechanical Equipment Room	300 SF	3
		861 SF			3
<b>1st Floor</b>					
200	COMMUNITY HALL	3741 SF	Assembly Concentrated	5 SF	749
202	CLASSROOM /LIBRARY	495 SF	Class-room Area	20 SF	25
203a	CLO.	18 SF	Accessory Storage Area	300 SF	1
205	STORAGE /JANITORIAL	448 SF	Accessory Storage Area	300 SF	2
205a	AV	44 SF	Accessory Storage Area	300 SF	1
205b	MECH.	13 SF	Mechanical Equipment Room	300 SF	1
206	CLO.	50 SF	Accessory Storage Area	300 SF	1
208	OFFICE	354 SF	Business Area	150 SF	3
210	MECH.	63 SF	Mechanical Equipment Room	300 SF	1
213	MEETING ROOM	233 SF	Business Area	150 SF	2
217	KITCHEN	476 SF	Kitchen	200 SF	3
		<b>6936 SF</b>			<b>787</b>
<b>2nd Floor</b>					
300	LIVING ROOM	420 SF	Residential	200 SF	3
305	LAUNDRY	60 SF	Residential	200 SF	1
306	BEDROOM 1	100 SF	Residential	200 SF	1
307	BEDROOM 2	106 SF	Residential	200 SF	1
308	BEDROOM 3	135 SF	Residential	200 SF	1
309	BEDROOM 4	139 SF	Residential	200 SF	1
310	BEDROOM 5	135 SF	Residential	200 SF	1
		1094 SF			9
		<b>7891 SF</b>			<b>799</b>

Temple Building Occupant Load					
Number	Name	Area	Occupancy	Occupant Factor	Occupant Load
<b>Basement</b>					
101b	MECH.	816 SF	Mechanical Equipment Room	300 SF	3
101c	ELEC.	80 SF	Mechanical Equipment Room	300 SF	1
		896 SF			4
<b>1st Floor</b>					
100	TEMPLE	3982 SF	Assembly Concentrated	5 SF	791
		3952 SF			791
		<b>4847 SF</b>			<b>795</b>

Courtyard Occupant Load					
Number	Name	Area	Occupancy	Occupant Factor	Occupant Load
01	Courtyard 1	5794 SF	Assembly Concentrated	5 SF	1159
02	Courtyard 2	3236 SF	Assembly Concentrated	5 SF	648
03	Courtyard 3	1623 SF	Assembly Concentrated	5 SF	325
					<b>2132</b>

OCCUPANT LOADS REPRESENT BUILDING DEPARTMENT EGRESS ANALYSIS PER CBC TABLE 1004.5 AND DO NOT REPRESENT ACTUAL EXPECTED BUILDING ATTENDANCE.

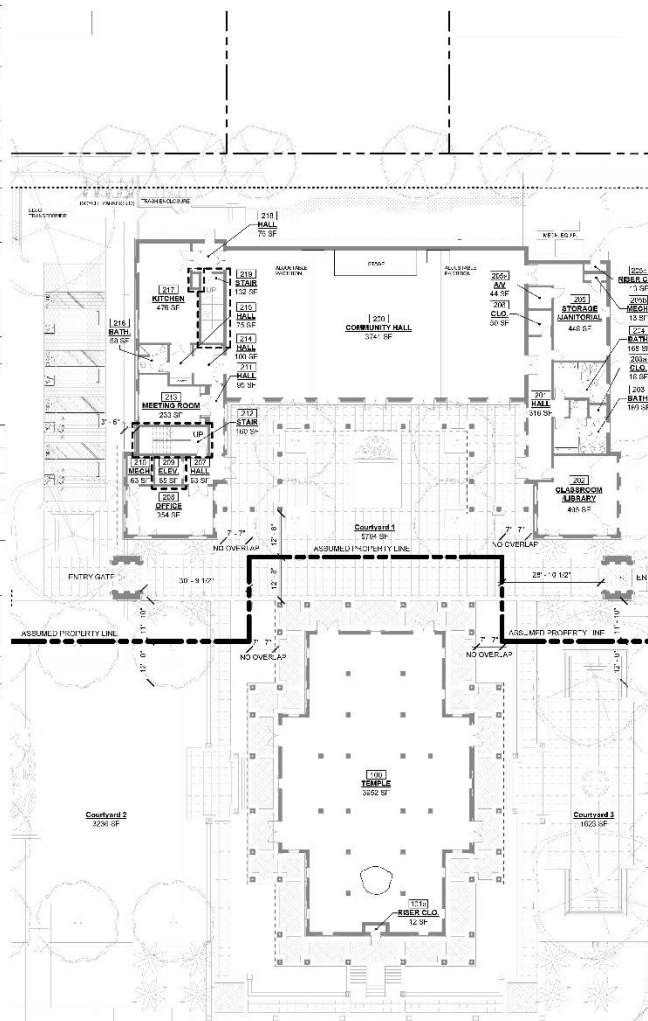
NOTE: SF= G5.1 FOR EGRESS ANALYSIS

### INCONSISTENT - DECEIVING OCCUPANCY CAPACITY

- Buildings designed to hold 799+787 = 1,586 people
- Courtyard assembly can hold up to 2,132 people
- Total capacity: 1,586 + 2,132 = 3,718 people

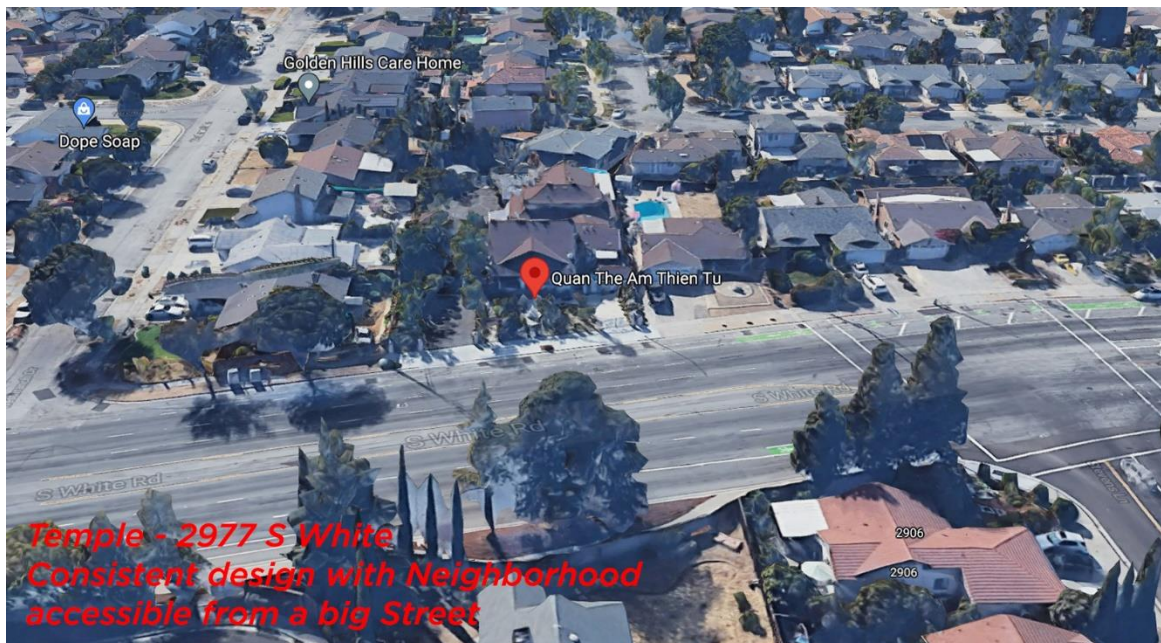
### Application statement:

- 25 visitors weekday, 75 visitors weekend
- Up to only 300 visitor on special event...



**RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024**

2. There will NEVER be enough onsite parkings! Even with the reduced 71 parking spaces, it is just overwhelming to this small piece of land that was designated for only 5 residential homes (10-15 cars), per the current zoning, per the 2040 General Plan.
3. **Most likely, there will be no-doubt visitors parking in all residential streets.** As this has been proven with the other gathering halls, temples closed by!!! Several neighbors that live near a small temple at 2977 S White Rd had shared their concerns as well. Eventhough this temple meets all the guideline/policy for approval on paper. The reality is quite different. Many neighbors in this neighborhood struggle with the noise, the traffic, and the hundred of vistors parking, blocking their driveways.



**RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024**

4. The proposed shuttles for visitors from “off-site” parking is not realistic and NOT acceptable! Shuttle buses from small local schools, will snake through all small streets, creating MAJOR safety concerns for all residents. This proposal DIRECTLY IMPACT the “peace”, “safety”, “morals” and wellbeing of all the residents living in this neighborhood.
5. I have oftentimes visited the temple at 2420 McLaughlin. **This temple is smaller in size ~9,000sf on a bigger 85,949 sf lot, compared to the proposed project @ 15,000sf on a 83,247 sf lot.** It is AESTHETICALLY COMPITIBLE with surrounding homes, **It is next to a commercial structure & a huge empty lot, and it is on a large 4-lane Road.** **How is the project in question appropriate?**



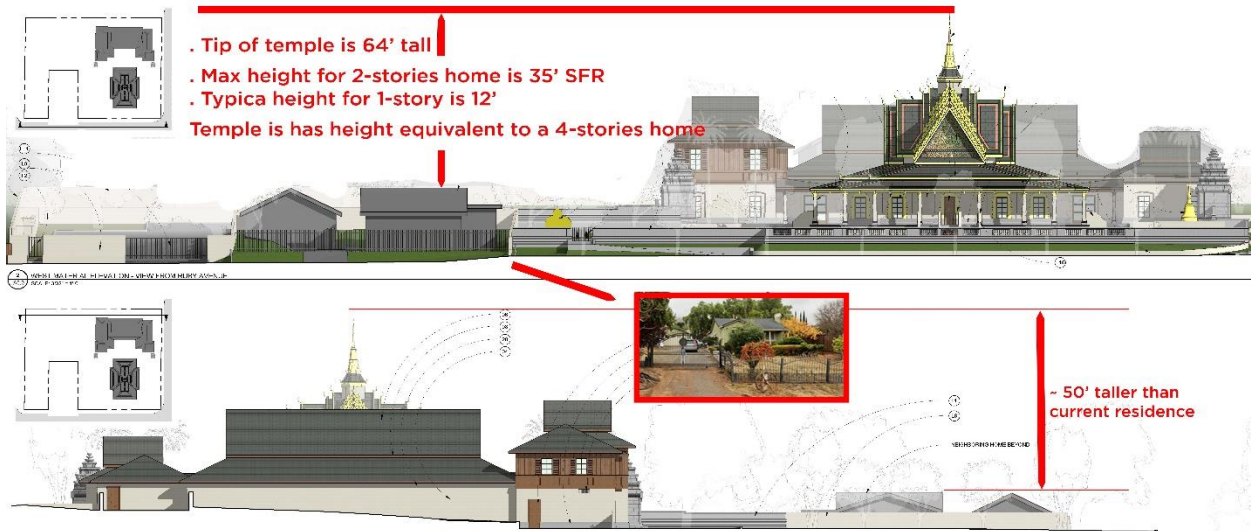
## RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024

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6. Again on paper, everything will meet ALL requirements. In Reality, traffic and parking are horrendous for these small infill oversized facilities. I personally had to driver through all the small street competing for parking spaces with thousand other visitors. I had observed many people jaywalking across the busy 4-lane Rd, with children. The REALITY is SIGNIFICANTLY different for the temples I personally know!
7. Neighbors who are directly next to the projects will be severely impacted! Neighbors in a typical 1500-2500 SF homes will be looking at a **MASSIVE structure** over their fence. The **resident @ 2720 Ruby (See Figure 1)** will be wrapped on 3 sides of their home by a **HUGE entrance into a HUGE parking lot, next to a MASSIVE 65 feet tall building, and GIGANTIC bigger than life garden ornamental scuptures**. **HOW IS THIS PROJECT COMPATIBLE** within a dense Residential Neighborhood?
8. For every **Council Members**, every **Planning Commissioners**, every member of the **planning staffs**, the **lobbist(s)**, the **designer(s)**, **honestly**, would you approve this project if you are the **resident of 2720 Ruby**, and your home will be surrounded by a **MASSIVE driveway, a MASSIVE parking lot, and MASSIVE building that is 65 feet tall** and all the **MASSIVE yard scuptures** next to your fence?
9. The original scope of the project was overwhelming, and still is overwhelming for such a small **RESIDENTIAL** oriented parcel.
10. **The current Specific Plan is being review and revised. For the applicant to claim that it will meet the Evergreen-East Hills Development Plan is very misleading!**
11. ALL DRAWINGS BY THE APPLICANTS ARE DECEIVING AS TO THE SIZE OF THE TEMPLE. The rendering does not show HOW “out of character”, “incompatible” the temple is compared to existing homes in the neighborhood. **The TRUE APPEARANCE of the home at 2720 Ruby has been ALTERED to blend in with the temple! (See Figure 2)**. The home appearance has been replaced with a flat box, the front fence has been removed! This is an **UNETHICAL** attempt to sell the project to the decision makers, that do not live close by, care enough, to see that this project **JUST DOES NOT MEET THE AESTHETIC appearance of the neighborhood!!!**
12. **Careful review** of the detailed design of the project further **CONFIRMS** that this project is **100% INCOMPATIBLE AESTHETICALLY, completely “OUT OF CHARACTER” with the dense RESIDENTIAL NEIGHBORHOOD**. The **ROOF LINES, the ORNAMENTAL DESIGNS, the COLOR THEME, the MASSIVE LANDSCAPE scuptures ARE JUST NOT COMPATIBLE with any surrounding homes! (See Figure 3)**.

**Again, this small piece of land has not been and there was never any intention of any other use other than RESIDENTIAL for this land. THIS PROJECT SHOULD BE DENIED, as it does not meet many requirments. It has more SIGNIFICANT NEGATIVE IMPACTS to the neighborhood than community benefit, as the applicant has painted it to be.**

**RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024**



**FIGURE 1 – Home directly impacted by MASSIVE Driveway, MASSIVE PARKING LOT, MASSIVE 65 feet Tall Building on 3 Sides**



**FIGURE 2 – HOME DIRECTLY IMPACTED has been ALTERED FROM EXISTING APPEARANCE (DECEIVING)**



## HUMONGOUS STRUCTURE INCOMPATIBLE with ALL STRUCTURES IN NEIGHBORHOOD

- . DECEIVING RENDERING COMPARISON
- . HIDING ITS INCONSISTENCE DESIGN w/ NEIGHBORHOOD
- . ROOF LINEs (pg 37) AESTHETICALLY OUT OF CHARACTER
- . ORNAMENTAL LANDSCAPE (pg 38) OUT OF CHARACTER
- . None of the TEMPLE DESIGN IS COMPATIBLE with current surrounding structures



**FIGURE 3 – 100% INCOMPATIBLE DESIGN COMPARED EXISTING NEIGHBORHOOD**

Prior to the second Community Meeting on June 2, 2021, the neighbors had gathered and handed out almost 400 flyers to residents in the neighborhood. And **100% of people spoken with, OPPOSE the Rezoning of this small Residential Neighborhood Zone (R1-5) to a Public Quasi Public (PQP) Zone and the Special Use permit to build 15,000 sf INCOMPATIBLE structure, a none-fitting design approximately 4-stories high, and a potential capacity holding over 3700 people.**

I have received many calls, emails, comments on Nextdoor, FB, SurveyMonkey results from many concerned neighbors OPPOSING the project, that cannot make the community meeting, due to schedule conflicts, etc., On their behalfs and myself, I respectfully ask the City of San Jose Planning Department, Planning Commissioners, Council Members to sincerely consider the voices of the residents, visit the site, considered yourself a resident adjacent to the project, ESPECIALLY as the resident at 2720 Ruby Ave., to OPPOSE the recommendation for the REZONING C20-012, SPECIAL USE PERMIT SP20-024.

*QUICK SURVEY Results from Neighbors that can't come to the Community meeting. Results within short 24hrs and counting...*

Overall, do you understand the scope of the proposed REZONING of 2740 Ruby Ave to build a ~15,000 sf Temple?

- Answered: 27
- Skipped: 0

ANSWER CHOICES-	RESPONSES-
- Yes	89.74% 35
- No	10.26% 4
TOTAL	39

Do you agree with the proposed Building Size, Architecture Design, Parking Layout of the Temple with respect to the lot size?

- Answered: 27
- Skipped: 0

ANSWER CHOICES-	RESPONSES-
- Yes	0.00% 0
- No	100.00% 40
TOTAL	40

Do you oppose or support the REZONING, BUILDING Structure in the current R1-5 parcel at 2740 Ruby Ave?

- Answered: 27
- Skipped: 0

ANSWER CHOICES-	RESPONSES-
- Oppose	100.00% 40
- Support	0.00% 0
TOTAL	40

**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#); [Flores, Michelle](#); [Tu, John](#)  
**Cc:** [Rood, Timothy](#)  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Date:** Thursday, June 3, 2021 1:57:33 PM  
**Attachments:** [2740RubyCommentsRev04.pdf](#)  
[QuickSurvey.pdf](#)  
[2740RubyResidentCommentsJune02.pdf](#)

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[External Email]

Hi Thai and Staffs:

I am sorry to bug you with this! I have transferred my comments in this email into a letter format (pdf). I have been receiving multiple calls for residents as how to best document their concerns, etc. So created the pdf to share with them. Here are the 2 letters and a survey monkey result in one email to keep everything together.

Again, I personally appreciate all your work. The average residents with concerns just do not know the proper or best way to communicate to the City, and had reached out to me for help. They probably will send email to staffs shortly.

Best regards,  
**Nick Pham**

---

**From:** Nick Pham [REDACTED]  
**Sent:** Thursday, June 3, 2021 8:25 AM  
**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

Thai, et al:

Again, thank you for your acknowledgement. Thank you for your time!

Pardon my typos. It was long night.

Best regards,  
**Nick Pham**

---

**From:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Sent:** Thursday, June 3, 2021 8:13 AM  
**To:** Nick Pham [REDACTED]; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

Hi Nick,

Thank you for your comments. This email is to confirm that I have receive your comments and have forwarded it with the environmental consultants as well to ensure the environmental concerns are captured in our analysis. This comment will be part of the administrative and public record.

Best regards,  
Thai

---

**From:** Nick Pham [REDACTED]  
**Sent:** Thursday, June 3, 2021 3:06 AM  
**To:** Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>; Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** FW: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Importance:** High

[External Email]

Dear Michelle, John, Thai-Chau and Tim:

Again, thank you very much for hosting the community meeting on 6/2. The entire neighborhood was hoping that it would be live in person. But we appreciate the opportunity to voice our concerns.

In addition to my comments sent (reforwarded). I have a few additional comments, questions on behalf of all the neighbors that could not make the meeting, due to work, graduation, and other schedule conflicts. So I had set up a quick survey, 24 hrs prior to the meeting. There were about 40 responses. These folks have seen my attached letters, and in supports of the points made. Please find it attached as comments from these 40 neighbors.

I believe my questions/comments do represent the majority of the neighbors that oppose the Rezoning and SUP applications. I would like to enter this email in addition to my letter public record,

for the recorded to be forwarded to the Planning Commissioners and Council Members. The basics of the comments and questions are:

1. These are comments following the community meeting on 6/2. I would like to thank staffs for hosting and managing the meeting. I can understand how difficult it is to do on Zoom. Per my rough counts, there about 140 people that spoke. I believe there were about 100 more attendees that were not given the opportunity to speak, due to the time constraints, as people were not able to raise their hands after a cutoff time. That would mean only about 60% of the people spoke. Could you please share the number attendees that spokes vs the total of attendees. Could you make the recorded session available to the public review, please. Thank you.
2. Of the ~140 people that spoke, there were 7-8 people who are members of the temple. The remaining speakers were community members who live in the neighborhood, I counted 3 neighbors that support the project. That equates to 130 people that opposed the Rezoning and Special Use Permit. **So 130 out of 133 is ~ 98% of the neighbors OPPOSED** the Rezoning and SUP application. Of the 40 people that took the survey, 100% opposed the Rezoning and SUP application. Of the 400 people that received the flyers handout about the meeting, about 100% of those also OPPOSED this project. These numbers DO represent this community, this neighborhood and should be documented in staff report for the record.
3. Also for the record, I and many of people I spoke with after the meeting were VERY OFFENDED by the members of temple! Extremely negative comments. **What rights do these members have to accuse the neighbors of being racists, and that “Asian Hate” was the primary motive of the neighbors opposing this project. It is obvious that the temple members do not know what made up this neighborhood.** We are a very diverse community, and the majorities have lived in this neighborhood for over 20 years. **It is also very transparent that the temple members do not live this neighborhood and do not have any consideration for our real concerns.** *How can anyone believe the applicant’s statements regarding the temple good neighbor intentions, when the message that the temple members are telling the community members are with so much hatred, instead of hearing the neighborhood concerns???*
4. The temple members’ comments were more than disappointing and contradictory to the applicant’s statement that they want to build this temple for the community, when the **members of the temples OBVIOUSLY DON’T KNOW and DON’T CARE about the people that live in this neighborhood,** as they indicated. **How many members of the temple actually live within 0.25 mile of the proposed site?** I person did not hear from any temple members living in this neighborhood. I’ve personally lived in small court with 8 homes. There are “1” Caucasian family, “1” Brazilian family and “6” Asian family. My court has annual block parties over the past 23 years together. Therefore, I DO NOT appreciate anyone not knowing anything about our neighborhood, accusing us of being racist! A few neighbors spoked to this point during the meeting. Again, I would like for this important point to be on record of the applicant’s extreme comments against the neighborhood.
5. A large # of neighbors made up of a very diverse ethnic group, took times out of their busy schedules to prepare presentation and voice their concerns regarding the REZONING & SUP applications. We pointed out facts and data surrounding the project. NO positive comments were made by the temple members, nor constructive comments shared by the applicant.

Instead, we are accused of not being inconsiderate? Everything in the applicant's statements contradicts all the comments made by the members of the temple that spoke at the meeting.

6. Again, the size of the combined gathering facilities is simply INCOMPATIBLE in this dense RN zone. The 15,000 sf MASSIVE structure, 60ft tall (4-stories high), with a potential occupancy capacity of  $787+799+795 = 2381$  per the proposed SUP, is just not appropriate for this small parcel in a majority Residential Neighborhood. The additional 2131 occupancy capacity in the temple courtyards would make the potential capacity of this facility over 4000 people. Therefore, the Operation Plan of maximum 300 people is extremely deceiving and difficult to comprehend. What is the truth? Is this an attempt to manipulate the zoning codes and to submit a plan that meet certain requirements, and the reality is beyond the paper design? The original plan was much bigger. Was that plan also to accommodate only 300 visitors? Again, this is very difficult for the residents to make sense of the proposal. Logically, no one would invest and build a gathering facility that can hold 4000 people, and promise that there will be only a 300 visitor max? Can staffs please help the community understand how this MASSIVE facility is appropriate for this small parcel and how is it compatible in the dense Residential Neighborhood?
7. For an Residential Neighborhood Zone (R1-5), designed for a max 5-6 single family homes, the max would be 30 people, assuming 5 persons per typical household. How can we justify even the minimum 300 people? I do understand that if one apply to rezone an R1-5 to PQP, then a different size of build be constructed. However the plan for a MASSIVE ~15000 sf, 60ft tall building is just NOT COMPATIBLE, NOT APPROPRIATE for this RN parcel.
8. A PQP is simply a tactic to manipulate a simple R1-5 to allow a oversized structure of 15,000 sf. How is this meeting CEQA?
9. The fact that the facility is designed to hold easily 4000 people is simply unreal and incompatible with the neighborhood. The Operation Plan (300 visitors) contradicts the project potential capacity (4000 people). Please review my comments regarding my personal experiences with the other temples regarding overflow parking to the surrounding streets, traffics. The timing when traffic analysis is done should be realistic, when ALL activities are back to normal (POST-COVID). One speaker concurred, and mentioned that he stopped going the local Buddhist temples and go to one 30 mi away to avoid parking problem that we are real life's concerns. This is the reality that will never show up on any paper designs submitted for approval.
10. Please observe the real traffic and parking problems at the temples at 2420 McLaughlin Ave and 2715 S White Road during any "major" holiday event to truly validate the "real-life" problems that is beyond any paper designs! Observing/doing traffic analysis during the summer when kids are out and while everything are still not back to normal due to COVID, are simply misleading. Data would not be valid.
11. Norwood is a narrow 2-lane road. There would not be any visitors coming from the hillside. Ruby Ave is a "double-yellow" 2-lane road. There is only one-way to enter the proposed project on Ruby. Traffic would be coming for the south on Ruby Ave from Quimby. Or the visitors would have to travel up Norwood and turn left on Ruby at the stop sign. There is only a short 250 ft from the stop sign at Ruby and Norwood. Thus the reason, one neighbor commented that without an EIR, this would be a major programmatic and realistic problem that all the neighbors fear of. More than likely, visitors will turn left illegally crossing the "double-yellow" coming from Tully Rd on Ruby Ave, as Tully Rd is a main path for many

people. It is also a main road that connect all other major road and freeway access.

12. As for the applicant's plan to bus/shuttle visitors from nearby schools, how is this plan safe for kids near schools and the small streets that these buses will travel through? How does this address the traffic and parking concerns? How is this appropriate for this highly dense Residential Neighborhood?

Please consider all these points if you are moving forward with the EIR and CEQA compliance review. Thank you for hearing our concerns.

Best regards,  
Nick Pham

[Redacted]

---

**From:** Nick Pham [Redacted]  
**Sent:** Wednesday, June 2, 2021 3:40 PM  
**To:** '[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)' <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>  
**Subject:** Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Importance:** High

Hi Michelle:

Please find attached a letter with my comments for this project, that I would like to enter for public record. Feel free to share screen the letter during the meeting as needed, if appropriate. I am planning to be at on the Zoom Meeting and comment to it, as well.

I am a resident within ~ 1000ft.

Thank you,  
Nick Pham

[Redacted]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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*QUICK SURVEY Results from Neighbors that can't come to the Community meeting. Results within short 24hr, June 1-June 2...*

Overall, do you understand the scope of the proposed REZONING of 2740 Ruby Ave to build a ~15,000 sf Temple?

- Answered: 39
- Skipped: 1

ANSWER CHOICES-	RESPONSES-
- Yes	89.74% 27
- No	10.26% 4
TOTAL	35

Do you agree with the proposed Building Size, Architecture Design, Parking Layout of the Temple with respect to the lot size?

- Answered: 40
- Skipped: 0

ANSWER CHOICES-	RESPONSES-
- Yes	0.00% 0
- No	100.00% 40
TOTAL	40

Do you oppose or support the REZONING, BUILDING Structure in the current R1-5 parcel at 2740 Ruby Ave?

- Answered: 40
- Skipped: 0

ANSWER CHOICES-	RESPONSES-
- Oppose	100.00% 40
- Support	0.00% 0
TOTAL	40



RESIDENT'S RESPONSE # 2 TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024

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**June 3, 2021**

**To: City of San Jose Planning Department, Planning Commissioners, Council Members**

I have originally sent the message bellow in an email format, following the Community Meeting on June 2, 2021. I am transferring the content here in a more proper format to share with the neighbors that have asked for my comments. I am editing a few grammatical typos, (it was a late night). The content is the same. Please replace my email with this letter as my formal response # 2 following the June 2 community meeting regarding the project mentioned.

---

Dear Michelle Flores, John Tu, Thai-Chau Le and Timothy Rood:

Again, thank you very much for hosting the community meeting on 6/2. The entire neighborhood was hoping that it would be live in-person. But we appreciate the opportunity to voice our concerns.

In addition to my comments sent (1st letter reforwarded). I have a few additional comments, questions on behalf of all the neighbors that could not make the meeting, due to work, graduation, and other schedule conflicts. So I had set up a quick survey, 24 hrs prior to the meeting. There were about 40 responses. These folks have seen my attached 1st letters, and are in supports of the points made. Please find it attached as comments from these 40 neighbors.

I believe my questions/comments do represent the majority of the neighbors that oppose the Rezoning and SUP applications. I would like to enter this email in addition to my letter for public record, to be forwarded to the Planning Commissioners and Council Members. The basics of the comments and questions are:

1. These are comments following the community meeting on 6/2. I would like to thank staffs for hosting and managing the meeting. I can understand how difficult it is to do on Zoom. Per my rough counts, there about 140 people that spoke. I believe there were about 100 more attendees that were not given the opportunity to speak, due to the time constraints, as people were not able to raise their hands after a cutoff time. That would mean only about 60% of the people spoke. Could you please share the number attendees that spoked vs the total of attendees. Could you make the recorded session available to the public review, please. Thank you.
2. Of the ~140 people that spoke, there were 7-8 people who are members of the temple. The remaining speakers were community members who live in the neighborhood, I counted 3 neighbors that support the project. That equates to 130 people that opposed the Rezoning and Special Use Permit. **So, 130 out of 133 is ~ 98% of the neighbors OPPOSED** the Rezoning and SUP application. Of the 40 people that took the survey, 100% opposed the Rezoning and SUP application. Of the 400 people that received the flyers handout about the meeting, about 100% of those also OPPOSED this project. These numbers DO represent this community, this neighborhood and should be documented in staff report for the record.
3. Also for the record, I and many of people I spoke with after the meeting were VERY OFFENDED by the members of temple! Extremely negative comments. **What rights do these members**

Nick Pham, Evergreen Resident

Page 1 of 3

**RESIDENT'S RESPONSE # 2 TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024**

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**have to accuse the neighbors of being racists, and that "Asian Hate" was the primary motive of the neighbors opposing this project. It is obvious that the temple members do not know what made up this neighborhood.** We are a very diverse community, and the majorities have lived in this neighborhood for over 20 years. **It is also very transparent that the temple members do not live this neighborhood and do not have any consideration for our real concerns.** *How can anyone believe the applicant's statements regarding the temple good neighbor intentions, when the message that the temple members are telling the community members are with so much hatred, instead of hearing the neighborhood concerns???*

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## RESIDENT'S RESPONSE # 2 TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024

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Please consider all these points if you are moving forward with the EIR and CEQA compliance review. Thank you for hearing our concerns.



## NATIVE AMERICAN HERITAGE COMMISSION

May 24, 2021

Thai-Chau Le

City of San Jose Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113



CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
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COMMISSIONER  
**Julie Tumamait-Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
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California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2021050524, Wat Khmer Kampuchea Krom Temple Project, Santa Clara County**

Dear Ms. Le:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Cultural Resources Analyst

cc: State Clearinghouse



State of California  
Native American Heritage Commission  
1550 Harbor Blvd., Ste. 100  
West Sacramento, CA 95691



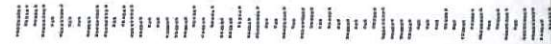
**RECEIVED**  
JUN 03 2021  
CITY OF SAN JOSE  
PLANNING, BUILDING AND CODE ENFORCEMENT

CHAIRPERSON  
**Laura Miranda**  
Luiseño

May 24, 2021

Thai-Chau Le  
City of San Jose Department of Planning, Bu  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113

Re: 2021050524 Wat Khmer Kampuchea  
9511381903 0056



**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#)  
**Subject:** The Proposed Temple  
**Date:** Thursday, June 3, 2021 2:46:15 PM

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[External Email]

Dear Thai-Chau,

I attended the zoom call on Wednesday night but I did not speak. I wish to provide my comments via this e-mail.

(1) Religious facilities in Evergreen foothills are offset from streets or off the beaten path so they are not pronounced to the residential neighborhood. The Temple will be up to 64 feet high (equivalent of 4 stories) and clearly stick out. Other religious facilities are all on large plots of land. The Temple is proposed for a small plot of land.

(2) Pastor John Goldstein made very good points based on his experience. It will be hard for the Temple to limit attendance to 300 people. The Temple proponents said last night the desire is to grow and make Temple available to future generation. The Pastor said his #1 wish today would be for more land. Shoe-horning a Temple into an undersized piece of land from the beginning is not wise.

(3) Parking at the Temple is undersized and I have no faith in an offsite shuttle service. People are expedient creatures. They will park on the street and into surrounding neighborhood. I have lived 2 blocks away on Rathmann Drive for 35 years. What has changed over time is single family homes have been occupied by multiple families with multiple cars. Many homes do not use their garages to park cars anymore. My street has many more cars parking in the street than in years past. What I foresee as a result of the Temple is even more cars fighting for space on surrounding streets including my street on Rathmann Drive. And the Temple members will walk up to Norwood/Ruby and have to cross a very dangerous intersection that have cars speeding well above the posted 35 mph speed limit and blowing right through the stop signs. This is a big safety issue.

(4) The denial of the previous desire to build 6 homes and now potentially approving a larger use and more pronounced structure via the magic of changing the rules by rezoning to PQP is inconsistent and unfair.

(5) Construction is going to be a big inconvenience, noisy and a hassle. Operation of a completed Temple is going to be problematic with only 1 driveway as access. Traffic will back up. People already drive well over the speed limit on Ruby. Drivers are impatient and will have nowhere to go with only 2 lane road. We will be creating a toxic cocktail for road rage.

I am not a racist and I support religious freedom but not at the expense of negatively effecting my life and neighborhood that I have enjoyed over the last 35 years. I have nothing against the Temple or the members but I oppose construction of the Temple at that location for the above-mentioned reasons.

The zoom call was very well conducted by the professionals involved. The process is clear. I have full confidence the Planning Division will come up with an objective

recommendation. I am concerned that the City Council will make the final decision. I have heard that the wealthy backer of the Temple is a friend of Mayor Sam Liccardo. I like Sam. I voted for him. I am a Bellarmine graduate too. But I know the reality of how friendships work and that concerns me.

Respectfully submitted,  
Paul Rosati

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**From:** [Le, Thai-Chau](#)  
**To:** [REDACTED]  
**Cc:** [Flores, Michelle](#)  
**Subject:** RE: EIR report  
**Date:** Friday, June 4, 2021 11:24:00 AM

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Hi Mehul,

Thank you for the clarification. This is part of the consideration for the analysis, but I will pass this on to the full team to make sure this is captured in the work scope.

Best regards,  
Thai

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**From:** Mehul Poladia [mailto:mehul.poladia@gmail.com]  
**Sent:** Friday, June 4, 2021 11:02 AM  
**To:** Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Cc:** Flores, Michelle <michelle.flores@sanjoseca.gov>  
**Subject:** Re: EIR report

[External Email]

Yes you are correct. Pre-Covid era traffic with school in session. That will give a very close estimate.

Michelle,  
Thanks for correcting the email address. I will send my written comments as well to be put into public record.

Regards,  
Mehul.

On Fri, Jun 4, 2021 at 10:24 AM Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)> wrote:

Thank you for passing this along, Michelle.

Mehul, thank you for the comments. To clarify, is your concern regarding transportation/trips count specifically? To ensure that we capture "pre covid" and more the usual normal environment?

Best regards,  
Thai

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**From:** Flores, Michelle

**Sent:** Friday, June 4, 2021 10:22 AM

**To:** [REDACTED]

**Cc:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>

**Subject:** FW: EIR report

Hi Mehul,

I have CC'd Thai in this email. The original email had a typo in Thai's name.

Kind regards,

Michelle Flores

Planner | Planning Division | City of San Jose

200 E. Santa Clara Street, 3<sup>rd</sup> floor

<http://www.sanjoseca.gov/planning>

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**From:** Mehul Poladia [REDACTED]

**Sent:** Wednesday, June 2, 2021 8:16 PM

**To:** [thai-chua.le@sanjoseca.gov](mailto:thai-chua.le@sanjoseca.gov); Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>

**Subject:** EIR report

[External Email]

Hi Thia-chua,

I will be very much interested in getting a copy of the EIR report. I would also request that you do this study when the school is in session and do it for a few weeks.

Thank you,

Mehul.

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#); [Flores, Michelle](#)  
**Cc:** [REDACTED]  
**Subject:** C20-021/SP20-024/ER20-147, Notice of Preparation for an EIR: Wat Khmer Kampuchea Krom Temple Project located in residential neighborhood 2740 Ruby Avenue, San Jose, CA 95148  
**Date:** Friday, June 4, 2021 3:04:23 PM  
**Attachments:** [2740 Ruby Ave Project C20-021 SP20-024 ER20-147.doc](#)

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[External Email]

June 4, 2021

City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113

Attention: Thai-Chau Le, Environmental Project Manager and Michelle Flores, Project Manager

Subject: File No: C20-021/SP20-024/ER20-147

Notice of Preparation for an EIR: Wat Khmer Kampuchea Krom Temple Project located in residential neighborhood 2740 Ruby Avenue, San Jose, CA 95148

Thank you for the opportunity to provide comments and concerns regarding the above project in our residential Evergreen neighborhood part of San Jose, District 8.

Concern: The Rezoning of the ~1.97 acre R-1-5 residential property located at the corner of Norwood Ave. and Ruby Ave. to PQP Public/Quasi-Public to construct an approximately 17,800+ square feet temple and several other supporting structures and parking. We are and have been a diverse single family residential neighborhood and this DOES NOT fulfill the City's vision of this area as per San Jose General Plan 2040. The temple will only continue to grow over time. This particular property is not suitable for the size of project as well as any future growth. We do not want a large overbearing structure that will not complement the existing surrounding residential neighborhood.

This project is not the first or only place of worship built in Evergreen. We actually have many other places of worship built all around our diverse neighborhood however they are set on properties that are not invasive or cause negative impact to residents in surrounding areas. Would like to see a map with all places of worship in comparison with this new project. This project deserves to be on a larger piece of land.

Concern: While the applicant took away the underground parking garage (which was unsuitable within residential area from the start), the propose project is still way too large for size of lot and current plan still will have a negative impact to our neighborhood especially the neighbors immediately surrounding all around this corner lot. While the temple is to be a place for worship and peaceful meditation for the congregation, it will be a totally different experience for our neighborhood. The neighborhood will be the

ones who will be negatively impacted by this too large project that do not complement our existing neighborhood of single family home structures. What about our quality of life here in Evergreen as existing residents?

The project is still too large for ~1.97 acres. The neighborhood has been consistent on wanting a project that fits the residential land use that will complement the existing neighborhood. The temple steeple will be overwhelming to the housing structures in our existing neighborhood. We have single story and two story homes and the temple want to add a 4 foot temple steeple.

300+ people on the property at any given time is a lot of additional people in the neighborhood. If we use the guideline of a single family household, (2 adults and 2.5 children), 300 people would be equal to ~67 of our neighborhood single home families. That would be enough to fill our entire Ruby/Norwood neighborhood population in less than a 2 acre lot area!

How will the temple regulate having 300 visitors at any given time? It sounds like a good selling point however, not realistic nor able to control. If this location in Evergreen is "centrally located" for congregation, that means folks will be driving a good distance to visit the temple (heard a lot of folks on call going to SF college)...if they are at 300 people limit, how will they turn these folks away...?

With a parking lot that will hold 71+ cars for 300+ people as well as delivery trucks coming and going will cause excess exhaust pollution from diesel and gasoline vehicles. 71 cars with 2-4 people in vehicles closing their car doors and possible using their key to set car alarms. This will be heard from many neighbors who have their backyards bordering this lot. Now the existing neighborhood folks can not even enjoy their peaceful "backyard sanctuary"...what about our neighborhood peaceful sanctuary?

Concern: Addition traffic flow on residential streets including Ruby and Norwood as well as the other neighborhood streets leading into the neighborhood. Norwood is a single lane road throughout the immediate neighborhood. This road is also used by bicycles and walkers. Ruby is our main road cutting through the residential neighborhoods in Evergreen. Tully Road and Quimby Roads are both residential roads that are used heavily by local and others. We currently have issue with speeders, cars doing donuts, many accidents including several fatalities for being in a residential area. We do not have a good presence of police to help with reinforcement of laws including traffic. What area will the traffic report include? There is no mass transit locally to support folks who would park at an off site location. Not sure if that alternative is realistic.

Understand there is an EIR process now that the project will go through. I pray that our neighborhood input will be taken seriously and sincerely as if you were in our neighborhood.  
Thank you again for the opportunity to protect our neighborhood character and perseverance.

Best Regards,  
Linda and Kerm Ladwig,

Evergreen Residents for over 35 years.

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#)  
**Subject:** Input to June 2nd zoom meeting  
**Date:** Friday, June 4, 2021 4:57:39 PM

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[External Email]

I want to make two main comments to add as input to the EIR scope zoom meeting June 2 about the proposed project at the corner Norwood and Ruby in Evergreen.

First, as a comparison of projects, the property of Groesbeck Hill Park was considered for possible park development before any of the housing development around it was begun. People bought their homes with knowledge of that potential for development. A few homeowners at the time, mostly directly across from the park, resisted that development. I do not think such resistance justifiable because of foreknowledge. I know this history very well. I am an original homeowner in the area since 1980 and served as president and principal organizer of the exceptionally large neighbor organization (Evergreen Advisory Group) that promoted that park development. By comparison, no single-family homeowner could have possibly predicted such a large impacting project might be considered for the corner of Norwood and Ruby. This must be particularly devastating to the homeowners next to the project.

Second, in listening to actual details for the first time of the proposed project, I was impressed and became saddened. I know what it is to dream about a project you're wanting. But what I heard at that meeting was a shattering of an original dream. The reduction in scope seemed much too far of a sacrificing to try and appease the neighborhood and still did not go far enough. While the plan from the graphic projections connotes beauty, peacefulness, and care for the others next to it, I think it belies the potential impact and is inadequate for the original expressed need of its congregation. There must be sadness and pain associated with its diminishment, and as commented at the meeting offers a complete lack for possible growth.

I sat on councilman Dave Cortese's Evergreen/East Hill Committee that reviewed potential development or lack of it for the large tracks of vacant land in the area. Surely adequate portions of that land could be made available. As was commented at the meeting, some of the old golf course land would seem well suited to accommodate original parking needs as well as an expanded temple, residential, and gathering needs. I think it could then be a considerable community asset without having such negative impact on established neighborhoods. The District 8 City Council Representative's office should help this organization interface with landowners and other appropriate city and county offices to obtain an equitable resolution that much better fulfills original needs and dreams and reaches a truly win-win situation.

Signed,

Gordon F Lund  
[REDACTED]

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](mailto:Le,Thai-Chau)  
**Subject:** Re: Notice of Preparation (NOP) for the Wat Khmer Kampuchea Krom Temple Project Draft Environmental Impact Report (C20-021/SP20-024/ER20-147)  
**Date:** Sunday, June 6, 2021 5:14:56 PM

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[External Email]

Hello Thai-Chau,

I was unable to attend the June 2nd meeting so I don't know what concerns were voiced. My main concern about this project is really about the dangerous traffic conditions this project will create, but regarding this project as it relates to the environment, I am concerned about the noise pollution from public ceremonies, celebrations, and traffic. I'm concerned about the added air pollution concentrated in an underground garage that's going to be expelled so closely to nearby homes. Possible liquefaction is going to affect the residents immediately nearby. The large number of visitors is going to increase the amount of refuse on the streets. Thank you for your time & attention. I hope these concerns will be factored into the EIR. Thanks.

Deborah Chan

On Mon, May 24, 2021 at 9:35 AM Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)> wrote:

**NOTICE OF PREPARATION OF ADRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT**

**FILE NO:** C20-021/SP20-024/ER20-147

**PROJECT APPLICANT:** Khmer Buddhist Temple Foundation and Andrew Mann Architecture

**APN:** 652-29-014

**Project Description:** The project applicant proposes to rezone the property from R-1-5 Residence District to PQP Public/ Quasi-Public to construct an approximately 17,800 square feet temple sanctuary building and a community building with a community hall, finishing kitchen, library/classroom, administrative offices, and restrooms. A monk's residence hall with five bedrooms (eight full-time residents) occupies a smaller second story portion of the community building. Two gate structures flank and mark the entrance to a central courtyard, with two smaller landscaped courtyards sited along the temple sanctuary building. A surface parking lot is located at the interior of the lot. The project would also provide new buffer landscaping on the perimeter of the site, including new street trees.

**Location:** 2740 Ruby Avenue, San Jose, CA 95148

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:

**When:** Wednesday, June 2, 2021 from 6:00 p.m.

**Where:** Via Zoom (see instructions below on project page at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs))

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le, Environmental Project Manager  
200 East Santa Clara Street, 3rd Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658, e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#)  
**Subject:** Wat Khmer Kampuchea Krom Temple Project  
**Date:** Monday, June 7, 2021 8:17:08 AM

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[External Email]

To Whom it may concern,

My name is Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter dated : June 2 2021

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a recorded and potentially eligible cultural site, we recommend that a Native American Monitor and an Archaeologist be present on-site at all times. The presence of a monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Consulting, LLC has numerous Native Monitors available for projects such as this, if applicable, along with Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Consulting, LLC believes in having a strong proponent of honoring truth in history, when it comes to impacting cultural resources and potential ancestral remains. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after. Doing so has the strong potential to impact cultural resources and disturb ancestral remains. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences.

As previously stated, our goal is to **Honor Truth in History**. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that **#HonorTruthinHistory**. This will make all involved aware of the history of the indigenous communities whom we acknowledge as the first stewards and land managers of these territories.

**Potential Approaches to Ingenious Culture Awareness/History:**

--Signs or messages to the audience or community of the territory being developed. (ex. A commerable plaque or as advantageous as an Educational/Cultural Center with information about the history of the land)

-- Commitment to consultation with the native peoples of the territory in regards to presenting messaging about the natives/Indigenous history of the land (Land Acknowledgement on website, written material about the

space/org/building/business/etc)

-- Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

We look forward to working with you.

Best Regards,

Kanyon Sayers-Roods

Creative Director/Tribal Monitor

Kanyon Konsulting, LLC

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [REDACTED]  
**To:** [Le, Thai-Chau](mailto:Le,Thai-Chau)  
**Subject:** RE: The Proposed Temple  
**Date:** Tuesday, June 8, 2021 8:58:06 AM

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[External Email]

Hi Thai,

As a follow-on comment, I took my usual route today out Rathmann Drive and up Norwood Ave to go to my local coffee shop. As I got to Norwood/Ruby intersection, I had a startling thought. Now that the property has been cleared and the covered fences blocking view of the property have been removed, I now get a clear view of the property, sloping up eastward. I had a visualization of the proposed Khmer Buddhist Temple on the lot and thought "OMG, it could actually happen". The picture in my mind was horrifying. A huge imposing structure piercing the beautiful residential neighborhood I have enjoyed for 35 years, right in the center of the Evergreen foothills. This is quite different from the Sikh Temple that is situated way up the hill up Aborn Ave, on a large piece of property that I do not see on a daily basis. Allowing the proposed Temple to go is not only wrong but also a big mistake for all the reasons I identified in my previous e-mail.

Thanks for listening,  
Paul Rosati

On 06/03/2021 3:55 PM Le, Thai-Chau <[thai-chau.le@sanjoseca.gov](mailto:thai-chau.le@sanjoseca.gov)> wrote:  
Hi Paul,

Thank you for your comments! This email is to confirm that I have received your comments, have forwarded it on to our environmental consultants for their preparation of the EIR, and will have this retained for the public record.

Best regards,  
Thai

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**From:** PAUL ROSATI [REDACTED]  
**Sent:** Thursday, June 3, 2021 2:46 PM  
**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Subject:** The Proposed Temple

[External Email]

Dear Thai-Chau,

I attended the zoom call on Wednesday night but I did not speak. I wish to provide my comments via this e-mail.

(1) Religious facilities in Evergreen foothills are offset from streets or off the beaten path so they are not pronounced to the residential neighborhood. The Temple will be up to 64 feet high (equivalent of 4 stories) and clearly stick out. Other religious facilities are all on large plots of land. The Temple is proposed for a small plot of land.

(2) Pastor John Goldstein made very good points based on his experience. It will be hard for the Temple to limit attendance to 300 people. The Temple proponents said last night the desire is to grow and make Temple available to future generation. The Pastor said his #1 wish today would be for more land. Shoe-horning a Temple into an undersized piece of land from the beginning is not wise.

(3) Parking at the Temple is undersized and I have no faith in an offsite shuttle service. People are expedient creatures. They will park on the street and into surrounding neighborhood. I have lived 2 blocks away on Rathmann Drive for 35 years. What has changed over time is single family homes have been occupied by multiple families with multiple cars. Many homes do not use their garages to park cars anymore. My street has many more cars parking in the street than in years past. What I foresee as a result of the Temple is even more cars fighting for space on surrounding streets including my street on Rathmann Drive. And the Temple members will walk up to Norwood/Ruby and have to cross a very dangerous intersection that have cars speeding well above the posted 35 mph speed limit and blowing right through the stop signs. This is a big safety issue.

(4) The denial of the previous desire to build 6 homes and now potentially approving a larger use and more pronounced structure via the magic of changing the rules by rezoning to PQP is inconsistent and unfair.

(5) Construction is going to be a big inconvenience, noisy and a hassle. Operation of a completed Temple is going to be problematic with only 1 driveway as access. Traffic will back up. People already drive well over the speed limit on Ruby. Drivers are impatient and will have nowhere to go with only 2 lane road. We will be creating a toxic cocktail for road rage.

I am not a racist and I support religious freedom but not at the expense of negatively effecting my life and neighborhood that I have enjoyed over the last 35 years. I have nothing against the Temple or the members but I oppose construction of the Temple at that location for the above-mentioned reasons.



The zoom call was very well conducted by the professionals involved. The process is clear. I have full confidence the Planning Division will come up with an objective recommendation. I am concerned that the City Council will make the final decision. I have heard that the wealthy backer of the Temple is a friend of Mayor Sam Liccardo. I like Sam. I voted for him. I am a Bellarmine graduate too. But I know the reality of how friendships work and that concerns me.

Respectfully submitted,  
Paul Rosati

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [REDACTED]  
**To:** [The Office of Mayor Sam Liccardo](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District 6](#); [District7](#); [District8](#); [District9](#); [District 10](#); [Planning Commission 1](#); [Planning Commission 2](#); [Planning Commission 3](#); [Planning Commission 4](#); [Planning Commission 5](#); [Planning Commission 6](#); [Planning Commission 7](#)  
**Cc:** [Flores, Michelle](#); [Le, Thai-Chau](#); [Tu, John](#); [Rood, Timothy](#)  
**Subject:** We Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave  
**Date:** Wednesday, June 9, 2021 10:45:37 AM

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[External Email]

Dear Mayor, Councilmembers, Planning Commissioners and Staff:

My name is Philip Nguyen. I currently a property owner, a residence of [REDACTED] [REDACTED] (2 houses away from the proposed project 2740 Ruby Ave). My family and I are political refugee escaped from Vietnam Communist brutality back in 80s and now proudly sworn Asian American of the Evergreen Community. My father was South Vietnamese Army Captain prior to 1975 fought along the US army force in South Vietnam during the Viet Nam war. Buddhism is also our primary religion so religion has nothing to do with our opposition to this proposed project. Been living and paying taxes in San Jose for 34 years. The impact and the incompatibility issues to be generated by this oversized, incompatible, misplaced structure will personally affecting us in many levels.

With all that being said, as a resident in the neighborhood directly impacted by this proposed rezoning of a small Residential R1-5 parcel to PQP and the Special Use Permit to build a massive structure, we respectfully urge you to decline these applications for the following reasons:

- 1. The project DOES NOT meet a number of General Plan Policies, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and other City of San Jose's Code of Ordinances included Noise, Vehicle and Traffic which will be brought into the existing quiet residential neighborhood once built**
2. The oversize structure on a small lot in a dense Residential Neighborhood does not fit the characters of the neighborhood. It is aesthetically

incompatible with the homes immediately next to it and the surrounding neighborhood. Especially the small 996sf home at 2740 Ruby Ave. One long-time resident even has already decided to sell the home on Sweetleaf Ct, that will be directly impacted the massive 4-story high building. This project is impacting the neighborhood and driving residents out of their home.

3. The proposal of a 15,000 sf buildings and outdoor facility that can home over 4000 people, is a MAJOR CONTRADICTION with the proposed operating plan of only up to 300 people at any given time.
4. Narrow Ingress/Egress Driveway into the Huge Parking Lot from a small 2 way “double-yellow”, 250ft away from a busy 4-way stop will most definitely create major traffic & safety concerns. Overflow parking to the surrounding small residential streets is the inevitable and simply unacceptable. Busing/shuttling plan of visitors to & from nearby school parking lots implies an already known an overcrowded problem. Again, this a major concern and inconsistency of this proposed project in this neighborhood.
5. The operational plan of 300 visitor max vs the combined 15,000 sf 4-story high building structure and outdoor facility that can easily hold over 4,000 people, is just very deceiving and perhaps a misrepresentation. Any design on paper can meet the city minimum requirements. In reality, the traffic, safety problem will be 10 times the design on paper.
6. Additionally, we live in a very diverse neighborhood. So, we are all very offended, when the members of this organization during a community meeting identify themselves as “Members of the Temple” continuously spoke up and called the neighbors RACIST. None of the Temple’s members responded to the any of the neighbor’s concerns, but instead, they repeated addressed the neighbor as racists and that we are Anti-Asian!

As the Buddha has said himself: “Every day you persuade one person to understand the truth, that you have done one blessing to mankind.” We thank you for time and evaluation. Hopeful Our Voices Do Matter!

Sincerely,

Philip Nguyen  
Sr. Product Security Engineer



INTUITIVE

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [REDACTED]  
**To:** [The Office of Mayor Sam Liccardo](#); [District8](#); [Thai-Chau.le@sanjoseca.gov](mailto:Thai-Chau.le@sanjoseca.gov); [Planning Commission 1](#); [Flores, Michelle](#); [Tu, John](#); [Rood, Timothy](#)  
**Subject:** We Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave  
**Date:** Wednesday, June 9, 2021 3:46:38 PM

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Dear Mayor, Council Members, Planning Commissioners and Staff,

I hope this email finds you all well.

As a resident in the neighborhood directly impacted by the proposed rezoning of a small Residential R1-5 parcel PQP and the Special Use permit to build a massive structure, I respectfully urge you to decline these applications for the following reasons.

- 1) I live on one of the 4 corners of the Ruby/Norwood intersection and would be directly impacted by the proposed plans. There are frequent accidents at this intersection. We have cameras, and often see & hear accidents at this intersection. We even had a car crash through our retaining wall a few years back and landed 10 feet from our front door. The additional traffic at this residential intersection is a very real safety concern. I am happy to provide videos of the frequent accidents that occur at this intersection to provide additional data points if needed.
- 2) The proposed oversized structure of the Temple (15K sq. feet & 4 story high building) is too large for the land and is not aesthetically compatible with the residential homes in the neighborhood. The overflow of cars would take up parking from the local residents.
- 3) I work from home (have worked from home for over 8 yrs) as does my husband, so the constant noise level, dust, and pollution of the construction will definitely have an impact on our quality of life/mental health, as with the surrounding neighbors.

I have been a resident of Evergreen since 1984, back when there were still orchards in this neighborhood and attended school in Evergreen & SJSU.

Thank you all for your time. I hope that my voice (as with my neighbors voices) matters and that you please consider the very valid concerns we have shared.

Sincerely,  
Thi Le  
Evergreen Resident  
[REDACTED]

**From:** [REDACTED]  
**To:** [The Office of Mayor Sam Liccardo](#); [Flores, Michelle](#)  
**Cc:** [The Office of Mayor Sam Liccardo](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District 6](#); [District7](#); [District8](#); [District9](#); [District 10](#); [Planning Commission 1](#); [Planning Commission 2](#); [Planning Commission 3](#); [Planning Commission 4](#); [Planning Commission 5](#); [Planning Commission 6](#); [Planning Commission 7](#); [Flores, Michelle](#); [Le, Thai-Chau](#); [Tu, John](#); [Rood, Timothy](#)  
**Subject:** We Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave  
**Date:** Wednesday, June 9, 2021 8:50:37 PM

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[External Email]

Dear Mayor, Councilmembers, Planning Commissioners and Staff:

My name is Dung Huynh. I currently a property owner, I live on Ambum Ave. and Ruby, roughly 200 feet from the proposed temple project located on 2740 Ruby Ave. We have been living in this neighborhood for 8 years but have always been a San Jose resident for 20 years. We are Vietnamese American who have come to this country for the values of freedom and democracy of which it stands for. Our religion is also Budism which is a religion mainly teaching people to attend inner-peace, respect and released from suffering driven by greed, desires, and ambition. With that said I agree with many people within the area that The proposed project would cause tremendous of negative impacts, both physical and emotional stresses to everyone within half a mile proximity who have called this place our loving home.

The proposed rezoning of a small Residential R1-5 parcel to PQP and the Special Use Permit to build a massive structure, we respectfully urge you to decline these applications for the following reasons:

- 1. The project DOES NOT meet a number of General Plan Policies, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and highly likely breaking City of San Jose's Code of Ordinances at many levels from Noise, Vehicle and Traffic, disturbance of peace of which this quiet residential area always had.**

2. The oversize structure on a small lot in a dense Residential Neighborhood does not fit the characters of the neighborhood. It is aesthetically incompatible with the homes immediately next to it and the surrounding neighborhood. Especially the small 996sf home at 2740 Ruby Ave. One long-time resident even has already decided to sell the home on Sweetleaf Ct, that will be directly impacted the massive 4-story high building. This project is impacting the neighborhood and driving residents out of their home.
  
3. The proposal of a 15,000 sf buildings and outdoor facility that can home over 4000 people, is a MAJOR CONTRADICTION with the proposed operating plan of only up to 300 people at any given time.
  
4. Narrow Ingress/Egress Driveway into the Huge Parking Lot from a small 2 way “double-yellow”, 250ft away from a busy 4-way stop will most definitely create major traffic & safety concerns. Overflow parking to the surrounding small residential streets is the inevitable and simply unacceptable. Busing/shuttling plan of visitors to & from nearby school parking lots implies an already known an overcrowded problem. Again, this a major concern and inconsistency of this proposed project in this neighborhood.
  
5. The operational plan of 300 visitor max vs the combined 15,000 sf 4-story high building structure and outdoor facility that can easily hold over 4,000 people, is just very deceiving and perhaps a misrepresentation. Any design on paper can meet the city minimum requirements. In reality, the traffic, safety problem will be 10 times the design on paper.
  
6. Additionally, we live in a very diverse neighborhood. So, we are all very offended, when the members of this organization during a

community meeting identify themselves as “Members of the Temple” continuously spoke up and called the neighbors RACIST. None of the Temple’s members responded to the any of the neighbor’s concerns, but instead, they repeated addressed the neighbor as racists and that we are Anti-Asian!

We are greatly appreciated your proper attention and assessment to the impacts caused by this proposal with utmost care and sympathy for us, the citizens of the Evergreen Community. May God bless you and your family!

Thanks and Regards,

Denise Dung Huynh

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#)  
**Cc:** [Flores, Michelle](#); [Tu, John](#); [Chang, Chu](#); [District8](#)  
**Subject:** EIR - Khmer Temple at 2740 Ruby Ave  
**Date:** Thursday, June 10, 2021 9:39:03 AM  
**Attachments:** [20210609\\_073649\\_01.mp4](#)

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[External Email]

**FILE NO:** C20-021/SP20-024/ER20-147

**PROJECT APPLICANT:** Khmer Buddhist Temple Foundation and Andrew Mann Architecture

**APN:** 652-29-014

Dear Thai,

I'm writing to request that your EIR team conduct a thorough study of the noise impact on the Ruby/Norwood neighbors from Temple operations.

Videos on YouTube clearly show that the Temple residents and visitors are not always quiet and peaceful in their operations. The loud amplified music broadcast outdoors is unacceptable in residential neighborhoods.

There are many videos on YouTube that show loud amplified sounds from their current facility at 66 Sunset CT for well over a decade.

The many videos show that the use of live music and professional amplification in outdoor settings by Temple residents is a regular practice. I have attached an example video clip and some photos. Please also consider the frequency and length of their events when amplified sounds are used as well.

Please also refer to these YouTube links.

<https://www.youtube.com/watch?v=P3k5jz2spdE>  
<https://youtu.be/E8kJDJ10jGk>  
<https://youtu.be/f2QvDioQ2KE>  
<https://www.youtube.com/user/buddhaghosacha/featured>

Thank you.  
Hai Chang  
D8 Resident





[Sent from Yahoo Mail on Android](#)

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**From:** [REDACTED]  
**To:** [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District 6](#); [District7](#); [District8](#); [District9](#); [District 10](#); [Planning Commission 1](#); [Planning Commission 2](#); [Planning Commission 3](#); [Planning Commission 4](#); [Planning Commission 5](#); [Planning Commission 6](#); [Planning Commission 7](#)  
**Cc:** [Flores, Michelle](#); [Le, Thai-Chau](#); [Tu, John](#); [Rood, Timothy](#)  
**Subject:** We Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave  
**Date:** Thursday, June 10, 2021 4:50:24 PM

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[External Email]

Dear Mayor, Councilmembers, Planning Commissioners and Staff:

As a resident in the neighborhood directly impacted by this proposed rezoning of a small Residential R1-5 parcel to PQP and the Special Use Permit to build a massive structure, we respectfully urge you to decline these applications for the following reasons:

- **The project DOES NOT meet a number of General Plan Policies, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and others.**
- The oversize structure on a small lot in a dense Residential Neighborhood does not fit the characters of the neighborhood. It is aesthetically incompatible with the homes immediately next to it and the surrounding neighborhood. Especially the small 996sf home at 2740 Ruby Ave. One long-time resident even has already decided to sell the home on Sweetleaf Ct, that will be directly impacted the massive 4-story high building. This project is impacting the neighborhood and driving residents out of their home.
- The proposal of a 15,000 sf buildings and outdoor facility that can home over 4000 people, is a MAJOR CONTRADICTION with the proposed operating plan of only up to 300 people at any given time.
- Narrow Ingress/Egress Driveway into the Huge Parking Lot from a small 2 way “double-yellow”, 250ft away from a busy 4-way stop will most definitely create major traffic & safety concerns. Overflow parking to the surrounding small residential streets is the inevitable and simply unacceptable. Busing/shuttling plan of visitors to & from nearby school parking lots implies an already known an overcrowded problem. Again, this a major concern and inconsistency of this proposed project in this neighborhood.
- The operational plan of 300 visitor max vs the combined 15,000 sf 4-story high building structure and outdoor facility that can easily hold over 4,000 people, is just very deceiving and perhaps a misrepresentation. Any design on paper can meet the city minimum requirements. In reality, the traffic, safety problem will be 10 times the design on paper.

- Additionally, we live in a very diverse neighborhood. So, we are all very offended, when the members of this organization during a community meeting identify themselves as “Members of the Temple” continuously spoke up and called the neighbors RACIST. None of the Temple’s members responded to the any of the neighbor’s concerns, but instead, they repeated addressed the neighbor as racists and that we are Anti-Asian!

We thank you for time and evaluation. Hopefully, Our Voices Do Matter!

Sincerely,  
Joyce Gibson  
Evergreen Resident

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [REDACTED]  
**To:** [REDACTED]; [Le, Thai-Chau](mailto:Thai-Chau.Le@sanjoseca.gov)  
**Subject:** RE: Public Review Notice of Preparation for an EIR: Wat Khmer Kampuchea Krom Temple Project  
**Date:** Friday, June 11, 2021 8:36:54 AM

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Good morning Anais,

Please see below for a link to the recording.

Meeting Recording:

<https://sanjoseca.zoom.us/rec/share/CRy9EoYajChn7ruU-JQaMkJ7A9dOCrSqILJ5hDkN3ihGpKqLWwxIHVUCTYgKIM5V.Ysi2zSgL7svu9TS3>

Access Passcode: +xJxGr5W

Kind regards,  
Michelle Flores  
Planner | Planning Division | City of San Jose  
200 E. Santa Clara Street, 3rd floor  
<http://www.sanjoseca.gov/planning>

-----Original Message-----

**From:** Anais Kahermanes [REDACTED]  
**Sent:** Saturday, June 5, 2021 7:55 PM  
**To:** Flores, Michelle <michelle.flores@sanjoseca.gov>; Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Subject:** Public Review Notice of Preparation for an EIR: Wat Khmer Kampuchea Krom Temple Project

[External Email]

I would like to request a recording of the meeting on June 2 be made available. I was unable to attend, and this project is close to my home.

Thank you,  
Anais Kahermanes

Sent from my iPhone

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**From:** [REDACTED]  
**To:** [The Office of Mayor Sam Liccardo](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District 6](#); [District7](#); [District8](#); [District9](#); [District 10](#); [Planning Commission 1](#); [Planning Commission 2](#); [Planning Commission 3](#); [Planning Commission 4](#); [Planning Commission 5](#); [Planning Commission 6](#); [Planning Commission 7](#)  
**Cc:** [Flores, Michelle](#); [Le, Thai-Chau](#); [Tu, John](#); [Rood, Timothy](#)  
**Subject:** I Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave San Jose  
**Date:** Saturday, June 12, 2021 5:36:59 PM

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[External Email]

Dear Mayor, Council Members, Planning Commissioners & staff,

My name is Manjul Katare, a property owner and resident of [REDACTED]  
[REDACTED]", which is only 470 ft away from my house.

I would like to raise my concern as the proposed construction with special use of permit is directly going to impact me and my family. My concerns are as follows:

- The proposed project seems to be non-residential.
- It's going to bring a lot of traffic.
- It would also bring lots of visitors to the neighborhood.
- Since the proposed construction is right at the intersection of Norwood & Ruby it would increase the chances of accidents.
- The cross street is only a single lane road which is meant for residential areas with low traffic and it could not handle too many Cars passing by. (We already have a problem of people making donuts on these intersections, and I hear the tires screeching and engines revving sound by street racers so often).
- I believe that the proposed site is originally meant for 6 houses whereas what's being planned to build at the site is equivalent to 50 houses since it could have +300 visitors. Also during the festival time & different celebrations it could easily house 1000 people.
- And the last & most important concern is, the pollution these increased numbers of cars are going to bring to this neighborhood would be very high. (Every gallon of gasoline burned creates about 8,887 grams of CO2).

Thank you so much for listening to me, I feel very confident that my concerns would be addressed. I appreciate all that you do for our city!!!!

Sincerely,

Manjul Katare  
Principal Software Engineer  
[REDACTED]



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**From:** [REDACTED]  
**To:** [The Office of Mayor Sam Liccardo](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District 6](#); [District7](#); [District8](#); [District9](#); [District 10](#); [Planning Commission 1](#); [Planning Commission 2](#); [Planning Commission 3](#); [Planning Commission 4](#); [Planning Commission 5](#); [Planning Commission 6](#); [Planning Commission 7](#)  
**Cc:** [Rood, Timothy](#); [Tu, John](#); [Le, Thai-Chau](#); [Flores, Michelle](#)  
**Subject:** Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave  
**Date:** Monday, June 14, 2021 8:11:01 AM

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[External Email]

Dear Mayor, Councilmembers, Planning Commissioners and Staff:

This project is sad, because it is the right project . . . building a temple in the community. I say that it is sad because it is the right project, in the WRONG location. This site is TOTALLY unsuited to the proposed development. It was wrong when first proposed, it is wrong a re-structured.

As a resident in the neighborhood directly impacted by this proposed rezoning of a small Residential R1-5 parcel to PQP and the Special Use Permit to build a massive structure, we respectfully urge you to decline these applications for the following reasons:

1. **The project DOES NOT meet a number of General Plan Policies, LU 10.8, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and others. The private Community Gathering Facilities MUST be COMPATIBLE with the surrounding Resident Neighborhood.** (If anyone are aware of any policies that you think this project violate, please share)
2. The oversize structure on a small lot in a dense Residential Neighborhood does not fit the characters of the neighborhood. It is aesthetically incompatible with the homes immediately next to it and the surrounding neighborhood. **Especially the small 996sf home at 2740 Ruby Ave.** One long-time resident even has already decided to sell the home on Sweetleaf Ct, that will be directly impacted the massive **4-story high building**. High limit of 65 ft exceeds the 35ft standard for any structure in a RN neighborhood. This project is incompatible. It is impacting the neighborhood and driving residents out of their home.
3. The proposal of a 15,000 sf buildings and outdoor facility that can home over 4000 people, is a MAJOR CONTRADICTION with the proposed operating plan of only up to 300 people at any given time.
4. The current Temple @ 66 Sunset Court conducts many events outdoor with blasting the loud speakers. The NOISE level combination of the over 4000 people + automobiles + loud speakers would more than exceed the normal noise standard for a Residential Neighborhood. The applicant indicates outdoor activities. The evidence of multiple loud

speakers use for music, public speaking, can be seen via the multiple YouTube videos that can be found @ <https://www.youtube.com/user/buddhaghosacha>. Please note that all the events utilize LOUD SPEAKERS. If you would review the following video @ about 40 min into the video, you can see the stack of load speakers. <https://www.youtube.com/watch?v=E8kJDJ10jGk&t=144s>.

5. The typical New Year activities and major Khmer Krom's holiday Celebrations are Never quiet as the applicant led the City to believe. As Pastor John Goldstein, Grace Church of Evergreen, had mentioned during a community meeting, most religious facilities are built, they are built with growth in mind. When a facility is design to hold over 4000 people both indoor and outdoor, it is more than likely it will be that crowded. The reality of the IMPACT of traffic, parking, safety, noise are 10 times the design on paper. Here is some evidence of the activities of the Khmer Krom Temples and the almost concert type of activities that do exist, and how LOUD it could be:

- a. <https://www.youtube.com/watch?v=oQk2P9SbWX4>
- b. <https://www.youtube.com/watch?v=h50X0iCCKm8&t=45s>
- c. <https://www.youtube.com/watch?v=mmUXk-pitwo>
- d. <https://www.youtube.com/watch?v=0icXRoiP3ws>
- e. <https://www.youtube.com/watch?v=TB0WyARtTW8>

6. Narrow Ingress/Egress Driveway into the Huge Parking Lot from a small 2 way "double-yellow", 250ft away from a busy 4-way stop will most definitely create major traffic & safety concerns. Overflow parking to the surrounding small residential streets is the inevitable and simply unacceptable. Busing/shuttling plan of visitors to & from nearby school parking lots implies an already known an overcrowded problem. Again, this a major concern and inconsistency of this proposed project in this neighborhood.

7. The operational plan of 300 visitor max vs the combined 15,000 sf 4-story high building structure and outdoor facility that can easily hold over 4,000 people, is just very deceiving and perhaps a misrepresentation. Any design on paper can meet the city minimum requirements. In reality, the traffic, safety problem will be 10 times the design on paper.

8. The Temple events are AS LONG as **15-DAYS** with a daily activities schedule from 9AM-10PM. **This is a major environmental, noise, safety and traffic impact to the dense & quiet Residential Neighborhood.**

9. The temple will also be serving alcohol and smoking area next to dense residential homes. This is a safety and health hazard, and completely inappropriate for a dense Residential Neighborhood.

10. The current temple members operate their activities @ 66 Sunset Ct, San Jose, CA 95116. There is no Use-Permit noted. The temple has also violated building codes and constructed part facilities illegally, CODE CASE #2018-12934. Thus, it is most likely that they

violate all the basic rules in term of occupant capacities, parking, noise, and safety.

11. Neighbors had documents and complained about a similar project nearby that was much smaller in size. It was even in a location that was not surrounded by DENSE Residential Neighborhood either: Canh Thai Temple 2532 Klein Rd

a. <https://www.buddhistchannel.tv/index.php?id=65,12644,0,0,1,0>

b. <https://sanfrancisco.cbslocal.com/2016/01/21/neighbors-say-buddhist-temple-in-san-jose-is-causing-a-disturbance/>

12. Additionally, we live in a very diverse neighborhood. So, we are all very offended, when the members of this organization during a community meeting identify themselves as “Members of the Temple” continuously spoke up and called the neighbors RACIST. None of the Temple’s members responded to the any of the neighbor’s concerns, but instead, they repeated addressed the neighbor as racists and that we are Anti-Asian! The reality is that the local 95148 zip code shows a demographic of greater than 50% Asian population. **The oversize project is simply incompatible in a small R1-5 with multi valid safety, traffic and noise concerns.**

We thank you for time and evaluation. Hopefully, Our Voices Do Matter!

Sincerely,

Susan Mills-Gabler



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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#)  
**Cc:** [Flores, Michelle](#); [Arenas, Sylvia](#)  
**Subject:** Re: Notice of Preparation (NOP) for the Wat Khmer Kampuchea Krom Temple Project Draft Environmental Impact Report (C20-021/SP20-024/ER20-147)  
**Date:** Monday, June 14, 2021 6:05:11 PM

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[External Email]

Dear Thai-Chau,

For the environment impact report, please also consider the following situations:

Assuming max 300 people to show up for a gathering, under the absolute worst case there will be around 300 vehicles arriving at about the same time to the location. Since it is right at the cross section of Norwood Ave and Ruby Ave, there may be 75 to 100 vehicles lining up at the three directions of the 4-way stop, (two from both directions of Ruby Ave and one from going up Norwood Ave).. Also when the gathering is done, lots of vehicles will be coming out from the premises to turn left or right.

For both situations, what will be the impact in terms of blocking vehicles from local residents going through the potential massive traffic and what if some of the local vehicles are under emergency situation? What will be the safety impact for local residents/school kids walking or biking along Ruby Ave and Norwood Ave?

Assuming most of the member vehicles are not "green" vehicles (e.g Electric car), what will be the emission/health impact for local residents living close to the premises?

Other Hazard impacts could be Fire Hazard and health hazard from using incense, noise impact from using musical instruments, including brass gong, and the noise impact when members leave the premises late evening.

Thank you for your attention.

Lawrence Lau (local resident living one block from the premises)

On Mon, May 24, 2021 at 9:35 AM Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)> wrote:

**NOTICE OF PREPARATION OF ADRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WAT  
KHMER KAMPUCHEA KROM TEMPLE PROJECT**

**FILE NO:** C20-021/SP20-024/ER20-147

**PROJECT APPLICANT:** Khmer Buddhist Temple Foundation and Andrew Mann Architecture

**APN:** 652-29-014

**Project Description:** The project applicant proposes to rezone the property from R-1-5 Residence District to PQP Public/ Quasi-Public to construct an approximately 17,800 square feet temple sanctuary building and a community building with a community hall, finishing kitchen, library/classroom, administrative offices, and restrooms. A monk's residence hall with five bedrooms (eight full-time residents) occupies a smaller second story portion of the community building. Two gate structures flank and mark the entrance to a central courtyard, with two smaller landscaped courtyards sited along the temple sanctuary building. A surface parking lot is located at the interior of the lot. The project would also provide new buffer landscaping on the perimeter of the site, including new street trees.

**Location:** 2740 Ruby Avenue, San Jose, CA 95148

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:

**When:** Wednesday, June 2, 2021 from 6:00 p.m.

**Where:** Via Zoom (see instructions below on project page at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs))

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le, Environmental Project Manager  
200 East Santa Clara Street, 3rd Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658, e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

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**From:** [REDACTED]  
**To:** [Flores, Michelle](#); [Le, Thai-Chau](#); [Tu, John](#)  
**Cc:** [Rood, Timothy](#)  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Date:** Friday, June 11, 2021 9:39:00 AM

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[External Email]

Awesome!

I couldn't remember the link to request for public info.

Happy Friday!

Best regards,  
Nick Pham

[REDACTED]

---

**From:** Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>  
**Sent:** Friday, June 11, 2021 8:42 AM  
**To:** 'Nick Pham' <[REDACTED]>; Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

Good morning Nick,

Please see below for a link to the recording. The application documents are available on SJPermits after the project is approved or denied at a hearing. Are you requesting the application forms? If you would like to request a specific documents to view, please use the second link below to submit your request. We will add you to the interested email list.

Meeting Recording:

<https://sanjoseca.zoom.us/rec/share/CRy9EoYajChn7ruU-JQaMkJ7A9dOCrSqIJU5hDkN3ihGpKqLWwxIHVUCTYgKIM5V.Ysi2zSgL7svu9TS3>

Access Passcode: +xJxGr5W

<https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/official-city-records/request-for-public-records>

Kind regards,

Michelle Flores  
Planner | Planning Division | City of San Jose  
200 E. Santa Clara Street, 3<sup>rd</sup> floor  
<http://www.sanjoseca.gov/planning>

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**From:** Nick Pham [REDACTED]  
**Sent:** Friday, June 4, 2021 1:27 PM  
**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

[External Email]

Hi Michelle, John, Tim and Thai:

Happy Friday!

I have 2 quick questions:

1. Can you please share the zoom recording of the community meeting on 6/2. This is an important item for the entire neighborhood following the meeting.
2. I tried to look up the actual applications: C20-012 and SP20-024, I believe it is not online. Can you please forward a copy. Or help me with the best way to search for docs online. I can see all docs on [sjpermits.com](http://sjpermits.com) & [sanjoseca.gov/residents/site-search](http://sanjoseca.gov/residents/site-search). Is there a better way?

Just in case I forgot to mentioned, please include me in all communication of the process. I can try help fill some of the communication gaps. I have become a resource for some of the neighbors somehow by default! ☺ Many don't understand the planning terminology, and need help with just the basic understanding of the process.

Best regards,  
**Nick Pham**

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**From:** Nick Pham <[REDACTED]>  
**Sent:** Thursday, June 3, 2021 2:12 PM  
**To:** 'Le, Thai-Chau' <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>; 'Flores, Michelle' <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; 'Tu, John' <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** 'Rood, Timothy' <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File



Nos. C20-012 & SP20-024

Again, thank you, thank you!

Best regards,  
Nick Pham



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**From:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Sent:** Thursday, June 3, 2021 2:03 PM  
**To:** Nick Pham [REDACTED]; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

Hi Nick,

Thank you for passing these along for your neighbors! I will add this to the record.

Please let the residents know that they are welcomed to email Michelle and I directly with their comments and concerns. If they have specific concerns about environmental related issues, I am the go-to. I will be out of the office next week, but will definitely make sure I retain all the emails and communications from the public on this item.

We appreciate that you are informing your neighbors about contact-methodology and please feel free to let me know if you have any other questions about how to get a hold of documents, be involved, and etc. Especially with the Environmental Review process, which I am the lead for. ☺

Best regards,  
Thai

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**From:** Nick Pham [REDACTED]  
**Sent:** Thursday, June 3, 2021 1:56 PM  
**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

[External Email]

Hi Thai and Staffs:

I am sorry to bug you with this! I have transferred my comments in this email into a letter format (pdf). I have been receiving multiple calls for residents as how to best document their concerns, etc. So created the pdf to share with them. Here are the 2 letters and a survey monkey result in one email to keep everything together.

Again, I personally appreciate all your work. The average residents with concerns just do not know the proper or best way to communicate to the City, and had reached out to me for help. They probably will send email to staffs shortly.

Best regards,  
Nick Pham

[REDACTED]

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**From:** Nick Pham <[REDACTED]>  
**Sent:** Thursday, June 3, 2021 8:25 AM  
**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

Thai, et al:

Again, thank you for your acknowledgement. Thank you for your time!

Pardon my typos. It was long night.

Best regards,  
Nick Pham

[REDACTED]

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**From:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Sent:** Thursday, June 3, 2021 8:13 AM  
**To:** Nick Pham <[REDACTED]>; Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** RE: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

Hi Nick,

Thank you for your comments. This email is to confirm that I have receive your comments and have

forwarded it with the environmental consultants as well to ensure the environmental concerns are captured in our analysis. This comment will be part of the administrative and public record.

Best regards,  
Thai

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**From:** Nick Pham [REDACTED]  
**Sent:** Thursday, June 3, 2021 3:06 AM  
**To:** Flores, Michelle <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>; Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Cc:** Rood, Timothy <[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)>  
**Subject:** FW: Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Importance:** High

[External Email]

Dear Michelle, John, Thai-Chau and Tim:

Again, thank you very much for hosting the community meeting on 6/2. The entire neighborhood was hoping that it would be live in person. But we appreciate the opportunity to voice our concerns.

In addition to my comments sent (reforwarded). I have a few additional comments, questions on behalf of all the neighbors that could not make the meeting, due to work, graduation, and other schedule conflicts. So I had set up a quick survey, 24 hrs prior to the meeting. There were about 40 responses. These folks have seen my attached letters, and in supports of the points made. Please find it attached as comments from these 40 neighbors.

I believe my questions/comments do represent the majority of the neighbors that oppose the Rezoning and SUP applications. I would like to enter this email in addition to my letter public record, for the recorded to be forwarded to the Planning Commissioners and Council Members. The basics of the comments and questions are:

1. These are comments following the community meeting on 6/2. I would like to thank staffs for hosting and managing the meeting. I can understand how difficult it is to do on Zoom. Per my rough counts, there about 140 people that spoke. I believe there were about 100 more attendees that were not given the opportunity to speak, due to the time constraints, as people were not able to raise their hands after a cutoff time. That would mean only about 60% of the people spoke. Could you please share the number attendees that spokes vs the total of attendees. Could you make the recorded session available to the public review, please. Thank you.
2. Of the ~140 people that spoke, there were 7-8 people who are members of the temple. The

remaining speakers were community members who live in the neighborhood, I counted 3 neighbors that support the project. That equates to 130 people that opposed the Rezoning and Special Use Permit. **So 130 out of 133 is ~ 98% of the neighbors OPPOSED** the Rezoning and SUP application. Of the 40 people that took the survey, 100% opposed the Rezoning and SUP application. Of the 400 people that received the flyers handout about the meeting, about 100% of those also OPPOSED this project. These numbers DO represent this community, this neighborhood and should be documented in staff report for the record.

3. Also for the record, I and many of people I spoke with after the meeting were VERY OFFENDED by the members of temple! Extremely negative comments. **What rights do these members have to accuse the neighbors of being racists, and that “Asian Hate” was the primary motive of the neighbors opposing this project. It is obvious that the temple members do not know what made up this neighborhood.** We are a very diverse community, and the majorities have lived in this neighborhood for over 20 years. **It is also very transparent that the temple members do not live this neighborhood and do not have any consideration for our real concerns.** *How can anyone believe the applicant’s statements regarding the temple good neighbor intentions, when the message that the temple members are telling the community members are with so much hatred, instead of hearing the neighborhood concerns???*
4. The temple members’ comments were more than disappointing and contradictory to the applicant’s statement that they want to build this temple for the community, when the **members of the temples OBVIOUSLY DON’T KNOW and DON’T CARE about the people that live in this neighborhood,** as they indicated. **How many members of the temple actually live within 0.25 mile of the proposed site?** I person did not hear from any temple members living in this neighborhood. I’ve personally lived in small court with 8 homes. There are “1” Caucasian family, “1” Brazilian family and “6” Asian family. My court has annual block parties over the past 23 years together. Therefore, I DO NOT appreciate anyone not knowing anything about our neighborhood, accusing us of being racist! A few neighbors spoke to this point during the meeting. Again, I would like for this important point to be on record of the applicant’s extreme comments against the neighborhood.
5. A large # of neighbors made up of a very diverse ethnic group, took times out of their busy schedules to prepare presentation and voice their concerns regarding the REZONING & SUP applications. We pointed out facts and data surrounding the project. NO positive comments were made by the temple members, nor constructive comments shared by the applicant. Instead, we are accused of not being inconsiderate? Everything in the applicant’s statements contradicts all the comments made by the members of the temple that spoke at the meeting.
6. Again, the size of the combined gathering facilities is simply INCOMPATIBLE in this dense RN zone. The 15,000 sf MASSIVE structure, 60ft tall (4-stories high), with a potential occupancy capacity of  $787+799+795 = 2381$  per the proposed SUP, is just not appropriate for this small parcel in a majority Residential Neighborhood. The additional 2131 occupancy capacity in the temple courtyards would make the potential capacity of this facility over 4000 people. Therefore, the Operation Plan of maximum 300 people is extremely deceiving and difficult to comprehend. What is the truth? Is this an attempt to manipulate the zoning codes and to submit a plan that meet certain requirements, and the reality is beyond the paper design? The original plan was much bigger. Was that plan also to accommodate only 300 visitors? Again, this is very difficult for the residents to make sense of the proposal. Logically, no one

would invest and build a gathering facility that can hold 4000 people, and promise that there will be only a 300 visitor max? Can staffs please help the community understand how this MASSIVE facility is appropriate for this small parcel and how is it compatible in the dense Residential Neighborhood?

7. For an Residential Neighborhood Zone (R1-5), designed for a max 5-6 single family homes, the max would be 30 people, assuming 5 persons per typical household. How can we justify even the minimum 300 people? I do understand that if one apply to rezone an R1-5 to PQP, then a different size of build be constructed. However the plan for a MASSIVE ~15000 sf, 60ft tall building is just NOT COMPATIBLE, NOT APPROPRIATE for this RN parcel.
8. A PQP is simply a tactic to manipulate a simple R1-5 to allow a oversized structure of 15,000 sf. How is this meeting CEQA?
9. The fact that the facility is designed to hold easily 4000 people is simply unreal and incompatible with the neighborhood. The Operation Plan (300 visitors) contradicts the project potential capacity (4000 people). Please review my comments regarding my personal experiences with the other temples regarding overflow parking to the surrounding streets, traffics. The timing when traffic analysis is done should be realistic, when ALL activities are back to normal (POST-COVID). One speaker concurred, and mentioned that he stopped going the local Buddhist temples and go to one 30 mi away to avoid parking problem that we are real life's concerns. This is the reality that will never show up on any paper designs submitted for approval.
10. Please observe the real traffic and parking problems at the temples at 2420 McLaughlin Ave and 2715 S White Road during any "major" holiday event to truly validate the "real-life" problems that is beyond any paper designs! Observing/doing traffic analysis during the summer when kids are out and while everything are still not back to normal due to COVID, are simply misleading. Data would not be valid.
11. Norwood is a narrow 2-lane road. There would not be any visitors coming from the hillside. Ruby Ave is a "double-yellow" 2-lane road. There is only one-way to enter the proposed project on Ruby. Traffic would be coming for the south on Ruby Ave from Quimby. Or the visitors would have to travel up Norwood and turn left on Ruby at the stop sign. There is only a short 250 ft from the stop sign at Ruby and Norwood. Thus the reason, one neighbor commented that without an EIR, this would be a major programmatic and realistic problem that all the neighbors fear of. More than likely, visitors will turn left illegally crossing the "double-yellow" coming from Tully Rd on Ruby Ave, as Tully Rd is a main path for many people. It is also a main road that connect all other major road and freeway access.
12. As for the applicant's plan to bus/shuttle visitors from nearby schools, how is this plan safe for kids near schools and the small streets that these buses will travel through? How does this address the traffic and parking concerns? How is this appropriate for this highly dense Residential Neighborhood?

Please consider all these points if you are moving forward with the EIR and CEQA compliance review. Thank you for hearing our concerns.

Best regards,  
Nick Pham



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**From:** Nick Pham [REDACTED]  
**Sent:** Wednesday, June 2, 2021 3:40 PM  
**To:** '[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)' <[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov)>  
**Subject:** Resident's Comments OPPOSING the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Importance:** High

Hi Michelle:

Please find attached a letter with my comments for this project, that I would like to enter for public record. Feel free to share screen the letter during the meeting as needed, if appropriate. I am planning to be at on the Zoom Meeting and comment to it, as well.

I am a resident within ~ 1000ft.

Thank you,  
**Nick Pham**

[REDACTED]

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## Le, Thai-Chau

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**From:** Nguyen bui [REDACTED]  
**Sent:** Wednesday, June 16, 2021 6:43 PM  
**To:** District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; Planning Commission 1; Planning Commission 2; Planning Commission 3; Planning Commission 4; Planning Commission 5; Planning Commission 6; Planning Commission 7; The Office of Mayor Sam Liccardo  
**Cc:** Flores, Michelle; Tu, John; Le, Thai-Chau; Rood, Timothy  
**Subject:** Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave

[External Email]

Dear Mayor, Council-members, Planning Commissioners and Staff,

My name is Nguyen Bui. Our family has lived just across diagonally ( [REDACTED] ) to the proposed project since 1983. We witness so many accidents at the R [REDACTED] od Ave cross section. The last accident was just happened on June 15, 2021, picture is attached. With the project will be used for 300+ peoples (sometime they mentioned 300+ families may  $\sim 300 \times 3 = 900$  peoples). This will cause a havoc to the surrounding area and neighbor character will be completely destroyed.

As a resident in the neighborhood directly impacted by this proposed rezoning of a small Residential R1-5 parcel to PQP and the Special Use Permit to build a massive structure, we respectfully urge you to decline these applications for the following reasons:

1. **The project DOES NOT meet a number of General Plan Policies, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and others**
2. **The oversize structure on a small lot in a dense Residential Neighborhood does not fit the characters of the neighborhood. btw the city had rejected rezone the previous request change from R1-5 to R8 ( $8 \times 4 = 32$  peoples). The proposed project goes beyond the limit of the R1-5. PDP rezone will allow the proposed project to completely destroy anything left of the residence neighborhood.**
3. **The proposal of 15000sf and outside facility that can house a large number beyond 300+ could be  $300 \times 3 = 900+$**
4. **The traffic will be a nightmare for the neighborhood and accident prone cross section of Ruby and Norwood (without the proposed project exist yet).**

5. **The opposition has nothing to do with religion, race, ethnic,...Just for you information my wife side has relative is Cambodian.**

**Thank you for your time and consideration!**

**Sincerely,**



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**From:** [REDACTED]  
**To:** [Flores, Michelle](#); [Le, Thai-Chau](#); [Tu, John](#); [Rood, Timothy](#)  
**Cc:** [The Office of Mayor Sam Liccardo](#); [sylvia.arenas@sanjoseca.gov](mailto:sylvia.arenas@sanjoseca.gov); [2740Ruby Concerns](#); [REDACTED]; [REDACTED]  
**Subject:** Subject: File No: C20-021/SP20-024/ER20-147 Notice of Preparation for an EIR: Wat Khmer Kampuchea Krom Temple Project located in residential neighborhood 2740 Ruby Avenue, San Jose, CA 95148  
**Date:** Thursday, June 17, 2021 9:12:00 PM

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[External Email]

### Resending my letter of concern

1) I corrected and underlined below: was 4 ft to 4 story.

2) Adding additional concern of noise levels below (underlined)

3) Also, Adding additional email addresses

Begin forwarded message:

On Friday, June 4, 2021, 3:02 PM, linda ladwig <[REDACTED]> wrote:

June 4, 2021

City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113

Attention: Thai-Chau Le, Environmental Project Manager and Michelle Flores,  
Project Manager

Subject: File No: C20-021/SP20-024/ER20-147

Notice of Preparation for an EIR: Wat Khmer Kampuchea Krom Temple Project  
located in residential neighborhood 2740 Ruby Avenue, San Jose, CA 95148

Thank you for the opportunity to provide comments and concerns regarding the  
above project in our residential Evergreen neighborhood part of San Jose, District  
8.

Concern: The Rezoning of the ~1.97 acre R-1-5 residential property located at the corner of  
Norwood Ave. and Ruby Ave. to PQP Public/Quasi-Public to construct an approximately

17,800+ square feet temple and several other supporting structures and parking. We are and have been a diverse single family residential neighborhood and this DOES NOT fulfill the City's vision of this area as per San Jose General Plan 2040. The temple will only continue to grow over time. This particular property is not suitable for the size of project as well as any future growth. We do not want a large overbearing structure that will not complement the existing surrounding residential neighborhood.

This project is not the first or only place of worship built in Evergreen. We actually have many other places of worship built all around our diverse neighborhood however they are set on properties that are not invasive or cause negative impact to residents in surrounding areas. Would like to see a map with all places of worship in comparison with this new project. This project deserves to be on a larger piece of land.

Concern: While the applicant took away the underground parking garage (which was unsuitable within residential area from the start), the propose project is still way too large for size of lot and current plan still will have a negative impact to our neighborhood especially the neighbors immediately surrounding all around this corner lot. While the temple is to be a place for worship and peaceful meditation for the congregation, it will be a totally different experience for our neighborhood. The neighborhood will be the ones who will be negatively impacted by this too large project that do not complement our existing neighborhood of single family home structures. What about our quality of life here in Evergreen as existing residents?

The project is still too large for ~1.97 acres. The neighborhood has been consistent on wanting a project that fits the residential land use that will complement the existing neighborhood. The temple steeple will be overwhelming to the housing structures in our existing neighborhood. We have single story and two story homes and the temple want to add a 4 story temple steeple.

300+ people on the property at any given time is a lot of additional people in the neighborhood. If we use the guideline of a single family household, (2 adults and 2.5 children), 300 people would be equal to ~67 of our neighborhood single home families. That would be enough to fill our entire Ruby/Norwood neighborhood population in less than a 2 acre lot area!

How will the temple regulate having 300 visitors at any given time? It sounds like a good selling point however, not realistic nor able to control. If this location in Evergreen is "centrally located" for congregation, that means folks will be driving a good distance to visit the temple (heard a lot of folks on call going to SF college)....if they are at 300 people limit, how will they turn these folks away...?

With a parking lot that will hold 71+ cars for 300+ people as well as delivery trucks coming and going will cause excess exhaust pollution from diesel and gasoline vehicles. 71 cars with 2-4 people in vehicles closing their car doors and possible using their key to set car alarms. This will be heard from many neighbors who have their backyards bordering this lot. Now the existing neighborhood folks can not even enjoy their peaceful "backyard sanctuary"...what about our neighborhood peaceful sanctuary?

Concern: Addition traffic flow on residential streets including Ruby and Norwood as well as the other neighborhood streets leading into the neighborhood. Norwood is a single lane road throughout the immediate neighborhood. This road is also used by bicycles and walkers. Ruby is our main road cutting through the residential neighborhoods in Evergreen. Tully Road and Quimby Roads are both residential roads that are used heavily by local and others. We currently have issue with speeders, cars doing donuts, many accidents including several fatalities for being in a residential area. We do not have a good presence of police to help with reinforcement of

laws including traffic. What area will the traffic report include? There is no mass transit locally to support folks who would park at an off site location. Not sure if that alternative is realistic.

New Concern:Even though our residence is about 2 blocks away from the planned site being considered, the noise travels and bounces off the two story homes and hillsides around here and We get a lot of loud noise from parties in neighborhood that have music systems. I believe the proposed project will be a constant noise problem.

Understand there is an EIR process now that the project will go through. I pray that our neighborhood input will be taken seriously and sincerely as if you were in our neighborhood.

Thank you again for the opportunity to protect our neighborhood character and perseverance.

Best Regards,  
Linda and Kerm Ladwig,

Evergreen Residents for over 35 years.

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**From:** [REDACTED]  
**To:** [The Office of Mayor Sam Liccardo](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District 6](#); [District7](#); [District8](#); [District9](#); [District 10](#); [Planning Commission 1](#); [Planning Commission 2](#); [Planning Commission 3](#); [Planning Commission 4](#); [Planning Commission 5](#); [Planning Commission 6](#); [Planning Commission 7](#)  
**Cc:** [Le, Thai-Chau](#); [Tu, John](#); [Rood, Timothy](#); [Flores, Michelle](#)  
**Subject:** The Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave  
**Date:** Friday, June 18, 2021 3:02:08 PM

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[External Email]

Dear Mayor, Councilmembers, Planning Commissioners and Staff:

I am a resident that lives on Norwood Ave 4 houses west of the proposed project. My husband and I have lived here 40 years. My concerns about this project are traffic, parking, and noise.

<!--[if !supportLists]-->1. <!--[endif]-->Traffic – The vast majority of the temple community will be coming by car. According to the information provided by the applicant in the early discussions with the neighbors, most of the temple community lives over 1 mile from this location. Public transit is impractical to this site. 1 bus stop is ½ mile away and the service is infrequent. Bicycling is unlikely due to the site being uphill. I’m concerned about the stacking of cars on Norwood Ave. at the four-way intersection trying to turn left on to Ruby Ave. I’m concerned about the volume of traffic going west on Norwood Ave. after large events and I’m concerned about more accidents occurring at this intersection due to increased traffic. Another accident occurred at this intersection just this week.

<!--[if !supportLists]-->2. <!--[endif]-->Parking - Overflow parking to the surrounding small residential streets is the inevitable and simply unacceptable. The request of a parking exemption and the busing/shuttling plan of visitors to & from nearby parking lots shows an already known insufficient on-site parking.

3. Noise – I'm concerned about the noise that amplification systems and a large gathering of people on this site will generate. There is no practical way that the neighbors can have noise and occupancy limits enforced. The proposed 15,000 sf buildings and outdoor facility that can hold over 4000 people, far exceeds the proposed operating plan of up to 300 people at any given time. Over time, I suspect there will be requests to increase the occupancy limits since the facility will support it.

Lastly, the planning department has previously denied a request to allow more than 6 houses on the parcel. The current proposal would introduce over 10 times the number of people and 3 times the number of cars that those houses would have introduced. Conditions in the neighborhood have not changed that would support those increases.

As a resident directly impacted by this proposed rezoning of a small Residential R1-5 parcel to PQP and the Special Use Permit to build a massive structure, I urge you to decline these applications.

Sincerely,

Barbara Schwartz

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [REDACTED]  
**Cc:** [Le, Thai-Chau](#)  
**Subject:** EIR Scoping Input - We Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-021/SP20-024/ER20-147 at 2740 Ruby Ave  
**Date:** Saturday, June 19, 2021 6:35:32 PM  
**Importance:** High

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[External Email]

Dear Staffs:

In addition to my previous 2 set of comments sent, I would like to submit the following items related to the project during this EIR analysis phase.

As a resident in the neighborhood directly impacted by this proposed rezoning of a small Residential R1-5 parcel to PQP and the Special Use Permit to build a massive structure, we respectfully urge you to consider the following in your Environment Impact Studies and eventually decline this application for the following reasons:

1. **The project DOES NOT meet a number of General Plan Policies, LU 10.8, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and others. The private Community Gathering Facilities MUST be COMPATIBLE with the surrounding Resident Neighborhood.**
2. In a letter from the City to applicant on November 5, 2018. The City has stated: “Given the site’s location adjacency to existing single-family residence and completely surrounding an existing single-family residence, staff is concerned about the potential impact of the size of the project at points when the use is at full capacity”. And that the proposed project would be inconsistent with General Plan Land Use Policy 10.8.

November 5, 2018

Lyna Lam/Andrew Mann Architecture

**SITE ADDRESS:** 2740 Ruby Avenue

**RE: Preliminary Review (PRE18-190)** Focused Preliminary Review request to allow a new religious assembly (Buddhist temple), totaling approximately 15,000 square feet, and underground parking, which is located in the Residential Neighborhood General Plan Land Use designation.

Dear Ms. Lam,

Thank you for submitting a Preliminary Review application for the proposal above. Our goal with Preliminary Review applications is to work with applicants to arrive at a successful outcome, so that together we can continue to develop San Jose as envisioned in the General Plan.

Below are our comments and analysis of your application in regards to the City of San Jose Envision 2040 General Plan and other applicable City regulations and policies:

**Proposal Issues and Concerns**

Based on the initial review of your application the items noted below are substantial issues that would affect proposed project. These include the following and are explained in more detail in this letter:

1. Given the site's location adjacency to existing single-family residence and completely surrounding an existing single-family residence, staff is concerned about the potential impact of the size of the project at points when the use is at full capacity. Significant details about the operation plan and use of the facility would need to be provided as part of any formal application.

The proposed project may be inconsistent with the following General Plan policy:

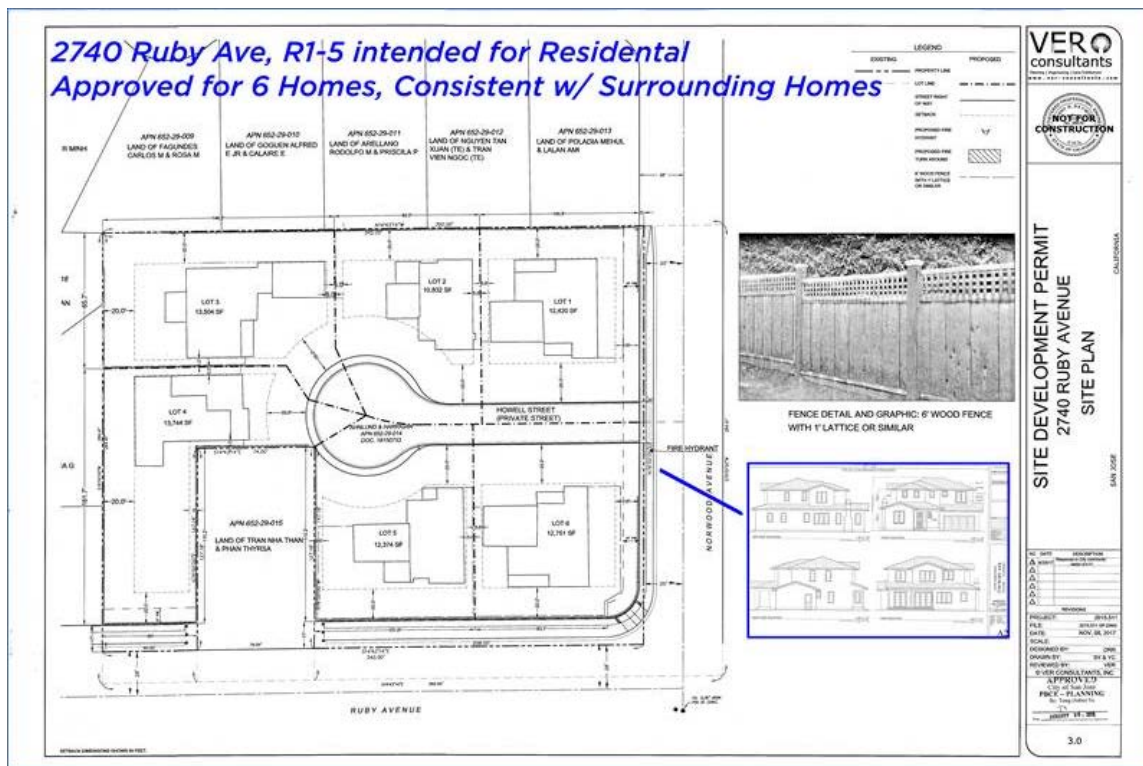
**Land Use Policy LU – 10.8:** Encourage the location of schools, private community gathering facilities, and other public/quasi-public uses within or adjacent to Urban Villages and other growth areas and encourage these uses to be developed in an urban form and in a mixed-use configuration.

*The proposed project would need to be compatible with the surrounding neighborhood. A detailed analysis and operation plan needs to be provided as part of a formal application submittal. Additionally, the building layout and design would need to be compatible with the existing neighborhood (frontage patterns, building setbacks, curb cuts). Additionally, staff would be analyzing the operation of the subject site and traffic pattern. Please also note that details comments were not provided as site layout and building designs were not requested and, therefore, not included in this review.*

**3. Zoning Consistency**

The subject site is located in the **R-1-5 Single-Family Residence Zoning District**. The purpose of the single-family residence district is to reserve land for the construction, use and occupancy of single-family subdivisions. Churches/religious assemblies are conditionally allowed in the R-1 Single-Family Zoning District.

3. The attempt to REZONE a small parcel of land (RN Zone) fit for 5-6 homes to Public/Quasi Public (PQP) zone, to build a MASSIVE 15,000 sf, 4-story (60ft) high, is extremely inappropriate, and simply "OUT-OF-CHARACTER" for this highly dense Residential Neighborhood. This parcel had been approved for 6 homes, appropriate for Single Family Homes per the General Plan 2040.



4. The MASSIVE Buildings/Structures with over-the-top design, and several large visible Garden Sculptures are “AESTHETICALLY” inconsistent and incompatible with all nearby 996sf-2500sf homes, with max high of 14-35ft only. **This project is environmentally incompatible, especially for the small 996sf home at 2740 Ruby Ave that will be wrapped on 3 sides by a Busy Driveway, Large Parking Lot, Massive Building/Structure and Oversize Outdoor Sculptures next its fence lines.**



## HUMONGOUS STRUCTURE INCOMPATIBLE with ALL STRUCTURES IN NEIGHBORHOOD

- . *DECEIVING RENDERING COMPARISON*
- . *HIDING ITS INCONSISTENT DESIGN w/ NEIGHBORHOOD*
- . *ROOF LINES (pg 37) AESTHETICALLY OUT OF CHARACTER*
- . *ORNAMENTAL LANDSCAPE (pg 38) OUT OF CHARACTER*
- . *None of the TEMPLE DESIGN IS COMPATIBLE with current surrounding structures*



## INCOMPATIBLE LAND-USE PROJECT DECEIVING DRAWINGS & RENDERING



5. The narrow single ingress/egress driveway into the Huge Parking Lot, less than 350ft away from the busy Norwood/Ruby stop sign, and a small 2 way "double-yellow" roadways, will most definitely create major traffic & safety concerns. The traffic to accommodate a potential crowd of over 4,000 people, will no-doubt be beyond any normal level, compared to an additional 6 homes. The increased neighborhood traffics, TRAFFIC STACKING, and PARKING overflow the nearby small residential streets are the INEVITABLE. How is this

ENVIRONMENTALLY appropriate and RN compatible? Overflow parking to the surrounding small residential streets is the inevitable and simply unacceptable. This is a problem with most of the temple within the City of San Jose. Busing/shuttling plan of visitors to & from nearby school parking lots implies an already known an overcrowded problem. Again, this a major concern and inconsistency of this proposed project in this neighborhood.

6. The fact that the applicant had planned for an underground parking (DEMAND FOR PARKINGS), then added a bus/shuttle for their visitors from nearby elementary schools, MORE THAN SUPPORT the concerns from the neighbors that the scale of project is 10 times bigger than what the applicant led the City and none-neighbors to believe on paper. The study must be included the impact for a crowd of over 4,000 people as the facility is designed to hold that many.
7. The operational plan from the applicant indicates DAILY ACTIVITIES from 9AM-10PM, and most activities are 2 to 15 days long... **This is a major environmental, noise, safety and traffic impact to the dense & quiet Residential Neighborhood.**

Wat Khmer Kampuchea Krom, a Khmer Buddhist Foundation

October 1, 2019 · 🌐

Pun Pchum Bun is a major 15-day religious festival in which Khmer people pay respects to the past generations of their ancestors. The festival begins on the 15th day of the 10th month of the Khmer calendar. Around the world, families gather at pagodas to pray, bring food, and make offerings to monks and the spirits of their relatives.

During the first 14 days of the 15-day long Pun Pchum Bun religious festival, Khmer people bring food and offerings to monks and pray for the spirits of their departed relatives. In Cambodia, three days in October at the end of the festival are designated as public holidays so people have time to gather with family.

This weekend, we will be celebrating the 15th and final day of the Pun Pchum Bun festival with a traditional ceremony meant to show dedication, respect, and generosity to ancestors, friends, and family who are no longer with us. We are honored to carry on our culture with this longstanding practice, as we welcome members and their families to join us.

*"15 Days" Celebration*

*Contradicts Applicant's Operation Plan*

*EIR IMPACT incompatible w/neighborhood*

## The Year in Buddhist Festivals



**January 1 - start**

**January 2 - closing ceremony**

**Universal New Year**

We celebrate the Universal New Year.

**February 20 - start**

**February 21 - closing ceremony**

**Meeakha Pujas**

To commemorate the Four Miracles-Assembly Announcement made by the Buddha of his decision to enter Parinirvana in the next three months.

**Five-day celebration April 13 - April 17**

(may vary- first full moon in April)

**Khmer New Year**

In Cambodia, the New Year usually falls on April 13th or 14th, which is the end of the harvesting season.

**May 20 - start**

**May 21 - closing ceremony**

(may vary- first full moon in May)

**Vesakha Pujas**

Celebrates the birth, enlightenment, and death of the Buddha.

**July 16 - start**

**July 17 - closing ceremony**

**Vassa Retreat and Unit Flower Festival**

Three-month retreat season for Buddhist monks and fundraising for Sakya-kumari Stupa.

**Temple Anniversary**

A celebration of paying gratitude to parents and elders. Celebration of the anniversary of the Temple.

**Ken Binda: September 17 to October 1 - 2**

Pchum Binda: October 1 - 2

**Ken Binda and Pchum Binda**

During the Ken Binda and Pchum Binda period, community members visit Watt to offer alms and request religious services to dedicate merits to deceased parents, relatives, and ancestors.

**October 22 - start**

**October 23 - parade and closing ceremony**

**Unity Kathina**

Community members offer requisited to Buddhist monks.

**November 12 - start**

**November 13 - closing ceremony**

**Reading of King Vessantara's story**

The congregation reads all 13 chapters in King Vessantara's story. Listeners accumulate merits from listening.

WAT KHMER KAMPUCHEA KROM

60 SUNSET COURT,  
SAN JOSE CA 95110,  
USA

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8. The plan also indicates a **“SMOKING AREA”** that most likely will be next to another neighbor fence, and that **“ALCOHOL” is allowed on site!** This is a MAJOR HEALTH, SAFETY concerns on top of other ENVIRNOMNETAL IMPACTS that this project would bring, and completely inappropriate for a dense Residential Neighborhood.

Operations Plan for Wat Khmer Kampuchea Krom Temple - 03/26/2021				
YES	Daycare/School/Church (does not include family daycare homes with 14 or fewer children)	NO	Off-Sale of Alcohol (beer and/or wine or full range of alcoholic beverages)	
NO	Late Night (defined as having hours between 12:00 a.m. to 6:00 a.m.)	NO	Public Drinking Establishment (i.e., a bar that does not serve full meals during all hours of operation)	
NO	Drive-through (carwash, restaurant/café, banks, pharmacy, etc.)	NO	Assisted Living, Residential Care/Service Facility, or Memory/Medical Care Facility	
Days of Operation		Weekday	Monday - Friday	
		Weekend	Saturday - Sunday	
Regular Hours of Operation		Weekday	9 a.m. - 10 p.m.*	
		Weekend	9 a.m. - 10 p.m.*	
Religious Holiday/Special Event Hours of Operation		Weekday	9 a.m. - 10 p.m.*	
		Weekend	9 a.m. - 10 p.m.*	
*Notes: - Monks live on property full time. Hours and days of operation described above do not account for Monks' presence on site. - Start and end times and duration of religious holidays and events vary, but do not occur outside the hours of 9 a.m. and 10 p.m. - Preparation and cleanup will occur before and after holidays and events, but does not occur outside the hours of 7 a.m. and 12 a.m. - Refer to Activities Schedule for detailed hours of operation plan.				
Number of Residents		8		
Site Capacity		300 visitors, 8 residents	Note: The project proposes a maximum site capacity of 300 visitors at any given time. This number does not include the eight permanent residents living onsite, maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff.	
<b>NOTE FACILITY DESIGNED TO HOLD OVER 4,000 PEOPLE</b>				
Alcohol		Yes. Alcohol may be served during some private events.		
Cooking and Food		Yes. Reheating of food prepared off-site by members will be typical day to day use. A finishing kitchen is available for catered private events and during religious holidays.		
Deliveries		Yes. Deliveries of food, equipment, and provisions for full-time residents are made as needed. Deliveries and loading/unloading will occur within the parking lot on site.		
Drop-off and Pick-up		Yes. Drop-offs and Pick-ups occur at the designated zone within the parking lot on site. Refer to the Application Statement for detailed parking plan information and Activities Schedule for estimated number of attendees.		
Parking Operations or Layout?		Alternative (i.e., Tandem)	Alternating (i.e., users sharing parking at different times)	Off-Site (i.e., business using parking not located on site)
		YES (Valet)	YES	YES
		If yes, describe: The project proposed a 56-car surface parking lot plus additional 15 onsite valet parking spaces (71 total parking spaces) which accommodates all typical weekly operations and most religious holidays and events. Scheduled activities are staggered so users share parking at different times. Parking for religious holidays and events over 195 anticipated visitors onsite at one time is accommodated by an off-site parking plan which includes free valet and/or shuttle service. Refer to Application Statement and Activities Schedule for additional details.		
Outdoor Uses?		Yes. Religious shrines and sacred spaces are located outdoors for use of Temple members for meditation and reflection. Some special events occur both indoors and outdoors. Refer to Activities Schedule for additional detail.		
Smoking?		Yes. A proposed dedicated smoking area is provided on site which meets all city standards and regulations.		
Noise?		Anticipated:	51 dB at the property line, Refer Acoustic Assessment Report	
		Maximum Allowable:	53 dB at the property line	

- The actual activities vs the plan on paper is 10 times the magnitude. The proposal is extremely deceiving! The current temple members operate their activities @ 66 Sunset Ct, San Jose, CA 95116. There is no Use-Permit noted. The temple has also violated building codes and constructed part facilities illegally, CODE CASE #2018-12934. Thus, it is most likely that they violate all the basic rules in term of occupant capacities, parking, noise, and safety.
- The current Temple @ 66 Sunset Court conducted many events outdoor with blasting loud speakers. The NOISE level combination of the over 4000 people + automobiles + loud speakers would more than exceed the normal noise standard for a Residential Neighborhood. The applicant indicates outdoor activities. The evidences of multiple loud speakers use for music, public

speaking, can be seen via the multiple YouTube videos that can be found @ <https://www.youtube.com/user/buddhaghosacha>. Please note that all the events utilize LOUD SPEAKERS. If you would review the following video @ about 40 min into the video, you can see the stack of load speakers. <https://www.youtube.com/watch?v=E8kDJ10jGk&t=2403s>. The facility designed to hold over 4,000 people indoor/outdoor, is definitely a major Environmental Impact to this Residential Neighborhood.



Today is our Khmer Krom New Year 2019 in San Jose, Ca. | Hom nay laTet cua nguoi KHMER 2019  
3,365 views · Apr 23, 2019



11. Please feel free to YouTube search for “Khmer New Year in USA” and note the typical activities with all the loud speakers used in all events. The typical New Year activities and major Khmer Krom’s activities are NEVER quiet as the applicant led the City to believe. As Pastor John Goldstein have mentioned during a community meeting, most religious facilities are built, they are built with growth in mind. When a facility is design to hold over 4000 people both indoor and outdoor, it is more than likely it will be that crowded. The reality of the IMPACTS of traffic, parking, safety, noise are 10 times the design on paper. Here are a few evidences of the activities of the Khmer Krom Temples and the almost concert type of activities that do exist, and how LOUD it could be:
- a. <https://www.youtube.com/watch?v=oQk2P9SbWX4>
  - b. <https://www.youtube.com/watch?v=h50X0iCCKm8&t=45s>
  - c. <https://www.youtube.com/watch?v=mmUXk-pitwo>
  - d. <https://www.youtube.com/watch?v=0icXRoiP3ws>
  - e. <https://www.youtube.com/watch?v=TBOWyArtTW8>
12. Neighbors had documents and complained about a similar project nearby that was much much smaller in size. It was even in a location that was not surrounded by DENSE Residential Neighborhood either: Canh Thai Temple 2532 Klein Rd
- f. <https://www.buddhistchannel.tv/index.php?id=65,12644,0,0,1,0>
  - g. <https://sanfrancisco.cbslocal.com/2016/01/21/neighbors-say-buddhist-temple-in-san-jose-is-causing-a-disturbance/>
13. One long-time resident in their 70’s on Sweetleaf Ct, that will be directly impacted the **massive 15,000 sf, 4-story high buildings**, & the daily 9AM-10PM activities, has already decided to sell the home. A second neighbor on Sweetleaf Ct is also considering moving, because this project will directly impact their environment, their quality of life and right to quiet enjoyment. The anticipated noise, the massive 15,000sf structure, 65ft tall (4-story high), that exceeds the 35ft standard for any structure in a RN neighborhood, is driving residents out of their homes. Noise level for 6 new homes compare to a 15,000 sf indoor + outdoor activities must be considered to see the real impact of this project!
14. Additionally, we live in a very diverse neighborhood. So, we are all very offended, when the members of this organization during the community meeting on 6/2, who identify themselves as “Members of the Temple” continuously spoke up and called the neighbors RACIST. None of the Temple’s members responded to the any of the neighbor’s concerns, but instead, they repeated addressed the neighbor as racists and that we are Anti-Asian! **The oversize project is simply incompatible in a small R1-5 with valid safety, traffic and noise concerns.** This project has more negative environment impacts to the neighborhood, than benefits to the community. How many member of the temple actually live within a 500ft radius of the project? This has nothing to do with religions or race.

**The EIR must include calculation based on the reality of actual use by the temple, and not what’s on the drawing board. There are many evidences of typical activities by the current applicant far exceed the unrealistic proposed plan. All studies must include the calculation based on their current and realistic use.**

We thank you for time and evaluation. Hopefully, Our Voices Do Matter!

Sincerely,  
Nick Pham  
Evergreen Resident

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#); [Flores, Michelle](#); [Tu, John](#)  
**Cc:** [REDACTED]; [Arenas, Sylvia](#); [McGarrity, Patrick](#)  
**Subject:** Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Date:** Saturday, June 19, 2021 1:04:01 AM

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[External Email]

## **Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024**

Dear San Jose City Planning, My family has lived within this lovely, diverse area of San Jose, in the Evergreen Neighborhood for decades. Throughout our 30 years here, we have watched new housing, religious facilities, schools, libraries, park improvements, road improvements, retail, gas stations/car washes, restaurants, 2 fire stations and so much more get built. Well planned change and growth is great for San Jose. The temple complex proposed at 2740 Ruby Avenue however will be far too immense and adversely impactful to the surrounding neighborhoods.

### Neighborhood Characterization and Envision 2040

The proposed temple project is in the middle of a suburban neighborhood in the Evergreen foothills and has Residential Neighborhood General Plan and R1-R5 zoning designations in the Envision 2040 general plan. The proposed temple is at the intersection of Ruby and Norwood Avenues, which are avenues that permit only one lane of traffic in each direction. The site for the proposed project contains about 1.9 acres.

A Residential Neighborhood designation is intended to preserve and strictly limit new development to infill projects that closely conform to the prevailing existing neighborhood character. (Envision San Jose, General Plan 2040, Amended March 2020, Chapter 5, p. 14.) Neighborhood character is defined by density, lot size and shape, massing and neighborhood form and pattern. (San Jose Municipal Code, Chapter 20.30 - Residential Zoning Districts.) The R1-R5 zoning specifies characteristics for the Residential Neighborhood, which include limits on building heights, the number of stories, setbacks, uses, noise levels, and parking requirements. (Id.) New infill development should be limited to a density of 5 DU/AC or the prevailing neighborhood density, whichever is lower. A prior plan at this site was not supported by planning due to density issues. Site reference PRE20-096 letter from planning where staff would not support a subdivision application nearby because it is inconsistent with the General Plan.

### Project elements do not adhere to Envision 2040 General Plan.

Further the project is surrounded by mature single-family homes, and fully surrounds a privately owned single-family home that is not a part of the applicant's project. Temple building heights of 43' will tower over the small private single-



story home and one and two-story homes surrounding it. Typically, neighbors' 2 story homes with sloping roof lines are estimated at about 25.5' high. The applicant has indicated their design elements incorporate aesthetics that fit into the existing neighborhood to meet San Jose's General Plan permitting process. The actual design, however, is too large for the lot and location and will visually stand out attracting attention as a beacon drawing many people. Temple height, and roof patterns differ from surrounding homes in that neighboring homes do not have a combination of both sloping and flat rooflines and do not exceed 2 stories height nor have rooftop structures of 60' height.

Due to the location, excessive heights, shape, and size of the buildings it will be visually prominent and inconsistent with above characteristics of the Envision 2040 GP within single family R1-5 residentially zoned neighborhoods.

o Please comment to the incompatible architectural characteristics and inconsistencies within Envision 2040 plan in R1-5 residential while studying EIR impacts.

#### P/QP Allows too many variances

Rezoning to P/QP opens the parcel to many more uses and variances than the current residential R1-5 zoning permit. A P/QP rezoning application is a discretionary application and not by right. Once rezoned, P/QP zoning permits uses that potentially add excessive adverse impacts into the residential neighborhood.

o Please study how the extra allowable uses under P/QP will adversely affect neighbors relating to height, noise, traffic, safety, capacity, and potential variety of uses within R1-5 residentially zoned neighborhoods.

#### Traffic Concerns

Traffic accidents are frequent at Ruby and Norwood Avenue. \*(See photos of accident June 15, 2021). Families, pedestrians, bicyclists use Ruby Avenue as a major leisurely route. The temple has only one driveway serving as their entrance/exit. The narrow 2-way driveway is on busy Ruby Ave. The neighbors had recommended two driveways for circulation flow and safety concern: one on Norwood and one on Ruby Ave. Adding 300+ new families in vehicles approaching and leaving a 4 way stop intersection, then pulling in and out of one narrow driveway will only add to safety concerns. Congestion, stacking, blocking, left turns will cause adverse impacts for all traveling on Ruby Avenue and additionally impede other local streets.

Please note, at one time neighbors were told most temple members live within a 5-mile radius to the project. Many members of the temple identified themselves as students at San Francisco State University at the June 2, 2021, EIR Scoping Community Meeting. The likelihood of travel to the project complex via vehicle is

high and by bicycle is low. While amenities for bicyclists are nice, if they go unused or used by only one or two members, they do not mitigate traffic. There is no public transportation near the site suitable for most walkers.

- o Please include these concerns in the EIR and conduct the VMT, transportation/traffic and TIY study in the fall when school is fully back in session.
- o o Please study both during the week and weekend as traffic is busy on weekends as well as commute days. By neglecting to do traffic analysis on weekends, the city of San Jose will miss the most potential traffic impacts.
- o Study the likelihood if alternate transportation plans would be used based upon distance of members to site, and no near public transit. Perhaps a poll of members. How do members travel to the current site?
- o Please comment on all traffic mitigations at Ruby and Norwood intersection and who will pay for the mitigation.
- o Please advise if all traffic mitigations will be complete before the temple were to open and operate.

#### Enforcement Concerns

There is no realistic way to enforce parking, noise, crowd control and capacity limits even if there were a perfect plan. Is it fair to neighbors to become enforcement monitors when 1) the city of San Jose code enforcement is severely understaffed and backlogged? 2) When police prioritize noise and traffic accidents as low priority, 3) when there are other better suited and close by locations that will not create these issues?

- o Please request a sound and noise level analysis report to determine realistic thresholds of sounds and noise to be created.
- o Study all activity periods both during weekends and special events. Include indoor and outdoor assembling, traffic, parking lot, interior, courtyards, rear outdoor spaces.
- o Please study how the inability to enforce limits will impede the neighborhood?

#### Parking Feuds

Applicant pared down the onsite parking requirement by submitting a TDM plan that includes some double-parking, valet, and shuttling during larger events several times per year. Parking calculations were done using temple square footage (minus 1000 sq feet) only. It is risky to think people will generally adhere to alternate parking plans when there is free parking on streets. This is not San Francisco or downtown San Jose. Folks will park all over the neighborhood competing for scarce street parking. With the increase of many single-family homes providing multi-family living, parking is already a large problem

- o Please comment on the requested reduced parking

## Parking Calculation and TDM Plan

- o Are applicants' required parking calculations based only on the temple assembly building and not based on both temple and community building, appropriate?
- o Additionally, is the parking calculation allowing subtraction of 1000 ft of temple assembly space further reducing true parking calculations acceptable.

## Inconsistent Capacity Numbers – Red Flags

According to the applicants' own plans, buildings are designed to hold a multitude more people than the 300 declared maximum. Past plans say their intended capacity was 500 people and 300 families. An occupant load reflects the maximum number of people anticipated to occupy the building rooms or spaces at any given time and under all possible situations. Referencing drawing G5.0, the community building occupancy load is 799 persons. The Temple building occupancy load is 791 persons and the courtyard's combined occupancy load is 2132.

While I acknowledge the plan mentions the occupancy loads do not represent actual expected building attendance, it is still a huge red flag. With the inconsistent capacity declarations from the past, the expectation that congregations grow, beautiful buildings and festivals attracting a lot of people, the potential for over 300 persons will likely be fulfilled at their first grand opening. This is sufficient indication to see why I question applicants' statement for the planned maximum capacity of 300 persons with their declarations that buildings would not be in use at the same time. The buildings are designed to hold multitudes more people.

A major concern is the applicant may intend to push these plans through using capacity numbers the city will allow then simply come back asking to raise it.

- o Considering all this, buildings sizes, outdoor areas and load capacity, inconsistent numbers, please include in the EIR study: How both temple and assembly buildings likely will be occupied at the same time with many more than 30 persons and how that impacts the neighborhood and infrastructure.
- o How do you limit the crowd? Turn them away? Tickets?
- o Please study how the larger buildings will likely generate overcapacity.
- o And please determine realistic capacity and impacts to the neighborhood.

## Other Environmental Concerns

Dying trees on the property likely from lack of water and the usual accompanying insect damage currently pose safety hazards. Neglecting care of the trees also potentially create insect infestations, (termites, beetle larva, moth larva) that can spread to other healthy trees around them. The branch and tree loss also deplete oxygen and shade canopy. Though they may be removed later, healthy trees should be cared for until the permits are approved and the unhealthy removed.

## Wrap Up

Neighbors have worked with the applicant and D8 city council for over 2 years to help welcome a smaller project with less square footage, lower profile buildings, occupancy, etc., but the temple wants what it wants. I had originally envisioned a 100-person membership with a small temple, monks' residence, and children's play yard. That was what was implied in their first flyer. But that was not what the applicant had already planned as is clear in their pre-application.

Applicants desire a large, beautiful complex to serve their community. There are just too many issues to mitigate fully at this location with this plan. Other suitable sites where the applicant can continue to practice their culture and religion with everything they desire to grow and thrive are nearby.

Lastly, comments from some temple members during the June 2, 2021, EIR Scoping Community meeting were underhanded. Calling neighbors who expressed valid and important community concerns, (our right under this process); as culturally insensitive, ignorant, and racist were meant to distract you, bully neighbors, and persuade decision makers to question neighborhood motivation. This diverse neighborhood has always been unified, but there is nothing like overt false accusations to invigorate neighborhood involvement. The temple community is fortunate to have extremely well-financed, well-connected resources including a billionaire financier and professional lobbying group that most projects can only dream of.

Thank you for the opportunity to express my concerns to be included in the EIR. The June 2, 2021, Community Planning Meeting offered clear explanations of the process flow and had good community input.

Sincerely, Janet Holt San Jose Resident/Active Volunteer, Board Member of two Neighborhood Associations and Neighbor to the proposed Temple

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#); [Flores, Michelle](#)  
**Cc:** [REDACTED]  
**Subject:** Action Concern on Propose Project File Nos. C20-012 & SP20-024 (Cambodian Temple Project)  
**Date:** Saturday, June 19, 2021 4:20:31 PM

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[External Email]

Hi Michelle and Tai,

Ourselves are Huon and Chanrany Sok. We are Cambodian and have been living in this Evergreen neighborhood since 1988 and very happy with the quiet environment since.

I have sent several Emails to City Mayor, District, supervisor and congress regarding this development since the start.

As my opinion and all the housing around the neighbor are disapprove of building the Cambodia Temple and seems like not possible to to disregards it even we are wishing to kill this Project.

There are several reasons that I am not support this project even if I am Cambodian who live in the evergreen zone :

1. This land should be build as single house family and the City will more benefit in Tax than the Temple.
2. Parking would be a nightmare for the houses which are locate close to this land.
3. There are less than 10 Cambodian family who living around the evergreen area and it did not make sense to build the temple just to serve Cambodian in the neighborhood.
4. Gang violent will increase because all gangster will use this excuse to stop by this temple during gathering and commit crime.

I am begging, please stop this project or reject it and let land will be used to build as 5 or 6 single and solve all the above issue for people in the evergreen neighborhood.

Sincerely and Appreciate

Huon and Chanrany U Sok ( one of the Cambodian Family to reject this Project)

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**From:** [REDACTED]  
**To:** [McGarrity, Patrick](#); [Flores, Michelle](#); [Tu, John](#); [Chang, Chu](#); [Burton, Chris](#); [Arenas, Sylvia](#); [Le, Thai-Chau](#)  
**Subject:** 2740 Ruby Ave - Special use permit and rezoning  
**Date:** Sunday, June 20, 2021 7:28:37 PM

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[External Email]

Hello,

We are residents of [REDACTED] for the past 14 years.

As residents of this neighborhood, which is walking distance from 2740 Ruby Avenue, the proposed site of a new temple, we have the following concerns to the special use permit and the rezoning request for this location and therefore request the city planning department to decline the permit and the rezoning request.

1. Based on the plans submitted for the temple, it seems like the structures being built will be completely out-of-sync from the overall character of the neighborhood, which is residential and consists primarily of 1 or 2 story houses. It will be an overbearing structure especially with the much smaller houses around it. Whatever structure being built should respect the current character of the neighborhood.
2. The temple is to accommodate more than 300 families (so an average of 1000+ people) at events. This amount of attendance will result in multi-fold increased traffic at the Ruby Ave and Norwood intersection. The intersection is used by multiple students during school time (elementary, middle school and high school students), as well as on weekends for going to classes & other activities. The intersection is also used by residents when going for walks/runs/biking around the neighborhood. The added traffic will cause significant safety concerns for all of us living in the area.

Note that we don't oppose the proposal that a temple be built at the temple. We absolutely welcome a place of worship for those who need it. But we cannot welcome it with the traffic and safety concerns it is causing for the neighborhood and the community in which it is being built.

We respectfully ask that you decline the special use application and the rezoning request as it has been submitted, with the current plans & proposal since they are incompatible with the neighborhood & community.

Thanks,  
Madhura Limaye

[REDACTED]  
[REDACTED]

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**From:** [REDACTED]  
**To:** [Flores, Michelle](#); [Le, Thai-Chau](#); [Tu, John](#); [Rood, Timothy](#)  
**Cc:** [The Office of Mayor Sam Liccardo](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District 6](#); [District7](#); [District8](#); [District9](#); [District 10](#); [Planning Commission 1](#); [Planning Commission 2](#); [Planning Commission 3](#); [Planning Commission 4](#); [Planning Commission 5](#); [Planning Commission 6](#); [Planning Commission 7](#)  
**Subject:** Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Date:** Sunday, June 20, 2021 10:29:22 PM

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[External Email]

Dear San Jose City Planning,

My family has lived within this lovely, diverse area of San Jose, in the Evergreen Neighborhood for 8 years. The temple complex proposed at 2740 Ruby Avenue however will be far too immense and adversely impactful to the surrounding neighborhoods.

### **Neighborhood Characterization and Envision 2040**

The proposed temple project is in the middle of a suburban neighborhood in the Evergreen foothills and has Residential Neighborhood General Plan and R1-R5 zoning designations in the Envision 2040 general plan. The proposed temple is at the intersection of Ruby and Norwood Avenues, which are avenues that permit only one lane of traffic in each direction. The site for the proposed project contains about 1.9 acres.

A Residential Neighborhood designation is intended to preserve and strictly limit new development to infill projects that closely conform to the prevailing existing neighborhood character. (Envision San Jose, General Plan 2040, Amended March 2020, Chapter 5, p. 14.) Neighborhood character is defined by density, lot size and shape, massing and neighborhood form and pattern. (San Jose Municipal Code, Chapter 20.30 - Residential Zoning Districts.) The R1-R5 zoning specifies characteristics for the Residential Neighborhood, which include limits on building heights, the number of stories, setbacks, uses, noise levels, and parking requirements. (Id.) New infill development should be limited to a density of 5 DU/AC or the prevailing neighborhood density, whichever is lower. A prior plan at this site was not supported by planning due to density issues. Site reference PRE20-096 letter from planning where staff would not support a subdivision application nearby because it is inconsistent with the General Plan.

### **Project elements do not adhere to Envision 2040 General Plan.**

Further the project is surrounded by mature single-family homes, and fully surrounds a privately owned single-family home that is not a part of the applicant's project. Temple building heights of 43' will tower over the small private single-story home and one and two-story homes surrounding it. Typically, neighbors' 2 story homes with sloping roof lines are estimated at about 25.5' high. The applicant has indicated their design elements incorporate aesthetics that fit into the existing neighborhood to meet San Jose's General Plan permitting process. The actual design, however, is too large for the lot and location and will visually stand out attracting attention as a beacon drawing many people. Temple height, and roof patterns differ from surrounding homes in that neighboring homes do not have a combination of both sloping and flat rooflines and do not exceed 2 stories height nor have rooftop structures of 60' height. Due to the location, excessive heights, shape, and size of the buildings it will be visually prominent and inconsistent with above characteristics of the Envision 2040



GP within single family R1-5 residentially zoned neighborhoods.

- Please comment on the incompatible architectural characteristics and inconsistencies within Envision 2040 plan in R1-5 residential while studying EIR impacts.
- PQP Allows too many variances
- Rezoning to PQP opens the parcel to many more uses and variances than the current residential R1-5 zoning permit. A PQP rezoning application is a discretionary application and not by right. Once rezoned, PQP zoning permits uses that potentially add excessive adverse impacts into the residential neighborhood.
- Please study how the extra allowable uses under PQP will adversely affect neighbors relating to height, noise, traffic, safety, capacity, and potential variety of uses within R1-5 residentially zoned neighborhoods.

### **Traffic Concerns**

Traffic accidents are frequent at Ruby and Norwood Avenue. Families, pedestrians, bicyclists use Ruby Avenue as a major leisurely route. The temple has only one driveway serving as their entrance/exit. The narrow 2-way driveway is on busy Ruby Ave. The neighbors had recommended two driveways for circulation flow and safety concern: one on Norwood and one on Ruby Ave. Adding 300+ new families in vehicles approaching and leaving a 4 way stop intersection, then pulling in and out of one narrow driveway will only add to safety concerns. Congestion, stacking, blocking, left turns will cause adverse impacts for all traveling on Ruby Avenue and additionally impede other local streets.

Please note, at one time neighbors were told most temple members live within a 5- mile radius to the project. Many members of the temple identified themselves as students at San Francisco State University at the June 2, 2021, EIR Scoping Community Meeting. The likelihood of travel to the project complex via vehicle is high and by bicycle is low. While amenities for bicyclists are nice, if they go unused or used by only one or two members, they do not mitigate traffic. There is no public transportation near the site suitable for most walkers.

- Please include these concerns in the EIR and conduct the VMT, transportation/traffic and TIY study in the fall when school is fully back in session. o o Please study both during the week and weekend as traffic is busy on weekends as well as commute days. By neglecting to do traffic analysis on weekends, the city of San Jose will miss the most potential traffic impacts.
- Study the likelihood if alternate transportation plans would be used based upon distance of members to site, and no near public transit. Perhaps a poll of members. How do members travel to the current site?
- Please comment on all traffic mitigations at Ruby and Norwood intersection and who will pay for the mitigation.
- Please advise if all traffic mitigations will be complete before the temple were to open and operate.
- Enforcement Concerns
- There is no realistic way to enforce parking, noise, crowd control and capacity limits even if there were a perfect plan. Is it fair to neighbors to become enforcement monitors when 1) the city of San Jose code enforcement is severely understaffed and backlogged? 2) When police prioritize noise and traffic accidents as low priority, 3) when there are other better suited and close by locations that will not create these issues?
- Please request a sound and noise level analysis report to determine realistic thresholds of sounds and noise to be created.

- Study all activity periods both during weekends and special events. Include indoor and outdoor assembling, traffic, parking lot, interior, courtyards, rear outdoor spaces.
- Please study how the inability to enforce limits will impede the neighborhood?

### **Parking Feuds**

Applicant pared down the onsite parking requirement by submitting a TDM plan that includes some double-parking, valet, and shuttling during larger events several times per year. Parking calculations were done using temple square footage (minus 1000 sq feet) only. It is risky to think people will generally adhere to alternate parking plans when there is free parking on streets. This is not San Francisco or downtown San Jose. Folks will park all over the neighborhood competing for scarce street parking. With the increase of many single-family homes providing multi-family living, parking is already a large problem

- Please comment on the requested reduced parking
- Parking Calculation and TDM Plan
- Are applicants' required parking calculations based only on the temple assembly building and not based on both temple and community building, appropriate?
- Additionally, is the parking calculation allowing subtraction of 1000 ft of temple assembly space further reducing true parking calculations acceptable.

### **Inconsistent Capacity Numbers – Red Flags**

According to the applicants' own plans, buildings are designed to hold a multitude more people than the 300 declared maximum. Past plans say their intended capacity was 500 people and 300 families. An occupant load reflects the maximum number of people anticipated to occupy the building rooms or spaces at any given time and under all possible situations. Referencing drawing G5.0, the community building occupancy load is 799 persons. The Temple building occupancy load is 791 persons and the courtyard's combined occupancy load is 2132.

While I acknowledge the plan mentions the occupancy loads do not represent actual expected building attendance, it is still a huge red flag. With the inconsistent capacity declarations from the past, the expectation that congregations grow, beautiful buildings and festivals attracting a lot of people, the potential for over 300 persons will likely be fulfilled at their first grand opening. This is sufficient indication to see why I question applicants' statement for the planned maximum capacity of 300 persons with their declarations that buildings would not be in use at the same time. The buildings are designed to hold multitudes more people.

- A major concern is the applicant may intend to push these plans through using capacity numbers the city will allow then simply come back asking to raise it.
- Considering all this, buildings sizes, outdoor areas and load capacity, inconsistent numbers, please include in the EIR study: How both temple and assembly buildings likely will be occupied at the same time with many more than 30 persons and how that impacts the neighborhood and infrastructure.
- How do you limit the crowd? Turn them away? Tickets?
- Please study how the larger buildings will likely generate overcapacity.
- And please determine realistic capacity and impacts to the neighborhood.

### **Other Environmental Concerns**

Dying trees on the property likely from lack of water and the usual accompanying insect damage currently pose safety hazards. Neglecting care of the trees also potentially create

insect infestations, (termites, beetle larva, moth larva) that can spread to other healthy trees around them. The branch and tree loss also deplete oxygen and shade canopy. Though they may be removed later, healthy trees should be cared for until the permits are approved and the unhealthy removed.

### **Wrap Up**

Neighbors have worked with the applicant and D8 city council for over 2 years to help welcome a smaller project with less square footage, lower profile buildings, occupancy, etc., but the temple wants what it wants. I had originally envisioned a 100-person membership with a small temple, monks' residence, and children's play yard. That was what was implied in their first flyer. But that was not what the applicant had already planned as is clear in their pre-application.

Applicants desire a large, beautiful complex to serve their community. There are just too many issues to mitigate fully at this location with this plan. Other suitable sites where the applicant can continue to practice their culture and religion with everything they desire to grow and thrive are nearby.

Lastly, comments from some temple members during the June 2, 2021, EIR Scoping Community meeting were underhanded. Calling neighbors who expressed valid and important community concerns, (our right under this process); as culturally insensitive, ignorant, and racist were meant to distract you, bully neighbors, and persuade decision makers to question neighborhood motivation. This diverse neighborhood has always been unified, but there is nothing like overt false accusations to invigorate neighborhood involvement. The temple community is fortunate to have extremely well-financed, well-connected resources including a billionaire financier and professional lobbying group that most projects can only dream of.

Thank you for the opportunity to express my concerns to be included in the EIR. The June 2, 2021, Community Planning Meeting offered clear explanations of the process flow and had good community input.

Sincerely,  
Mehul Poladia



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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#)  
**Cc:** [Flores, Michelle](#); [Tu, John](#); [Chang, Chu](#); [Arenas, Sylvia](#); [McGarrity, Patrick](#)  
**Subject:** EIR - Khmer Temple at 2740 Ruby Ave - Visitor Count Impact  
**Date:** Monday, June 21, 2021 6:21:52 AM

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[External Email]

**FILE NO:** C20-021/SP20-024/ER20-147

**PROJECT APPLICANT:** Khmer Buddhist Temple Foundation and Andrew Mann Architecture

**APN:** 652-29-014

Dear Thai,

In this email, I would like to request that the EIR team consider the impacts of multiple visitor count scenarios. As I had pointed out before, Lyna Lam had stated to a San Jose Spotlight reporter for a January 2020 article about the temple that they had a membership of "roughly 300 families".

<https://sanjosespotlight.com/san-jose-proposed-buddhist-temple-in-evergreen-neighborhood-met-with-backlash/>

The applicant has stated that they will strictly limit the total number of people on-site to 300 people at all times, including major events. For a major event, such as Khmer New Year celebrations, it would not be unreasonable to expect their full membership (e.g. 300 families x avg 3 people per family = 900 visitors) AND additional non-member visitors to visit the Temple.

This begs the question of what will happen when MORE than 300 people arrive at the site at any given time, particularly during a major event. Please consider these visitor count scenarios in your EIR analysis for noise, traffic, parking, and general disturbance of the peace:

1. 300 people arriving in 100 vehicles
2. 300 people arriving in 150 vehicles
3. 500 people arriving in 167 vehicles
4. 500 people arriving in 250 vehicles
5. 1000 people arriving in 333 vehicles
6. 1000 people arriving in 500 vehicles

- a. How will Temple monitor/count the total number of people on the property?
- b. How will Temple ensure that no more than 300 people will be allowed on the property at any time?  
Via fences, barriers, security?
- c. How will Temple manage the overflow of visitors (crowd control on the surrounding streets) and vehicles (traffic congestion management) trying to enter the property? How will they ensure the crowd waiting to enter remains orderly and undistruptive on sidewalks? How will nearby streets be kept clear while vehicles circle the neighborhood looking for parking?

When a beautiful landmark facility like this Temple is built, it is not unreasonable to expect uninvited and unintended visitors/tourists to arrive, particularly during special events.

And even if there are no non-member visitors, please at least account for their "roughly 300 families" in

their membership that could quickly exceed their 300 person on-property limit during major events such as Khmer New Year.

Thank you.  
Hai Chang  
D8 Resident

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**From:** [REDACTED]  
**To:** [Flores, Michelle](#); [Tu, John](#); [Le, Thai-Chau](#); [Chang, Chu](#); [Planning Commission 1](#); [Planning Commission 6](#); [Planning Commission 2](#); [Planning Commission 4](#); [Deborah Torrens](#); [Planning Commission 3](#); [Planning Commission 5](#); [Burton, Chris](#)  
**Cc:** [Arenas, Sylvia](#)  
**Subject:** Watt Kampuchea Krom Temple - Project File Nos. C20-012 & SP20-024  
**Date:** Monday, June 21, 2021 1:27:55 PM

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[External Email]

Dear San Jose City Planning Dept. and Planning Commissioners,

I'm writing to oppose the Proposed Watt Kampuchea Krom Temple project and rezoning.

I have lived in the same neighborhood as the proposed project for two decades. I have seen many developments planned or built, some projects were denied but most of them were approved. So far they are acceptable, built in accordance with the General Plan. However, this project is an anomaly from the get go. It's like trying to fit a square peg into a round hole. The lot is way too small for its proposed capacity and activities/uses. In addition, the design of buildings, particularly the main temple, are out of character with the surrounding residential neighborhood. As it is, without major revisions, this project will degrade my neighborhood and nearby communities. Approving applicant intent to rezone will be a carte blanche to intensify further problems down the road. It's not fair or just to nearby residents having their safety and living environment greatly compromised, meanwhile the billionaire applicant has abundant resources available to consider much better alternatives within only 2-3 miles away to build his dream temple.

**Reasons why proposed project/rezoning should not be approved:**

1. San Jose 2040 General Plan nonconformity.

Based on citations below, it is clear that the proposed project is not in line with San Jose 2040 General Plan :

**-Chap. 5, Interconnected City, page 14,** " The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character..".

**-Chap.5, page 15,** " Only in cases where new development is completely separated from existing neighborhoods by freeways, major expressways, or a riparian corridor or other similar barrier, will it be permissible for the new development to establish a unique character as defined by density, lot size and shape".

**-Chap. 5, page 15,** " Reinforcing the Envision General Plan's Growth Area Strategy to direct

intensified development to areas with better access to services and transit, some areas currently developed with a mix of single-family and duplex uses are designated as Residential Neighborhood to discourage their further intensification".

**-CD-4.4--** In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

**- VN-1.10 --** Promote the preservation of positive character-defining elements in neighborhoods, such as architecture; design elements like setbacks, heights, number of stories, or attached/detached garages; landscape features; street design; etc.

**- VN-1.11--** Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.

**- VN-1.12--** Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods.

**- LU-9.8--** When changes in residential densities in established neighborhoods are proposed, the City shall consider such factors as neighborhood character and identity; historic preservation; compatibility of land uses and impacts on livability; impacts on services and facilities, including schools, to the extent permitted by law; accessibility to transit facilities; and impacts on traffic levels on both neighborhood streets and major thoroughfares.

**- LU-10.8 --** Encourage the location of schools, private community gathering facilities, and other public/quasi public uses within or adjacent to Urban Villages and other growth areas and encourage these uses to be developed in an urban form and in a mixed-use configuration

**- LU-11.7 --** Permit new development to establish a unique character as defined by density, lot size and shape only in cases where the new development is completely separated from existing neighborhoods by freeways, major expressways, or a riparian corridor or other similar barrier.

2. Parking is grossly inadequate.

According to their application, 71 parking spaces are provided, in which 15 spaces are double

parking/valet. The requirement is 98 spaces. This calculation is based on the main temple capacity only. However, the architect said in the previous community meeting that the Gathering/Community Hall is also used simultaneously with the main temple. It's customary that attendees pray then continue on with having a meal in the gathering hall.

In this case, the hall capacity ( approx. 791 ) has to be counted/added when determining parking requirements.

-  $791/4=198$

- Required parking spaces :  $98+198 = 296$

The applicant is asking for a 76% reduction. This is surely not acceptable, it's grossly inadequate.

3. Since there are no fixed service times, attendees come and go at all operating hours from morning to early evening every day. There are, at a min., eight monks living on the premises, so it is a full service facility.

*Proposed operation of the temple to allow up to 300 people routinely and more than 3,000 people for special events (Total occupancy load of all three courtyards is 2,132) is too much activity for a R1-5 site on a two-lane street.* There are, at minimum, 12 major holidays/year: Jan 1st New Year, Magha Puja(Feb), Cambodian New Year (April, 3 days), Vassa (May, 2 days), Kathina (Oct, 2 days), Temple Anniversary, Pchum Ben (Sept,3 days). In addition to Uposatha days (4 days/month), it's a total of 61 special events/year.

Proposed multi uses of the project, i.e: a temple, a school, a monastery, and an event center during weekdays, weekends and holidays give nearby residents no respite from parking and traffic problems, crowd, and noise.

4. There is only one exit/entrance (on Ruby Ave.), so cars line up/stacking causing traffic jams, potentially blocking intersection of Ruby & Norwood Ave.. It's inevitable that temple attendees would look for shortcuts and parkings, thus traffic around my neighborhood & nearby communities will increase unsustainably, creating safety hazards for residents.

To be clear, I'm not against a temple being built on the lot. It is the scale, intensity of use, and its non conformity to existing neighborhood character and SJGP that my community and I have a problem with.

Thank you for your consideration of my concerns.

Sincerely,

Karina Liao



[Redacted]

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**From:** [REDACTED]  
**To:** [McGarrity, Patrick](#); [Le, Thai-Chau](#); [Flores, Michelle](#); [Tu, John](#); [Chang, Chu](#); [Burton, Chris](#); [Arenas, Sylvia](#)  
**Subject:** Temple Proposal on Norwood/Ruby  
**Date:** Monday, June 21, 2021 2:51:47 PM

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[External Email]

Hello Planning and Council Team,

As a neighbor, I am opposed to the temple at its current proposal.

Besides the various factors which I will list below, I really have concerns on the integrity of the temple developers.

Based on the first neighborhood meetings, the temple and supporters have not been upfront with the neighborhood community. In fact, during the first few meetings, I asked how many events will there be per year and will there be weddings etc? They told us that there will be around 3-4 events a year, no weddings, funerals or other events. Only 5-6 visitors a day at most to come by to bring food to the monks in the morning. Now, they want to rezone to increase capacity -quasi public which will be conducive for many large events. The temple leaders continue to modify their proposals and once built, I do not believe they will monitor the temple or follow guidelines.

In fact the developers claim the temple is a benefit to the community however, we do not know who in the neighborhood is welcomed to the temple as they also mentioned it is closed and not open to the public, only to their members. I facilities would be open to the community for non profit use and they said NO. So basically our immediate neighborhood is not invited. Other temples like the Sheik temple invites everyone into their community. In addition, the proposed temple members do not reside in our vicinity. There is no public transportation close by so all will have to drive and park in the neighborhood streets which are already packed. The temple should be located closer to their constituents to better serve them.

Furthermore, I am opposed to the temple for the following reasons:

- Adverse effect on the residential amenity of neighbors, by reason of (among other factors) noise\*, disturbance\*, overlooking, loss of privacy, overshadowing, etc. [\* this does not include noise, dust or disturbance arising from the actual construction which may take years, which will be burdensome on the entire neighborhood and schools]
- Unacceptable high density / over-development of the site in residential neighborhood.
- The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity. Size, scope and design incompatible.

Temple would be in a dense neighborhood with a PRIVATE HOUSE in the MIDDLE of their grounds.

We also live within viewing distance of the temple and do not want to see the out of place temple everyday from our backyard.

- The loss of existing views from neighboring properties would adversely affect the residential amenity of neighboring owners
- The development would adversely affect highway safety or the convenience of road users. Too many schools nearby and many traffic accidents already in Norwood and Ruby.

Please consider all these factors before approving the building of this temple that is out of scope in this residential neighborhood. Thank you for your time.

Joanna Wan  
Neighbor, Cedardale ct.

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**From:** [REDACTED]  
**To:** [Planning Commission 1](#); [Planning Commission 6](#); [Planning Commission 3](#); [Planning Commission 4](#); [Planning Commission 5](#); [Planning Commission 2](#); [Planning Commission 7](#); [Le, Thai-Chau](#); [Flores, Michelle](#); [Tu, John](#); [Chang, Chu](#); [Burton, Chris](#); [Arenas, Sylvia](#); [McGarrity, Patrick](#); [mayormail@sanjoseca.gov](mailto:mayormail@sanjoseca.gov)  
**Subject:** Environmental impact opposition to the temple construction at 2740 Ruby and re-zoning to allow it  
**Date:** Monday, June 21, 2021 10:01:54 PM

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[External Email]

Dear San Jose Planning Commission members and other officials making decisions about the 2740 Ruby property:

We Jerry and Vicki Jeska of [REDACTED], 35-year Evergreen residents are concerned that the environmental impact of the Wat Kymer Kampuchea Krom temple would be extensive and damaging to our community, indeed devastating to the closest residents who have invested heavily in their properties.

We would like to add to the opinion offered below that more than one current homeowner is selling their property because of it. Residents realize congregants will park throughout our neighborhood. Traffic congestion and related noise post-construction in that already dangerous intersection would increase. The intersection area of Norwood & Ruby would have to be revamped to allow entry and egress to the property. Extensive sewage work would need to be done, causing additional misery for the existing neighbors. The quality of life for the residents would be considerably worsened. How can the proponents of the project allege that it will not have a tremendous negative environmental impact on the area? Neither the re-zoning nor the construction of the facility should be allowed. If the city has money to do that work, it has money to clean up Lake Cunningham and make it usable for the local residents who helped finance it.

FYI--With all due respect, please consider that many of the local residents will not be voicing their concerns simply because they feel the city will do whatever deep-pocketed and influential individuals wish anyway. We have heard that from many, such as our own next-door neighbor. We understand that the San Francisco billionaire who financed the land purchase has ingratiated himself with our mayor and the influential Carl Guardino, whose wife is working for the firm representing the congregation. People ask, "Why bother? The city politicians and other

decision-makers don't care about us and will do whatever they want for their personal associates. Politicians are corrupt." Those are the things we hear constantly. Now is the city's chance to prove them wrong, at least once.

Regarding the environmental impact of the project, the "Nextdoor" author of the following is totally spot on:

"NO" to PQP Rezoning/INCOMPATIBLE Residential Land-Use, "NO" to 15,000sf 4-Story High Building, "NO" to racial remarks toward our [already diverse n]eighborhood. Re-zoning to allow and construction of the

By definition, Environmental Impacts could be: Aesthetics, Air Quality, Cultural, Geology, Hazards (traffic, safety, etc), Noise, Quality of Life, Urban Decay, Housing, Etc. This project DOES NOT meet the City of San Jose General Plan 2040 guidelines for land-use on many different levels! Over this past year, especially the few months with, our neighbors have shared their concerns with this project. After several reviews and community meetings, the neighborhood come to the same conclusion! The project has more NEGATIVE Environmental Impacts to this highly dense Residential Neighborhood (RN), than benefits to the community. This project is already driving out one next door homeowner in their 70's, another neighbor is considering selling because, they just don't want to see the value of the property goes down, and that their Quality of Life is threaten[ed] by this project. A group of neighbors of all ethnic background[s] has reviewed the proposal from the Applicant extensively, and it is . . . more clear that the project is completely "INCOMPATIBLE" in the dense Residential Neighborhood Zone fit for "6-home" previously approved. Here are some of the obvious reasons to OPPOSE: 1. The project does not meet several City General Plan Policies for land-use. In a letter from the City to [the] applicant on November 5, 2018. The City stated: "Given the site's location adjacency to existing single-family residence and completely surrounding an existing single-family residence, staff is concerned about the potential impact of the size of the project at points when the use is at full capacity". And that the proposed project may be inconsistent with General Plan Land Use Policy 10.8. 2. **The attempt to REZONE a small parcel of land (RN Zone) fit for 5-6 homes to Public/Quasi Public (PQP) zone, to build a MASSIVE 15,000 sf, 4-story (60ft) high, is extremely inappropriate,** and simply "OUT-OF-CHARACTER" for the neighborhood. This parcel is approved for 6 homes. 3. The MASSIVE Buildings/Structures with over the top design, and several large visible Garden Sculptures are "AESTHETICALLY" incompatible next to 2500sf homes, and only 14-35ft max high. 4. The facility designed to hold over 4,000 people indoor/outdoor, is definitely a major Environmental impact to this Residential Neighborhood. 5. The fact that the applicant had planned for an underground parking (DEMAND FOR PARKINGS), then added a bus/shuttle for their visitors from nearby elementary schools, MORE THAN SUPPORT the concerns from the neighbors that the scale of project is 10 times bigger than what the applicant led the City and none-neighbors to believe on paper. 6. A small entrance to the temple on Ruby Ave is less than 350ft away from the busy Norwood/Ruby stop signs. Neighborhood traffics, TRAFFIC STACKING, and PARKING overflow the nearby small residential streets are the INEVITABLE. How is this ENVIRONMENTALLY appropriate? 7. Neighbors had documents and complained about a similar similar project nearby that was much much smaller in size. It was even in a location that was not surrounded by DENSE Residential Neighborhood either: Canh Thai Temple 2532 Klein Rd: <https://www.buddhistchannel.tv/index.php?id=65,12644,0,0,1,0>,

<https://sanfrancisco.cbslocal.com/2016/01/21/neighbors-say-buddhist-temple-in-san-jose-is-causing-a-disturbance/> 8. The operational plan from the applicant indicates DAILY ACTIVITIES from 9AM-10PM, and most activities are 2-15 days long... The plan also indicates "SMOKING AREA" most likely will be next to another neighbor's fence, and that "ALCOHOL" is allow[ed] on site! These [are] MAJOR HEALTH, SAFETY concerns on top of other ENVIRNOMNETAL IMPACTS that this project would bring. 9. The actual activities vs the plan on paper is 10 times the magnitude. The proposal is extremely deceiving! The temple currently operates at their 55 Sunset Ct, San Jose facility without any recognizable permit. They even had also violated Building Code. Please feel free to youtube search for "Khmer new year in USA" and note all the loud speakers. There are many from the temple @ 66 Sunset Ct and others. 10. Please note a typical activity from this temple previously. Note the stack of speakers ~40min in to the video: <https://www.youtube.com/watch?v=E8kJDJ10jGk&t=2403s> On paper, the size of the project and the quiet, peaceful practice of this organization want . . . [c]ity [o]fficial[s] to believe is extremely deceiving! PLEASE HELP SUPPORT/PRESERVE our neighborhood. None are against the concept of having a nice, small, peaceful neighbors. THIS PROJECT IS JUST WRONG for the location, and have more environment[al] impacts to the neighborhood than benefits! This project threaten both our environment . . . and financial wellbeing. Unlike the wealthy applicant from out of town, the neighbors can't afford to buy or take over someone else neighborhood the same way this applicant is.

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#); [Flores, Michelle](#); [Tu, John](#); [Chang, Chu](#); [Burton, Chris](#); [Arenas, Sylvia](#); [McGarrity, Patrick](#)  
**Subject:** File No: C20-021/SP20-024/ER20-147 Project located in residential neighborhood 2740 Ruby Avenue, San Jose, CA 95148  
**Date:** Tuesday, June 22, 2021 9:49:11 AM

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[External Email]

Hello Gentlepersons,

I have lived in my home for over 40 years. During that time, many single family homes have been constructed in the immediate area. That is what should be built on the referenced site, in keeping with the surrounding area. I have seen the proposed plans and they do not mesh well with this neighborhood. From the size and height of the buildings to the increased traffic that would result from this project. The intersection of Ruby Ave and Norwood Ave is accident prone. I have been hit by cars that don't seem to know what a stop sign is. Further, this site would attract a lot more vehicles for the services planned. The proposed site does not have adequate parking for all the attendees, which will result in more cars parked all over the adjacent neighborhood.

David Byam  
[REDACTED]

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**From:** [REDACTED]  
**To:** [McGarrity, Patrick](#)  
**Cc:** [Le, Thai-Chau](#)  
**Subject:** Opposition to 2740 Ruby Temple Project: Re-zoning  
**Date:** Tuesday, June 22, 2021 3:04:23 PM

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[External Email]

My husband and I have lived on Little Boy Lane off Norwood for nearly 50 years and we oppose the re-zoning and approval of the project referenced above.

First, I would like to rebut the comments voiced at the 6/2/21 meeting alleging opposition to this project is based on bias. This has been, and continues to be, a very diverse neighborhood. During our time here our neighbors have included African-Americans, Mexicans, East Indians, Philipinos, Chinese, and even an Obeah practitioner. Blaming opposition to this project on bias is an excuse for looking past all the negative effects it will have on an extended neighborhood.

This project is completely unsuitable for this parcel of land. If you step back from the specific objections and simply look at the appearance of the temple as it would present itself in this property it is immediately clear that it is wildly out of character with surrounding homes. That is true for the footprint (15000 sq ft vs 2500 sq ft), height (4 stories vs 2), and even the shape of a very visible facade. Compare this proposal to the mosques on Quimby and Ruby, the church on Norwood. All are located on sites that are larger and do not look like they were shoe-horned in as this one would.

Among the more specific concerns are traffic and parking. Norwood is a two lane road without even room for a bike lane. Likewise, Ruby is two lane. Both roads are busy and their intersection is the site of too many accidents and close calls (I had one last week when a rude driver decided to go out of turn). These streets are also a place where people walking and running, walking dogs, and children going to and from school are a common sight. Additional traffic would pose an increased danger to them.

With respect to parking: The number of parking spots is inconsistent with the size of the membership and the number of expected visitors. While it's fine to say parking is limited and that visitors will be shuttled in, I question how long, if at all, those limits will be observed. How will it be enforced? By whom? I expect after a short period of time these restrictions will be forgotten and the cars of many visitors will be parked in adjacent neighborhoods likely causing a shortage of residents' parking there. It is naive to assume otherwise. In addition, the proximity of the vehicle entrance is dangerous and could lead to traffic stacking up at the stop signs.

Another serious concern is noise. The temple is designed to host a great number of people. If daily activities are from 9 am to 10 pm and some activities last for 2 to 15 days, the quiet nature of this residential neighborhood would be destroyed, not only by visitors talking, singing etc but by traffic arriving and leaving. For an example of this, view the Youtube video of the temple's New Year 2019 celebration. (<https://www.youtube.com/watch?v=E8kJDJ1OjGk&t=2403s>) It should be acknowledged that promises to limit the number of



vehicles, the level of noise, and the number of attendees are only promises, non-binding and unenforceable particularly as the membership inevitably grows.

Last year, residents a short distance up Norwood (near Norcross) were under a one hour evacuation warning due to wild fire. Many residents up Norwood have no good evacuation route other than Norwood. How will evacuation be possible with so many more vehicles clogging these narrow roads? It cannot be assumed that such a situation would occur when only a few visitors are at the temple. This also works in reverse with emergency vehicles going up Norwood.

At the 6/2/21 meeting the members of the temple voiced their hopes for a place to meditate, a place of religious contemplation, a place of harmony. These are commendable. However, the traffic parking problems, the noise, and incompatible appearance will inevitably result in friction and possibly hostility with the neighbors. Hardly the harmonious environment desired.

We are sympathetic with the desire of this community to find a place to practice their religion. However, looked at objectively, this site should not be re-zoned to accommodate this project and this project should not be built at this location. It is an inappropriate use of this property.

Thank you for your consideration.

Halle and Barry Weingarten

[REDACTED]

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**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#); [Flores, Michelle](#); [Tu, John](#); [Arenas, Sylvia](#); [McGarrity, Patrick](#); [REDACTED]  
**Subject:** Re: Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024  
**Date:** Tuesday, June 22, 2021 3:23:46 PM

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[External Email]

To Thai-Chau Le,

Hello Thai,

I would like to amend my letter as follows:

- 1) Add pictures of an accident at Ruby and Norwood Ave June 15, 2021
- 2) Correct a number from 30 to 300 under Inconsistent Capacity Numbers – Red Flags, first bullet
- 3) Add

Rezoning Public/Quasi-Public Zoning District would

Misalign the current zoning district, be inconsistent with the goals of the General Plan and facilitate

future developments that are inconsistent with the General Plan land, as well as the prior

uses of the property

Future development would be easier to attain under a PQP zoning district thus impacting the R1 neighborhoods even further.

Housing Crisis

Permitting PQP and SUP to build a temple housing 8 persons (monks), will reduce the capacity for 6 residential units potentially housing 18 to 36+ persons that can be built on the infill within the local District 8 jurisdiction.

Sincerely,  
Janet Holt

On Sat, Jun 19, 2021 at 1:03 AM Janet Holt [REDACTED] > wrote:

**Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024**

Dear San Jose City Planning, My family has lived within this lovely, diverse area of San Jose, in the Evergreen Neighborhood for decades. Throughout our 30 years here, we have watched new housing, religious facilities, schools, libraries, park improvements, road improvements, retail, gas stations/car washes, restaurants, 2 fire stations and so much more get built. Well planned change and growth is great

for San Jose. The temple complex proposed at 2740 Ruby Avenue however will be far too immense and adversely impactful to the surrounding neighborhoods.

### Neighborhood Characterization and Envision 2040

The proposed temple project is in the middle of a suburban neighborhood in the Evergreen foothills and has Residential Neighborhood General Plan and R1-R5 zoning designations in the Envision 2040 general plan. The proposed temple is at the intersection of Ruby and Norwood Avenues, which are avenues that permit only one lane of traffic in each direction. The site for the proposed project contains about 1.9 acres.

A Residential Neighborhood designation is intended to preserve and strictly limit new development to infill projects that closely conform to the prevailing existing neighborhood character. (Envision San Jose, General Plan 2040, Amended March 2020, Chapter 5, p. 14.) Neighborhood character is defined by density, lot size and shape, massing and neighborhood form and pattern. (San Jose Municipal Code, Chapter 20.30 - Residential Zoning Districts.) The R1-R5 zoning specifies characteristics for the Residential Neighborhood, which include limits on building heights, the number of stories, setbacks, uses, noise levels, and parking requirements. (Id.) New infill development should be limited to a density of 5 DU/AC or the prevailing neighborhood density, whichever is lower. A prior plan at this site was not supported by planning due to density issues. Site reference PRE20-096 letter from planning where staff would not support a subdivision application nearby because it is inconsistent with the General Plan.

### Project elements do not adhere to Envision 2040 General Plan.

Further the project is surrounded by mature single-family homes, and fully surrounds a privately owned single-family home that is not a part of the applicant's project. Temple building heights of 43' will tower over the small private single-story home and one and two-story homes surrounding it. Typically, neighbors' 2 story homes with sloping roof lines are estimated at about 25.5' high. The applicant has indicated their design elements incorporate aesthetics that fit into the existing neighborhood to meet San Jose's General Plan permitting process. The actual design, however, is too large for the lot and location and will visually stand out attracting attention as a beacon drawing many people. Temple height, and roof patterns differ from surrounding homes in that neighboring homes do not have a combination of both sloping and flat rooflines and do not exceed 2 stories height nor have rooftop structures of 60' height.

Due to the location, excessive heights, shape, and size of the buildings it will be visually prominent and inconsistent with above characteristics of the Envision 2040 GP within single family R1-5 residentially zoned neighborhoods.

o Please comment to the incompatible architectural characteristics and inconsistencies within Envision 2040 plan in R1-5 residential while studying EIR impacts.

### P/QP Allows too many variances

Rezoning to P/QP opens the parcel to many more uses and variances than the current residential R1-5 zoning permit. A P/QP rezoning application is a discretionary application and not by right. Once rezoned, P/QP zoning permits uses that potentially add excessive adverse impacts into the residential neighborhood.

- o Please study how the extra allowable uses under P/QP will adversely affect neighbors relating to height, noise, traffic, safety, capacity, and potential variety of uses within R1-5 residentially zoned neighborhoods.

### Traffic Concerns

Traffic accidents are frequent at Ruby and Norwood Avenue. \*(See photos of accident June 15, 2021). Families, pedestrians, bicyclists use Ruby Avenue as a major leisurely route. The temple has only one driveway serving as their entrance/exit. The narrow 2-way driveway is on busy Ruby Ave. The neighbors had recommended two driveways for circulation flow and safety concern: one on Norwood and one on Ruby Ave. Adding 300+ new families in vehicles approaching and leaving a 4 way stop intersection, then pulling in and out of one narrow driveway will only add to safety concerns. Congestion, stacking, blocking, left turns will cause adverse impacts for all traveling on Ruby Avenue and additionally impede other local streets.

Please note, at one time neighbors were told most temple members live within a 5- mile radius to the project. Many members of the temple identified themselves as students at San Francisco State University at the June 2, 2021, EIR Scoping Community Meeting. The likelihood of travel to the project complex via vehicle is high and by bicycle is low. While amenities for bicyclists are nice, if they go unused or used by only one or two members, they do not mitigate traffic. There is no public transportation near the site suitable for most walkers.

- o Please include these concerns in the EIR and conduct the VMT, transportation/traffic and TIY study in the fall when school is fully back in session.
- o o Please study both during the week and weekend as traffic is busy on weekends as well as commute days. By neglecting to do traffic analysis on weekends, the city of San Jose will miss the most potential traffic impacts.
- o Study the likelihood if alternate transportation plans would be used based upon distance of members to site, and no near public transit. Perhaps a poll of members. How do members travel to the current site?
- o Please comment on all traffic mitigations at Ruby and Norwood intersection and who will pay for the mitigation.
- o Please advise if all traffic mitigations will be complete before the temple were to open and operate.

### Enforcement Concerns

There is no realistic way to enforce parking, noise, crowd control and capacity limits even if there were a perfect plan. Is it fair to neighbors to become enforcement monitors when 1) the city of San Jose code enforcement is severely understaffed and backlogged? 2) When police prioritize noise and traffic accidents as low priority, 3) when there are other better suited and close by locations that will not create these issues?

- o Please request a sound and noise level analysis report to determine realistic thresholds of sounds and noise to be created.
- o Study all activity periods both during weekends and special events. Include indoor and outdoor assembling, traffic, parking lot, interior, courtyards, rear outdoor spaces.
- o Please study how the inability to enforce limits will impede the neighborhood?

### Parking Feuds

Applicant pared down the onsite parking requirement by submitting a TDM plan that includes some double-parking, valet, and shuttling during larger events several times per year. Parking calculations were done using temple square footage (minus 1000 sq feet) only. It is risky to think people will generally adhere to alternate parking plans when there is free parking on streets. This is not San Francisco or downtown San Jose. Folks will park all over the neighborhood competing for scarce street parking. With the increase of many single-family homes providing multi-family living, parking is already a large problem

- o Please comment on the requested reduced parking

### Parking Calculation and TDM Plan

- o Are applicants' required parking calculations based only on the temple assembly building and not based on both temple and community building, appropriate?
- o Additionally, is the parking calculation allowing subtraction of 1000 ft of temple assembly space further reducing true parking calculations acceptable.

### Inconsistent Capacity Numbers – Red Flags

According to the applicants' own plans, buildings are designed to hold a multitude more people than the 300 declared maximum. Past plans say their intended capacity was 500 people and 300 families. An occupant load reflects the maximum number of people anticipated to occupy the building rooms or spaces at any given time and under all possible situations. Referencing drawing G5.0, the community building occupancy load is 799 persons. The Temple building occupancy load is 791 persons and the courtyard's combined occupancy load is 2132.

While I acknowledge the plan mentions the occupancy loads do not represent

actual expected building attendance, it is still a huge red flag. With the inconsistent capacity declarations from the past, the expectation that congregations grow, beautiful buildings and festivals attracting a lot of people, the potential for over 300 persons will likely be fulfilled at their first grand opening. This is sufficient indication to see why I question applicants' statement for the planned maximum capacity of 300 persons with their declarations that buildings would not be in use at the same time. The buildings are designed to hold multitudes more people. A major concern is the applicant may intend to push these plans through using capacity numbers the city will allow then simply come back asking to raise it.

- o Considering all this, buildings sizes, outdoor areas and load capacity, inconsistent numbers, please include in the EIR study: How both temple and assembly buildings likely will be occupied at the same time with many more than 300 persons and how that impacts the neighborhood and infrastructure.
- o How do you limit the crowd? Turn them away? Tickets?
- o Please study how the larger buildings will likely generate overcapacity.
- o And please determine realistic capacity and impacts to the neighborhood.

#### Other Environmental Concerns

Dying trees on the property likely from lack of water and the usual accompanying insect damage currently pose safety hazards. Neglecting care of the trees also potentially create insect infestations, (termites, beetle larva, moth larva) that can spread to other healthy trees around them. The branch and tree loss also deplete oxygen and shade canopy. Though they may be removed later, healthy trees should be cared for until the permits are approved and the unhealthy removed.

#### Wrap Up

Neighbors have worked with the applicant and D8 city council for over 2 years to help welcome a smaller project with less square footage, lower profile buildings, occupancy, etc., but the temple wants what it wants. I had originally envisioned a 100-person membership with a small temple, monks' residence, and children's play yard. That was what was implied in their first flyer. But that was not what the applicant had already planned as is clear in their pre-application.

Applicants desire a large, beautiful complex to serve their community. There are just too many issues to mitigate fully at this location with this plan. Other suitable sites where the applicant can continue to practice their culture and religion with everything they desire to grow and thrive are nearby.

Lastly, comments from some temple members during the June 2, 2021, EIR Scoping Community meeting were underhanded. Calling neighbors who expressed valid and important community concerns, (our right under this process); as culturally insensitive, ignorant, and racist were meant to distract you, bully

neighbors, and persuade decision makers to question neighborhood motivation. This diverse neighborhood has always been unified, but there is nothing like overt false accusations to invigorate neighborhood involvement. The temple community is fortunate to have extremely well-financed, well-connected resources including a billionaire financier and professional lobbying group that most projects can only dream of.

Thank you for the opportunity to express my concerns to be included in the EIR. The June 2, 2021, Community Planning Meeting offered clear explanations of the process flow and had good community input.

Sincerely, Janet Holt San Jose Resident/Active Volunteer, Board Member of two Neighborhood Associations and Neighbor to the proposed Temple

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Norwood Av

STOP

ALL WAY





**From:** [REDACTED]  
**To:** [Le, Thai-Chau](#); [Tu, John](#); [Rood, Timothy](#); [Flores, Michelle](#)  
**Subject:** Opposing the Propose Rezoning at 2740 Ruby Ave  
**Date:** Tuesday, June 22, 2021 11:18:52 PM

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[External Email]

To: San Jose City Planning Department Staffs

My name is Du Pho. I am a Vietnamese immigrant. I am the owner of [REDACTED]. My home, my backyard will be directly impacted by this project. I OPPOSE the Proposed Rezoning and Special Use Permit File Nos. C20-021/SP20-024/ER20-147 at 2740 Ruby Ave.

I moved into this home in November 2018 even though I have been a long time resident of Evergreen. When I found out about the proposed temple project with the underground garage, I lost sleep for many nights. What was going to be a peaceful backyard of mine could be an underground parking lot. The temple was going to have more than 300 members. I don't want to go into the details that I am sure you are getting from many neighbors, but I want to share the mental effect it has had on my family and I.

My family includes 2 elders, 2 teenagers going to Evergreen Highschool and I. I am a single mom. I respect the freedom of practicing their religion. However, the size and the capacity of the proposed temple scare me. My parents are worried about the noise impact. They are elders. They want to have a quiet backyard to take care of their plants, not worry about how many cars will be parking next to our yard each weekend. I believe they plan to fit 75 cars. My backyard is facing directly to this proposed parking lot. I could imagine the car engine, exhaust, the noise from in and out when there is an event, the door closing, lock beeping. Please, imagine that right next to your backyard where you call home. A place to get rest, and recharge for another work week.

I was in the last community meeting and I almost cried when I heard comments about Asian hate crime and how we should approve this project to respect one's religious practice. I am an immigrant. This community is filled with Asian from all walks of life. We work hard to support our family. We are not here to not allow their practice, but there is no hate here. My dad is catholic, my mom is buddist, I am catholic. We go to church, temple... We don't hate. We are not a well off community that does not allow a temple. We just want to have it in a reasonable size that will make sense with the traffic, the noise and the structure.

In some of our discussions at home, we talk about needing to find another place to live. We know the project is sponsored by very wealthy individuals. Thus, we are the ones that need our voices heard by you, the staff members that will decide. I am very sad and distressed just thinking about this project. I can't afford to find another home at this time for 5 people and 3 dogs. Please do not approve this project. it negatively impacts the neighborhood with the overwhelming size.

Last note: my daughter was hit by a truck because the truck driver didn't stop 5 months ago. The Norwood Ruby intersection is already dangerous as is. How could a one way, one stop sign street can take the burden of 300 families in and out.

I thank you for reading this. From a family that is directly impacted by this project, I OPPOSE

the rezoning and special use permit. I oppose the current size, parking proposal.

--

DU PHO

[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [REDACTED]  
**To:** [McGarrity, Patrick](#); [Le, Thai-Chau](#); [Flores, Michelle](#); [Tu, John](#); [Chang, Chu](#); [Burton, Chris](#); [Arenas, Sylvia](#)  
**Cc:** [REDACTED]  
**Subject:** Against to build the temple at 2740 ruby ave San Jose ,ca,95148  
**Date:** Tuesday, June 22, 2021 11:41:10 PM

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[External Email]

Dear Patrick Mc Garrity , le Chau Thai ,Michelle Flores ,John Tu, Chu Chang ,Chris Burton ,Sylvia Arenas !!!

I'm Nha Tran , I'm live at [REDACTED] . ( inside the temple land )  
I would like to

1. The Safety issue : more traffic , unsafe for my kid and among other safety as well .at the stop side have a lot of accident some of driver die
  2. Neighbor parking issue : when the temple operation the guess will park all over the street area and all residential parking needed
  - 3.the noise issue : the noise from the bell , noise from drum , noise from the chanting when commercial operation in the residential area , they need built the quiet wall to separate all the neighbor and temple to make sure the noise , the noise will destroyed the evergreen environment .
  - 4.the building design : the temple is too high compare to all the residential limits : 25 feet maximum . The building is too big compare to the house ,the design is strange compare to the theme of the neighborhood
  - 5.building too close to the residential house : the risk of structure and foundation collapse in event of earthquake will be big issue with all close house around .
  - 6.i would like before the city approve the project please rethinking if this temple build next to your house fence , you will understand all my concern .
  - 7: the temple will create more crime issue : due to trespassing create danger to neighborhood
- This is not right location to build the temple due to this is R8 zoning restriction  
THANK YOU SO MUCH FOR ALL OF YOU TO READ ALL MY CONCERN .... THANK YOU SO MUCH  
HAVE A GREAT DAY ...

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**From:** [REDACTED]  
**To:** [Flores, Michelle](#); [Le, Thai-Chau](#)  
**Cc:** [Tu, John](#)  
**Subject:** Comment letter for Proposed Project at 2740 Ruby Ave Folder # SP20-024, Converted from CP20-002  
**Date:** Wednesday, June 23, 2021 9:32:33 AM  
**Attachments:** [Letter to M Flores & TC Le 6 23 21 2740 Ruby Ave Rezoning & Sup.pdf](#)

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[External Email]

Dear Michelle and Thai-Chau:

Attached please find our comment letter. We have included comments on several topics, including comments and requests related to the EIR scoping and study.

Thank you for considering our comments. If you have questions, please let me know.

Sincerely,

Reuben Castillo

[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

June 23, 2021

[michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov) and [thai-chau.le@sanjoseca.gov](mailto:thai-chau.le@sanjoseca.gov)

Michelle Flores  
Planner  
Planning Division  
City of San Jose  
San Jose, CA 95113

Thai-Chau Le  
Environmental Project Manager  
Planning Division  
City of San Jose  
San Jose CA 95113

**Re: Proposed Rezoning and Special Use Permit  
2740 Ruby Ave. (Folder No. SP20-024; Converted from CP20-002)**

Dear Michelle and Thai-Chau:

Thank you for the recent community meeting regarding the above application. We provide the following information and requests and ask that you please consider them in your analysis and share them with other members of your team who are evaluating this application.

**I. Neighborhood**

Our family has lived at [REDACTED] for nearly forty (40) years. As shown in Figure 1 below, our family home is directly north of the proposed project at 2740 Ruby Avenue (Proposed Project or Site). Our home would be adjacent to the sole point of vehicular and delivery access the applicant is proposing. This point of entry would run the length of our home's southern boundary.



Figure 1 – Applicant's Proposed Sole Point of Access for Visitors and Deliveries.

Our neighborhood is in San José's East Foothills. All homes in our suburban neighborhood are



single-family residences and identified by the City with a Residential Neighborhood General Plan designation and R1-R5 zoning. The Proposed Project is near the intersection of Norwood and Ruby Avenues. Each of these avenues has one lane of traffic in each direction. Ruby Avenue has dedicated bicycles lanes in each direction, but there are no dedicated bicycles lanes on Norwood Avenue. No parking is allowed on Ruby Avenue. Six on-street parking spaces for the seven single-family homes on Pin Oak Court exist. Our court is immediately north of the Site. Although the Site's Norwood Avenue frontage is not improved, and parking is not currently permitted there, on-street parking along other parts of Norwood Avenue is permitted. The Norwood/Ruby intersection, which the Site is near, is a busy one. We witness a lot of speeding and an increasing number of collisions near the Site. Our neighborhood is not well served by public transportation, with the nearest bus stop at least .7 miles away. We are not near rapid transit nor a rail line, and we are not in or near an Urban Village.

## II. Proposed Project - Site and Project Description

The project is proposed on a 1.86-acre site at 2740 Ruby Avenue. As shown in Figure 2 below, the Site has two frontages – one on Norwood Avenue and the other on Ruby Avenue. The Proposed Project will be surrounded by single-family homes, and it will surround the Tran family's single-family home at [REDACTED]. The Site has several points for vehicle entry/access from both avenues. These frontages are not improved with sidewalks. Like the neighborhood, the Site has a General Plan designation of Residential Neighborhood and is zoned R1-R5. Religious assemblies are allowed on R1-R5 zoned sites with a Conditional Use Permit. (San José Municipal Code, section 20.30.100).



Figure 2 – The Site has 2 frontages that allow various points of vehicle access. Applicant proposes to cut down these current points of access to one.

The Proposed Project seeks a zoning change from R1-R5 to Public/Quasi-Public (PQP) and a Special Use Permit. The PQP designation is categorized alongside commercial zoning designations in the City's zoning code. (San José Municipal Code, section 20.40.010). The PQP designation allows a variety of uses, including public land uses, like schools and colleges, libraries, and convention centers. (Envision San José 2040 General Plan, Interconnected City, p. 5-12). The PQP designation is also used for private uses, like schools, daycare centers, and hospitals. (Id.). Private community gathering facilities, including those used for religious

assembly, *may* be considered. (San José Municipal Code, section 20.40.100, emphasis added). Supporting and incidental uses to the primary PQP use, like offices, retail, public eating and/or drinking establishments, may be allowed.

The PQP development standards generally include a minimum lot area of 6,000 s.f., 10-foot setbacks, and a maximum height of 65 feet. (San José Municipal Code, section 20.40.200). No maximum individual occupant square footage is stated, and parking regulations are defined in a different section of the City’s zoning code. (Id.).

If approved, the Proposed Project would add about 15,000 square feet (s.f.) of buildings, of which 6,658 s.f. would be for assembly - 3,741 s.f. in the Community Building and 2,918 s.f. in the Temple. The Proposed Project’s Temple, including its spires, would nearly reach the PQP height limit of 65 feet. The Proposed Project would also contain three courtyards. According to applicant’s drawings, the setbacks proposed are 10 feet to all adjacent homes.<sup>1</sup> (Applicant’s First Floor Plan, Sheet Number A1.1, March 26, 2021). The Proposed Project also proposes to cut the Site’s current various points of access, from both frontages, down to one point of access for all visitors and deliveries. (Id.). This sole point of access would be off Ruby Avenue and would run along our family home’s southern border and the northern border of the Tran family home at [REDACTED]. The Proposed Project’s loading/unloading zone for all deliveries and visitors appears to be within about 15 feet of and directly behind the Tran family home. (Id.). No off-site improvements to the intersection of Ruby and Norwood Avenues for traffic safety and traffic circulation are currently proposed.

A. Parking and Transportation Demand Management Plan

The applicant’s parking proposal appears to rely nearly entirely on vehicle trips as the method for visitors to access the Site.<sup>2</sup> The applicant’s estimate for required off-street parking spaces – 98 – is based solely on the Temple assembly space. (Applicant’s Parking County Diagram, Sheet G3.0, March 26, 2021). This estimate does not include the other nearly 11,000 s.f. of buildings, which include the larger 3,741 s.f. of assembly space in the Community Building; the nearly 500 s.f. kitchen; and over 1,000 s.f. of office, classroom, and meeting room spaces. Nor does applicant’s parking estimate include exterior areas, which may be used for assembly.

The Proposed Project would provide these 98 parking spaces through a combination of on-site and off-site parking. As shown in Figure 3 below, on-site parking would consist of 56 stalls of parking and another 15 spaces that vehicles would use to double-park. These double-parked vehicles would block 60% of the on-site parking stalls, including stalls dedicated for parking for disabled persons. Though the double-parked spaces are identified as “valet,” no permanent valet is proposed to manage daily use of these spaces. All vehicle trips to the Site would occur via one proposed point of access. All loading/unloading would occur within about 15 feet of the rear of the Tran family home.

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<sup>1</sup> Applicant’s Project Data sheet identifies much wider setbacks, which does not appear to align with other drawings in the set provided, like A1.1.

<sup>2</sup> It does not appear that the applicant is relying on public transportation as a way for visitors to access the Site. This may be because the nearest public transportation stop is at least .7 miles away. Bicycle parking would be provided on-site.

Applicant asserts that they may be eligible under the zoning code for an up to a 50% parking reduction<sup>3</sup> based on findings of a traffic consultant study. (Applicant Statement, March 26, 2021, p. 9). If granted such a parking reduction, the applicant would be required to implement a Transportation Demand Management Plan (TDM), and the TDM would be used to manage event parking if applicant anticipated that on-site parking capacity would be exceeded.

Applicant’s current TDM proposes utilization of an off-site parking lot, or alternating off-site parking lots, when more than 195 visitors are anticipated. During events when between 196-250 visitors was anticipated, visitors would arrive at the Site, and a valet would take visitors’ vehicles to an off-site parking lot that would be at least .6 miles away. The applicant does not propose that the valet or visitors would access the off-site lot by foot; therefore, all of these trips to and from one of the off-site parking lots would be by vehicle.

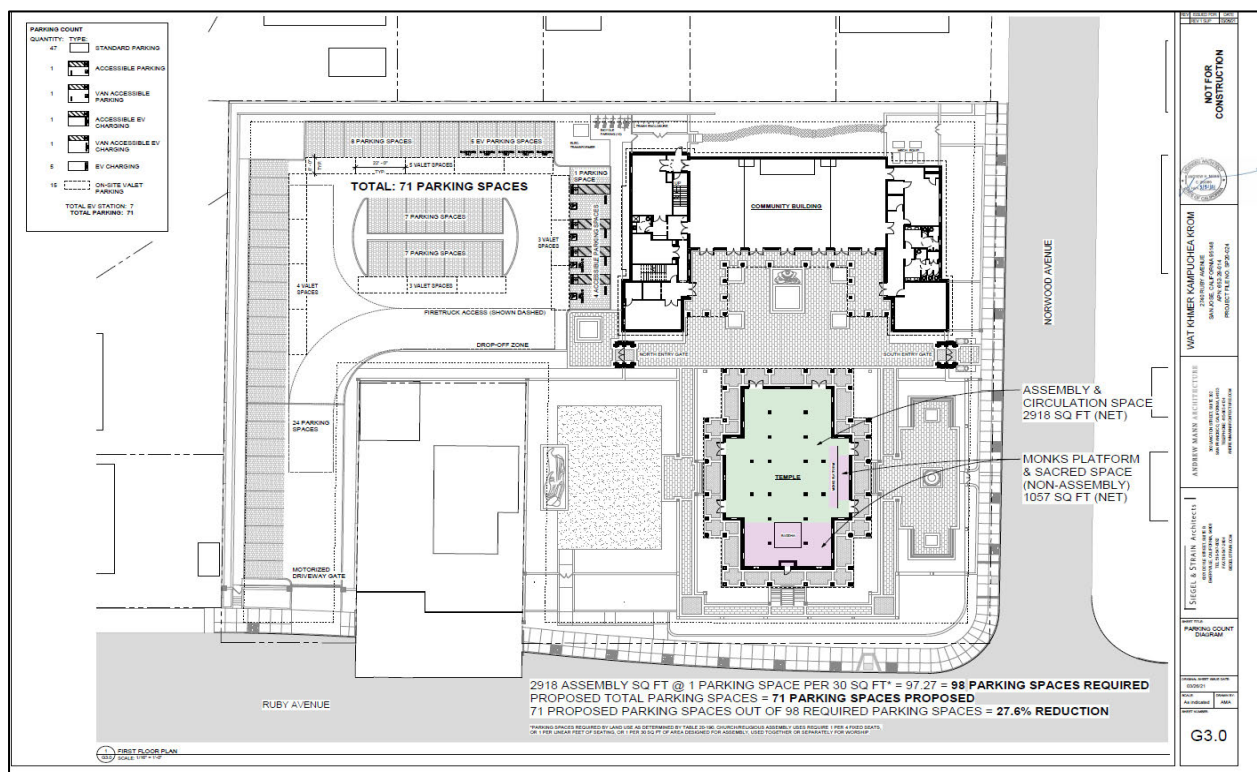


Figure 3 – The project proposes 56 stalls of parking and 15 double-parked spaces that would block 60% of on-site parking stalls. Image is Applicant’s sheet G3.0, “Parking Count Diagram.”

Based on this, each visitor’s two trips (one on and off the Site) combined with the valet’s four trips (i.e., one to drop off the vehicle at the off-site parking lot, one for the valet to return to the Site, one for the valet to retrieve the visitor’s vehicle from the off-site parking lot, and one trip by the valet to return visitor’s vehicle to the Site) would generate a total of six trips to the Site versus the on-site parking lot visitor who would generate two trips. When attendance between 250 and 300 was anticipated, the applicant’s proposed TDM would have visitors shuttled on- and off-site from or to the off-site parking lot. Applicant’s proposal to use a shuttle for events above

<sup>3</sup>It is unclear if the applicant would seek to provide fewer than 98 spaces, given their mention that the project qualifies for an up to a 50% reduction in parking under San José Municipal Code section 20.90.220.

250 visitors would likely generate fewer trips per visitor than their proposal to use a valet for events when between 196-250 visitors were anticipated.

**B. Applicant’s Assessment of Compatibility with Other Religious Assemblies**

In their application, applicant provides an exhibit and asserts that the Proposed Project is compatible to religious assemblies in the greater Evergreen area. (Applicant’s Compatibility Sheet, G7.3, March 26, 2021). The two religious assemblies provided by the applicant for comparison are Grace Church and Evergreen Valley United Methodist Church. These religious assemblies are not in the neighborhood but are in the greater Evergreen area. The applicant states that these religious assemblies’ building form, scale and orientation; exterior walls; roof material; vehicular entry and parking; location; operations; and hall rental are similar to the Proposed Project’s. But the Proposed Project is distinguishable from these other religious assemblies in significant ways. In terms of parking, these other religious assemblies: 1) do not appear to utilize TDM/approved parking reduction plans; 2) do not base their parking requirements on only one of their assembly spaces but, instead, appear to base their required parking on a combination of spaces that are used for assembly and/or other uses; and 3) do not rely on off-site parking lots to fulfill their parking obligations. Unlike the sole point of vehicular access proposed by applicant in the Proposed Project, these two religious assemblies provide ample lanes or spaces for vehicles to maneuver and stack on their sites. The Proposed Project does not have ample space for vehicles to stack on-site, particularly given how close vehicle parking begins from its proposed sole point of entry.



Figure 4 – Applicant compares their Proposed Project to religious assemblies outside of the neighborhood but in the greater Evergreen area. These religious assemblies are distinguishable. Image is Applicant’s sheet G7.3, “Compatibility Exhibit.”

The provided religious assemblies used for comparison are distinguishable in other ways. Unlike the Proposed Project at nearly 65 feet in height, these other religious assemblies are less than 41 feet in height. Also, the religious assemblies used for comparison are in neighborhoods with a

mix of General Plan designations, unlike the Proposed Project that is in a neighborhood that is designated as Residential Neighborhood. The two religious assemblies used for comparison contain significantly smaller buildings than the Proposed Project. Grace Church is about 7,600 s.f., and it is on a slightly larger site that is about 2.2 acres. Its two buildings are substantially farther away from neighboring uses than applicant's Proposed Project. Grace Church was developed under R1-R8 zoning and not under a PQP zoning. Evergreen Valley United Methodist Church contains about 8,800 s.f. in two buildings. It is on a six-acre site and was developed under R1-R5 zoning.

### C. Proposed Activities

Though the Proposed Project may accommodate many more visitors, the applicant has proposed a voluntary limit of 300 visitors at any one time, but this limit does not include "the eight permanent residents living on site, maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff." (Applicant Statement, March 26, 2021, p. 14). The applicant does not estimate the number of staff who will be needed to support events. The Proposed Project's operating hours, when visitors would be on-site, generally would be between 9 a.m. and 10 p.m., daily. Applicant identifies one annual event that would occur between 4 a.m. and 7 a.m. The number of visitors for this event would approximate their typical weekend or weekday schedule, and the full Site would be used.

The Proposed Project's activities that would draw 300 visitors, which would likely necessitate event staff, include the Temple's anniversary; memorial services, wedding receptions, religious seminars and cultural events. These activities are projected to occur between 9 a.m. and 10 p.m., generally utilizing the Temple, Community Hall, or the full site. The applicant proposes to include a sound screen, or wall, and use amplified sound in exterior areas during select religious activities. (Applicant Statement, March 26, 2021, p. 12). The exterior locations where amplified sound would be installed and used are not identified.

## **III. Comments on the Proposed Project**

The following sections address how the Proposed Project does not currently comply with the General Plan and zoning code.

### A. The Project, as Proposed, is Incompatible with Surrounding Uses

The City's General Plan goals and strategies for the Residential Neighborhood designation stress that new construction in these areas, like the Proposed Project, should be compatible and consistent with surrounding uses and maintain prevailing neighborhood form and density. (Envision San José 2040 General Plan, Goal LU-11 and Strategies LU – 11.2 and 11.3). Further, commercial uses on small existing residential streets must clearly demonstrate that they can integrate with the existing residential neighborhood without creating adverse impacts. (Id., Strategy LU – 11.4). The General Plan separates developments that have unique character of density, lot size and shape from existing neighborhoods, again emphasizing the City's drive for compatibility between neighboring uses. (General Plan, Strategy LU – 11.7).

San José Planning staff have previously advised the applicant that Private Community Gathering Facilities are encouraged under the General Plan PQP land use designation, though they note that they are not precluded from the Residential Neighborhood land use designation. (Michelle

Flores' letter to Andrew Mann, March 16, 2020, p. 2). Staff also noted that a PQP use in a Residential Neighborhood designated area must have a Residential Neighborhood emphasis so that such uses are compatible with the surrounding neighborhood. (Id.).

Several elements of the Proposed Project cause it to be incompatible with surrounding uses. For example, applicant proposes to rezone to PQP to utilize 10-foot setbacks. Their current R1-R5 zoning requires wider setbacks. **Ten-foot setbacks are unrealistic for the Proposed Project that will be surrounded by single-family homes and will surround the Tran family home; be an active site; and generate a considerable amount of noise from 300 visitors and staff who will support events. To promote General Plan Community Design (CD-4, 4.4) and Vibrant Neighborhood goals and policies (VN-1, VN – 1.10 – 1.12, VN 1.2, and VN 5), the applicant should incorporate Planning staff's previous recommendation and widen their setbacks above the R1-R5 requirements.**

Religious assemblies that have been permitted as in-fill development with 10-foot setbacks in the neighborhood are distinguishable from the Proposed Project. These religious assemblies have decreased setbacks, but they also fulfill their off-street parking requirement on-site; promote street safety by dedicating areas on their sites for vehicles to stack; and designed and located their assembly buildings so that they reduce impacts, like noise, on neighboring uses. Unlike existing religious assemblies in the neighborhood, the applicant's Proposed Project does not yet reflect these elements, which make these other religious assemblies compatible.

The applicant's plan to use various spaces, both indoors and outdoors, for assembly, while at the same time requesting a substantial reduction in their on-site parking requirement also drives incompatibility with neighboring uses. Religious assemblies in the neighborhood provide all of their off-street parking on their sites. The applicant also seeks to incorporate double parking on-site, which would block 60% of their parking stalls. Unregulated double-parking does not exist in the neighborhood. They also plan to cut down their existing access points from several to one point without providing adequate space on-site to maneuver and allow vehicles to stack. **Like other religious assemblies in the neighborhood and greater Evergreen neighborhood have done, the applicant must strike a better balance between building square footage and off-street parking on their Site to achieve compatibility with surrounding uses. Applicant can and should also be required to increase their setbacks as Planning staff previously suggested in their March 16, 2020 letter to the applicant.**

**Applicant's proposed building height is inconsistent with neighboring uses.** The Temple's height, including spires, would be about 30 feet taller than adjacent uses. Similarly, the Proposed Project is at least 20 feet taller than the religious assemblies (Grace Church and Evergreen Valley United Methodist Church) that applicant identified as comparable in their application. **Such distinct building heights between adjacent uses does not correspond with the General Plan's goals and strategies for compatibility and integration. As such, the applicant's building heights should be more consistent with the building heights of neighboring uses and other religious assemblies in the neighborhood.**

**B. Applicant's Parking Plan and TDM are Inadequate and Unrealistic**

Applicant's parking plan must be properly sited to mitigate potential adverse impacts on adjacent

land uses and ensure access and maneuverability for emergency vehicles. (San José Municipal Code, section 20.90.010). It must provide adequate off-street vehicle parking and off-street vehicle loading to meet its needs. (Id.). The zoning code generally requires that applicant's off-street loading space not be closer than 50 feet to land in a residential district. (San José Municipal Code, section 20.90.440). Applicant's parking plan must also promote effective vehicle circulation, reduce congestion, and increase safety. (San José Municipal Code, section 20.90.010).

The number of required off-street parking is the sum of the total required for the various individual uses on a site. (San José Municipal Code, section 20.90.060). Uses that may generate their own parking requirement include offices, commercial support, commercial kitchens, schools, private clubs or lodges, community centers, and outdoor recreational areas. (Id. at 20.90.440). A reduction in this requirement may be allowed under the City's zoning code for alternating uses and exceptions. (Id. at 20.90.060).

Although it appears that the applicant may be requesting an off-street reduction in parking of up to 50%, the City's zoning code may only allow up to a 20% reduction in required off-street parking if the "Other Use" limits apply. (Id. at 20.90.220). If applicant is eligible for a proposed reduction in off-street parking that exceeds 20%, they will be required to implement a TDM. (Id. at 20.90.220). The decision-maker approving a TDM must make specific findings. (Id. at 20.90.200). The TDM should reduce vehicle trips and vehicle miles traveled. (Envision San José 2040 General Plan, Goal TR-7). The TDM's off-site parking location must be reasonably convenient and accessible to the buildings or uses to be served. Before granting a TDM, the decision-maker must first find that the applicant will provide replacement parking either on-site or off-site within reasonable walking distance for the parking required if the project fails to maintain a TDM program. (Id.).

Applicant's parking plan is not properly sited, it does not mitigate potential adverse impacts on neighbors, and it does not meet access and maneuverability requirements for emergency vehicles. **First, applicant's proposal for 10-foot setbacks, despite having adequate area to provide deeper setbacks, creates unnecessary adverse impacts on adjacent neighbors.** Applicant's parking lot will be surrounded by homes and will surround the Tran family home on two sides. Although applicant will construct walls around the parking lot, adverse impacts, like noise and vehicle exhaust, will travel over these walls. The applicant's square footage can accommodate far more than 300 visitors, and its plans include three courtyards that may be used for assembly. To reduce adverse impacts on neighbors, the **applicant should scale back the square footage of their buildings and create deeper setbacks to reduce adverse impacts on neighbors.**

**Second, applicant's proposal to cut back its several points of access from two frontages to one along Ruby Avenue will diminish street safety for those traveling on Ruby and Norwood Avenues and other nearby streets.** The Applicant does not dedicate adequate space for vehicles to stack on-site. Instead of stacking on the Proposed Project, vehicles will stack on Ruby and Norwood Avenues, posing a hazard to motorists, cyclists, and pedestrians who travel along these streets. Applicant's assertion that their Proposed Plan is comparable to Grace Church and Evergreen Valley United Methodist Church, which each have one point of access, is

incorrect. These other religious assemblies provide sufficient area for vehicles to stack on their sites, unlike the Proposed Project. **Applicant should be required to provide at least two points of access to the Site.**

**Third, applicant's plan to allow 60% of on-site vehicles to double-park on-site would decrease access and maneuverability for emergency vehicles.** Applicant proposes to allow 15 vehicles to double park and block stalls of their on-site parking. The applicant has not proposed to have a permanent parking monitor or valet, despite calling the double-parked spaces valet spaces. Over time, vehicles may block the onsite areas that are necessary for emergency vehicles, thus impeding access and maneuverability for these vehicles. **The applicant's parking plan should be revised to exclude double parking in order to promote access and maneuverability for emergency vehicles.**

**Fourth, applicant has proposed an inadequate number of off-street parking stalls, which will not meet the Site's parking needs.** Applicant is required to provide adequate off-street parking. The number of required off-street parking stalls is the sum of the total required for the various individual uses on the Site. Applicant's projected parking need, at 98 spaces, is solely based on the assembly space in the Temple. The applicant has not based their parking needs on other uses at the Site, like its commercial kitchen, offices, or Community Building. They have stated that they will manage use of the Site so that other parking needs will not be generated while, for example, the Temple's assembly is at full capacity. To say that at no time, ever, will any parking need be generated from buildings, like the Site's other assembly areas, when the Temple is at full capacity is not sustainable.

Further, applicant's proposed parking calculation is not consistent with how parking is calculated for other religious assemblies in the neighborhood. Parking at these other sites is calculated based on the multiple uses at these sites. Failure to provide adequate off-street parking on their Site will congest Ruby and Norwood Avenues and other streets in the neighborhood. Applicant's parking proposal for 98 spaces is unrealistic.

Applicant's plan to manage utilization of the Site so that their parking need will not exceed their required 98 spaces is unsustainable. Applicant plans to operate in such a way as to prevent multiple activities at once that will generate more parking than they plan to provide. Over time, it we expect to adherence to this plan will fade. The result will be that vehicles will stack on public streets, either while they attempt to access the inadequate on-site parking area or circle to find parking on nearby streets. **Applicant must be required to revise their parking plan and propose a plan that is adequate to meet their off-street parking needs.**

**Fifth, applicant's sole loading/unloading zone does not comply with the City's zoning code.** We understand that the Proposed Project's loading zone should be at least 50 feet from any residential use. Applicant has proposed to locate their loading zone within about 15-feet of the rear of the Tran family home. Locating the Proposed Project's only loading zone at the rear of the Tran family home would create too many adverse impacts on this family. **Applicant's loading/unloading zone should be moved so that it is adjacent to the Proposed Project's buildings, is at least 50 feet from residential uses, and complies with the City's zoning code.**

**Sixth, applicant's TDM, as proposed, does not decrease vehicle trips to the Site.** Applicant's



TDM should reduce vehicle trips and vehicle miles traveled to the Site. Access to public transit is not within walking distance to the Site, and so the applicant has not proposed that visitors will be using it. San José's parking standards for religious assemblies already assume that people will carpool, since they only require one vehicle for every four visitors or one vehicle for every 30 square feet. The applicant would need to propose something above these standards to show a reduction in vehicle trips and miles traveled. **As proposed, applicant's parking plan cannot substantiate a reduction in vehicle trips. Therefore, applicant should revise their TDM to decrease vehicle trips to the Site.**

**Seventh, applicant's proposal to use a valet (who would take vehicles to an off-site parking location) for events between 195 and 250 visitors, instead of a shuttle, would actually increase trips to the Site, not decrease them.** Again, applicant's TDM should reduce vehicle trips and miles traveled to the Site. Any off-site parking lot used by the applicant would be at least .6 miles away. Applicant's application does not assume that the distance from the Site to an off-site parking lot is reasonable for visitors to walk, since they have proposed a valet or shuttle to access it. If visitors will not access an off-site parking lot by foot, then the valet's trips to drop off and retrieve visitors' vehicles, and visitors' trips to and off the site, will increase, not decrease, trips to the Site. This is because, together, the visitor and valet will generate 6 trips - two by each visitor traveling on and off of the site and the valet's four trips to and from an off-site parking lot. To reduce trips to the Site, as required by the zoning code, **applicant should provide its required parking on Site, or alternatively, be required to use a shuttle that picks up visitors from, and returns them to, an off-street parking lot in place of a valet who would triple the number of trips each visitor using the off-site parking lot would generate.**

**Eighth, applicant does not have an adequate off-street replacement parking plan in the event that their TDM fails.** The applicant is required to provide replacement parking on-site or within a reasonable walking distance from the Site if they fail to maintain their TDM program. Any off-site lot that would accommodate applicant's off-street parking requirement is at least .6 miles away. These lots are not within a reasonable walking distance, since applicant has not proposed in their application that visitors will travel by foot to access it. Further, the applicant has not identified that they will develop parking on-site to accommodate their off-street parking need in the event that their TDM fails. **Applicant's proposed TDM is inadequate must be revised so that they dedicate an area on-site in the event that their TDM fails, since no alternate off-site parking locations are within a reasonable walking distance.**

**Ninth, applicant is likely ineligible for a 50% reduction in their parking requirement.** Applicant's Proposed Project appears to, at most, be eligible to request a 20% reduction in its off-street parking requirement as a "Other Use" under the City's zoning code. Applicant appears to assert that it may be eligible for a 50% reduction in parking, but the Proposed Site is not in an area near a rail station or rapid transit or an urban village, which are places that are well served by public transit resources. The Site is in a suburban neighborhood. Based on this, it does not seem like the Proposed Project would be eligible for an up to a 50% off-street parking reduction. **If permitted to receive a reduction in their parking requirement, at most applicant should be eligible for an up to a 20% reduction in their off-street parking requirement.**

C. Applicant's Proposed Project Seeks Too Many Exceptions

**The Proposed Project's plans and applicant's requests for exceptions to certain development requirements under the City's zoning code substantially distinguish it from and make it incompatible with adjacent residential uses and religious assemblies in the neighborhood.** The project's proposed zoning change to PQP to allow 10-foot setbacks to all adjacent uses, including all around the Tran family home, for example, would generally create setbacks that were 50% less than the setbacks that neighboring uses are required to provide. The Proposed Project's building height at nearly 65 feet would be nearly 30 feet taller than adjacent uses. Added to these, applicant's requests for potentially up-to a 50% reduction in their off-street parking requirement; request to off-site about 30% of their reduced on-site parking requirement; proposal for a parking plan that would increase, not decrease, vehicle trips per visitor to the Site; and seemingly unsustainable plan to control parking by restricting utilization of other buildings while the Temple assembly was at full capacity make this combination of proposals unlike other uses, including religious assemblies, in the neighborhood and unlikely to control or mitigate adverse impacts, like noise, that neighbors would experience.

Religious assemblies that have been allowed to develop with 10-foot setbacks as in-fill development balance their building square footage, building siting, and off-street parking needs or requirements to limit adverse impacts and do what the General Plan requires – be compatible with and integrate into their neighborhoods. **The applicant should revise their Proposed Project to include a better balance between building size and parking on-site to promote compatibility and integration with neighboring uses and avoid exacerbating street and circulation problems.**

**IV. Requests Related to Studies, Including Scoping and Environmental Analyses**

The above discussion identifies several areas that we believe make the Proposed Project incompatible with the existing neighborhood and do not further the goals, strategies, and requirements in the City's General Plan and zoning code. In addition to issues raised above that you may evaluate as requiring further study, we respectfully request that the following specific issues be analyzed as part of any studies that are prepared, including scoping, environmental, and/or traffic studies, for or by the applicant, consultants, and/or the City of San José:

A. Adequacy and Impacts of and Alternatives to Applicant's Proposed Off-Street Parking Reduction, Off-Site Parking Plan, and TDM

As is discussed more fully above, the Proposed Project is in a suburban neighborhood that is not well served by public transit, with the closest bus stop located at least .7 miles away. The Site is not in an urban village or near rapid transit or high-speed rail. The Proposed Project seeks an off-street parking reduction of up to 50%. The applicant is requesting to provide 98 off-street parking spaces, which would be based solely on the Temple's assembly square footage of about 3,000 s.f. The Proposed Project's 15,000 s.f. include multiple indoor and outdoor areas that may be used for assembly, including the Community Hall that is larger than the Temple. The applicant proposes to limit parking demand through its operations, preventing utilization of, for example, the Community Hall when the Temple was at full capacity.

The applicant also seeks a nearly 30% reduction in their off-street parking at the Site, requesting that it be about .6 miles away at a location that is not within reasonable walking distance. The

applicant proposes to utilize a valet, who would remove visitors' vehicles to and retrieve visitors' vehicles from the off-site parking lot. Between visitors' trips to the Site and valet's trips back and forth to the off-site parking lot, vehicle trips per visitor to the Site would increase, not decrease under the proposed TDM.

Added to this, the applicant asks the City to authorize that their visitors be allowed to double-park on-site. This double-parking proposal would block up to 60% of the on-site parking stalls, including parking stalls that would be dedicated for disabled persons. Applicant's parking plan does not call for routine monitoring by parking control personnel who would stop visitors from double-parking in areas that emergency personnel need to access.

Applicant is also requesting to be allowed to locate their sole loading zone, which would be used for all visitors and deliveries, within about 15 feet of the Tran family home at [REDACTED], which the Proposed Project surrounds. Finally, applicant has proposed to cut down all current points for vehicle access to the Site from its two frontages to one point along Ruby Avenue, which would run between our family's home at [REDACTED] and the Tran family home.

We request that these issues be separately and cumulatively evaluated for potential impacts, including those regarding safety and noise.

**B. Street Safety and Circulation**

The Site has two long frontages, one on Norwood Avenue and one on Ruby Avenue. The Site may currently be accessed by multiple points off both of these avenues. Applicant proposes to reduce these points of access down to one, which will run adjacent to our home at [REDACTED] and the Tran family home at [REDACTED]. The Ruby and Norwood intersection is a frequent source for collisions, the latest being about one week ago, and near misses. Applicant's proposal to reduce points of access will cause vehicles to stack on these avenues, exacerbating vehicle circulation problems that exist. We request that these issues be evaluated, including the alternative of providing more than one point of access to the Site.

**C. Noise, Vibration, and Exhaust**

Applicant's inadequate parking, TDM, and parking operation must be evaluated for adverse impacts, particularly the vehicle noise and exhaust that will be generated. These inadequate plans must be considered in light of applicant's proposal to reduce setbacks to all adjacent uses to 10 feet, including the Tran family home, which the Proposed Project surrounds. These proposals must be measured against Planning staff's recommendation that applicant consider setbacks that are wider than what R1-R5 zoning requires to promote General Plan Community Design (CD-4, 4.4) and Vibrant Neighborhood goals and policies (VN-1, VN – 1.10 – 1.12, VN 1.2, and VN 5) (Michelle Flores' letter to Andrew Mann, March 16, 2020, p. 3). Noise, vibration, and exhaust from operation of mechanical equipment, the transformer, the commercial kitchen, which are all situated near applicant's eastern boundary, must also be evaluated. Applicant proposes to install and utilize exterior sound amplification, but their application does not specify the exterior location(s) where it would be installed and utilized. This too must be evaluated. Finally, applicant's application is unclear as to the number of visitors who will use the Site at any one time. They state that visitors will be limited to 300, but then they also identify that this figure

does not include, for example, the number of staff who will be needed to support large events. Impacts generated by visitors to the site, at scenarios with 300 visitors and 300 visitors *plus* the staffing needed to support events, must be evaluated.

**D. Lighting**

Applicant's lighting plan, including any proposal to install lights that outline buildings and rooflines, should be evaluated. The applicant has requested that their building height reach nearly 65 feet, and so their lighting plans and related operations (i.e., time when lights will be turned on and off) for impacts on neighboring uses should be evaluated.

**E. Natural Resources and Wildlife**

The Site's natural resources and wildlife, including the colony of feral cats and racoons that will be disturbed and/or displaced by development of the Site, should be evaluated to mitigate adverse impacts and preserve wildlife.

**F. Site's Tree Canopy**

The Site's trees are varied, are mature, and have been allowed to grow over several decades. The tree canopy is taller than at adjacent homes, and we understand that the applicant proposes to raze all existing trees and install replacements that will not grow as tall. We request that the tree canopy be evaluated and that alternatives be explored so that the tree canopy may rise above what is proposed.

**G. Requests Related to Modified Proposed Project**

We are hopeful that Planning staff will recommend and that the applicant will implement the analyses and modifications in this comment letter to modify their Proposed Project. Along with these modifications, we ask that Planning staff recommend and that applicant please incorporate and install or include the following:

1. **Install Italian Cypress Trees Between Our Home at 3410 Pin Oak Court and Site.** Applicant has proposed to install trees at the fence line between our properties. We ask that applicant install Italian Cypress trees that are full and that do not shed leaves.
2. **Install Soft-Closing Gate Hardware at Pedestrian Gate on Ruby Avenue.** The applicant has proposed a pedestrian gate adjacent to our home. We ask that that the applicant install hardware on the pedestrian gate so that the gate closes softly and stops it from slamming shut.
3. **Install Speed Bumps in the On-Site Parking Area(s).** The Proposed Project will be located near an intersection with a history of traffic collisions, including as recently as one week ago. To help prevent additional collisions, we ask that applicant install speed bumps, particularly near future entry and exit points.
4. **Landscaping and/or Foliage on Stucco Walls to Deter Graffiti.** The Site's temporary fencing, as well as other fences and walls in the neighborhood, have been graffitied, sometimes repeatedly. Applicant has proposed to install a stucco perimeter walls. To deter graffiti, we ask that applicant install landscaping and/or foliage along these walls.

5. **Set a Clear Maximum Visitor Capacity that Encompasses Both Visitors and Support Staff.** Applicant's proposal to have a capacity limit of 300 visitors *plus* an unknown number of staff to support events is unclear. Like other religious assemblies are required to do, applicant should set a maximum capacity limit that encompasses both visitors *and* staff who will support events. Stating a capacity limit, which includes staff, for the Site at any one time will set clear expectations that can be more easily implemented and followed.

Thank you for the opportunity to submit these comments. Please let us know if you have any questions.

Sincerely,

Reuben Castillo  
Diana Castillo




Dear Staffs:

In addition to my previous 2 set of comments sent, I would like to submit the following items related to the project during this EIR analysis phase.

As a resident in the neighborhood directly impacted by this proposed rezoning of a small Residential R1-5 parcel to PQP and the Special Use Permit to build a massive structure, we respectfully urge you to consider the following in your Environment Impact Studies and eventually decline this application for the following reasons:

1. **The project DOES NOT meet a number of General Plan Policies, LU 10.8, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and others. The private Community Gathering Facilities MUST be COMPATIBLE with the surrounding Resident Neighborhood.**
2. In a letter from the City to applicant on November 5, 2018. The City has stated: "Given the site's location adjacency to existing single-family residence and completely surrounding an existing single-family residence, staff is concerned about the potential impact of the size of the project at points when the use is at full capacity". And that the proposed project would be inconsistent with General Plan Land Use Policy 10.8.



CITY OF  
**SAN JOSE**  
CAPITAL OF SILICON VALLEY

*Planning, Building and Code Enforcement*  
PLANNING DIVISION

November 5, 2018

Lyna Lam/Andrew Mann Architecture

**SITE ADDRESS:** 2740 Ruby Avenue  
**RE: Preliminary Review (PRE18-190)** Focused Preliminary Review request to allow a new religious assembly (Buddhist temple), totaling approximately 15,000 square feet, and underground parking, which is located in the Residential Neighborhood General Plan Land Use designation.

Dear Ms. Lam,

Thank you for submitting a Preliminary Review application for the proposal above. Our goal with Preliminary Review applications is to work with applicants to arrive at a successful outcome, so that together we can continue to develop San Jose as envisioned in the General Plan.

Below are our comments and analysis of your application in regards to the City of San Jose Envision 2040 General Plan and other applicable City regulations and policies:

**Proposal Issues and Concerns**

Based on the initial review of your application the items noted below are substantial issues that would affect proposed project. These include the following and are explained in more detail in this letter:

1. **Given the site's location adjacency to existing single-family residence and completely surrounding an existing single-family residence, staff is concerned about the potential impact of the size of the project at points when the use is at full capacity.** Significant details about the operation plan and use of the facility would need to be provided as part of any formal application.

The proposed project may be inconsistent with the following General Plan policy:

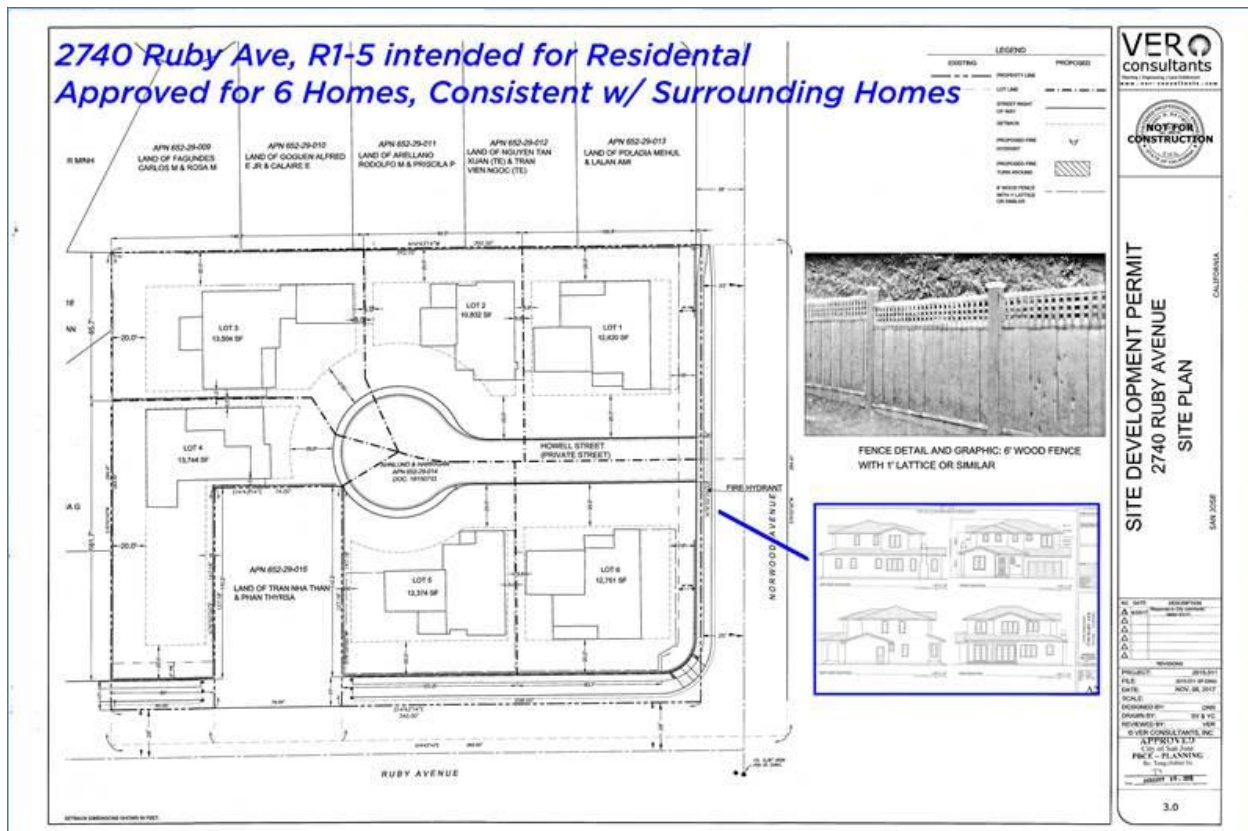
**Land Use Policy LU – 10.8:** Encourage the location of schools, private community gathering facilities, and other public/quasi-public uses within or adjacent to Urban Villages and other growth areas and encourage these uses to be developed in an urban form and in a mixed-use configuration.

The proposed project would need to be compatible with the surrounding neighborhood. A detailed analysis and operation plan needs to be provided as part of a formal application submittal. Additionally, the building layout and design would need to be compatible with the existing neighborhood (frontage patterns, building setbacks, curb cuts). Additionally, staff would be analyzing the operation of the subject site and traffic pattern. Please also note that details comments were not provided as site layout and building designs were not requested and, therefore, not included in this review.

### 3. Zoning Consistency

The subject site is located in the **R-1-5 Single-Family Residence Zoning District**. The purpose of the single-family residence district is to reserve land for the construction, use and occupancy of single-family subdivisions. Churches/religious assemblies are conditionally allowed in the R-1 Single-Family Zoning District.

- The attempt to REZONE a small parcel of land (RN Zone) fit for 5-6 homes to Public/Quasi Public (PQP) zone, to build a MASSIVE 15,000 sf, 4-story (60ft) high, is extremely inappropriate, and simply **“OUT-OF-CHARACTER”** for this highly dense Residential Neighborhood. This parcel had been approved for 6 homes, appropriate for Single Family Homes per the General Plan 2040.



- The MASSIVE Buildings/Structures with over-the-top design, and several large visible Garden Sculptures are **“AESTHETICALLY”** inconsistent and incompatible with all nearby 996sf-2500sf homes, with max high of 14-35ft only. **This project is environmentally incompatible, especially for the small 996sf home at 2740 Ruby Ave that will be wrapped on 3 sides by a Busy Driveway, Large Parking Lot, Massive Building/Structure and Oversize Outdoor Sculptures next its fence lines.**

## HUMONGOUS STRUCTURE INCOMPATIBLE with ALL STRUCTURES IN NEIGHBORHOOD

- . DECEIVING RENDERING COMPARISON
- . HIDING ITS INCONSISTENT DESIGN w/ NEIGHBORHOOD
- . ROOF LINES (pg 37) AESTHETICALLY OUT OF CHARACTER
- . ORNAMENTAL LANDSCAPE (pg 38) OUT OF CHARACTER
- . None of the TEMPLE DESIGN IS COMPATIBLE with current surrounding structures



## INCOMPATIBLE LAND-USE PROJECT DECEIVING DRAWINGS & RENDERING



5. The narrow single ingress/egress driveway into the Huge Parking Lot, less than 350ft away from the busy Norwood/Ruby stop sign, and a small 2 way "double-yellow" roadways, will most definitely create major traffic & safety concerns. The traffic to accommodate a potential crowd of over 4,000 people, will no-doubt be beyond any normal level, compared to an additional 6 homes. The increased neighborhood traffics, TRAFFIC STACKING, and PARKING overflow the nearby small residential streets are the



INEVITABLE. How is this ENVIRONMENTALLY appropriate and RN compatible? Overflow parking to the surrounding small residential streets is the inevitable and simply unacceptable. This is a problem with most of the temple within the City of San Jose. Busing/shuttling plan of visitors to & from nearby school parking lots implies an already known overcrowded problem. Again, this a major concern and inconsistency of this proposed project in this neighborhood.

- 6. The fact that the applicant had planned for an underground parking (DEMAND FOR PARKINGS), then added a bus/shuttle for their visitors from nearby elementary schools, MORE THAN SUPPORT the concerns from the neighbors that the scale of project is 10 times bigger than what the applicant led the City and none-neighbors to believe on paper. The study must be included the impact for a crowd of over 4,000 people as the facility is designed to hold that many.
- 7. The operational plan from the applicant indicates DAILY ACTIVITIES from 9AM-10PM, and most activities are 2 to 15 days long... **This is a major environmental, noise, safety and traffic impact to the dense & quiet Residential Neighborhood.**

Wat Khmer Kampuchea Krom, a Khmer Buddhist Foundation

October 1, 2019 · 🌐

Pun Pchum Bun is a major 15-day religious festival in which Khmer people pay respects to the past generations of their ancestors. The festival begins on the 15th day of the 10th month of the Khmer calendar. Around the world, families gather at pagodas to pray, bring food, and make offerings to monks and the spirits of their relatives.

During the first 14 days of the 15-day long Pun Pchum Bun religious festival, Khmer people bring food and offerings to monks and pray for the spirits of their departed relatives. In Cambodia, three days in October at the end of the festival are designated as public holidays so people have time to gather with family.

This weekend, we will be celebrating the 15th and final day of the Pun Pchum Bun festival with a traditional ceremony meant to show dedication, respect, and generosity to ancestors, friends, and family who are no longer with us. We are honored to carry on our culture with this longstanding practice, as we welcome members and their families to join us.

*"15 Days" Celebration*

*Contradicts Applicant's Operation Plan*

*EIR IMPACT incompatible w/neighborhood*

## The Year in Buddhist Festivals



**January 1 - start**

**January 2 - closing ceremony**

**Universal New Year**

We celebrate the Universal New Year.

**February 20 - start**

**February 21 - closing ceremony**

**Meeakha Pujes**

To commemorate the Four Miracles-Assembly Announcement made by the Buddha of his decision to enter Parinirvana in the next three months.

**Five-day celebration April 13 - April 17**

(may vary- first full moon in April)

**Khmer New Year**

In Cambodia, the New Year usually falls on April 13th or 14th, which is the end of the harvesting season.

**May 20 - start**

**May 21 - closing ceremony**

(may vary- first full moon in May)

**Vesakha Pujes**

Celebrates the birth, enlightenment, and death of the Buddha.

**July 16 - start**

**July 17 - closing ceremony**

**Vassa Retreat and Unit Flower Festival**

Three-month retreat season for Buddhist monks and fundraising for Sakyakumuli Stupa.

**Temple Anniversary**

A celebration of paying gratitude to parents and elders. Celebration of the anniversary of the Temple.

**Kan Blinda: September 17 to October 1 - 2**

**Pchum Blinda: October 1 - 2**

**Kan Blinda and Pchum Blinda**

During the Kan Blinda and Pchum Blinda period, community members visit Watt to offer alms and request religious services to dedicate merits to deceased parents, relatives, and ancestors.

**October 22 - start**

**October 23 - parade and closing ceremony**

**Unity Kathina**

Community members offer requisites to Buddhist monks.

**November 12 - start**

**November 13 - closing ceremony**

**Reading of King Vessantara's story**

The congregation reads all 13 chapters in King Vessantara's story. Listeners accumulate merits from listening.

WAT KHMER KAMPUCHEA KROM

66 SUNSET COURT,  
SAN JOSE CA 95130,  
USA

ABOUT US

CALENDAR

NEWS

CONTACT

8. The plan also indicates a **"SMOKING AREA"** that most likely will be next to another neighbor fence, and that **"ALCOHOL" is allowed on site!** This is a MAJOR HEALTH, SAFETY concerns on top of other ENVIRNOMNETAL IMPACTS that this project would bring, and completely inappropriate for a dense Residential Neighborhood.

Operations Plan for Wat Khmer Kampuchea Krom Temple - 03/26/2021				
YES	Daycare/School/Church (does not include family daycare homes with 14 or fewer children)		NO	Off-Sale of Alcohol (beer and/or wine or full range of alcoholic beverages)
NO	Late Night (defined as having hours between 12:00 a.m. to 6:00 a.m.)		NO	Public Drinking Establishment (i.e., a bar that does not serve full meals during all hours of operation)
NO	Drive-through (carwash, restaurant/café, banks, pharmacy, etc.)		NO	Assisted Living, Residential Care/Service Facility, or Memory/Medical Care Facility
Days of Operation		Weekday	Monday - Friday	
		Weekend	Saturday - Sunday	
Regular Hours of Operation		Weekday	9 a.m. - 10 p.m.*	
		Weekend	9a.m. - 10 p.m.*	
Religious Holiday/Special Event Hours of Operation		Weekday	9 a.m. - 10 p.m.*	
		Weekend	9 a.m. - 10 p.m.*	
*Notes: - Monks live on property full time. Hours and days of operation described above do not account for Monks' presence on site. - Start and end times and duration of religious holidays and events vary, but do not occur outside the hours of 9 a.m. and 10 p.m. - Preparation and cleanup will occur before and after holidays and events, but does not occur outside the hours of 7 a.m. and 12 a.m. - Refer to Activities Schedule for detailed hours of operation plan.				
Number of Residents		8		
Site Capacity		300 visitors, 8 residents	Note: The project proposes a maximum site capacity of 300 visitors at any given time. This number does not include the eight permanent residents living onsite, maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff.	
<b>NOTE: FACILITY DESIGNED TO HOLD OVER 4,000 PEOPLE</b>				
Alcohol		Yes. Alcohol may be served during some private events.		
Cooking and Food		Yes. Reheating of food prepared off-site by members will be typical day to day use. A finishing kitchen is available for catered private events and during religious holidays.		
Deliveries		Yes. Deliveries of food, equipment, and provisions for full-time residents are made as needed. Deliveries and loading/unloading will occur within the parking lot on site.		
Drop-off and Pick-up		Yes. Drop-offs and Pick-ups occur at the designated zone within the parking lot on site. Refer to the Application Statement for detailed parking plan information and Activities Schedule for estimated number of attendees.		
Parking Operations or Layout?		Alternative (i.e., Tandem)	Alternating (i.e., users sharing parking at different times)	Off-Site (i.e., business using parking not located on site)
		YES (Valet)	YES	YES
		If yes, describe: The project proposed a 56-car surface parking lot plus additional 15 onsite valet parking spaces (71 total parking spaces) which accommodates all typical weekly operations and most religious holidays and events. Scheduled activities are staggered so users share parking at different times. Parking for religious holidays and events over 195 anticipated visitors onsite at one time is accommodated by an off-site parking plan which includes free valet and/or shuttle service. Refer to Application Statement and Activities Schedule for additional details.		
Outdoor Uses?		Yes. Religious shrines and sacred spaces are located outdoors for use of Temple members for meditation and reflection. Some special events occur both indoors and outdoors. Refer to Activities Schedule for additional detail.		
Smoking?		Yes. A proposed dedicated smoking area is provided on site which meets all city standards and regulations.		
Noise?		Anticipated:	51 dB at the property line, Refer Acoustic Assessment Report	
		Maximum Allowable:	53 dB at the property line	

9. The actual activities vs the plan on paper is 10 times the magnitude. The proposal is extremely deceiving! The current temple members operate their activities @ 66 Sunset Ct, San Jose, CA 95116. There is no Use-Permit noted. The temple has also violated building codes and constructed part facilities illegally, CODE CASE #2018-12934. Thus, it is most likely that they violate all the basic rules in term of occupant capacities, parking, noise, and safety.
10. The current Temple @ 66 Sunset Court conducted many events outdoor with blasting loud speakers. The NOISE level combination of the over 4000 people + automobiles + loud speakers would more than exceed the normal noise standard for a Residential Neighborhood. The applicant indicates outdoor activities. The

evidences of multiple loud speakers use for music, public speaking, can be seen via the multiple YouTube videos that can be found @ <https://www.youtube.com/user/buddhaghosacha>. Please note that all the events utilize LOUD SPEAKERS. If you would review the following video @ about 40 min into the video, you can see the stack of load speakers. <https://www.youtube.com/watch?v=E8kJDJ10jGk&t=2403s>. The facility designed to hold over 4,000 people indoor/outdoor, is definitely a major Environmental Impact to this Residential Neighborhood.



Today is our Khmer Krom New Year 2019 in San Jose, Ca. | Hom nay la Tet cua nguoi KHMER 2019  
3,365 views · Apr 23, 2019



11. Please feel free to YouTube search for “Khmer New Year in USA” and note the typical activities with all the loud speakers used in all events. The typical New Year activities and major Khmer Krom’s activities are NEVER quiet as the applicant led the City to believe. As Pastor John Goldstein have mentioned during a community meeting, most religious facilities are built, they are built with growth in mind. When a facility is design to hold over 4000 people both indoor and outdoor, it is more than likely it will be that crowded. The reality of the IMPACTS of traffic, parking, safety, noise are 10 times the design on paper. Here are a few evidences of the activities of the Khmer Krom Temples and the almost concert type of activities that do exist, and how LOUD it could be:
  - a. <https://www.youtube.com/watch?v=oQk2P9SbWX4>
  - b. <https://www.youtube.com/watch?v=h50X0iCCKm8&t=45s>
  - c. <https://www.youtube.com/watch?v=mmUXk-pitwo>
  - d. <https://www.youtube.com/watch?v=0icXRoiP3ws>
  - e. <https://www.youtube.com/watch?v=TBOWyARtTW8>
12. Neighbors had documents and complained about a similar project nearby that was much much smaller in size. It was even in a location that was not surrounded by DENSE Residential Neighborhood either: Canh Thai Temple 2532 Klein Rd
  - a. <https://www.buddhistchannel.tv/index.php?id=65,12644,0,0,1,0>
  - b. <https://sanfrancisco.cbslocal.com/2016/01/21/neighbors-say-buddhist-temple-in-san-jose-is-causing-a-disturbance/>
13. One long-time resident in their 70’s on Sweetleaf Ct, that will be directly impacted the **massive 15,000 sf, 4-story high buildings**, & the daily 9AM-10PM activities, has already decided to sell the home. A second neighbor on Sweetleaf Ct is also considering moving, because this project will directly impact their environment, their quality of life and right to quiet enjoyment. The anticipated noise, the massive 15,000sf structure, 65ft tall (4-story high), that exceeds the 35ft standard for any structure in a RN neighborhood, is driving residents out of their homes. Noise level for 6 new homes compare to a 15,000 sf indoor + outdoor activities must be considered to see the real impact of this project!
14. Additionally, we live in a very diverse neighborhood. So, we are all very offended, when the members of this organization during the community meeting on 6/2, who identify themselves as “Members of the Temple” continuously spoke up and called the neighbors RACIST. None of the Temple’s members responded to the any of the neighbor’s concerns, but instead, they repeated addressed the neighbor as racists and that we are Anti-Asian! **The oversize project is simply incompatible in a small R1-5 with valid safety, traffic and noise concerns.** This project has more negative environment impacts to the neighborhood, than benefits to the community. How many member of the temple actually live within a 500ft radius of the project? This has nothing to do with religions or race.
15. **The EIR must include calculation based on the reality of actual use by the temple, and not what’s on the drawing board. There are many evidences of typical activities by the current applicant far exceed the unrealistic proposed plan. All studies must include the calculation based on their current and realistic use.**

We thank you for time and evaluation. Hopefully, Our Voices Do Matter!

Sincerely,  
Nick Pham  
Evergreen Resident

**From:** [Flores, Michelle](#)  
**To:** [REDACTED]; [Le, Thai-Chau](#)  
**Cc:** [The Office of Mayor Sam Liccardo](#); [2740Ruby Concerns](#); [Tu, John](#); [Chang, Chu](#); [Arenas, Sylvia](#); [McGarrity, Patrick](#); [Reed, Jim](#)  
**Subject:** RE: ref: Project # C20-012 & SP20-024- Email #2  
**Date:** Wednesday, June 23, 2021 5:37:52 PM

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Hi Murali,

Thank you for comments. They will be included as part of the project's record. To follow up to your questions:

1 & 2. We encourage you to continue providing written comments about the project. Comments are shared with the applicant and will be included as correspondence for Planning Commission and City Council to view and use when making their decision. It is not within the purview of staff to advise on petitions or media outreach and their bearing on the review of the project.

3. Staff analyzes the sites proposed for the project. Encouraging the applicant to relocate or purchase another site is not within our purview.

4. The pavement is reviewed as part of stormwater to make sure it drains properly and is not directed to another property. The current plan set shows landscaping along the property lines surrounding the parking lot.

5. The General Plan designation may allow Private Community Gathering Facilities compatible with the surrounding residential neighborhood. We need to review and consider the project as proposed for conformance with the City's goals and policies. We understand the housing issues facing California and have implemented or consider additional policies help create denser housing, but if a site may allow more than residential use, we have to consider and analyze those uses as well if it is included as part of the project description.

6. The permit for the project would include a condition for the operation of the temple, which includes special events. If a project is not consistent with the conditions of the project, it may be reported to the Code Enforcement department and the permit may be subject to being revoked.

Kind regards,  
Michelle Flores  
Planner | Planning Division | City of San Jose  
200 E. Santa Clara Street, 3<sup>rd</sup> floor  
<http://www.sanjoseca.gov/planning>

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**From:** Muralidhar Pabbisetty [REDACTED]  
**Sent:** Tuesday, June 22, 2021 6:43 PM  
**To:** Le, Chau <chau.le@sanjoseca.gov>; Flores, Michelle <michelle.flores@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; Chang, Chu <chu.chang@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; McGarrity, Patrick <Patrick.McGarrity@sanjoseca.gov>; Planning Commission 1 <PlanningCom1@sanjoseca.gov>; Planning Commission 6

<PlanningCom6@sanjoseca.gov>; Planning Commission 3 <PlanningCom3@sanjoseca.gov>; Planning Commission 4 <PlanningCom4@sanjoseca.gov>; Planning Commission 5 <PlanningCom5@sanjoseca.gov>; Planning Commission 2 <PlanningCom2@sanjoseca.gov>; Planning Commission 7 <PlanningCom7@sanjoseca.gov>; Reed, Jim <Jim.Reed@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

**Cc:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; 2740Ruby Concerns <2740rubyconcerns@gmail.com>

**Subject:** ref: Project # C20-012 & SP20-024- Email #2

[External Email]

I had not heard back from the city so wanted to send a follow up to confirm the receipt of the email. I would appreciate an acknowledgement and also I would be happy to provide any clarifications necessary.

I thought of few more concerns that I wanted to bring it to your attention.

4. The parking lot (asphalt surface) close to fence line will create hydration issues for the tall trees in the neighborhood so I would request to project to provide minimum of 20ft setbacks from the fence line from all properties and plant large trees in the setbacks. This ask is consistent to all R-1-5 houses in this neighborhood.

5. Given the housing crises in California and reduced enrollment in public schools, any reason this incompatible non-residential project is being encouraged in a residential neighborhood? If there are ~8 houses built in the same parcel then it would be compatible project and will bring in new families with kids and contribute to the neighborhood.

6. How would the temple restrict attendance to just 300 people into a temple with a capacity of 3500 people?

Look forward to getting guidance and support from our city officials and elected representatives.

Thanks  
-Murali

On Wed, Jun 16, 2021 at 8:22 PM Muralidhar Pabbisetty <[REDACTED]> wrote:

Dear Planning Staff, Councilwoman Arenas, and Representatives,

We have been evergreen residents for the last 14 years and our motivation to move from Cupertino to evergreen was to live in a residential neighborhood and enjoy the benefits of staying in the suburbs.

About 2.5 yrs ago we were notified about a proposal to build a temple in our residential neighborhood. We are a first-generation Asian family and Vegans so Buddhist temple felt like great news until we saw the scale of the project from the applicant Chris Larsen, a billionaire, and their lobbyist Canyon Snow. Besides dropping their plan to build an acre of underground parking in a residential area, most of the concerns that were expressed 2.5 yrs ago still remain as of today.

Here are some primary concerns.

1. Temple has a capacity of 3500 people. (Temple - 750 people, Community Hall - 750 people and Courtyards - 2000 people)
2. The temple is located at an accident-prone busy intersection where accidents happen on monthly basis. This project would bring in 100s of cars creating further safety issues for school children who pass through the intersection to 5 schools within a mile radius, retirees, young toddlers learning to bike, and numerous bicyclists..
3. There are just 56 self-parking spots with an additional 15 valet spots for a temple of 3500 people capacity. The applicant is justifying the limited parking spots by saying they will restrict the attendance to 300 people.

Anyone living near a religious facility knows the impacts of large temples during weekends and religious holidays. We have shared these concerns with the applicant/lobbyist in multiple gatherings organized by D8, City, and 2 initial meetings organized by the applicant in both written and verbal forms.

2 weeks ago, about 2 dozen volunteers spoke with about 400 resident families and most/all of the neighbors expressed similar concerns captured above.

We need your guidance on how to make our collective voices heard and count: against this project funded by billionaire Chris Larsen.

1. Would a written petition with about 2000-3000 signatures from people who reside in the 2-3 mile radius help? Can you provide guidance on a template that would resonate with decision-makers
2. Should we reach out to the media to highlight the issue? would a protest in front of city hall help?
3. How can we convince Applicant to relocate to many other locations(10+ acres) within a 2-mile radius that would allow them to build a temple on the lines of Gurdwara?

I look up to our elected representatives to protect the interests of the residents against a



billionaire who is trying to use his influence and money to seek approval.

Please advice.

-Murali Pabbisetty

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Date: June 13, 2021

From:

Michael Gabler, 30 year resident at [REDACTED]  
President of the Norwood Neighborhood Association

To: [Mayoremail@sanjoseca.gov](mailto:Mayoremail@sanjoseca.gov); [District1@sanjoseca.gov](mailto:District1@sanjoseca.gov); [District2@sanjoseca.gov](mailto:District2@sanjoseca.gov);  
[District3@sanjoseca.gov](mailto:District3@sanjoseca.gov); [District4@sanjoseca.gov](mailto:District4@sanjoseca.gov); [District5@sanjoseca.gov](mailto:District5@sanjoseca.gov);  
[District6@sanjoseca.gov](mailto:District6@sanjoseca.gov); [District7@sanjoseca.gov](mailto:District7@sanjoseca.gov); [District8@sanjoseca.gov](mailto:District8@sanjoseca.gov);  
[District9@sanjoseca.gov](mailto:District9@sanjoseca.gov); [District10@sanjoseca.gov](mailto:District10@sanjoseca.gov); [PlanningCom1@sanjoseca.gov](mailto:PlanningCom1@sanjoseca.gov);  
[Planningcom2@sanjoseca.gov](mailto:Planningcom2@sanjoseca.gov); [Planningcom3@sanjoseca.gov](mailto:Planningcom3@sanjoseca.gov); [Planningcom4@sanjoseca.gov](mailto:Planningcom4@sanjoseca.gov);  
[Planningcom5@sanjoseca.gov](mailto:Planningcom5@sanjoseca.gov); [Planningcom6@sanjoseca.gov](mailto:Planningcom6@sanjoseca.gov); [Planningcom7@sanjoseca.gov](mailto:Planningcom7@sanjoseca.gov)

Cc: 'Flores, Michelle' [michelle.flores@sanjoseca.gov](mailto:michelle.flores@sanjoseca.gov); 'Le, Thai-Chau' [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov); 'Tu, John' [john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov); 'Rood, Timothy' [timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)

Subject: I **Oppose** the Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024 at 2740 Ruby Ave

Dear Mayor, Councilmembers, Planning Commissioners and Staff:

This project is sad, because it is the right project . . . building a temple in the community. I say that it is sad because it is the right project, in the WRONG location. This site is TOTALLY unsuited to the proposed development. It was wrong when first proposed, it is wrong a re-structured.

As a resident in the neighborhood directly impacted by this proposed rezoning of a small Residential R1-5 parcel PQP and the Special Use Permit to build a massive structure, we respectfully urge you to decline these applications for the following reasons:

1. The project **DOES NOT** meet a number of General Plan Policies, LU 10.8, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and others. The private Community Gathering Facilities **MUST** be **COMPATIBLE** with the surrounding Resident Neighborhood. (If anyone are aware of any policies that you think this project violate, please share)
2. The oversize structure on a small lot in a dense Residential Neighborhood does not fit the characters of the neighborhood. It is aesthetically incompatible with the homes immediately next to it and the surrounding neighborhood. **Especially the small 996sf home at 2740 Ruby Ave.** One long-time resident even has already decided to sell the home on Sweetleaf Ct, that will be directly impacted the massive 4-story high building. High limit of 65 ft exceeds the 35ft standard for any structure in a RN neighborhood. This project is incompatible. It is impacting the neighborhood and driving residents out of their home.

3. The proposal of a 15,000 sf buildings and outdoor facility that can home over 4000 people, is a MAJOR CONTRADICTION with the proposed operating plan of only up to 300 people at any given time.
4. The current Temple @ 66 Sunset Court conducts many events outdoor with blasting the loud speakers. The NOISE level combination of the over 4000 people + automobiles + loud speakers would more than exceed the normal noise standard for a Residential Neighborhood. The applicant indicates outdoor activities. The evidence of multiple loud speakers use for music, public speaking, can be seen via the multiple YouTube videos that can be found @ <https://www.youtube.com/user/buddhaghosacha>. Please note that all the events utilize LOUD SPEAKERS. If you would review the following video @ about 40 min into the video, you can see the stack of load speakers.  
<https://www.youtube.com/watch?v=E8kJDJ10jGk&t=144s>.
5. The typical New Year activities and major Khmer Krom's holiday Celebrations are Never quiet as the applicant led the City to believe. As Pastor John Goldstein, Grace Church of Evergreen, had mentioned during a community meeting, most religious facilities are built, they are built with growth in mind. When a facility is design to hold over 4000 people both indoor and outdoor, it is more than likely it will be that crowded. The reality of the IMPACT of traffic, parking, safety, noise are 10 times the design on paper. Here is some evidence of the activities of the Khmer Krom Temples and the almost concert type of activities that do exist, and how LOUD it could be:
  - a. <https://www.youtube.com/watch?v=oQk2P9SbWX4>
  - b. <https://www.youtube.com/watch?v=h50X0iCCKm8&t=45s>
  - c. <https://www.youtube.com/watch?v=mmUXk-pitwo>
  - d. <https://www.youtube.com/watch?v=0icXRoiP3ws>
  - e. <https://www.youtube.com/watch?v=TB0WvARtTW8>
6. Narrow Ingress/Egress Driveway into the Huge Parking Lot from a small 2 way "double-yellow", 250ft away from a busy 4-way stop will most definitely create major traffic & safety concerns. Overflow parking to the surrounding small residential streets is the inevitable and simply unacceptable. Busing/shuttling plan of visitors to & from nearby school parking lots implies an already known an overcrowded problem. Again, this a major concern and inconsistency of this proposed project in this neighborhood.
7. The operational plan of 300 visitor max vs the combined 15,000 sf 4-story high building structure and outdoor facility that can easily hold over 4,000 people, is just very deceiving and perhaps a misrepresentation. Any design on paper can meet the city minimum requirements. In reality, the traffic, safety problem will be 10 times the design on paper.
8. The Temple events are AS LONG as 15-DAYS with a daily activities schedule from 9AM-10PM. This is a major environmental, noise, safety and traffic impact to the dense & quiet Residential Neighborhood.

9. The temple will also be serving alcohol and smoking area next to dense residential homes. This is a safety and health hazard, and completely inappropriate for a dense Residential Neighborhood.
10. The current temple members operate their activities @ 66 Sunset Ct, San Jose, CA 95116. There is no Use-Permit noted. The temple has also violated building codes and constructed part facilities illegally, CODE CASE #2018-12934. Thus, it is most likely that they violate all the basic rules in term of occupant capacities, parking, noise, and safety.
11. Neighbors had documents and complained about a similar project nearby that was much smaller in size. It was even in a location that was not surrounded by DENSE Residential Neighborhood either: Canh Thai Temple 2532 Klein Rd
  - a. <https://www.buddhistchannel.tv/index.php?id=65,12644,0,0,1,0>
  - b. <https://sanfrancisco.cbslocal.com/2016/01/21/neighbors-say-buddhist-temple-in-san-jose-is-causing-a-disturbance/>
12. Additionally, we live in a very diverse neighborhood. So, we are all very offended, when the members of this organization during a community meeting identify themselves as "Members of the Temple" continuously spoke up and called the neighbors RACIST. None of the Temple's members responded to the any of the neighbor's concerns, but instead, they repeated addressed the neighbor as racists and that we are Anti-Asian! The reality is that the local 95148 zip code shows a demographic of greater than 50% Asian population. The oversize project is simply incompatible in a small R1-5 with multi valid safety, traffic and noise concerns.

We thank you for time and evaluation. Hopefully, Our Voices Do Matter!

Sincerely,



Michael Gabler

