

TABLE OF CONTENTS

Section 1.0	Introduction	1
Section 2.0	Draft EIR Public Review Summary	2
Section 3.0	Draft EIR Recipients	3
Section 4.0	Responses to Draft EIR Comments	4
Section 5.0	Draft EIR Text Revisions	112

Appendix A: Revised Local Transportation Analysis

Appendix B: Draft EIR Comment Letters

SECTION 1.0 INTRODUCTION

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final EIR for the Wat Khmer Kampuchea Krom (WKKK) Temple Project.

PURPOSE OF THE FINAL EIR

1.1 In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
- (3) The Final EIR reflects the lead agency's independent judgment and analysis.

1.2 CONTENTS OF THE FINAL EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- 1.3 e) Any other information added by the Lead Agency.

PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at the office of the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor, San José, California on weekdays during normal business hours. The Final EIR is also available for review on the City's [Active EIRs](#) website.

SECTION 2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the WKKK Temple project, dated August 2022, was circulated to affected public agencies, the public and interested parties for a 45-day review period from August 23, 2022, through October 7, 2022. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of Draft EIR was published on the City’s website and in the San José Mercury News and Post Record on August 23, 2022;
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was uploaded to the State Clearinghouse (SCH #2021050524) on August 23, 2022, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft EIR were made available at the Dr. Martin Luther King Jr. Library (150 East San Fernando Street, San José, CA 95112) and at the Village Square Branch Library (4001 Evergreen Village Square, San José, CA 95135).

SECTION 3.0 DRAFT EIR RECIPIENTS

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The NOA for the Draft EIR was sent to interested members of the public, and owners within 1,000 feet of the project site, and to adjacent jurisdictions. The following agencies received a copy of the Draft EIR or link to the document from the City or via the State Clearinghouse:

- California Air Resources Board (ARB)
- California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW)
- United States Department of Fish and Wildlife
- California Department of Parks and Recreation, California Department of Transportation, District 4 (DOT)
- California Department of Water Resources (DWR)
- California Native American Heritage Commission (NAHC)
- California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB)
- Department of Toxic Substances Control, Office of Historic Preservation
- California Office of Historic Preservation

Copies of the NOA for the Draft EIR were sent by email and Newsflash to Native American Tribal Contacts, adjacent jurisdictions and organizations, businesses, and individuals who have requested all City notices.

SECTION 4.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of San José on the Draft EIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of San José are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below. No comments were received from federal or state agencies, organizations, or businesses.

<u>Comment Letter and Commenter</u>	<u>Page of Response</u>
Topic Responses	6
A. Noise during Construction.....	6
B. Noise during Operations.....	7
C. Transportation and Parking	10
D. Land Use and Development Standards.....	11
E. Demolition of On-site Structures.....	13
Regional and Local Agencies.....	15
A. Pacific Gas & Electric (Dated September 9, 2022).....	15
B. Pacific Gas & Electric (Dated September 20, 2022).....	16
C. Valley Water (dated October 6, 2022)	17
Individuals	19
A. Albert Sahim Comment Letter (Dated August 25, 2022).....	19
B. Albert Sahim Comment Letter (Dated October 3, 2022)	22
C. Daniel deTar Comment Letter (Dated October 7, 2022).....	26
D. David Ciraulo Comment Letter (Dated September 21, 2022).....	29
E. Dee Dee Pho Comment Letter (Dated September 21, 2022)	31
F. Ernie Lipari Comment Letter (Dated August 24, 2022).....	33
G. Janet Holt Comment Letter	34
H. Joanna Wan Comment Letter (Dated October 3, 2022)	45
I. Joyce Gibson Comment Letter (Dated August 25, 2022)	48
J. Karina Liao Comment Letter (Dated October 6, 2022).....	49
K. Linda and Kerm Ladwig Comment Letter (Dated September 22, 2022)	52
L. Matt Milward Comment Letter (Dated October 7, 2022)	57
M. Mazin Khurshid Comment Letter (Dated October 6, 2022).....	58
N. Michael Gabler Comment Letter (Dated October 4, 2022).....	61
O. Murali Pabbisetty Comment Letter (Dated October 7, 2022)	62

P. Nha Tran Comment Letter (Dated October 7, 2022)..... 65
Q. Nick Pham Comment Letters (Dated June 2, 2022-October 7, 2022)..... 66
R. Paul Rosati Comment Letters (August 23, 2022 - September 21, 2022) 81
S. Philip Nguyen Comment Letter (October 7, 2022) 82
T. Reuben Castillo Comment Letters (October 6, 2022-October 20, 2022)..... 84
U. Robert Reese Comment Letter (October 4, 2022)..... 107
V. Scott Bulloch Comment Letters (October 3, 2022)..... 109
W. Ted Nguyen Comment Letters (September 17, 2022)..... 110

TOPIC RESPONSES

Topic responses are provided to address comments related to issues that are common throughout several comment letters. The intent of a topic response is to provide a comprehensive response to an issue so that all aspects of the issue are addressed in a coordinated, organized manner in one location. This reduces repetition of responses. When an individual comment raises an issue discussed in a topic response, the response to the individual comment includes a cross reference to the appropriate topic responses. To assist with these responses and provide full context of the analysis, the following topic responses are provided to answer repetitive comments.

A. Noise during Construction

A number of commenters expressed concerns about construction noise and compliance with noise control measures proposed during construction of the project. As described in Draft EIR Section 2.2.9 Project Construction, the estimated duration for all construction activities would be approximately 28 months. Approximately 5,815 cubic yards of soil would be exported from the project site, requiring approximately 600 truckloads. Construction activities would include site preparation, grading, building construction, and paving. The proposed project was determined to result in substantial construction noise (above 60 dBA) for a period of greater than 12 months, which is a significant impact according to General Plan Policy EC-1.7. To reduce this impact, the proposed project includes a set of 11 standard construction noise controls presented in the Draft EIR as mitigation measure MM NOI-1.1, as required by City of San José General Plan Policy EC-1.7. These noise control measures include limiting construction hours and days, requiring installation of temporary plywood fencing at the perimeter of the construction site, requiring notification to the residents when loud activities are occurring, utilizing quiet compressors, controlling construction worker radios so they are not audible at adjacent residences, and requiring a noise disturbance coordination to resolve complaints. These measures are regularly employed at construction sites throughout the city when construction occurs within 500 feet of residences or other sensitive uses, such as schools. The measures serve to reduce construction noise to an acceptable degree, recognizing that construction activity is disruptive to surrounding uses, even when the noise controls contained in MM NOI-1.1 are implemented.

Construction disturbance would be managed by a noise disturbance coordinator provided by the construction manager, and in the event of a reported noise disturbance the noise coordinator would identify the source of noise and provide a method for noise reduction to reduce the disturbance. Construction activity will be noticed for surrounding residents and these notices would include contact information for the noise disturbance coordinator.

The City of San José would oversee project compliance with the Mitigation Monitoring and Reporting Plan prepared for the project to ensure the included measures are followed. Nothing about the proposed construction activity is unusual or excessive, and the scale of construction is modest, with 14,000 square feet of building construction on a 1.86-acre site. Construction of this scale and nature is commonly allowed adjacent to residences, and the noise control measures identified in MM NOI-1.1 are routinely employed to reduce construction noise impacts from comparable projects to levels that are considered acceptable, recognizing they are still likely to be perceived as disruptive by nearby residents.

B. Noise during Operations

A number of commenters expressed concerns about the noise from site occupants during routine events in addition to amplified noise which would occur during some of the larger special events. Multiple comments referenced that operation of the proposed project would result in noise of “stadium level” or 71 dBA from the speakers on site. Examples of average instantaneous noise levels from common sources are provided below.

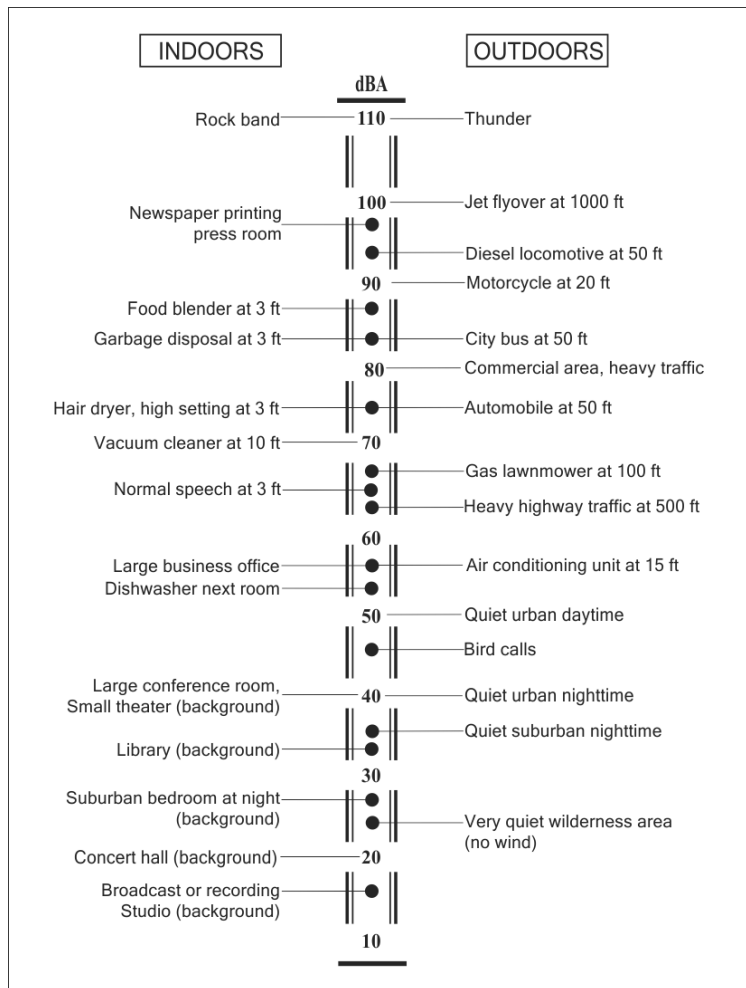
As described in the Noise Section of the Draft EIR (Section 3.13.2.1), the sound system for outdoor special events would be subject to a condition of approval limiting maximum instantaneous noise levels to 71 dBA, which for a person standing near the system, would be about as loud as a vacuum cleaner at 10 feet. With the 71 dBA limitation, adjacent residences would experience noise that would not exceed the 53 dBA DNL limit, i.e. not more than 5 dBA DNL above existing noise conditions of 49 dBA DNL, over the course of three hours of operation per General Plan Policy EC-1.2. The operational noise will also not exceed 55 dBA DNL at the adjacent residential property line per General Plan Policy EC-1.3. When the same sound (71 dBA) is evaluated at the property line of the homes adjacent to the site, noise levels will be significantly lower due to the following effects:

Distance from the source

Sound from people, air conditioners, loudspeakers, or other sources drops in level with distance at a rate of approximately six decibels with a doubling of distance. For example, a loudspeaker that produces 71 dBA at 30 feet will register at 65 dBA at 60 feet and 59 dBA at 120 feet. This relates to the proposed project because noise from the site would reduce with greater distance from the source of noise.

Shielding effects

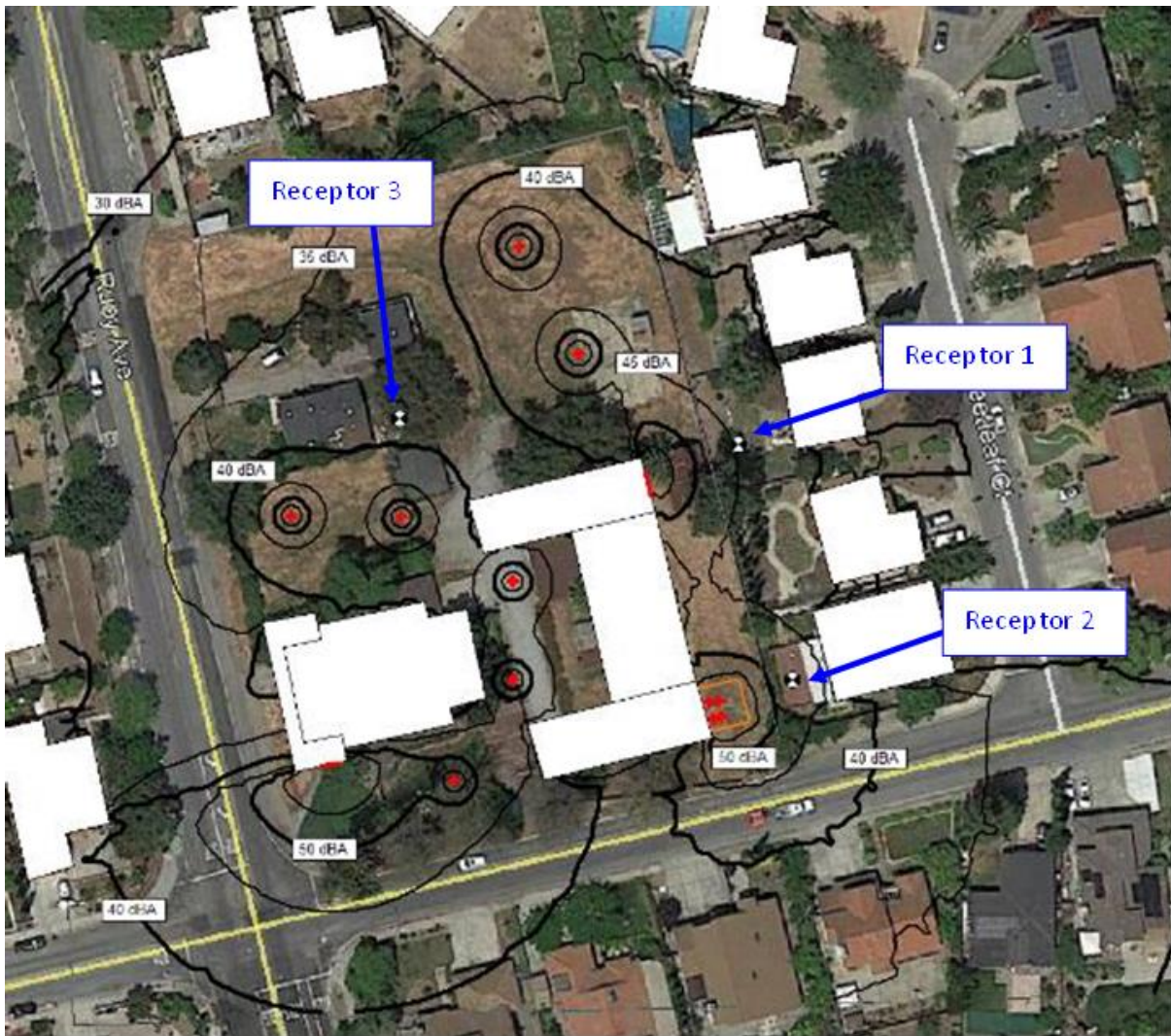
Shielding effects are produced by objects such as buildings and sound fences which interrupt the line-of-sight between the source of the noise and receptors of the noise. When a source of noise is shielded by a sound fence, for instance, reductions in sound level of between 10 and 15 decibels are typical. Buildings, on the other hand, can provide even higher degrees of reduction in noise levels, typically between 15 and up to 25 decibels. This would result in lower noise levels from on-site sources at property boundaries due to obstruction by buildings and temple walls.



Source directionality

Sources of noise rarely spread sound evenly. Temple visitors and loudspeakers would produce higher levels of noise directly in front of them and the noise is reduced to the side or behind them. This difference varies significantly among sources, with human voice commonly sounding 15 to 20 decibels lower as we circle around the speaker. Therefore, the direction of speakers located on the site would result in substantial decreases in noise.

Based on this attenuation, noise analyzed at multiple places throughout the site during special events was calculated as seen below. This information is also included in Wilson Ihrig’s noise report (Appendix G) dated October 29, 2021.



Location	Modeled Day-Night Level For Daily Use (DNL decibels)	Modeled Day-Night Level For Special Events (DNL decibels)
Receptor 1	44	47
Receptor 2	47	49
Receptor 3	20	41

Additionally, some of the commenters incorrectly state that the proposed project would result in average noise levels of 71 dBA DNL over the course of a day. The condition of approval for amplified noise during project operations identified in the Draft EIR indicates the instantaneous maximum noise from the sound system would not exceed 71 dBA, and the outdoor events with amplified noise would not occur continuously on the site, but rather for several hours at a time. This is an incorrect understanding of noise measurements which can be measured instantaneously or over time.

When a source of noise operates for less than a continuous 24-hour period, its instantaneous level differs from its DNL level. DNL is a 24-hour average of the noise present when the source is on and

when it is off, but the instantaneous noise level only considers noise when the source is producing noise. Therefore, devices like air conditioners, for example, which cycle on and off throughout the day and are generally silent during the night when temperature drops can exhibit significantly lower dBA DNL levels than their instantaneous dBA level. A similar situation takes place with outdoor events such as those expected at the site, which are programmed to last only a few hours. For instance, a 2-hour long event with a constant, instantaneous noise level of 71 dBA, will register a day long DNL average of only 60 dBA DNL. This is, of course, a worst-case assumption because a live event where the limit is a ceiling of 71 dBA will exhibit typical instantaneous noise levels that vary below that maximum and, hence, on average, noise levels will be even lower.

The City of San José considers dBA DNL levels of 60 or less to be “Normally Acceptable” for residential land uses. Additionally, San José City policy EC-1.3 limits noise from “new, nonresidential land uses” to 55 dBA DNL, and the project will meet this requirement.

Thus, the combination of several of these sound reduction effects, which often occur simultaneously, in addition to the measuring of noise over 24 hours results in significantly lower average (dBA DNL) levels by the property line than that produced by the audience or congregation over a short period of time at the point of noise creation. With the maximum number of 300 visitors at a single time, with an assumed event using speakers installed in compliance with the condition of approval limiting the sound system to 71 dBA, the noise levels for special events would range from 41 to 49 dBA DNL, which would not result in exceedance of the 53 dBA DNL or 55 dBA DNL sound limit at surrounding sensitive receptors including single-family homes in the neighborhood. This supports the findings of the Draft EIR which determined that the operational noise would be less than significant with conditions of approval included to reduce amplified noise.

C. Transportation and Parking

A number of commenters expressed concern regarding traffic congestion, collisions, and parking issues related to the proposed project. Consistent with recent amendments to CEQA resulting from SB 743, the City of San José uses vehicle miles traveled (VMT) to determine if a project will result in transportation impacts and does not factor in delay at intersections or volumes on local streets as CEQA impacts. Rather, vehicle delay or congestion are treated as planning or design matters evaluated in a Local Transportation Analysis (LTA), which was prepared for this project and provided in connection with the Draft EIR for public review. Additionally, parking is not a CEQA concern, rather the amount and location of parking to support a project are considered as part of the overall project description to be evaluated in a CEQA document. However, given the number of comments on parking and traffic, the discussion below provides some further explanation on how these items were analyzed.

The project is subject to City parking requirements and for large events, projects are required to provide a TDM (transportation demand management) plan and/or TPMP (traffic parking management plan) to help alleviate parking and traffic issues. For this project specifically, the project meets City parking requirements and for large events they will be required to provide an off-site parking agreement alongside with valet parking and shuttle services. As described in the Draft EIR Section 2.0, the project includes 67 parking spaces and a Traffic and Parking Management Plan to address reserved parking for carpools, on-site bicycle parking, and on-site showers and lockers.

Reserved off-site parking and a valet or shuttle service will be implemented for larger religious holidays and events as described in Draft EIR Section 2.2.5.

Collision data, which was requested by some commenters, is typically not included in LTA reports. However, the City has reviewed the traffic data at Ruby Avenue/Norwood Avenue. According to the study “Observational Before-After Study of the Safety Effect of U.S. Roundabout Conversions Using the Empirical Bayes Method,” converting a conventional intersection from traffic signal control to modern roundabout can significantly decrease the number of crashes. This is shown in the Crash Modification Factors (CMF) Clearinghouse, where the conversion of signalized intersections into single- or multi-lane roundabout has a CMF of 0.65 with a four-star quality rating. Additional studies by the Insurance Institute for Highway Safety (IIHS), in partnership with FHWA, also shows that roundabouts improve traffic flow while being a safer alternative when compared to signalized or side-street stop intersections. At traditional intersections with stop signs or traffic signals where vehicles are traveling in different directions and variable speed, some of the most common types of crashes are right-angle, left turn, and head-on collisions. With roundabouts, these types of potentially serious crashes are essentially eliminated with vehicles travel in the same direction and at lower speeds. In addition, the number of “points of conflict” where vehicles might collide at a typical roundabout are significantly lower, with only eight points of conflict compared to 32 points at a traditional four-legged intersection.

Roundabouts are a proven safety countermeasure as per both FHWA and Caltrans, which can reduce crashes that result in serious injury or death, as well as help lower speeds and increase operational performance. The construction of the roundabout would improve the operations at the intersection and is expected to reduce collisions.

The project site is not located in a residential parking district, so there are no requirements or enforcement beyond general parking regulations for safety (no parking on a red curb) or length of time for parking (must move every 72 hours). The City has a process for establishing a residential permit parking program, administered by the Department of Transportation, should that be of sufficient interest to the community and be considered feasible by the City.

D. Land Use and Development Standards

A number of comments concerned what could reasonably be expected to occur on the property, should the subject project not be implemented. This issue was addressed in the Draft EIR in the presentation of alternatives, in particular the No Project - Redevelopment with Currently Allowed Uses alternative. According to Chapter 5, page 14 of the General Plan, the typical density for the Residential Neighborhood General Plan designation is eight dwelling units per acre. This is the source of the 14-unit development estimate used for the alternatives analysis provided in Draft EIR Section 7.0 Alternatives. Since the General Plan designation is Residential Neighborhood, development will be allowed up to eight DU/Acre or the prevailing neighborhood density. A future residential project applicant would be able to apply for a rezoning to a Planned Development rezoning or conforming zoning district that allows for eight DU/Acre, subject to satisfying various City design guidelines related to that type of development. The average density of residential uses in the project area range from three to eight dwelling units per acre based on the parcel sizes of approximately 5,000 square feet to 8,000 square feet.

Given the allowed density noted above, the 1.86- acre project site could potentially be developed with up to 14 lots, with each lot capable of accommodating a single-family detached (SFD) unit and potentially an accessory dwelling unit (ADU). Therefore, the site could be developed under the General Plan with up to 14 SFD units with combined building square footage of between 21,000 to 35,000 square feet (assuming typical house sizes of between 1,500 and 2,500 square feet, and not factoring in potential ADUs). The project proposes two buildings that together total almost 14,000 square feet, with a community building that is 11,000 square feet and a temple sanctuary that is 3,000 square feet. On the 1.86- acre site, that represents a floor-area-ratio (FAR) of 0.17, which is consistent with a single-family detached residential neighborhood.

The City of San José provides an allowance for churches/religious assembly uses in the R-1-5 zoning district with approval of a conditional use permit (CUP). Additionally, under a Residential Neighborhood General Plan designation, “Private Community Gathering Facilities compatible with the surrounding residential neighborhood” are also supported. Therefore, the proposed project use would be consistent with the land use designation if CUP findings can be made and the permit is approved by the City of San José.

While the project does propose a rezoning, it does not propose that the site’s General Plan land use designation be amended to facilitate the proposed project.

Below is a description of the rezoning and hearing process conducted by the City of San José:

- 1) The project proposes a rezoning from R-1-5 Single-Family Residence zoning district to PQP Public/Quasi-Public zoning district. The Residential Neighborhood land use designation supports private community gathering facilities that are compatible with the surrounding residential neighborhood. The purpose of the R-1 Zoning District is for the construction and occupancy of single-family units. The Public/Quasi-Public District is intended for publicly serving land uses including private community gathering facilities, including for religious assembly. Therefore, the development standards of the Public/Quasi-Public zoning district apply to the proposed project.
- 2) Church/religious assembly uses can be permitted in an R-1 zone with a conditional use permit. However, as a result of the rezoning, the proposed project development would require a Special Use Permit instead of a Conditional Use Permit. Conditional Use Permits are typically heard at Planning Commission and a Special Use Permits are usually heard at Planning Director Hearings. Since the project includes a Rezoning, the project will be heard concurrently at Planning Commission for a recommendation to the City Council, as the decision-making body.
- 3) The R-1 Zoning District has development standards for accessory buildings (such as ADU’s and detached garages) and accessory structures (such as shade structures and retaining walls). The R-1-5 Zoning District requires a 20-foot front setback, 5-foot side setback, and a 20-foot rear setback. The maximum height in the R-1 Zone is 35 feet. Pursuant to Section 20.100.130, a Development Exception may be allowed for church steeples, church bell towers, and church roofs – as would pertain to this project as a temple.
- 4)The Public/Quasi-Public zoning district requires 10-foot setbacks from all property lines and allows a maximum height of 65 feet. The project is proposing a building height of approximately 35 feet. The temple’s spire would be approximately 59 feet-high.
- 5) The site being subject to the new PQP zoning changes the required permits from a Conditional Use Permit and a Variance, which would have only required a hearing at Planning Commission (with possibility for permit appeal to City Council), to the proposed project instead needing a Special Use

Permit and rezoning, which are heard at an advisory Planning Commission hearing before the City Council hearing.

The commenters also requested information regarding the Operations Plan for the proposed project. The Operations Plan would become a condition of permit approval, if approved by the City Council. The following is a summary of this plan (Section 2.2.5 of the Draft EIR):

- The project's operation plan primarily consists of routine weekday and weekend activities.
- During the weekday, the anticipated number of people on-site is eight to 23. Weekend activities include eight monks and approximately 50 visitors for lecture in the temple.
- The special events are religious holidays, fundraising events, ceremonies, memorial services, seminars, and weddings.
- The religious holidays would have approximately 75 to 150 visitors.
- Memorial services, weddings, seminars, and the anniversary of the temple would have up to 300 visitors at any given time.

Additionally, the temple has confirmed that they have an attendance of approximately 110 total members in San José. Overall, the congregation includes a total of approximately 250 members in the greater Bay Area that belong to the temple. Average weekday congregations consist of approximately 15 visitors on weekdays, weekend congregations consist of approximately 50 visitors, and larger events/holidays have approximately 250 visitors (with maximum 100 on site at any given time).

E. Demolition of On-site Structures

A number of comments questioned why the existing structures had been removed separately from the applications filed in connection with the religious assembly use. The City's Muni Code allows structures deemed to be an immediate threat to public health and safety to be removed as described in Section 20.80.450(3).¹

In April 2020, the City's PBCE department permitted removal of the buildings on the project site per the below information.

In April 2020, the City of San José applied the Santa Clara County Health Shelter-in-place Order Section 13.g.i because the demolition of the on-site structures was found to be the "minimum Basic Operation" to ensure security and safety of the property as required by the City Building Official. An immediate demolition order was issued in March of 2020 (prior to the Shelter-in-place order) and County Health Shelter-in-place Order Section 13.f.v.8 states that this demolition could not reasonably be delayed due to the immediate health and safety concerns. The demolition was carried out and workers on site were required to comply with social distancing on the job site.

¹ City of San Jose. Municipal Code. Accessed January 12, 2023.
https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.80SPUSRE_PT5DEREBU_20.80.450EXDEPERE.

Additionally, the City of San José permitted for the removal of two dead elm trees that were within the public right of way and provided the permits for these removals. Additionally, the City of San José provided a permit for the contractor to prune the rest of the trees within the right of way.

The contractor inquired about removal of other trees on the property, and the City provided the information that trees that are less than 12 inches in diameter are not considered ordinance size trees and can be removed without need for tree removal permit. The contractor also inquired about a large Monterey pine on the property, and was informed that they would need to go through the planning permit process to obtain a tree removal permit for that tree to be removed.

All demolition of structures on site and removal of trees was carried out following the proper City procedures and these ministerial processes were not subject to CEQA, given they did not require City discretion to carry out.

REGIONAL AND LOCAL AGENCIES

A. Pacific Gas & Electric (Dated September 9, 2022)

Comment A.1: Thank you for submitting the 2740 Ruby Ave 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.
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.

Response A.1: The comment from PG&E identifies the potential for PG&E easements on site and identifies processes for the project proponent to comply with. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

B. Pacific Gas & Electric (Dated September 20, 2022)

Comment B.1: Thank you for providing PG&E the opportunity to review the proposed plans for the Wat Khmer Kampuchea Krom Temple Project dated 8-23-2022. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Response B.1: The comment from PG&E indicates that the proposed project would not directly interfere with existing PG&E facilities or impact easement rights. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

C. Valley Water (dated October 6, 2022)

Comment C.1: Valley Water has reviewed the Draft Environmental Impact Report for the Wat Khmer Kampuchea Krom Temple Project at 2740 Ruby Avenue. Based on our review of the report we have the following comments:

1. Valley Water records show 1 active well on APN: 652-29-014. If the well will continue to be used following permitted activity, it must be protected so that it does not become lost or damaged during completion of permitted activity. If the well will not be used following permitted activity, it must be properly destroyed under permit from the District. While the District has records for most wells located in the County, it is always possible that a well exists that is not in the District's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from the District or registered with the District and protected from damage. Additionally, it should be clarified that well construction, including borings 45 feet or more in depth, and destruction permits are required under Valley Water's Well Ordinance 90- 1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain permits.

Response C.1: The comment from Valley Water identifies the presence of one well on site and outlines the processes for using or preserving the well on-site after construction of the proposed project. The proposed project will comply with the requirements under Valley Water's Well Ordinance 90-1 and will notify Valley Water if wells which are not identified by Valley Water are encountered. The Phase 1 Environmental Site Assessment prepared for the project identified a former well located at the southwest corner of the site. The proposed project will obtain well destruction permits from Valley Water in accordance with Well Ordinance 90-1 and will ensure the well is properly demolished in compliance with Valley Water procedures(Section 3.10 page 100).

Comment C.2: Under the discussion of Hydrology and Water Quality, the document incorrectly states that the project site is not located in a groundwater recharge area. Although the site is not a part of, or adjacent to, a formal recharge pond, the project is in an area of the county that supports natural groundwater recharge (see the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasin). Natural groundwater recharge is an important element of the county's overall water supply, representing approximately 15% of the supply available. The cumulative effect of development throughout the county over the last 50 years has substantially reduced natural groundwater recharge as naturally pervious surfaces have been developed with impervious surface. To avoid the potential impact to natural groundwater recharge from new impervious surfaces the proposed bioretention basins and other elements of the stormwater management plan should be designed to maintain as much runoff on-site as possible to maintain existing natural groundwater recharge.

Response C.2: The proposed project includes bioretention areas which would treat 85th percentile storms and would include pervious surfaces for approximately 43 percent of the project site (Section 3.10 page 107 and 108). This includes unlined bioretention areas and landscaped areas of the project site. These features would retain as much of the site for infiltration as possible for natural groundwater

recharge. The location of the site within the identified groundwater recharge area has been corrected with revised EIR text, see Section 5.0 Text Revisions.

Comment C.3: Water use efficiency is a key pillar of Valley Water’s program to maintain and improve water supply reliability into the future. Valley Water recommends that the developers include water efficient appliances and landscaping. Where feasible, landscaping should get fed with recycled water and the developer could discuss with San Jose the feasibility of a hook up to the South Bay’s recycled water system. In addition, Valley Water recommends the developer include recommended actions from our Model New Development Water Efficient Ordinance.

Response C.3: The proposed project would include the use of water efficient appliances and landscaping. Water fixtures would conform with low flow requirements and landscaping would be restricted to plants adapted to a Mediterranean environment with low water requirements. The feasibility for the project to connect to recycled water was considered for the project, however, the nearest recycled water lines were determined to be located too far from the site to provide service (approximately 0.55 miles southeast of the project site).²

² City of San José. Recycled Water Pipeline System. Accessed January 3, 2022.
<https://www.sanjoseca.gov/home/showpublisheddocument/522/637662536440600000>.

INDIVIDUALS

A. Albert Sahim Comment Letter (Dated August 25, 2022)

Comment A.1: This is a very large project and the teams of people and most neighbouring tax payers have objected to it. They believe it is too much to put 67 cars in this lot.

Response A.1: This comment expresses an opinion regarding the size of the project, and the amount of parking provided on site. As stated on Page iv of the Local Transportation Analysis Prepared for the project, "...the City's vehicle parking requirement of 66 spaces is based on the square footage of the Temple's assembly and circulation space. The requirement does not consider the actual number of Temple visitors and does not account for any particular vehicle occupancy rate." The requirement for 67 parking spaces is consistent with the City of San José parking requirements for a religious establishment of 13,902 square feet per Section 20.90.060 of the Municipal Code. Therefore, the proposed project would not provide substantially more parking spaces than required for the proposed use on the site. This comment does not question the adequacy of the Draft EIR's description of the project and the analysis of expected environmental impacts, and, therefore, no further response is required.

Comment A.2: This is a single family. If city decides to rezone this then every neighbour within two three blocks should be allowed to re. Zone their home. Some may decide to make large additions to their home or make it two story. In general 90% of the people in this area are not happy with this expansion. Some suggested to allow this lot be divided as it was to build three homes.

Response A.2: The commenter speculates that rezoning the project site would lead to widespread rezoning requests by other property owners in the area for the purpose of housing improvements, including adding a second story to homes that are now single-story homes. The proposed rezoning is to the PQP zoning district, and not to a residential zoning district that would allow for more development than currently allowed, so there is no basis to conclude that rezoning this property to PQP would spur rezoning requests on other properties to residential districts. Current zoning which consists of a cluster of R-1-5, R-1-8, and PD – Planned Development uses, allows for second story additions to single family homes, and additions that conform to the zoning development standards are also possible without rezoning and are evaluated on a case-by-case basis, subject to the requirement for a Single Family House Permit when a new or remodeled home exceeds the applicable requirements. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment A.3: There are many real state firms who want to purchase this lot and build a standard home on them. They are asking why city shows favouratizm towards this project ?

People want to continue to have city hear their concerns. Allow people and neighbours to vote on validity of this plan.

Response A.3: The commenter states that there is demand to construct homes on the site, and that the project proponent is receiving favoritism from the City regarding their development proposal. The project site is private property, and the decision to apply for a rezoning and/or planning entitlement is made by the property owner. Any application for a rezoning and/or a planning entitlement must be reviewed by the City pursuant to the Permit Streamlining Act of 1977. This comment does not pertain to the project itself nor raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment A.4: People have complained about several key objective.

1. Is this in harmony with neighbourhood planning team of life here?
2. Is this a service people need in this neighbourhood?
3. Is this going to impact problems for the neighbourhood?
4. Is there an impact to noise and environmental effect of pollution, or safety concerns to children.
5. How many people benefit from this and are this who benefit live in this neighbourhood?
6. The team's of neighbours have met and had brain storming sessions and after careful analysis and review all concluded that they do not believe this construction is suitable in the current location.
7. Two real state agency have found other much more suitable locations which offer greater space, larger streets , cheaper cost to built and closer proximity to large streets. They feel that they want to move this plan to a much better place.

Please provide comments and further advise to the board and recommend any place that you know of so that the temple move can take place to a more appropriate location.

Response A.4: The commenter presents seven local concerns for the neighborhood surrounding the proposed project. Questions 1, 2, and 5 question the benefits of the project and its harmony with the neighborhood, however, they do not discuss the adequacy of the Draft EIR or raise an environmental concern and therefore, no further response is required.

Question 3 asks whether the proposed project would result in impacts to the neighborhood. The Draft EIR includes a comprehensive evaluation of the proposed project's impacts from both construction and operation. As noted in the Draft EIR Section 3.3 through 3.13, all environmental impacts were determined to be either less than significant or less than significant with mitigation measures. The comment does not raise a specific environmental concern and no further response is required.

Question 4 asks whether the proposed project would result in noise, pollution, and safety impacts for children in the neighborhood. As stated above, the proposed project would result in less than significant impacts with regards to these subjects with the inclusion of mitigation measures and impacts to children near the project site would not be significant. (Section 3.3, 3.9, and 3.13) **Refer to Topic Response A. Noise during Construction and Topic Response B. Noise during Operations.**

Question 6 states that the proposed project would result in construction unsuitable for the current location. The EIR analyzed the potential for other locations to be used for the proposed project, however the impacts associated with the project

would not be appreciably reduced at a different location and the feasibility of the project proponent to obtain alternative sites is unknown. Additionally, the proposed project would not conflict with the construction regulations in place in the City of San José and would implement the mitigation measure MM NOI-1.1 on page 122 of the EIR to comply with General Plan Policy EC-1.7 for noise during construction and MM AIR-1.1 on page 46 of the Draft EIR to reduce health risks associated with construction.

Question 7 states that there are better locations identified for the project but does not provide further information about these relocation options. As noted, above, the EIR analyzed the potential for other locations to be used for the proposed project, however the impacts associated with the project would not be appreciably reduced at a different location and the feasibility of the project proponent to obtain alternative sites is unknown. Therefore, the commenter does not provide evidence questioning the adequacy of the EIR and no further response is required.

B. Albert Sahim Comment Letter (Dated October 3, 2022)

Comment B.1: Noise * Air Quality * Traffic Parking (note traffic and Dear City officials: Our concern is going to a deaf ears, does everything have to be taken care of with Lawsuit and accountability officers?)

How does the public have to deal with you folks (The City)

When a resident wants to do a minor addition to his/her house you put everybody through hell? But when a rich guy arrives and wants to put a noisy Temple around a bend of a heavy intersection you guys all fold and even help him.

We Have double standards here.

Neighbours already spoke and told you that it is inappropriate to put this in a residential district. Yet you folks play your games and pay no attention.

Response B.1: This comment mentions noise, air quality, traffic, and parking, but does not make any specific contention about the Draft EIR's discussion of those issues and the proposed project was found to be consistent with the General Plan designation of the site and would comply with the zoning standards for the Public/Quasi Public district. Therefore, the proposed project would not be inappropriate for the project site and would be consistent with city regulations for land uses in residential neighborhoods.

Comment B.2: We have analyzed everything from Noise, Lack of space, Traffic issues for lack of parking to the danger to the little children walking to their school to you folks. Yet it is gone to a deaf ears and nothing is done about it and you allow these three Lot to dominate the right of the entire Tax paying residence in the area.

All the neighbourhood is sick and tired of the city, our secretary has spent hours and hours of time and needs to be paid at the tune of \$50 per hour.

You guys are getting paid by the city and we do not see any results.

We Have double standards here.

Response B.2: The commenter states that the neighborhood has studied the impacts associated with the project and that the city is not listening to the recommendations of the neighborhood. However, no specific comments are provided regarding the Draft EIR's analysis of noise, open space, or traffic safety, and therefore, no further response is required.

Comment B.3: Everything is of concern yet you send us a letter that it is okay??

Like this comment you sent us: parking is no longer a concern under CEQA) -California Environmental Quality Act, but is still a concern for us and a policy concern.) NOISE IMPACTS - cumulative impacts -during construction: trucks idling, digging, traffic to and from site with 600 loads of dirt, large equipment noise, vibration. There are no guarantees noise suppression plans will be done during construction.

It is absolutely illegal of what the city is doing to take away the rights of this residential area.

1) medical respiratory issues to air quality, anxiety, unable to concentrate to work from home, and study from home 4) unable to leave their homes to find other shelter during the demolition process.

It should be noted that the air quality report shows there is some lead in the soil. There was probably also asbestos in the 1950's ranch home. No shielding was used to protect the neighbors from the

toxic dust. **Don't lie to us that there was no "noise disturbance" as is recommended under the Wilson Acoustics Noise Vibration report. Ref: EC-1.7. This is a cover up. People should dictate what they want and not a report that you paid someone to write for you.**

Response B.3: The commenter raises concerns about the demolition of the structures that occurred. Please see Topic Response E. Demolition of On-site Structures.

The comment also questions the effectiveness of the construction noise mitigation described in the Draft EIR. In the Noise section of the Draft EIR it is discussed that the temporary noise generated by construction would be reduced consistent with the construction noise policy EC-1.7 established by the City of San José, employing measures known to be feasible and effective, and construction activities on site would not represent a significant impact on neighbors of the project site. The mitigation described in the Draft EIR would be monitored and enforced by City staff as needed to ensure compliance through the use of a Mitigation Monitoring and Reporting Plan carried out by the City of San José which identifies responsibility for monitoring of construction activities and operational requirements.

The commenter states that air quality issues would prevent residents from living in their homes. As stated in the Air Quality section of the Draft EIR, the proposed project would adequately mitigate the health risks consistent with the Bay Area Air Quality Management District's (BAAQMD) thresholds, which are sufficiently protective of human health. The mitigation described in the Draft EIR (MM AIR-1.1, page 46) would be monitored and enforced to ensure compliance through the use of a Mitigation Monitoring and Reporting Plan carried out by the City of San José which identifies responsibility for monitoring of construction activities and operational requirements. Additionally, the BAAQMD required dust control measures (Draft EIR page 43) would reduce dust and particulate impacts on nearby residences around the project site.

The commenter also claims that the prior demolition of the site was purportedly incorrectly carried out, and that the Air Quality report does not describe that concentrations of lead were found in the soil on the site and does not provide discussion of toxic dust. The demolition of the structures on the site predates the preparation of the EIR, however, the demolition permit approved by the Building Division included requirements established by BAAQMD to deal with hazards frequently found in buildings being demolished, including lead-based paint and asbestos-containing materials, and those are routinely implemented by contractors and the City has no cause to believe they were not faithfully implemented in the demolition process carried out on the subject property. With regard to future construction activity, the Hazards and Hazardous Materials Section (3.9) of the Draft EIR explains the proposed project would implement MM HAZ-1.1 to reduce impacts from agricultural soil hazards during grading of the site (Page 96). Refer to **Topic Response A. Noise during Construction** for more information about construction noise, **Topic Response C. Transportation and Parking** regarding parking concerns, and **Topic Response E. Demolition of On-site Structures** regarding the prior removal of buildings on-site.

Comment B.4: You try to underplay that :

Lies deceit and false report are punishable by Law:

Bottom line we are not interested in any kind of noise and construction, this area is already built and we can not endure noisy area as most people are still working from home.

Construction hours were stated in the notification to neighbors to start no earlier than 8am. Those hours were breached. Though lawful hours for construction in San Jose are from 7 am to 7pm on weekdays, there was one instance where trucks were going before 6:45 am. This was heard from 1000 feet away and verified by viewing the project site. Masks were not used at times, against the order of Santa Clara County. Report was made, and we were told those folks were from the same household. There is a major trust issue with this developer. Prior to construction implementation, notice to neighbors should be given at least 1 week in advance of anticipated work commencement and timelines of work and type provided. An independent noise disturbance coordinator who responds to neighbor concerns approved by the neighborhood should be required and in place prior to work commencement. – cumulative impacts-during temple operations-noise study shows the temple may create noise levels at 71 dba. This is stadium level noise (San Jose General Plan), and even under P/QP requires a special use permit. Highest outdoor noise level is 60 dba or less permissible for residential under San Jose General Plan. The projects' noise study showed noise level around the perimeter of the project to average 48 to 49 dna/ dba. The report also shows the project should strive to keep the noise at no higher than 5 over the current dba, which would be 55 dba. To mitigate this level, the noise report states sound wall and volume suppression equipment should be used in outdoor amplification.

These are all gimmicks, we request no construction noise as we all have children and this noise is going to be very disturbing.

Sound wall and noise volume suppression equipment will not be enough to lower the noise level to 54 dba/dna. Volume suppression devices are not guaranteed to be used. Sound sources including high pitched devices, any outdoor amplification should be held entirely contained inside the temple facilities. A sound monitor would need to be placed at a facility for outdoor activities to ensure compliance as is done at other facilities where neighboring homes could be affected. Any activities should cease by 10pm or earlier on weekends and 8pm on weekdays. Placement of noise producing equipment should be placed as far from any residence as possible. Garbage pick up should be at the curb or another location that is not requiring garbage trucks to drive through the facility and next to neighboring fences

Response B.4: This comment concerns the noise analysis prepared for the project, including both temporary construction noise and operational noise once the facility is in use. The comment expresses an opinion that the noise report prepared for the proposed project is deceitful but is without support or specificity. The noise report was prepared by qualified professionals with experience evaluating such projects and was independently reviewed by the City staff as lead agency prior to public release.

Additionally, the commenter raises concerns about the operational noise, the hours that outdoor amplified noise should be allowed, and the condition to limit outdoor amplified noise to 71 dBA. The Draft EIR evaluates the project as proposed and does not comment on the appropriateness or necessity of the project. The commentor's suggestions about differing hours of operation and the siting of

equipment is noted and can be considered by the decision-makers. The proposed mitigation for the project includes the provision to have an on-site disturbance coordinator to receive noise complaints and advise measures to reduce impacts during construction. Refer to **Topic Response B. Noise during Operations.**

C. Daniel deTar Comment Letter (Dated October 7, 2022)

Comment C.1: Too all whom this may concern,

I live on Ruby Court. My home is approximately 1000 feet away from this proposed temple.

The Khmer Krom community is much too large to have their main worship facility on this tiny parcel. They admit that their current family membership is 300 families, and growing. This likely means there are upwards of 1000 people who will use this facility. And growing.

It makes no sense to me why this group would choose this lot for their expansion plans. It's already way too small for the activities that they would like to have.

Between weekly services, weddings, funerals, special functions and Buddhist holidays, it is reasonable to assume that there will be functions with sizable gatherings several times per week.

Why here? It simply makes no sense.

Response C.1: The commenter states that the Khmer Krom community is approximately 1000 people and would require expansion of the temple project to serve the needs of the community. Regardless of the size of the community, the proposed project is designed for events with a maximum of about 300 people during special events, it is not intended or expected that all members of the Khmer Krom community would use the facility or attend events at the same time, as the facility is not designed for such an occupancy. The Draft EIR evaluates the facility as it is proposed to be used using information about operations provided by the project applicant. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment C.2: It is located at the busiest corner in our neighborhood, that already has several accidents per month.

Response C.2: The commenter states that the intersection where the project is located is the busiest corner in this area of the City and that several automobile accidents occur in the area each month. The traffic analysis conducted for the proposed project determined that the intersection has a peak queue of seven vehicles and average of four queueing vehicles. In addition, the proposed project would manage on-site parking and would assist the City with the construction of roadway improvements at the intersection of Norwood Avenue and Ruby Avenue, including a traffic circle, to improve operations of the intersection. This is currently a functioning intersection operating at a Level of Service of B or C according to the traffic report prepared by Hexagon. Additionally, a report conducted by Henshaw Law Office for traffic accidents from 2013-2017 within the City of San José determined that the intersection of Norwood and Ruby Avenue had less than eight accidents over the course of the five years. Therefore, the commenter is incorrectly stating that several accidents occur per month.³

³ Henshaw Law Office. San Jose's Most Dangerous Intersections. July 2019. <https://www.henshawhenry.com/san-joses-most-dangerous-intersections/>

Comment C.3: The massive construction project will also create chaos with traffic, noise, dust, and additional turmoil within the immediate neighborhood.

Once the project is complete, the same chaos will continue with insufficient parking, noise, and many more accidents at that intersection.

I wish it was really a case of 8 contemplative monks praying quietly all day. In reality, they plan gatherings of hundreds of people and plan to shuttle participants in for each function.

I ask you this: If you wanted to attend a function at a location that had no parking, and your choices were to go to a school parking lot and wait for a shuttle or would you rather drive yourself to a residential location close to the facility, where you know your car would be close by, safe, and easily accessible should you need it? What would you do? I think the vast majority of us would much prefer the latter. And very few would choose the former. Especially considering the rampant car burglaries and Catalytic converter thefts going on these days.

It is unrealistic to expect a large group of people to adhere to these "promises" from the PR group pushing this agenda.

I am not Buddhist. But I have many friends and some relatives who are. The religious aspects of this are welcome. The cultural aspects are also very welcome. The thought of an occasional celebration or memorial near my home is also fine. However, these events won't be occasional. They will be regular events happening on all days of the week, every week, all year long.

Response C.3: The commenter raises concerns about construction impacts that have been addressed in Responses C.1 and C.2, and expresses an opinion that attendees will choose to park in the surrounding neighborhood rather than utilize the parking shuttle proposed for the project. The comment also questions the frequency of the events to be held on the site. The Draft EIR evaluates the project as it is proposed to be operated as described in Section 2.2.5 of the EIR (page 13). This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment C.4: The size and scope of the proposed buildings, along with their occupancy proposals do not mesh with the lot size, available parking, traffic concerns, and safety concerns of our neighborhood.

I adamantly oppose this project for all of the above reasons.

I recommend a denial of the conditional use permit. I recommend the Khmer Krom community sell this lot to a developer who will build the six modest single family homes that the neighborhood needs and originally expected.

Response C.4: The commenter identifies that the proposed project would result in inconsistency with the surrounding neighborhood due to size and massing, parking, traffic, and safety. They also recommend for the developer to sell the project site for residential development. The Draft EIR includes a comprehensive evaluation of the proposed project's impacts from both construction and operation. As noted in the Draft EIR Section 6.0, all environmental impacts were determined to be either less than significant or less than significant with mitigation measures. The No Project – Redevelopment with Currently Allowed Uses alternative provided for the project assumed that 21,000 to 35,000 square feet of building area would be developed on site if the proposed project was not built. This is more than 7,000 square feet of additional building area beyond the development of the proposed project. Therefore,

the size of the single-family home development alternative would be a larger project than the Temple proposal. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

D. David Ciraulo Comment Letter (Dated September 21, 2022)

Comment D.1: Hello, I have listed a few concerns that my wife and I have regarding the proposed temple at the corner of Ruby and Norwood Ave.

1. The sound level will be too disturbing for our neighborhood(the sound will echo throughout the neighborhood).

Response D.1: Noise from the project site would be attenuated by the on-site buildings (for activities in the courtyards) and would be limited during indoor activities. The primary source of noise identified in the Acoustical Analysis was determined to be the on-site amplification system, HVAC, and fan noise from the community building. As stated in Section 3.13 Noise and Vibration of the Draft EIR, the mechanical features on-site would not result in noise exceeding the ambient noise of the area around the project site. Further, the amplified noise on site would be directed and limited to reduce impacts on the neighborhood when in use, as stated on page 124 of the Draft EIR. Therefore, the Draft EIR properly addresses the noise from project operations and would not require revision or recirculation. Please also refer to **Topic Response B. Noise during Operations**.

Comment D.2: 2. Increased traffic, causing more collisions at this intersection.

Response D.2: The commenter is concerned that the project would increase traffic and cause more collisions at the intersection. The site is currently vacant so any development at the site would increase the number of trips through the intersection and subsequently incidental accidents could occur. The traffic report prepared for the proposed project determined that intersection operations would not change with the proposed project and with the inclusion of the roundabout, the proposed project would improve operations at the nearest intersection. Therefore, the proposed project would not significantly increase traffic or associated accidents.

Comment D.3: 3. Safety concerns, increased noise, parking issues.

Response D.3: The project commenter states concern with safety, increased noise, and parking. Page 34 of the Hexagon LTA determined that the site has adequate circulation space for safe operations. Additionally, the Draft EIR included operational conditions of approval on page 124 to reduce operational noise to levels in compliance with San José policy EC-1.2 and EC-1.3. Please also refer to **Topic Response B. Noise during Operations**. Finally, the proposed project includes parking management measures to ensure site parking does not result in issues for the neighborhood including providing adequate parking for daily operations and enacting a Traffic and Parking Management Plan for offsite parking during special events, as noted in Draft EIR Section 2.2.6 (page 14).

Comment D.4: 4. The size of the proposed temple is too large for the size of the property.

Response D.4: The commenter states an opinion that the project is too big for the project site. The City has determined that the proposed project meets the

development standards for the site. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment D.5: 5. The infrastructure will not accommodate the increase traffic flow.

Response D.5: As stated above in Response D.2 and D.3, based on the traffic study conducted by Hexagon for the proposed project, the intersection operations would not substantially change from the existing conditions and the roadways would not significantly worsen the LOS of the Norwood/ Ruby Avenue intersection. Additionally, this comment pertains to traffic level of service which is no longer considered a metric to evaluate traffic impacts under CEQA. The commenter does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment D.6: 6. Resources such as water and electricity would be inadequate 7. Will not meet the City Plan.

We would appreciate you considering our worries and fears for our neighborhood.

Response D.6: The commenter believes that the proposed project would not have adequate water or electricity capacity and would not be consistent with the General Plan. For the reasons provided in the Utilities and Service Systems section (Section 3.19 page 162 through 164) of the Draft EIR, the proposed project's water demand would not exceed the available water supply or electricity based on existing demand. Additionally, although the proposed project is pursuing a zoning change for the project which would be consistent with the proposed site changes, the project is consistent with the General Plan and does not require a General Plan Amendment. Therefore, the proposed project would not result in inconsistency with water or energy use and would not conflict with local planning designations.

E. Dee Dee Pho Comment Letter (Dated September 21, 2022)

Comment E.1: I am the owner of 2873 Sweetleaf Court, San Jose CA 95148. My backyard is connected with this lot. Based on the proposed drawing, I will be facing a parking lot with car exhaust, noise and open parking lot means safety is at risk. This project has a direct impact my family health and safety.

some of my concerns from the EIR document:

1. Noise + sound level, temple bell, sound system speaker, crowd noise on weekend gathering. where we look to rest at home on weekends to recharge for a new work week, now i need to worry about noise echoing and what to do when i's intolerable. what will do you if you are at on a Saturday morning and it will be loud, car driving in, outdoor speaking, singing each weekend?

Response E.1: Refer to **Topic Response B. Noise during Operations.**

Comment E.2: 2. the traffic!!! it is already congested and lots of accidents. Where will they park? The proposed parking in a joke for their size.

Response E.2: The commenter is concerned that the project would increase traffic and cause more collisions at the intersection. The site is currently vacant so any development at the site would increase the number of trips through the intersection. The traffic report included as Appendix H prepared for the proposed project determined that intersection operations would not change with the proposed project and with the inclusion of the roundabout, the proposed project would improve operations at the nearest intersection. Therefore, the proposed project would not significantly increase traffic or associated accidents.

The proposed project would meet the City of San José parking requirements for religious establishments as described in Section 3.17.3 of the Draft EIR.

Comment E.3: 3. have you seen the infrastructure? i's humongous and out of character. it does not blend in with a residential neighborhood. It ca't bring peace and tranquility if each day you have to deal with traffic, noise on weekends and possible weekday praying, bell ringing. THIS IS A RESIDENTIAL ZONE with homes, not an oversize, massive infrastructure that does not fit in.

Response E.3: The commenter states that the project is too big and out of character with the neighborhood. The Draft EIR has evaluated the project as proposed, taking into account the size and proposed use of the facility (Section 3.1). The size of the temple is similar in floor area to other uses in the surrounding area and would not conflict with existing land uses as discussed in **Topic Response D. Land Use and Development Standards.**

Comment E.4: 4. Resources: water, land risk, who will we call if they flood our streets with car, if they blast out because of wedding celebration, music, speaking outdoors. What do we do? Who can we call on the weekend?

Response E.4: The commenter asks for clarification regarding enforcement of the conditions of approval regarding parking and outdoor noise in the event of issues at the site. The City of San José Code Enforcement staff would investigate complaints

in the event that noise or other issues arise during operations. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment E.5: We are helpless neighbors who only wish this project and billionaire would reconsider building residential buildings instead of bullying us by having their professional companies, their big relationship to force us to put up at our own, our resting place. I wonder if any of the Canyon Snow owners, or anyone else would like to move here and live next to the temple as an example for us. please , if this was next to your backyard, then? Please disapprove this out of scope , out of character project. We want regular homes for a residential area.

Response E.5: The commenter states an opinion that the project is too big and out of character with the neighborhood. The City has found that the proposed project would be consistent with the development standards of the project site. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

F. Ernie Lipari Comment Letter (Dated August 24, 2022)

Comment F.1: 'm hoping my email, with many others in my neighborhood who feel the same, is taken seriously.

The WAT KHMER KAMPUCHEA KROM TEMPLE, in our neighborhood is the absolutely wrong area to be built.

I know the City of San Jose does not care about what our neighbors think and is embedded with this temple plan.

All I want to say is to please allow such a temple to be built in a more viable, public transportation zone that does not interfere with our neighborhood in the Evergreen foothills.

Response F.1: The commenter states an opinion that the project is incompatible with the neighborhood and would be better placed elsewhere. The project site is private property, and the decision to apply for a rezoning and/or planning entitlement is made by the property owner. Any application for a rezoning and/or a planning entitlement must be reviewed by the City pursuant to the Permit Streamlining Act of 1977. Location alternatives for the proposed project were analyzed in the Draft EIR Section 7.3.2.1 and were not determined to be feasible for the proposed project.

G. Janet Holt Comment Letter

Comment G.1: As a neighbor 1000 feet from the above proposed project location, I have many concerns about the impacts to the neighborhood about size, location, safety, traffic, parking, noise, and air quality. The DEIR does not fully address all the impacts. It does not address the real occupancy levels this regional facility will attract. A clear study of relocating the project to a more suitable site should be done. The DEIR should be resubmitted with more information. This beautiful project belongs on a larger property with plenty of roadway access, buffering between neighbors and room for growth. More than one small driveway should be incorporated at a new site. Should this project be approved at the current location, it should be downsized, and several conditions should be placed to meet both some objectives of the project and the abide neighborhood residentially zoned property.

Response G.1: The commenter provides an introductory statement that provides generalized concerns regarding the project and the Draft EIR's analysis, including the opinion the project would be better placed elsewhere, or that it should be downsized if approved for the current location. These comments are made in more detailed fashion in the following comments, where detailed responses are provided, as necessary.

Comment G.2: AREAS OF CONCERN

Noise * Air Quality * Traffic* Parking

NOISE AND AIR IMPACTS

-Cumulative impacts during construction: trucks idling, excavation work, construction traffic to and from site with 600 loads of dirt, large equipment noise, vibration, and air quality concerns.

Past and Future Impacts:

The demolition of 100-year-old barns cottage and a 1950's home caused detrimental noise, vibration, and negative impacts over approximately two and a half weeks. No construction plan was distributed or posted outside the project. A notice for demolition was given the same day as the work started. This was at the early stages of the Covid pandemic Shelter in Place Order, during one of the most historic public health challenges of our time. The only construction permissible at that time was for emergency housing and other emergency situations. The emergency waiver to begin demolition during the shelter in place was asked for and never provided. An "approved demo permit" and an "approved permit/waiver" to start construction during a County Wide Emergency Health shutdown are two different things. Please provide the emergency release to start construction on a non-essential, non-emergency construction project.

Response G.2: The commenter discusses demolition of the buildings on site which occurred under separate permit application before the Draft EIR was initiated for this project. Refer to **Response B.4** for more information regarding cumulative noise impacts during construction. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment G.3: Issues of neighbors were:

- 1) no prior notification of construction commencement and construction during a county wide shelter in place order.
- 2) confusion about the project status

3) dust, noise, vibration that disrupted their ability to work, study, use their front and backyards.

The impacts to neighbors were:

- 1) Respiratory issues due to air quality over two and a half weeks
- 2) Anxiety in relation to status of project, not able to determine what contaminants may be in the soil (lead) or asbestos in the home during demo, noise, and vibration
- 3) Difficulty working, studying, enjoying homes due to noise and air quality
- 4) Unable to leave homes to escape the noise and poor air quality. Could not go to work or school, or a library as the county was shut down. It should be noted that this EIR document shows there is lead and other contaminants in the soil. We were not given that information at time of demolition. There may have been asbestos in the 1950's ranch home. No shielding was used to protect the neighbors from the toxic dust.

There was no "noise disturbance coordinator" as is recommended under the Wilson Acoustics Noise Vibration report. Ref: EC-1.7. Construction hours stated in the notification to neighbors to start no earlier than 8am. Those hours were ignored. Though lawful hours for construction in San Jose are from 7 am to 7pm on weekdays, there was an instance where trucks were working before 6:45 am. This was heard from 1000 feet away and verified by viewing activity at the project site.

Response G.3: The commenter discusses demolition of the buildings on site which occurred under separate permit application before the Draft EIR was initiated for this project. Refer to **Topic Response E. Demolition of On-site Structures** for more information on demolition. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment G.4: Should the current project be approved, the neighborhood can expect at least 24 months of the same type of detrimental impacts as above, less the shelter in place order.

Suggested condition of approval: Prior to construction implementation, noticing to neighbors should be given at least one week in advance of anticipated work commencement including:

Types and timelines of work to be performed. An independent noise disturbance coordinator who responds to neighbor concerns approved by the neighborhood should be required and in place prior to work commencement. Continued testing of soil and air samples should be taking place during all phases, especially anything regarding dirt, dust, digging. All measures must be taken to protect neighborhood and workers at site.

Response G.4: The commenter correctly identifies the duration of construction disturbance associated with the proposed project. Measures recommended by the commenter are incorporated in mitigation for the proposed project for hazardous materials and noise (MM HAZ-1.1, MM NOI-1.1, and MM NOI-2.1). These include the identification of a noise coordinator and sampling of soil prior to excavation of the site. Therefore, the Draft EIR would not require revisions or recirculation.

Comment G.5: -Cumulative impacts-during temple operations

Noise study shows the temple may create noise levels at 71 dba. This is stadium level noise. San Jose General Plan and under P/QP requires special permit to operate at this level. The projects' noise study showed current noise level at the perimeter of project to average 48 to 49 DBA/DNA. The report also shows the project should mitigate the noise level to 55 DBA. To mitigate to this level, noise report states sound wall and volume suppression equipment will be used.

The report also states project will use outside amplification. It can be assumed project will also want

to use non amplified musical instruments. Some instruments have a far higher sound range than others, for instance drums, bells, and bass instruments. These should not be used in outdoor environment as the temple project is too close to neighbors and will cause detrimental noise. For comparison, other local facilities holding outdoor events are NOT allowed any outdoor amplification. Ref: Casa Grande (Almaden) run by Santa Clara County Parks and the Sikh Gurdwara San Jose. Both facilities do NOT allow outdoor amplification. Both also have more buffered land and setback from neighbors.

Sound wall and noise volume suppression equipment will not be sufficient to lower the noise level to 55 DBA/DNA during crowded conditions with over 50 people. Although a thoughtful sound system including a volume suppression device is to be installed, it can be turned up. As a reasonable expectation, crowd conditions will determine how loud the sound system would be turned up to be heard over crowd chatter. It is reasonable to consider it will be a lot higher than the 71 dba and go over the max allowable at 55 DBA, even with mitigation.

Response G.5: Refer to **Topic Response B. Noise during Operations.**

Comment G.6: -Other operational noise impacts are traffic, parking lot, placement of garbage container, placement of HVAC equipment.

Traffic will be considerable during festival events and contribute to noise, safety concerns, air quality issues. Parking at large festivals requiring at times 8 valets, offsite parking, and shuttles. The parking lot adjoins Pin Oak Ct, Sweetleaf Ct and the neighbor on Ruby fence lines.

The garbage dumpster and HVAC equipment are placed all the way toward the back of the facility next to neighbor fences where the impacts to neighbors would be maximum. The garbage truck would have to drive into the driveway, through the parking lot thus impacting the middle neighbor home, Pin Oak Ct and Sweetleaf Ct homes.

Suggested conditions of approval: Sound sources including certain musical instruments, microphones, megaphones, and any amplification should be held entirely indoors. No outdoor amplification should be allowed. This facility is too close to surrounding neighbors. A sound monitor would need to be placed at facility for activities to ensure compliance. Any activities including set up and clean up should begin no earlier than 8 am and cease by 8 pm on weekdays and 9 am to 10 pm on weekends.

Placement of noise producing equipment like HVAC, filters, should be placed as far from any residence as possible. Garbage dumpster container should be placed inside facility as far away from any neighbor as possible to mitigate air quality, noise. Garbage pickup relocated to the street curb or another location that does not require garbage trucks to drive through the facility and next to neighboring fences.

Response G.6: The commenter requests that the proposed project would relocate project features to avoid noise impacts on nearby residents. The Draft EIR evaluates the project as proposed by the applicant and concluded that the operational noise of the proposed project would result in less than significant impacts with mitigation. The adjustments to the project design features provided in the comment will be considered by decision makers, however, this comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment G.7: -Operational adjust Alternative areas of Public Concern-Pg. ix.

Wedding receptions, large annual holiday celebrations, flower festival would create too many

detrimental impacts to the community, creating noise, traffic, safety, and air issues. Large festival parking will be a fiasco at this busy corner in the middle of a residential area. Further, the DEIR is unclear as to how many actual events will take place per year. One could calculate based upon DEIR statement, that just one of several events that happens 4 times per month is 48 events per year for that event. Adding the 48 to the rest of the cultural celebrations, religious holidays, seminars, teaching events, weddings, fund raising, annual celebrations, the events then escalate.

Please go back and find out exactly how many events per year for the following:

50 persons

100 persons

200 persons

300 persons

300 plus persons

Important decisions are relying upon accurate information. Should we assume that there will be weddings/receptions every weekend? That needs to be counted. For a community of 6000 people there must be a way to calculate all of these types of events and come up with a reasonable number. The document is not clear as to actual numbers of events. Tables providing events, over how many days, number of folks are fine, but they need to be summarized and the various estimated number of additional events must be added into the summary.

Suggested Condition of Approval: Any and all adjustments should be made to limit operations. Hours should be cut to the most minimum hours and designate quiet hours. Signage should be placed in the onsite parking lot on the soundwall abutting adjacent homes, at intervals and large enough to be clearly visible indicating this is a residential neighborhood and quiet should be respected. As an example of best practices, quiet signs are placed at the Hakone Estate and Gardens parking lot in Saratoga.

Wedding receptions, flower festival, large annual festivals should be held offsite to a more spacious and suitable event space. There should be no large crowds over 50 people at any time, including the outside courtyard areas to minimize detrimental impacts to the neighborhood. There should be a maximum allowable occupancy per day established within reasonable hours.

Response G.7: The Draft EIR provides an overview of the events which would occur on site over the course of a year in Section 2.2.6 based on best estimates for operations at this time. The frequency and approximate guest counts are included in Section 2.2.6, as well as the approximate timing of each event. The Draft EIR also analyzed the project with an estimated maximum occupancy of 300 people. This comment does not raise any issues about the adequacy of the Draft EIR, therefore, no further response is required.

Comment G.8: -Additional Air quality concerns-and Safety

The construction plan indicates there will be up to dirt hauling truck 600 trips. This is an enormous number of trips laden with heavy loads. The potential for excessive noise, air contamination and road destruction are a reasonable concern.

If the temple eliminated the 2 basements, they could reduce some detrimental impacts to surrounding residential community, including toxic dust, excessive noise, excessive digging, less heavy truckloads of dirt, less gas used to move from one place to another.

This facility has a planned outdoor smoking area and will use scented incense for their cultural and religious practices. Smoking, even second hand, is known through medical studies to be detrimental to health. Studies on incense burning also show detrimental health factors exasperating asthma,

allergies and adding to unhealthy particulate matter. References: NY Times 12/15/20, Lung.ca - Canadian Lung Association, Springer-Science and Business Media Aug 25, 2015NIH, April 2008. As a condition of approval to mitigate toxic and sensitive air receptors, the entire facility should be NON-smoking, and any use of scented ceremonial incense should be confined to indoor spaces with sufficient air filtration that does not harm the sensitive receptors. page 14 EIR document.

Response G.8: The commenter suggests that the project should remove the basements from the project to reduce construction emissions and truck trips. The Draft EIR discusses air and noise impacts in Sections 3.3 and 3.13 and determined that, with mitigation measures incorporated, the proposed project would not result in significant impacts on sensitive receptors near the project site. Additionally, any smoking and use of incense on site (a non-CEQA issue) would be short term, localized to the project site, and be diffused in the outside air which would not result in substantial impacts to the nearby residents. Therefore, no changes to or recirculation of the document are required.

Comment G.9: -ERRORS

Characterization of current zoning/allowable uses/density and intensity
EIR report Page ix -Under Summary of alternatives to Proposed Project
Project Redevelopment with current allowable uses information is incorrect. The DEIR indicates 14 homes plus ADU's /14 residential lots are allowable if redeveloped into residential homes. This statement is also the basis for calculating comparable square footage, density, intensity and operations between a residential development and the temple project. Please correct, update, and recirculate: Current zoning is R-1-5, allowing for 5 homes per acre, not 8. To calculate square footage on 14 homes, vs the probably 8 or 9 if developed as residential under R-1-5 is incorrect. It is reasonable to state 14 homes with possible ADU's, residential usage and operations would have less impact to the neighborhood, density, operations, intensity, traffic, and parking. And is more reasonable to state that 6 to 8 homes would have even less impact. The need for a driveway/street would reduce the number of homes on the lot as well.

Response G.9: According to Chapter 5, page 14 of the General Plan, the typical density for Residential Neighborhood General Plan designation is eight dwelling units per acre. This is the source of the 14-unit development estimate. Therefore, the estimates in the Draft EIR are accurate and no revisions or recirculation of the document are required. In addition, as discussed in the Draft EIR Section 7.3.2.3, page 178, impacts under the No Project – Redevelopment with Currently Allowed Uses Alternative would be similar to the proposed project.

Comment G.10: Occupancy

The project application states no more than 300 people will be onsite at one time, less staff, monks, and service providers (unknown number of people).

The very first mailer sent to the community characterized the temple project as much smaller with just a few events, (3) holidays) a few people, a small monks' residence, on site parking and a playground for their families. See below:

A preliminary application stated 500 community members and guest, total 508 people attending special events twice yearly. (ref: Preliminary application (Pre-18-190) review letter from City of San Jose dated November 5, 2018.

A later news article in San Jose Spotlight quoting Lyna Lam mentioned 300 families.

The current application says 300 people at one time.

A recent article states Lyna Lam would like to serve their San Jose community of 6000 people. The article states Lyna Lam intends to serve 6000 people from the San Jose area. Ref: Published Sept 28th, California Globe titled “Northern California activist builds a temple for San Jose Cambodian Population.

These inconsistent numbers are misleading and can lead to a reasonable conclusion that the lesser total number of persons of 300 now indicated on their application is unreliable and understated. Let’s get these numbers right. There is no going back should application be approved. Per applicants’ own words, they wish to serve 6000 members of the San Jose community. There is clear documentation all along that the number of intended visitors has changed. Preliminary app, 508 people, then 350 families, now 300 people. This is very different from saying there will be 300 at any one time. Even with a staggered occupancy of 300 at one time, a thousand people could potentially attend over one day. The potential to forever change the peaceful neighborhood character to one of a destination site is very real with very real impacts.

Response G.10: Safe occupancy of the site would be determined by the San José Fire Department and would be based on the occupiable space of the proposed project, subject to the proposed limitations not to exceed 300 attendees at one time included in the permit application. The environmental analysis is based off the most recent application because it is the most current information provided by the project proponent and most accurately represents the project. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment G.11: Requesting: Amend the DEIR document to clearly identify R-1-5 as the zoning and that it allows 5 homes per acre.

Recalculate the correct density of 5 residential homes per acre on an irregularly shaped 1.86-acre site and compare to temple use as shown above.

Investigate past and present stated occupancy level inconsistencies with actual usage and anticipated usage at any one time and calculate for future growth based on a community of 6000 people.

Acknowledge building sizes are large enough to hold many more than 300 thus providing for crowds higher than 300 at any one time.

Question and study why the temple building, which is much smaller of the two buildings, minus sacred temple square footage is the only square footage, again minus the sacred space, being calculated for parking requirements since, one would reasonably conclude both buildings will be used at the same time.

If the objective of the project is to have a full-service facility serving a community of 6000, then a full disclosure of potential persons on site at one time as well as potential of persons staggered throughout the day need to be recalculated. Please update and **recirculate the DEIR.**

Response G.11: The proposed project does not have expansion to 6,000-person capacity as an objective. The proposed building sizes are planned for a maximum capacity of 300 people at a time, and parking for the site would limit standard operations to less than 180 people at one time for daily operations. Refer to **Topic Response D. Land use and Development Standard** for more information about occupancy assumptions. This does not express specific concerns about the adequacy

of the Draft EIR therefore, recirculation of the Draft EIR is unwarranted, and no further response is required.

Comment G.12: Description of Roadways adjacent to project: Roadways are described on the traffic report allowing parking on Ruby Ave. Ruby Ave does not allow parking from Aborn Rd through Tully Rd which includes the area fronting the project. The roadway in front of the temple (from Quimby to the south to Tully to the North) is a two-lane roadway with designated bicycle lanes. It should be noted the stop sign at Ruby and Norwood is frequently run, there are frequent accidents at the intersection and close by due to speeding, running the stop sign and vehicle donuts all along Ruby.

Currently, as noted Ruby is a no parking roadway from Aborn through Tully. It is reasonable to assume, given the lack of on-site parking, during activities over 50 people, folks could park illegally on Ruby in front of the temple on both sides of the roadway. As a foundation for this reasoning, illegal parking happens daily during the week on Ruby Ave between Quimby and Norwood while parents wait to pick up children from Evergreen Valley High School. Although it is illegal to park there, but folks do so anyway.

Response G.12: The commenter is correct in the assertion that Ruby Avenue does not have parking allowed on street near the project site. However, this is a generalized description of the roadway which allows for parking on some portions of the street and the description specifically states that no parking is allowed near the project frontage (Section 3.17.1.2 page 144). The proposed project is subject to City parking requirements and includes a parking plan which would include off-site parking to disincentivize parking on surrounding streets. For large events projects are asked to provide TDM (transportation demand management) and/or TPMP (traffic parking management plans) to help alleviate parking and traffic issues. For this project specifically, the project meets City parking requirements and for large events they will be required to provide an off-site parking agreement alongside with valet parking and shuttle services. Further, parking for church events would be a different scenario than the temporary school drop off discussed by the commenter and is not comparable. Additionally, any illegal parking would be handled by the City's Department of Transportation or local authorities and is not a concern of the Draft EIR.

Comment G.13: -Additional Environmental Concern:

Water: Drought year: It is reasonable to be mindful of approving any discretionary project application during a drought. The need to conserve precious water resources is critical.

Wildfire and water use: Using the adjacent fire hydrant for construction water during a drought may lower the amount of water available and lower water pressure. The last large wildfire in our area was in August 2020 where resident's half a mile east of Murillo Ave were on mandatory evacuation. In addition to above mentioned SCU Lightning Complex fire, there are typically one or two fires in the hills east of the project that burn quickly and require air support every year. The typical wildfire areas are between half a mile to a mile away. Should Reid Hillview airport be shut down sooner than 2030, critical air support and the convenient multiple fire hydrants will be gone, further impacting the availability of water and air support. These issues should be considered.

Response G.13: The commenter suggests that the proposed project would result in greater fire hazard due to increased water use. The water use at a single site would not substantially increase the threat of drought and fire hazard or the availability of water supplies to fight a fire, especially in a fully urbanized area. The proposed project is also consistent with the General Plan designation of the site and therefore the water consumption would be consistent with the analysis in the 2040 General Plan FEIR as discussed in the Draft EIR Section 3.19.2.1, which stated that the City would have water resources for full Plan buildout. In addition, as noted in the Draft EIR Section 3.20.1.2, the project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity or Wildfire Urban Interface zones.

Comment G.14: Alternate Location Rejection Reasons: starting at page 176. The argument that the owner needs to be a governmental agency using eminent domain to acquire land makes no sense. There are other, larger pieces of land for sale. Private persons, business owner can buy/sell land. The project developer bought the proposed project land with an R-1-5 zoning designation. This land had structures on it, developers demolished, is seeking a discretionary permit and a higher density rezone to accomplish the objectives of their project. This could be done in another larger location that would allow for their full operational needs. A larger piece of land would, allow for growth, expansion, serve the potential 6000-person religious community they wish to serve. The project should be located where there is sufficient buffered land from neighboring homes, allow for several entrances and exits to the property to allow for better traffic flow and parking. By choosing a suitable alternate site the current site would be open for the residential uses it is intended and zoned for. The DEIR says an alternative location site was not studied because as a matter of case law it doesn't have to be. However, it is the reasonable thing to do. Neighbors have asked for the project developer to relocate to a more suitable location since the beginning siting reasonable arguments such as all listed above.

Response G.14: The commenter asserts that the developer should have chosen an alternative plot of land for the proposed project due to size and other incompatibility, and that the Draft EIR should have included discussion of an alternative location(s). Section 7.3.2.1 identifies alternatives that were considered but rejected, including a location alternative. As stated in the Draft EIR, the project proponent is not a public agency capable of invoking eminent domain, therefore, any alternative location(s) would need to be sites which the applicant was capable of acquiring and which allow for religious assembly uses. The feasibility of the project proponent acquiring or controlling a similar property suitable for meeting the project objectives identified for the proposed project is unknown, and therefore, a location alternative cannot be presented as at least potentially feasible. As noted in the Draft EIR, CEQA Guideline Section 15126.6(a) indicates an EIR shall "describe a range of reasonable alternatives to the project, or to the location," which case law has confirmed means an EIR need not always include a location alternative, see for instance the 2009 published case California Native Plant Society v. City of Santa Cruz. While the applicant for this project presumably considered multiple alternative locations to acquire in deciding to pursue their project at this location, the City as lead agency is not now able to speculate about other potential sites the applicant may be able to acquire to accommodate the project, in lieu constructing it at the proposed

location. As affirmed by the noted case, neither CEQA nor the Guidelines expressly require an EIR to include a location alternative, particularly for private development applications.

Comment G.15: Reduced scale rejected argument: Reducing the scale would absolutely reduce the impact to the neighborhood. Should scale, size, height and eliminating underground basement spaces would reduce construction time, noise, bad air quality, operations, affects to neighborhood. Bring the height down to 35’ at any one point. This could allow for more onsite parking and open space, visibility with the original small playground inclusion.

Response G.15: The purpose of alternative designs is to reduce significant impacts identified in the Draft EIR that are associated with the project. All project impacts were mitigated to less than significant with mitigation and conditions of approval included in the Draft EIR and therefore reduction in the size and height of the project would not substantially reduce impacts further. Additionally, reduction in the size of the project would reduce the project’s ability to meet the objectives established for the proposed project which includes the ability to provide religious services to the Buddhist temple congregation. The project proposes two buildings that together total almost 14,000 square feet, including a community building that is 11,000 square feet and a temple sanctuary that is 3,000 square feet. On the approximately 1.86-acre site, that represents a floor-area-ratio (FAR) of 0.17, which is in keeping with the proportional amount of development on a single lot within a single-family detached residential neighborhood (approximately 0.45 for a residential neighborhood). A FAR of 0.17 represents 1,000 square feet of building area on a 6,000 square foot lot. Further, the proposed project was analyzed as proposed and the findings of the EIR did not support a basis for analysis for reducing the height of the structure. Therefore, it is correct to reject the reduced scale alternative as stated in Section 7.0.

Comment G.16: Objectives for temple:

Among the objectives of the temple are to build a peaceful facility and be a good neighbor. See page 180. Reducing activities, footprint, would bring more peace and tranquility to the neighborhood.

Building a facility to serve 6000 people at the current location goes over the scope of their project thus cannot fulfill their objective. Pg. 176.

What is the case law case # siting reasonable alternative location does not need to be studied? DEIR document left out an important part of a sentence and makes the report incomplete. “Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making AND PUBLIC PARTICIPATION.” The applicant project is not consistent with the general plan under the current zone of R-1-5. The applicant is seeking a rezone to meet the objectives of their project; therefore, it is imperative that a suitable alternate site be considered and analyzed. It is not “reasonable” to build this project at this location based on the activities, operations, size. The developer is a billionaire who has all resources at their disposal to purchase another site. Siting the need for eminent domain is silly. Applicant had the ability early on to find other locations. Please take this back to the city attorney for further analysis and recirculate the document.

Response G.16: . The number of people to be accommodated on the site is as presented in the Project Description in Section 2.0 of the Draft EIR, including

services and events by the Khmer Krom community with up to 300 congregants at a time. The remainder of the comment questions why a location alternative was not presented in the Draft EIR as a potentially feasible alternative for the decision-makers to consider. Please see **Response G.14** above. Refer also to **Topic Response D. Land Use and Development Standards**.

Comment G.17: No project at this location

Does not mean, no project anywhere. Relative to this comment, the question is can they do everything they want to do here, and the answer is no, applicant says it barely meets their minimum objectives. It leaves no room for growth unless they plan to use their courtyards and parking lot areas to build out at a future time. This would then impact the neighborhood further. DEIR needs to research the original objectives. The DEIR has an obligation to the public, our city, and the applicant to provide a fully studied document of all possible issues. The neighbors have suggested alternate locations to identify, analyze and compare. Please explain why an alternate site location was rejected as infeasible. This needs to be reexamined and an alternative site researched and studied. This is especially important given the project site has requested a more intense rezoning. A no project would also leave the property open for much needed residential development that would house more than 8 people should 6 homes be built. Six families plus possible ADU's would add to our housing stock, consistent with the general plan and zoning district.

Response G.17: The commenter questions whether the project can meet the applicant's objectives and speculates that the applicant may propose to expand the facility in the future by utilizing the courtyards and parking areas for future expansion. The Draft EIR evaluates the project as proposed and does not speculate about future plans for the site. The intent of the alternatives is to reduce the impacts associated with the proposed project while providing a project which meets the objectives of the project. The Draft EIR included an analysis of a No Project - Redevelopment with Currently Allowed Uses alternative which discussed the development of the site with residential uses. The Residential Neighborhood General Plan land use designation allows eight detached homes per acre, which for the subject 1.86-acre site would allow for up to 14 lots with each lot capable of accommodating a single-family detached (SFD) unit and potentially an accessory dwelling unit (ADU). Therefore, the site could be developed under the General Plan with up to 14 SFD units with combined building square footage of between 21,000 to 35,000 square feet (not factoring in potential ADUs). The project proposes two buildings that together total almost 14,000 square feet, a community building that is 11,000 square feet and a temple sanctuary that is 3,000 square feet. On the 1.86-acre site, that represents a FAR of 0.17, which is in keeping with a single-family detached residential neighborhood. This residential alternative did not meet the objectives of the proposed project and would not reduce impacts of the project because the proposed project did not have unavoidable significant impacts identified for construction or operations, and the homes that would be built under current zoning would cause similar construction impacts.

The other alternatives identified in the Draft EIR represent a reasonable range of alternatives for the proposed project, therefore, the Draft EIR would sufficiently meet the requirements of CEQA for alternatives analysis. The rationale for the Draft

EIR excluding consideration of alternative locations was provided in **Response G.14**. Refer to **Topic Response D. Land Use and Development Standards**.

Comment G.18: The last thing I am bringing up are the current and future projects in the area that would increase the traffic and other impacts to the area. Construction is going on half a mile to the north of project property enlarging the Evergreen Islamic Center. Application is in process for enlarging the Sikh temple a mile away to the southeast. There is a property right above my home that has had a preliminary application for homes (5 with possible ADU's) that is 1000 feet from the project. Lastly adding huge future impacts will be the re-development of Eastridge Shopping Center approximately 2 miles to the west where new homes or mixed use will likely happen. Our nearby regional general aviation Reid Hillview Airport is currently scheduled to be closed and developed. The former Mt Pleasant Golf course property is a 144-acre property at White and Tully roads, approximately 1.5 miles to the northwest of the property is under intense pressure for development. All of these will add severe impacts. Please study.

I would like to thank you for reading this document. I implore the city and DEIR preparer study these comments and come back with a more equitable, reasonable, and full report. I wish for the temple members, temple foundation, my neighborhood, and neighbors, nothing but the absolute best.

Response G.18: The commenter identifies a number of sites as far as two miles from the site that they request be considered for cumulative impacts. As discussed in the Draft EIR, the cumulative context for air quality impacts includes the San Francisco Bay Area Air Basin and construction impacts of the proposed project were cumulatively analyzed with projects within 1000 feet of the project site. For the reasons provided in the Draft EIR, given the nature and scale of the project, the project's impacts were determined to be localized to areas directly adjacent to the project site based on the scale of the construction activity and the technical analysis performed for the Draft EIR. Construction impacts (e.g. air quality, noise) do not extend beyond 1,000 feet and the project related impacts were determined to be less than significant with mitigation incorporated due to the small size of the proposed project. The projects identified in the comment would also have relatively localized construction impacts, i.e. they would not extend for miles, and so they would not combine with the proposed project to create cumulative impacts, beyond the five unit residential project noted as within 1,000 feet, which is relatively small project and was not a formal application that could be considered for cumulative impacts at the time the Draft EIR was prepared for the temple project. Further, several projects are speculative at this stage (redevelopment of Pleasant Hills Golf Course, Reid Hillview Airport, and Eastridge Transit Center) and each project would have to evaluate cumulative impacts when/if environmental review is conducted for each future project.

H. Joanna Wan Comment Letter (Dated October 3, 2022)

Comment H.1: I am writing to express my concerns with the proposed Wat Khmer Kampuchea Krom Temple that is being proposed on Ruby and Norwood Ave. I believe that the scope and use of this proposed temple is not suitable for the size of land and location which is in the middle of a quiet suburban neighborhood with homes surrounding all sides and one home right in the middle of the proposed project. I strongly oppose the proposal of rezoning the project site from R-1-5 zoning district to the PQP Public/Quasi-Public zoning district.

Below are just a few of the many concerns I along with my fellow neighbors have:

Response H.1: The commenter expresses concerns about the rezoning of the site. The project proposes two buildings that together total almost 14,000 square feet, a community building that is 11,000 square feet and a temple sanctuary that is 3,000 square feet. On the 1.86-acre site, that represents a FAR of 0.17, which is in keeping with a single-family detached residential neighborhood. As discussed in the No Project – Redevelopment with Currently Allowed Uses Alternative, the Residential Neighborhood General Plan land use designation allows eight detached homes per acre, which for the subject 1.86-acre site would allow for up to 14 lots with each lot capable of accommodating a single-family detached (SFD) unit and potentially an accessory dwelling unit (ADU). Therefore, under the General Plan, development of the site is possible with up to 14 lots and the construction of up to 14 SFD units with combined building square footage of between 21,000 to 35,000 square feet (not factoring in potential ADUs). Refer to **Topic Response E. Land use and Development Standard** for more information.

Comment H.2: Construction Noise - the project will most likely take over 2 years to build. Construction noise and pollution for 2 years is not bearable for the surrounding neighborhood. From our house at Cedardale Court, we already can clearly hear the tractors clearing out debris and weeds. Can you image the noise once construction actually begins? San Jose allows construction on weekdays. Apparently the noise we hear from the tractors also occur during the weekends. How do we ensure that the developer's actions will align with regulations or with what they promise on their application? There are no guarantees noise suppression plans will be made during construction. During the pandemic, a shelter in place was issued by the County however, the developers continued demolition work. No emergency permit was provided by neighbors who inquired. There was no "noise disturbance coordinator" as proposed by the Wilson Acoustic Noise report. How again do we trust their actions? I sincerely hope that the city of San Jose will stand by regulations and not allow "influential" members from temple project and their affiliates to be able to circumvent these regulations. Many neighbors including our household work at home and the construction noise will be a great disturbance in our ability to work productively and peacefully.

Response H.2: Refer to **Topic Response A. Noise During Construction**.

Comment H.3: Pollution - Dust and debris from the construction site will affect all the residences within 1000 ft. and more. Many of the surrounding homes have pools. Our front/back yards and pools will be covered with dust blowing in from the construction site in which may contain lead (as indicated in the soil report) or other toxic materials (sawdust, concrete dust etc.). This will be both

costly to clean and make our pools and back/front yards unsafe to use, thus diminishing our quality of life and ability to enjoy the outdoors.

Response H.3: The commenter is concerned with dust from construction and the potential for toxic contaminants in this dust. Page 43 of the Draft EIR explains the BAAQMD required dust control measures that would be implemented during construction of the proposed project. This is a common circumstance for construction projects and the dust control measures are regularly employed to reduce fugitive dust to a less than significant level to prevent impacts to adjacent uses. Additionally, on page 96 of the Draft EIR the project proposed mitigation MM HAZ-1.1 which would require clean-up of any contamination of soils as a part of construction work. This construction activity is a common occurrence in areas where land was used for farming (much of the Santa Clara Valley) and these conditions would be similar across all areas surrounding the project site which, historically were also used for agricultural purposes. These measures would reduce fugitive dust (i.e., PM2.5) emissions and remove contaminated soils from construction to ensure that health impacts to nearby sensitive receptors, e.g. residences, are minimized.

Comment H.4: Post Construction Noise will also significantly impact the neighborhood. The noise study shows the temple may create noise levels at 71dba. This is "stadium level noise" and noise level above 60 dba is not permitted under the SJ General Plan. The develops strive to keep noise levels no higher than 55dba but that is still very loud. Can you image having a wedding or celebration near your backyard every weekend? Wedding for instance naturally include celebration, music, loud celebratory talking. . By all means, it will be impossible to minimize a large crowd of 300 people to "whispering" or not making loud noises during these celebrations. All amplified sound systems should remain indoors and NO amplified music, mics, speakers should be allowed outdoors. Additionally, there should be a designated sound monitor to ensure compliance at all times. In addition to sound walls, full grown sound barrier trees such as Thuja Green Giants should line the perimeter of the lot rather than sparsely. A venue hosting activities for over 300+ attendees (weddings, celebrations, after school programs etc.) should not be situated in a quiet neighborhood.

Response H.4: Refer to **Topic Response B. Noise during Operations.** It should also be noted that religious assembly uses are commonly located in residential areas, and they often include events such as those proposed by the project, subject to conditions imposed by the City to ensure their compatibility with surrounding residences.

Comment H.5: Traffic- the traffic study completed appears to be completed on September 11, 2019 which was during the midst of the COVID-19 pandemic. People are going back to the office and schools are back in session. Norwood and Ruby experience heavy traffic every morning as Quimby middle school starts at 8:15am, Evergreen Valley High school starts at 8:30am (incorrectly time is stated on traffic report), and Norwood Creek Elementary starts at 8:45am. Imagine adding trucks going in and out hauling dirt and other construction related items to this traffic. Traffic or near traffic accidents happen frequently in the intersection of Norwood and Ruby. Building such a large venue at this intersection not only adds additional traffic but is a safety concern for the entire community. This large scale project ideally be set in an area with good public transportation, plenty of space for

parking, near highways and more central to the community it serves, not in a small suburban neighborhood.

Response H.5: Based on the traffic study, the added trips would not significantly change the operations at the intersection of Ruby and Norwood. Additionally, the COVID-19 pandemic lockdown was declared March 11, 2020 and traffic counts conducted prior to this date would not be affected by pandemic conditions. Therefore, the analysis provided in the Draft EIR would be accurate and would not require revisions or recirculation. The commenter also expresses an opinion that the project is too large in scale. No further response is required.

Comment H.6: I do wish the developers would be more upfront with the neighbors in our community and sincerely concerned about our concerns. From the first meetings, I feel they were not upfront with the size and scope of the project. For example initially, they mentioned only 3-4 major events throughout the year and having 5 or so people visiting the monks every day to bring them food. Subsequently they proposed the underground parking and now quasi-public zoning. Neighbors have reached out to the developers with multiple concerns that the project substantially exceeds many of the compatibility parameters specified in the City's General Plan and zoning designations for the neighborhood but these concerns did not seem to be significant to them. The scale is just too large and incompatible with our small neighborhood.

Response H.6: The commenter mentions concerns with the size of the project and incompatibility of the project with the neighborhood. The comment mentions underground parking, but that is not part of the project. Please refer to **Topic Response D. Land Use and Development Standards** for further discussion regarding General Plan and Zoning Compliance.

Comment H.7: In summary, noise, pollution, traffic from this over-sized project will all impact our community negatively and effect our quality of life. Development on this parcel of land should follow the residential neighborhood general plan. This project is too large in scale and the number of uses and activities proposed corresponds to public gathering spaces situated in urban areas not a suburban residential neighborhood. R-1-5 zoning district to the PQP Public/Quasi-Public zoning district should not be approved.

Thank you for your time to review my comments.

Response H.7: The commenter summarizes their previous comments and requests for the proposed project to not be built in this location due to incompatibility. Please see **Responses H.1** through **H.6** above for further discussion about the issues presented in the summary.

I. Joyce Gibson Comment Letter (Dated August 25, 2022)

Comment I.1: It is a problem that this tiny little lot has this great big building plan, but it is located in the middle of houses with families. it cannot handle 100+ people coming into the area weekend after weekend. Think of the foot traffic, car traffic, noise etc. it just isn't right for a RESIDENTIAL area. A private residence would never be allowed to gather such large groups. Again, this is a RESIDENTIAL area. There are many other larger lots available in the San Jose area.

Response I.1: The General Plan designation for the site allows for locally serving commercial, healthcare, and private gathering spaces in addition to the residential allowance. The proposed project is therefore consistent with the general plan designation for the site. Additionally, the project site is 1.86 acres (approximately 81,000 square feet) and is much larger than the standard residential lot sizes in the area, which range from 6,000 to 8,000 square feet in size. This would have capacity to support the gatherings associated with standard operations of the Buddhist temple. Further, the proposed project would not contribute a significant amount of traffic to change the noise environment of streets near the project site as described in Section 3.13 Noise of the DEIR (Page 124).

J. Karina Liao Comment Letter (Dated October 6, 2022)

Comment J.1: I live near the proposed temple, on Milburn St. and I'm writing to oppose the Watt Kampuchea Khmer Krom Temple project located at 2740 Ruby Ave., San Jose, CA 95148. Below is my reasons:

1. Land Use Compliance-General Plan Consistency

I find this proposal is inconsistent with San Jose's Envision San Jose General Plan 2040 as cited in 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.

Response J.1: The commenter expresses an opinion that the project is inconsistent with the General Plan and identifies a number of policies that they feel are applicable to the site. The project's consistency with the General Plan and relevant policies is to be specifically addressed in the Staff Report to be provided for the project ahead of the public hearings. Further, the Draft EIR discussed consistency with General Plan policies and zoning code regulations on page 113.

Comment J.2: 2. This project and its intended purposes don't fit into neighborhoods' characters. It's planned to attract and accommodate thousands of people with all the consequences/potential problems. The buildings, including the underground rooms, and the courtyards are designed for this purpose. Any open space covered by concrete, pavers, and fake grass can potentially facilitate thousands of worshippers on holidays/special events. Sixty plus parking spots are greatly insufficient. We can not, in any way, rely on temple staffs to manage the crowd. The bosses live in San Francisco and won't worship there.

Response J.2: The commenter states that the proposed project would facilitate thousands of people to visit the site, overloading the project area. This is not consistent with the application filed with the City and the project description evaluated in the Draft EIR. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment J.3: 3. Temple asks to use the outdoor PA sound system in special events and holidays in their application. FYI, they have many holidays, Cambodian holidays are celebrated in addition to Buddhism. There are, at minimum, twelve big holidays/year in addition to Uposatha days (4 days/month), for a total of 61 holidays/year. They're: 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), As you notice, two of them (New Year and Pchum Ben) are being celebrated 3 days straight each! These numbers don't include private events, such as weddings, conferences, etc. The size and the frequency of these activities plus the noise levels are grossly unsuitable for its surrounding residential areas.

Response J.3: Refer to **Topic Response B. Noise during Operations**. The Draft EIR evaluates the project as it has been proposed based on the application materials filed with the City, including the proposed number of events and attendance.

Comment J.4: 4. Project site located on a busy intersection causes traffic problems and safety. Cars would line up to enter one narrow entrance/exit blocking intersection and cause traffic jams.

Response J.4: The traffic analysis conducted for the proposed project determined that the intersection has a peak queue of seven vehicles and average of four queueing vehicles. This is currently a functioning intersection operating at a Level of Service of B or C according to the traffic report prepared by Hexagon. The project would not typically host large events that would generate traffic during weekday peak hour traffic periods. Therefore, the document adequately addresses traffic impacts and would not require revision or recirculation.

Comment J.5: 5. The buildings' architectural design and color schemes are not inline with surrounding neighborhood architectural character.

Response J.5: The commenter states their opinion that the architectural design of the project is incongruent with the surrounding uses. Consistency of the project with requirements of zoning proposed for the site is described in section 3.1 Aesthetics (Page 28).

Comment J.6: In conclusion, this project and its planned uses/activities will surely cause so many problems to nearby communities. This site is not the right fit for the developer's intended purposes. They have all the resources to choose other suitable lots, within 1-3 miles away, on the outskirts of neighborhoods for much cheaper price and way more beautiful view, yet they insist on this small, unfit, oddly shaped lot. I'm not able to comprehend the reasons behind it, so are nearby community members.

Thank you for reaching out to me and my community regarding this project. It's greatly appreciated.

Response J.6: The commenter expresses an opinion the project would be harmful to the community and should be relocated to another lot elsewhere. As stated in Section 7.0 of the Draft EIR, CEQA does not require consideration of an alternative location, particularly when the feasibility of the applicant to acquire or control another suitable site is unknown. Please also see **Response G.16** above.

K. Linda and Kerm Ladwig Comment Letter (Dated September 22, 2022)

Comment K.1: Please add my comments and concerns to the EIR:

I am a longtime Evergreen resident and have seen many changes for our Evergreen neighborhood. We live in a very diverse cultural area of San Jose which makes it challenging to satisfy everyone. This area currently is surrounded by many many different religious meeting places. Most are located on the outer diameter of the residential homes, and/or located on properties much larger than the property that is being considered for this new temple project, and/or closer to a major roadway like Capitol Expressway or White Road.

Response K.1: The commenter states an opinion that the project is too big for the project area and should be relocated for better placement. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment K.2: I live on Americus Drive (right off of Ruby Ave.) - about two blocks away from the corner of Ruby and Norwood. Americus Drive is the next street located right outside the yellow circle as seen on page 49 of EIR. While we are not within the yellow diameter, this project will definitely have a significant negative impact on our "quality of life" in our residential Evergreen neighborhoods.

Response K.2: The commenter states that the project would result in impacts on the commenter's property but does not state any specific environmental concern. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment K.3: Building Height

As a resident of Evergreen, do not agree with the proposal for City to change this residential property status to PQP zoning. The plan to build a building that will stand almost 65 feet (Temple Steeple to be 64 feet 10 inches) will overpower the current houses in the neighborhood. Also both buildings to have deep basements (10 ft deep for Temple and 9 1/2 ft deep for community bldg).

Response K.3: The commenter does not agree with the proposal of the project to rezone the site and does not support the size of the project. The proposed project is not located in viewshed identified by the City of San José and therefore, the height of the spire would not impact a defined aesthetic resource as determined by the City. Further, the massing of the temple only extends to approximately 43 feet and would align with the surround rooflines based on the elevation diagram included on page 11 of the Draft EIR. Therefore, the Draft EIR determined that the proposed project would not result in significant aesthetic impacts.

Comment K.4: Traffic:

Ruby Ave is one of our main residential streets serving local residents living all along Ruby especially between Aborn, Quimby, Norwood, and Tully. It is the first Main Roadway folks get onto when leaving their homes to head toward White Road and/or Capitol Expressway. I know from my own experience, I have waited for about 100 cars to pass before I was able to get onto Ruby Ave from Americus Dr. during times when local high school, Jr High school, and grammar schools and

work commuter traffic is in full swing. As with all of San Jose, traffic continues to get worse but the road infrastructures are not widening. The neighborhoods will experience more cars going through their neighborhoods if Ruby Ave is busy and backed up. For me and many other residents, that would be going through more neighborhood streets to get on to Norwood Ave and then be able to get onto Ruby Ave. with a stop signal - Right at corner of Norwood and Ruby where this project is being considered. While the traffic analysis appears to use the intersection of Norwood and Ruby for its analysis, it would be good to get an analysis of the traffic changes that the neighborhood will be forced to do in order to get out of their immediate neighborhoods. This is a much larger area than just the intersection and changes for different days/times etc. One day is not an accurate version of what we go through to get from point A to B while leaving Evergreen.

Response K.4: The Local Transportation Analysis was prepared in accordance with the City's requirements and determined that the most affected intersection would be the Norwood/Ruby intersection directly adjacent to the proposed project. As part of the Local Transportation Analysis, a project is typically required to conduct an intersection operations analysis if the project is expected to add 10 or more vehicle trips per hour per lane to any signalized intersection that is located within a half-mile of the project site and is currently operating at LOS D or worse. Based on these criteria (as outlined in the City's Transportation Analysis Handbook) and the low project trip generation estimates, no signalized intersections in the vicinity of the site require analysis. However, AM and PM peak hour traffic conditions were evaluated for the four-way stop-controlled intersection of Ruby Avenue and Norwood Avenue. Additionally, standard traffic modeling was used to analyze the impacts of average traffic conditions on this most affected intersection and the project was determined to have a less than significant impact on this intersection and no change in delay, even while retaining the original four-way stop. According to the study "Observational Before-After Study of the Safety Effect of U.S. Roundabout Conversions Using the Empirical Bayes Method," converting a conventional intersection from traffic signal control to modern roundabout can significantly decrease the number of crashes. This is shown in the Crash Modification Factors (CMF) Clearinghouse, where the conversion of signalized intersections into single- or multi-lane roundabout has a CMF of 0.65 with a four-star quality rating. Additional studies by the Insurance Institute for Highway Safety (IIHS), in partnership with FHWA, also shows that roundabouts improve traffic flow while being a safer alternative when compared to signalized or side-street stop intersections.⁴ At traditional intersections with stop signs or traffic signals where vehicles are traveling in different directions and variable speed, some of the most common types of crashes are right-angle, left turn, and head-on collisions. With

⁴ HWA Roundabouts: An Information Guide, Section 6.3.11.3:

<https://www.fhwa.dot.gov/publications/research/safety/00067/00067.pdf>

NCHRP 672, Roundabouts: An Information Guide – Second Edition, Section 6.8.7.5

Persaud, B. N., Retting, R. A., Garder, P. E., and Lord, D., "Observational Before-After Study of the Safety Effect of U.S. Roundabout Conversions Using the Empirical Bayes Method." Transportation Research Record, No. 1751, Washington, D.C., Transportation Research Board, National Research Council, (2001)

<https://www.iihs.org/topics/roundabouts>

roundabouts, these types of potentially serious crashes are essentially eliminated with vehicles travel in the same direction and at lower speeds. In addition, the number of “points of conflict” where vehicles might collide at a typical roundabout are significantly lower, with only eight points of conflict compared to 32 points at a traditional four-legged intersection. Roundabouts are a proven safety countermeasure as per both FHWA and Caltrans, which can reduce crashes that result in serious injury or death, as well as help lower speeds and increase operational performance. Additionally, it should be noted that traffic congestion is no longer a threshold for determining transportation impacts under CEQA, and that VMT is the current analysis metric. Therefore, the traffic report properly addresses the traffic impacts and correctly estimates the impacts of the project on intersections near the project site.

Comment K.5: The closest bus stops are on Quimby Road. There is not a lot of "mass transit" in this residential area. The report states that the Temple will have offsite parking at different school and other religious sites to support the overflow of 67 parking spaces. There will be a caravan of cars taking people to and from the temple location from offsite locations. Would like to see how many members actually live in the local Evergreen area as it seems like the report is planning to have many cars coming from all different areas which will cause more overall traffic congestion. How will the Temple control the maximum 300 person limit at any given time? Who does the community call when the people limit is broken? More cars in neighborhood means more air pollution in neighborhood areas.

Response K.5: The commenter requests information about how the project would limit the number of occupants and who they would call for compliance. The project, if approved, will be subject to conditions of approval contained in the planning permit, and those conditions are enforceable by the City’s Code Enforcement Division. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required. Additionally, the commenter states that more vehicles would result in further air pollution. This is correct and discussion of these impacts is discussed in Section 3.3 on page 47 of the Draft EIR, which found that operational impacts on air quality would be less than significant according to thresholds used by the City that were established by the Air District. Therefore, the Draft EIR adequately addresses the air quality impact and would not require revision or recirculation.

Comment K.6: Having to have alternate parking plans to cater to special temple events seems to be counter productive as this is going to bring MORE traffic congestion on Quimby, Tully/Ruby intersection, Norwood Ave. and other surrounding neighborhoods. These local streets already have a lot of extra cars from the locals school activities. Seems like pushing traffic mess more into our neighborhoods near schools to support a project that is too much for this particular residential location.

Response K.6: The commenter is concerned with parking congestion associated with special events associated with the church. These events would occur approximately 20 times per year and would not result in a long-term impact on traffic conditions near the project site. Further, the LTA estimated approximately 37

vehicles would need to park offsite during the special events on these days that would be adding approximately 74 trips to the streets surrounding the project site which is not a considerable contribution to congestion. Additionally, traffic congestion is not a CEQA impact category and transportation impacts are analyzed based on the number of trips and trip length from the site which is accounted for in VMT.

Comment K.7: Parking:

The parking at our local schools are already being challenged with the volume of cars. How can they absorb more traffic congestion than they have to deal with now? We must keep our children safe as recent accidents near schools is on the increase! We have many inexperienced drivers in this area going to two different high schools that use Ruby Ave and surrounding side streets. There are also many distracted drivers not obeying the set speed limits.

There is a brand new temple at Tully and Ruby that is in the report as a possible parking alternative for large events for Temple project. The Evergreen Islamic Center started to add on right after they got done with their original building.

How are they going to provide additional parking when they seem to have to expand their facility to support their own growth. What happens when schedules at both temples conflict? Will the public schools be able to charge for Temple cars to park in their parking lot(s)? Schools are funded by public tax funds.

Response K.7: The commenter questions the viability of the parking plan and issues with school time interference. The proposed project would be required to coordinate with schools for the 20 times that they require off-site parking per year and pay fees as required by school policies. These events would typically occur on weekends and would not interface with school time traffic. For weekday events, most activities would occur after school hours or would not significantly overlap school activities. Additionally, if the schools did not have capacity for the parking request, the temple would request alternative parking options at another site. Parking supply is also a non-CEQA issue and would not represent a CEQA impact if parking results in conflicts. Refer to Topic Response C. Transportation and Parking. Further, the application for proposed project does not include plans for further expansion on site.

Comment K.8: Noise:

Noise definitely travels a long distance around this area - A lot more noise than many would think. Is it because we are close to the East Foothills or all the two story houses.? The noise from an outside Microphone for the Temple will travel a good distance. Also the noise from having 300 people gathering outside will also travel within a larger diameter into the neighborhood. We will all hear these noises whether in or out of the yellow diameter. Also concern about the construction noise pollution and the extra construction trucks coming through the residential area especially near and in school zones.

On Page 14 of EIR, Concern about early timing of Ancestor's offerings starting at 4AM to 6 AM for estimated 15 visitors. This early time schedule is unacceptable for a neighborhood setting.

Examples: 1) We can hear the Evergreen High School marching band practice and hear the announcer from the football games at the High School that is about 5 blocks away past Quimby Road. 2) When neighbors have outdoor parties, the entire neighborhood hears the karaoke over their microphone. 3)

Lately our new neighbors who live up on the hill that is surrounded by our immediate neighborhood, their music bounces off the two story houses behind us and we get to hear their music surround sound both front and back yards! 4) Even on some calm nights, we can hear the train from Monterey Road. Also loud fireworks, gunshots, barking dogs and they are not right in our immediate local neighborhood.

Response K.8: Refer to **Topic Response B. Noise during Operations.**

Additionally, the ancestor offerings activity primarily features quiet contemplation and presentation of offerings at altars indoors, which would not contribute to undue noise in the community.

Comment K.9: City Services

Our Fire and Police are very much appreciated to all of us and we depend on their services. We know they are stretched already. This area has seen an uptick of home invasions, car thefts, traffic accidents and need to have our City Services available to the community. Do not see in report that Evergreen would get additional services for having this project built however with the additional activities it would require City Services to be available.

Response K.9: The commenter presents concern about the availability of public services in the neighborhood. The proposed project is consistent with the General Plan designation for the project site and according to the General Plan Final EIR, the City has capacity to serve full build out of the General Plan with the current city services. Additionally, the proposed project would not require any greater service response compared to the existing residential neighborhood, and therefore would result in less than significant impacts on these public services (Section 3.15.2.1 Page 136).

Comment K.10: Understand that this project is an important one for the members of the Temple project. However in the report it states that a religious gathering place bring the neighborhood quality of life. We already have many religious gathering places surrounding us in Evergreen. However this particular spot in the middle of a residential neighborhood will not bring our community "Quality of Life". We will have to deal with a lot of negative impacts such as traffic, noise, too big of a project in the middle of our neighborhood will bring our neighborhood additional stress. There are many vacant properties and buildings in Evergreen that would be a much better location to serve for the Temple's needs and desires. Please keep this a residential zoning with a much smaller project to enhance the quaintness of our neighborhood.

Response K.10: The commenter states that the project site is not suitable for the proposed project, and requests consideration of an alternative location. Please see **Response G.16** above.

L. Matt Milward Comment Letter (Dated October 7, 2022)

Comment L.1: Regarding the EIR for the project in the subject line, I have a few comments:

1. The covered trash area is adjacent to the neighbor's fence line. Can this be moved to somewhere on the east side of the parking lot so as to not be so close to the neighbor?

Response L.1: The commenter suggests a change to the design of the project. This suggested modification of the project will be considered by decision makers for inclusion in the proposed project. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment L.2: 2. Is it possible to eliminate outdoor amplification? While 71 dB(A) is fine when directed away from the fenceline per the acoustic report, there is no guarantee that both the direction of the sound and the level will be maintained. A better solution is to keep amplification indoors.

Response L.2: The commenter suggests a change to the design of the project by eliminating outdoor amplification. The Draft EIR evaluates the project as proposed so that the decision-makers are informed of the environmental impacts should the project be approved as proposed. Further, the proposed project would be required to comply with the conditions of approval and mitigation measures included to reduce impacts from noise and the City of San José requires enforcement of these measures.

Comment L.3: 3. Is it possible to put notices on adjacent neighborhood streets (e.g. cul de sacs, Norwood, etc.) that temple parking is not allowed to prevent overflow?

Response L.3: The commenter suggests that signage be placed around the neighborhood to prevent temple parking on neighborhood streets during large events. This suggestion may be considered by the decision-makers. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

M. Mazin Khurshid Comment Letter (Dated October 6, 2022)

Comment M.1: I live on 3364 Bareoak Ct, 1 block away from the temple. We purchased are house in 1994, as this was a very peaceful area.

Can you please let me know how the city will address my concerns.

1. I work a graveyard shift as a driver, I sleep between 10:00am to 6:00pm, as I have to report to work at 8:00pm. Based on the acoustic report (link below, page 15):

<https://www.sanjoseca.gov/home/showpublisheddocument/88801/637967827672700000>

It seems there will full site 4 events almost every week, and these events will be during the time I sleep. If I cannot get enough sleep, there could be chances that I will fall asleep when I am driving at night, and crash.

This is very dangerous, and there is now way for me to change jobs, as I am 58+ years old. This is my biggest concern, when we bought our house in 1994, I made sure that the noise was minimum. The temple plans to use outdoor speakers, and because of the proximity of my house, the noise level will be unreasonable (stadium level). Can you please not allow outdoor speakers. I have no issues if they use speakers inside enclosed facilities.

Response M.1: Refer to **Topic Response B. Noise during Operations.** As disclosed in Section 2.2.5 of the Draft EIR, the temple proposes special events only 20 times per year, and these events would mostly occur on weekends. The commenters home is located approximately 200 feet from the site and is separated from the site by an adjacent building. The noise report identified that the operations during special events, which result in the highest noise on site, would not result in noise greater than 40 decibels across the street from the site. This distance is less than the distance from the site to the commenters home, therefore, the noise levels at the commenters home during operations would be lower than the noise levels in the noise report. This would be a noise level similar to existing ambient noise and would not interfere with the commenter's sleep schedule.

Additionally, the commenter's home would be located approximately 200 feet away from the nearest point of construction at the project site and is separated from the construction site by another structure. As discussed in the Noise Report (Appendix G of the Draft EIR), noise of construction decreases by six decibels for every doubling of distance from the source of noise and interfering structures reduce noise generated by a source by 15 to 25 decibels by interfering with the projection of noise. The loudest expected construction equipment at 50 feet would generate approximately 88 decibel noise levels, which would be reduced by 12 decibels, by two doublings of this 50 foot distance, down to 76 decibels this would be further reduced by both the intervening structure and walls of the commenters house by at least 20 decibels. Therefore, the expected noise levels would be decreased to below 60 decibels under a worst case scenario and most other construction activities would result in noise lower than this level. This would be approximately the level of a dishwasher running within the household.

Comment M.2: 2. The temple only has one entrance (A) shown below, but on Ruby Ave, the traffic flow is opposite to the entrance when using Tully->Ruby. In this case, most cars will try to make a u-

turn by making a left on Norwood, and perform the U-turn using Mantis/Bareoak Ct. This creates dangerous situation for traffic on Norwood and Mantis. How will the city address this issue.

Response M.2: The traffic report identified that operations at the driveway would not result in hazards during operations of the proposed project because the design of the site would be consistent with City required safety regulations. Additionally, as stated in Section 3.17.2.1 (page 148) the proposed project would not have significant roadway hazards created by operational layout.

Comment M.3: 3. NOISE IMPACTS & Construction

-cumulative impacts -during construction: trucks idling, digging, traffic to and from site with 600 loads of dirt, large equipment noise, vibration.

There are no guarantees noise suppression plans will be done during construction. For reference, during demolition, residences within less than 500 feet and more than 1000 feet experienced significant detrimental effects, especially the home that is surrounded on 3 sides of the project site and the two streets of neighbors with adjacent fence lines. The noticing for demolition was given the same day as the work started. The work started during the early stages of the Covid pandemic where the county of Santa Clara required a Shelter in place, during one of the most historic public health challenges of our time. The only construction that was permitted at that time was for emergency housing and other emergency situations, yet the temple project proceeded, with construction during the lockdown. The emergency permit to begin demolition during the shelter in place was asked for on numerous occasions, never provided.

The issues to neighbors were:

- 1) no prior notification of construction commencement
- 2) confusion about the project status
- 3) dust, noise, vibration that disrupted their ability to work, study, use their front and backyards.

The impacts to neighbors were:

- 1) medical respiratory issues to to air quality, anxiety, unable to concentrate to work from home, and study from home
- 2) unable to leave their homes to find other shelter during the demolition process. It should be noted that the air quality report shows there is some lead in the soil. There was probably also asbestos in the 1950's ranch home. No shielding was used to protect the neighbors from the toxic dust.

Response M.3: This comment largely pertains to issues experienced during the demolition of the former structures on the site, that were accomplished with a separate permit, and predated the preparation of the Draft EIR. The construction impact mitigation measures identified in the Draft EIR will be monitored and enforced according to the Mitigation, Monitoring and Reporting Program prepared for the project, which will be made a condition of approval, should the project be approved. See also **Topic Response A. Noise during Construction.**

Comment M.4: There was no “noise disturbance coordinator” as is recommended under the Wilson Acoustics Noise Vibration report. Ref: EC-1.7. Construction hours were stated in the notification to neighbors to start no earlier than 8am. Those hours were breached. Though lawful hours for construction in San Jose are from 7 am to 7pm on weekdays, there was one instance where they trucks were going before 6:45 am. This was heard from 1000 feet away and verified by viewing the project site. Masks were not used at times, against the order of Santa Clara County. Report was

made, and we were told those folks were from the same household. There is a major trust issue with this developer. Prior to construction implementation, noticing to neighbors should be given at least 1 week in advance of anticipated work commencement and timelines of work and type provided. An independent noise disturbance coordinator who responds to neighbor concerns approved by the neighborhood should be required and in place prior to work commencement.

Response M.4: This comment pertains to issues experienced during the demolition of the former structures on the site, that were accomplished with a separate permit, and predated the preparation of the Draft EIR. Refer to **Topic Response E. Demolition of On-site Structures** for more information about the removal of the houses prior to the filing of the applications which are the subject of the Draft EIR. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment M.5: 4. Stadium Level Noise during operation

Impacts-during temple operations-noise study shows the temple may create noise levels at 71 dba. This is stadium level noise (San Jose General Plan), and even under P/QP requires a special use permit. Highest outdoor noise level is 60 dba or less permissible for residential under San Jose General Plan. The projects' noise study showed noise level around the perimeter of project to average 48 to 49 dba. The report also shows the project should strive to keep the noise at no higher than 5 over the current dba, which would be 55 dba. To mitigate to this level, noise report states sound wall and volume suppression equipment should be used in outdoor amplification. Sound wall and noise volume suppression equipment will not be enough to lower the noise level to 54 dba/dna. Volume suppression devices are not guaranteed to be used. Sound sources including high pitched devices, any outdoor amplification should be held entirely contained inside the temple facilities.

A sound monitor would need to be placed at facility for outdoor activities to ensure compliance as is done at other facilities where neighboring homes could be affected. Any activities should cease by 10pm or earlier on weekends and 8pm on weekdays. Placement of noise producing equipment should be placed as far from any residence as possible.

Response M.5: Refer to **Topic Response B. Noise during Operations.**

N. Michael Gabler Comment Letter (Dated October 4, 2022)

Comment N.1: As a neighborhood leader in the neighborhood adjacent to the proposed temple, I have to object to the implication that traffic of 14 homes placed on the site would be anywhere near the possible traffic from a facility that has the capacity to hold hundreds to a thousand of people. The developers can state that they will never exceed a low number threshold but once the facility is built, there is no viable way to limit the attendance. The city does not have the staff nor funds to address community complaints now, they will not be addressing them if this construction advances. The EIR lists the use of off-site parking and shuttles . . . this again points to the intention to hold large scale events. Once built, there will be no way to limit the attendance nor the traffic that is attempting to access the facility. The surrounding neighborhoods will be severely impacted with vehicle and foot traffic. The neighborhood is already impacted by a lack of street parking, the construction of the proposed facility will exacerbate the problem to the point of potential detrimental actions. No, I am not advocating any irreparable violence, just stating a possible situation when too much is crammed into an already confined space.

Response N.1: The commenter is concerned about the number of people that would visit the temple and the potential for traffic resulting from the temple operations. The facility is not proposed or designed to accommodate a thousand people, but rather is proposed for up to 300 attendees for a limited number of events annually. The estimation that the temple on a regular daily basis will result in similar traffic to 14 homes is based on average trip generation for residential uses in accordance with the ITE manual. Further, the enforcement of parking and occupancy is not a CEQA issue and would be handled by City code enforcement, should the project be approved. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment N.2: The propose development is no where near compatible with the surrounding neighborhood, neither in construction nor architecture. If built, the neighborhood will be irreparably impacted and harmed.

My request, to the people that will review this project . . . imagine that this facility was build right next door to your home. Or in this case, around your home.

This is a great project but I can not support it at the current location

Response N.2: The commenter provides their opinion that the project is incompatible with surrounding residential uses. The Residential Neighborhood General Plan designation allows for the development of private gathering spaces such as churches or temples. Additionally, the project site is not within a scenic viewshed area defined by the City of San José and the proposed project would not result in a CEQA impact on scenic resources. Therefore, the temple would be an allowed use under the current land use designation.

O. Murali Pabbisetty Comment Letter (Dated October 7, 2022)

Comment O.1: I live adjacent to the property and I have many concerns that I have expressed to the applicant and the city for last 4 years. The complete project is not compatible with San Jose GP2040 for the reasons mentioned below and this is the reason that we are not supporting this project and request the city to ask the applicant to move it to a suitable location in Evergreen San Jose.

Response O.1: The commenter states that they have expressed concerns about the project and would like it relocated. The Draft EIR Section 7.3.2.1 explains that the relocation of the proposed project was unfeasible based on the availability of sites for the applicant and based on the fact that it would not further reduce impacts from the project, it would rather shift those impacts to another location.

Comment O.2: 1. Incompatible project due to its size – Previous owner was denied permission to increase the number of houses from 6 to 8 due to intensity of use. According to the application, the project has a capacity of easily over 1000 people with only a soft limit of applicant enforcing a limit of 300 people. Applicant Lyna Lam has mentioned several times that their community is 6000 people strong and they expect to be used by 300 families. There are many sites in evergreen within 2 mile radius of the current parcel that are much more suitable (10-15 acres) that would allow the applicant to scale for next several decades. The applicant should think on the lines of San Jose Gurudwara.

Response O.2: The commenter is concerned by the size of the project and associated temple community. There is no support provided for the statement the project has a capacity of more than 1,000 people. Additionally, a maximum of 300 people is what the application requests for large events at the facility. Therefore, the analysis in the Draft EIR correctly evaluates the foreseeable use of the facility with up to 300 attendees and discloses the expected environmental impacts.

Comment O.3: 2. Incompatible due to type of project – Construction of a project of this size with the underground capacity will involve moving 100s of trucks of dirt over next the course of the project. This would severely impact the lives of 100s of residents that live and use the area for walking, biking etc. There are 4 schools within 1 mile radius so there are lot of school children that go through this intersection every day. Just the clean up conducted to remove the old buildings created enough noise to disturb all of us in terms of noise, dust etc. We understand any project would generate some amount of dust but excavating 100s of trucks of dirt would impact our lives significantly.

Response O.3: The commenter expresses concern about the number of truck trips resulting from the construction of the proposed project and related noise and dust generated. Section 3.3 of the Draft EIR discusses fugitive dust created by the proposed project and establishes conditions that the project would be held to, to control dust on site. Additionally, MM AIR-1.1 on page 46 of the Draft EIR would further reduce other pollutants, such as toxic air contaminants (TACs), resulting from construction of the project. With the inclusion of these measures, it was determined that the proposed project would have a less than significant criteria air pollutant, TACs, and fugitive dust impact, applying the thresholds recommended by the Air District and employing reasonable and feasible mitigation measures

routinely used on construction sites throughout the Bay Area to limit construction air pollution. Therefore, the Draft EIR adequately discloses the air quality impacts of construction and the measures required to reduce impacts to acceptable levels.

Comment O.4: 3. Incompatible intensity of the use – The number and size of events(weddings, funerals, fund raisers, new year celebrations) mentioned in the operational plan are not compatible with a residential neighborhood. Large events with 100s of people would need capacity to park 100s of cars but they have only 70 parking spots. The adjacent roads do not have the space to support the stacking requirements for cars to go in and come out.

Response O.4: The commenter states that the proposed project would not have parking available for large events and that too many events are proposed to be held. The proposed project includes the minimum required parking for a facility of its size, based on the parking requirements established by the City of San José Municipal Code. The proposed project would also include off-site parking to support occasional larger events.

Comment O.5: 4. Incompatible due to safety concerns – This parcel is located at a notorious intersection where accidents happen on a bi weekly basis. So a project that would require this scale of construction and this level of activity will become a nightmare for all the 100s of residents who go through the intersection.

Response O.5: The commenter states that the intersection where the project is located is 'notorious' and has several accidents per month. The traffic analysis conducted for the proposed project determined that the intersection has a peak queue of seven vehicles and average of four queueing vehicles. This is currently a functioning intersection operating at a Level of Service of B or C according to the traffic report prepared by Hexagon. Additionally, a report conducted by Henshaw Law Office for traffic accidents from 2013-2017 within the City of San José determined that the intersection of Norwood and Ruby Avenue had less than eight accidents over the course of the five years. Further, the roundabout that would be constructed adjacent to the project site by the City of San José would provide traffic calming which has been determined by the U.S. Department of Transportation to reduce traffic incidents at intersections.⁵ Therefore, the commenter has not provided substantive evidence stating that several accidents occur per month.⁶

Comment O.6: 5. Incompatible due to irrigation to nearby trees – When the applicant purchased there are 35 trees on the property and over the last few years they have cut down the number of trees systematically. With asphalt and parking lot it will stop the water flow to trees in the vicinity so regular housing project will be much more compatible than a project that requires to rezoning.

⁵ Department of Transportation. Traffic Calming to Slow Vehicle Speeds. Accessed November 4, 2022.

<https://www.transportation.gov/mission/health/Traffic-Calming-to-Slow-Vehicle-Speeds>.

⁶ Henshaw Law Office. San Jose's Most Dangerous Intersections. July 2019. <https://www.henshawhenry.com/san-joses-most-dangerous-intersections/>

Response O.6: The commenter states that the proposed project would result in impacts to trees surrounding the project site. The proposed project would not impact the root wells of these trees adjacent to the site and would not result in diminishment of watering for these trees. As discussed in **Response C.5**, the proposed project includes bioretention areas which would include pervious surfaces for approximately 34 percent of the project site. This includes unlined bioretention areas and landscaped areas of the project site. These features would retain as much of the site for infiltration as possible for natural groundwater recharge. Therefore, the proposed project would not result in impacts to adjacent trees.

P. Nha Tran Comment Letter (Dated October 7, 2022)

Comment P.1: My name Nha tran , My house is 2720 ruby ave , the house at middle of the lot site of the temple, I have some though about the temple project I would like to share with all city council and who have the power to approve the temple project:

1. What is reason to build the temple ? I think build the temple to make the people around the temple relax and peacefulWhen the temple start to buy the land every one around neighbor not relax and peaceful at all , everyone sad because a lot of different reasons: traffic, noises, accidents by car when too much traffic

Response P.1: The commenter states that the temple would result in disruption in the peaceful and relaxing neighborhood. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment P.2: 2. Before the owner of the lot ask city permit for 8 or 10 house city reject because too much house and high traffic that why city approve only 6 house . Now if city approve this project is something not right here.

Response P.2: The commenter refers to apparent earlier plans for developing the site with housing, which predates the filing of the application for the proposed project and preparation of the Draft EIR. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment P.3: 3.the temple project association have a lot of money, they always saying they have a lot of money why they don't buy any different lot size in the zone city allowed to build the temple.

Response P.3: The commenter suggests the applicant pursue the proposed project at a different location. See **Response G.16**. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment P.4: 4. Before you sign to approve the project please put your shoes in my shoes: you will approve to build the temple around your house . How do you feel when your house at middle of the temple? Please consider before you sign to approve the project.

Response P.4: The commenter expresses an opinion about the project. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment P.5: 5. Thank you so much for reading some of my thoughts please help all the residents of your city who all support and vote for you make city better every day please not support to some one have too much money want to do any they want just because some money they can destroy the city image . Thank you so much in advance

Response P.5: The commenter expresses an opinion about the project. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Q. Nick Pham Comment Letters (Dated June 2, 2022-October 7, 2022)

Comment Q.1: 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.
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.

Response Q.1: The commenter raises concern regarding the consistency of the project design with existing zoning and General plan designation for the site and surrounding area. While the project does propose a rezoning, it does not propose that the site’s General Plan land use designation be amended to facilitate the project. The comment requests a scaled three-dimensional rendering of the project to better communicate its scale and massing. Refer to **Topic Response D. Land Use and Development Standards** for discussion about land use consistency. Additionally, Figure 2.1-5 of the Draft EIR shows how the structures of the proposed project

would relate to surrounding structures and demonstrates how the buildings would align with the surroundings uses.

Comment Q.2: 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.

9. Even when you compare the look and feel for another closeby 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.

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 communtiny growth through my services, and volunteer work. I however strongly opose the oversized, out of character assembly and temple buildings in a very dense residential neighborhood

Response Q.2: The commenter states that churches are compatible in residential zones, however, it is their opinion the proposed project is too large and would be aesthetically out of character. Impacts identified under Section 3.1.2.1 discuss the projects conformity with development standards and surrounding aesthetic value and determined that the proposed project would not have a significant impact because the project site isn't in a scenic corridor and would step down towards surrounding structures to blend with the rest of the neighborhood.

Comment Q.3: The belows are additional comments after 1st meeting inputs from the community, and 2nd 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.

Response Q.3: The notice of availability of the Draft EIR for the proposed project was circulated as required by law to affected individuals near the project site and posted online on the City's website for anyone to access. Notifications of the Community/Scoping meeting on June 2, 2021 were mailed to residents and property owners within a 1,000 foot radius of the site pursuant to City Council Policy 6-30, and a sign was posted on the site on August 10, 2020. This comment does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.4: 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 portray the project as a very small gathering places. But yet the design can hold more than thousands of people.
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.
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.

Response Q.4: The commenter expresses concern regarding the daily activities on site and number of occupants. The Draft EIR studied the project as provided in the development application. According to the project description, daily activities would generally not exceed 50 occupants and the building design would be constructed in a manner to include space for up to 300 visitors at a time. The project does not propose to host events with thousands of people, as claimed by the comment. The parking on site is adequate based on City of San José parking requirements for a religious establishment of this size. Parking on streets would be regulated by the existing authorities and provided parking would incentivize visitors to park on site. Off-site parking would only be used 20 times per year to handle larger events on-site. This would not result in significant traffic in the project area as the standard daily operations of the project would only require the parking on-site and not require shuttling. The comment incorrectly states the 1.86-acre site is designated for only 5 residential homes, rather the site is allowed to develop at 8 dwelling units per acre according to the General Plan, which could be up to 14 homes, along with accessory dwelling units.

Comment Q.5: 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?

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 scultures next to your fence?

9. The original scope of the project was overwhelming, and still is overwhelming for such a small RESIDENTIAL oriented parcel.

Response Q.5: The commenter references another site developed with a church for comparison purposes to what is proposed at the subject site and states an opinion that the proposed project is too big for the project site and would be aesthetically incompatible with the surrounding neighborhood. The City of San José does not consider the change in visual character to be an aesthetic impact. This is only an impact if it is visible from scenic roadways, parks, or open space. Neighborhood compatibility is addressed through compliance with plans, design guidelines, and zoning code development standards, and this is discussed in DEIR Section 3.1 Aesthetics. The Draft EIR includes a comprehensive evaluation of the proposed project's impacts from both construction and operation. As noted in the Draft EIR Section 6.0, all environmental impacts were determined to be either less than significant or less than significant with mitigation measures.

Comment Q.6: 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.

Response Q.6: The commenter states their opinion that the plans of the project are deceptive and that the design of the building does not match any of the other nearby buildings. Section 3.1.2.1 of the environmental document discusses the visual compatibility with the surrounding neighborhood and determined that the project site is not located within the scenic corridor, which means that the proposed project would not result in significant aesthetic impacts according to CEQA.

Comment Q.7: 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..

Response Q.7: The commenter describes the neighborhood response to the project and requests denial of the project. The project is not being designed to accommodate over 3,700 people, the maximum intended occupancy proposed is 300. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.8: 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.

Response Q.8: The commenter states appreciation for the community meeting. The comments in the attachment referenced in this comment are referenced in Comments and Responses Q.9 – Q.12 below. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.9: 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 spoke vs the total of attendees. Could you make the recorded session available to the public review, please. Thank you.

Response Q.9: The commenter requests that the recorded zoom session from June 2nd be made available to the public and states that not all the people at the meeting were able to speak. This does not express concerns about the adequacy of the Draft EIR, however, the community meeting recordings have been added to the project's webpage linked here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/major-development-projects/wat-khmer-kampuchea-krom-temple>. No further response is required.

Comment Q.10: 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.

Response Q.10: The commenter states that a majority of the neighborhood is in opposition to the rezoning and special use permit of the project. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required

Comment Q.11: 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 contradict all the comments made by the members of the temple that spoke at the meeting.

Response Q.11: The commenter states offense to some other comments at the meeting and explains the demographics of the neighborhood. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.12: 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 visitors 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 a 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 maximum 300 people? I do understand that if one applies 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.

Response Q.12: The commenter states that the proposed project is larger than necessary for the 300 person events and would actually result in 4000 visitors. The project proposes a maximum event size of 300 attendees for up to 20 events per year, as described in more detail in the Draft EIR Project Description (Section 2.0

page 3). The site is 1.86 acres and designated for residential development at 8 units per acre, therefore it is not accurate to state a maximum of five or six homes could occur on the site. Additionally, the comment states the project proposes a 60 foot tall building. For clarification, the maximum height of the smaller 3,000 square foot Temple Sanctuary building would be approximately 43 feet 5 inches to the top of the temple roof and approximately 64 feet 10 inches to the top of the temple spire (steeple). The maximum height of the larger 11,000 square foot Community building would be approximately 35 feet. Refer to **Topic Response D. Land Use and Development Standards** for discussion about land use consistency. Finally, the commenter refers to the timing of traffic analysis not accounting for post-COVID conditions. The LTA was conducted in late 2019 prior to the COVID lockdowns and data accounts for non-COVID conditions.

Comment Q.13: 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 are 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.

Response Q.13: The Transportation Analysis and Local Transportation Analysis (Appendix H to the Draft EIR) for the project was prepared in accordance with City requirements and determined that operations of the on-site parking lot would not represent hazards to the roadways and would operate properly during standard operations. As stated on Page 21 of the transportation report, “Based on the current configuration of Ruby Avenue with a center two-way left-turn lane provided, full access would be provided at the new project driveway. Due to the low number of inbound and outbound project-generated trips estimated to occur during the weekday AM and PM peak hours of traffic, operational issues related to vehicle queueing and/or vehicle delay are not expected to occur at the project driveway on Ruby Avenue.” Further, van/shuttle operation would be conducted by trained personnel driving street legal vehicles to transport congregants. The streets surrounding the project site are of standard size and would not restrict certain vehicles from safely transporting congregants to the site. Therefore, the analysis in the report is adequate.

Comment Q.14: 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.
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.

Response Q.14: The commenter states an opinion the project should be denied and cites General Plan policies that they argue the project would not comply with. For clarification, it should be noted the site is 1.86 acres and the General Plan land use designation allows for up to eight units per acre, and the proposed building square footage is 14,000 square feet. Additionally, the Temple Sanctuary building would be approximately 43 feet 5 inches to the top of the temple roof and approximately 64 feet 10 inches to the top of the temple spire (steeple). The maximum height of the larger 11,000 square foot Community building would be approximately 35 feet. It is inaccurate to state the project proposes a four-story building. Refer to **Topic Response D. Land Use and Development Standards** for discussion about land use consistency.

Comment Q.15: 4. The MASSIVE Buildings/Structures with over-the-top design, and several large visible Garden Sculptures are “AESTHETICALLY” inconsistency 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.

Response Q.15: The commenter provides an opinion the project is aesthetically incompatible with the surrounding area, including the home at 2740 Ruby Ave, which would be surrounded by the project’s structures and parking lot. The project design and its consistency with surrounding aesthetics is discussed in section 3.1.2.1 of the Draft EIR and is found consistent with the General Plan designation for the site and is generally similar to the heights of surrounding structures.

Comment Q.16: 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.

Response Q.16: The project is not proposing to accommodate over 4,000 people on the site. The project application requests approval for up to 300 attendees at a time for up to 20 events annually, in addition to normal daily activities with much lower attendance, as detailed in the Draft EIR Project Description (Section 2.0 page 3). The project also does not propose underground parking on the site. The Transportation Analysis for the proposed project discussed queueing on-site on page 21 of the report. Additionally, on page 25 of the Transportation Analysis, the discussion includes the adequacy of the parking provided on site. Off-site parking would only be needed approximately 20 times per year for special events. The Transportation Analysis explains how the project complies with City policies and identifies that on-site queueing would adequately support the traffic generated by the project. The commenter does not present information that contradicts the Transportation Analysis findings. The Transportation Analysis has been prepared by a professional firm under the City's guidance and evaluates the project as per the current application.

Comment Q.17: 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.

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

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.

Response Q.17: The commenter points out that the operations of the project would have daily activities from 2 to 15 days long. Additionally, the commenter states an opinion that the actual activities of the proposed project would be 10 times greater than stated in the operations plan. The Draft EIR evaluates the project as proposed in

the planning permit application on file with the City. The commenter refers to an apparent Code Enforcement case at another property in the City, which is an unrelated issue to the land use application filed for the subject site. Allowances of smoking and alcohol are not a CEQA consideration. The Draft EIR also determined that all impacts associated with environmental resources including noise, safety and traffic impact, would be less than significant (Section 6.0) This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.18: 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.

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=TB0WyARtTW8>

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/>

Response Q.18: The commenter states that another temple at another location is loud and that the events use loudspeakers and receive complaints about noise. Although these comments discuss noise, they do not pertain to the project as proposed at the subject site, which would be conditioned as described in the Project Description of the Draft EIR to not exceed 71 dBA maximum volume levels, which would ensure noise levels at adjacent property lines were consistent with City noise goals and policies. See also **Topic Response B. Noise during Operations**. This

does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.19: 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.

Response Q.19: The commenter states that the project has caused people to leave or to consider leaving from their homes and expresses concern with the statements made during the community meeting on 6/2. Additionally, the commenter states that the analysis in the Draft EIR should be based on what the commenter believes would be the actual use of the temple, rather than what is requested in the application filed with the City. The Draft EIR was prepared based on the information contained in the application filed with the City, including the project plans, and does not speculate about use of the facility that is inconsistent with the application filed with the City.

Comment Q.20: This public comment to the Draft ER20-147 should be review in conjunction with my public comment #1, #2 & #3 at the end of the ER Preparation Public Meeting. My public comments prior to this Draft EIR highlight many areas that would make make this proposed project incompatible with the current Residential Zone. There are so many major impacts to this Residential Neighborhood that MUST be considered. And therefore, the rezoning proposal should be declined. The Residential Neighborhood designation per General Plan 2040 should remain unchanged.

Response Q.20: The commenter references prior comments they provided to the City earlier in the EIR preparation process. Any comments received by the City in response to the EIR Notice of Preparation were included in the appendices to the Draft EIR. The commenter further expresses their opinion that the project is incompatible and the rezoning proposal should not be approved. For clarification,

the project does not propose to amend the site's General Plan land use designation of Residential Neighborhood, which allows for the proposed use, and so the comment that the current designation should remain unchanged is moot. The commenter notes that the project is incompatible with the current Residential Zone and there are so many impacts. However, no specific concern is noted, and it should be noted that the proposed use is allowed within the site's current zoning district upon issuance of a Conditional Use Permit. Discussion of land use compatibility is discussed on page 113 of the Draft EIR and concluded that the proposed project would not result in conflicts with the current General Plan designation and would have a less than significant impact. Additionally, the project design and its consistency with surrounding aesthetics is discussed in section 3.1.2.1 of the Draft EIR and is found consistent with the General Plan designation for the site and is generally similar to the heights of surrounding structures.

Comment Q.21: 1. AIR-1 – the applicant had demolished the current single family home that was on the land without fully understanding the impact per this item
2. BIO-1 – the applicant had tree work done without the proper review of the all the appropriate agency.

Response Q.21: The demolition of the structures on the project site and removal of trees were done prior to application filing for the proposed religious facility, and the related EIR's analysis. **Topic Response E. Demolition of On-site Structures** contains more information about this process. The conditions on the project site resulting from these activities reflect the baseline condition for the Draft EIR's analysis, therefore, no further response is required.

Comment Q.22: 3. NOI-1, 2 – In addition to the noise and operation impact outlined in my Public Comment #1, 2, 3, the construction impact on surrounding the environment, and current homeowners per the EIR.
4. CURRENT LAND-USE would not result in any impacts.
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.

Response Q.22: Refer to **Topic Response A. Noise during Construction.** See also Response Q.19 above.

Comment Q.23: 5. "Given that the project site is located within the incorporated limits of San José, served by existing utilities, and has a Residential Neighborhood General Plan land use designation, it is not realistic to assume the project site would remain undeveloped in perpetuity if the proposed project is not approved." – EIR is very clear that the Residential Neighborhood General Plan land use designation allows eight detached homes per acre, which for the subject 1.86 acre site would allow for up to 14 lots with each lot capable of accommodating a single-family detached (SFD) unit and potentially an accessory dwelling unit (ADU).

Response Q.23: The commenter correctly states that the site could be developed with up to 14 single family detached units according to the density allowed under the current Residential Neighborhood land use designation. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.24: 6. Operation plan is of 150 people is extremely misleading for a 14,000 SF facility! The proposed facility is capable of holding 4000 people.

Response Q.24: The comment states, without supporting evidence, that the project would be capable of holding 4,000 people. The project consists of a 3,000 square foot temple sanctuary and a 11,000 square foot community building, neither of which could be occupied by 4,000 people. The operation plan of the project is based off the requested occupancy of the temple of 300 attendee, and the Draft EIR has evaluated the use of the religious facility with the event schedule and attendance proposed in the planning application.

Comment Q.25: 7. As mentioned, I had provide 3 lengthy documents after the Notice of Preparation Meeting that I would like to incorporate into this Comment #4. I will be sending these again for your reference.

Response Q.25: The commenter references prior comments they provided to the City earlier in the EIR preparation process. Any comments received by the City in response to the EIR Notice of Preparation were included in the appendices to the Draft EIR. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.26: 8. The EIR findings conclude that the proposed project may not have any aesthetic impact to any State scenic highway or designated scenic corridor. But it FAILED to mention that the temple is no compatible to any adjacent structures and definitely out of character for this small Residential Parcel. Again, this proposed project is in a HIGHLY DENSED RN zone, and the design impacts should be compared to existing single and 2-story Single Family Home. Th All the elaborate decorative design is not COMPATIBLE and COMPLETELY OUT OF CHARACTER with adjacent homes.

Response Q.26: The commenter expresses their opinion that the proposed design would be incompatible with the surrounding neighborhood. As discussed in the Aesthetics section of the Draft EIR (Section 3.1 page 27), aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character would differ among individuals. The best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The Staff Report addressing the proposed facility will contain a discussion of the project's consistency with relevant design standards. As noted in the comment, the project would not have any aesthetic impact to any State scenic highway or designated scenic corridor, which is the relevant consideration for CEQA.

Comment Q.27: 9. The Operation Plan does not make sense for a 14,000 SF facility that is capable of holding easily 4,000 people. The applicant's current facility has shown via youtube of events showing LOUD speakers and parking issues that cause major problem for this designated Residential Neighborhood zone.

Response Q.27: The commenter speculates the project could actually hold 4000 people; however, the project consists of a 3,000 square foot temple sanctuary and a 11,000 square foot community building, neither of which could be occupied by 4,000 people. The operation plan of the project is based off the requested occupancy of 300 people, and the Draft EIR has evaluated the use of the religious facility with the event schedule and attendance proposed in the planning application. The Draft EIR's analysis has accounted for the project's proposed use of outdoor speakers. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.28: 10. Onsite parking is not adequate! The overflow to residential streets without a doubt. This problem is observed with nearby religious facilities.
11. The shuttle plan is a major hazard in a highly densed Residential Neighborhood. And is UNACCEPTABLE.

Response Q.28: The parking provided as a part of the project meets the City requirement for parking for a religious establishment of the project size. Further parking is not a CEQA impact and would not need to be evaluated as part of an environmental impact report. Refer also to Topic Response C. Transportation and Parking.

Additionally, the commenter states, without support, that the shuttle plan would result in hazards to the neighborhood. The project's traffic, including shuttles to off-site parking, were evaluated in a transportation analysis prepared in accordance with City requirements. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment Q.29: Overall, the EIR highly many impacts, and violate many Policy. The project is incompatible and out of character for the designated Residential Neighborhood Zone per the General Plan 2040.
Sincerely and respectfully, I'd like ask any staff members, members of the Planning Commission and the City Council - would you approve this project if it next to your home?

Response Q.29: The commenter summarizes the prior comments and requests denial of the project. Discussion of these issues are included above in comment Responses Q.21 – Q.28.

R. Paul Rosati Comment Letters (August 23, 2022 - September 21, 2022)

Comment R.1: This issue has gone on way too long. From the beginning, I vehemently opposed re-zoning from residential to something else to allow a temple. This location was occupied by a long time San Jose physician, Dr. Ahnlund, and it is and always has been 100% residential. Re-zoning is preferential to the builder who I heard has a friendship with our mayor. Why is the preference allowed? Pure political shenanigans to me. The homes were here first. The temple should go find a location with mixed residential and not invade the pure residential.

Response R.1: The commenter states an opinion that the rezoning is not proper for the site and requests that the project be relocated. The Draft EIR evaluates the project as proposed to inform the decision on the project application. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment R.2: I have never understood the basis for rezoning from residential (6 homes) to special use (Temple) permit. If 6 homes were too demanding, how can the Temple be less demanding? Something smell fishy to me. I heard it is rich guy behind this who has friendship with our mayor. Why do rich people get all the breaks in this world and why are they able to tilt the system to their benefit? We need homes. We do not need more places of worship. This project will stick out like a sore thumb in our neighborhood. Please stop good old boy cronyism and go back to the original plan of 6 homes.

Response R.2: The commenter argues that constructing six homes according to current zoning would be better for the neighborhood. The Draft EIR includes discussion of an alternative that involves development of the site consistent with the site's Residential Neighborhood land use designation which allows development at eight dwelling units per acre, and potentially up to 14 homes on the 1.86-acre site. This does not express concerns about the adequacy of the Draft EIR therefore, no further response is required.

S. Philip Nguyen Comment Letter (October 7, 2022)

Comment S.1: -cumulative impacts -during construction: trucks idling, digging, traffic to and from site with 600 loads of dirt, large equipment noise, vibration. There are no guarantees noise suppression plans will be done during construction. For reference, during demolition, residences within less than 500 feet and more than 1000 feet experienced significant detrimental effects, especially the home that is surrounded on 3 sides of the project site and the two streets of neighbors with adjacent fence lines. The noticing for demolition was given the same day as the work started. The work started during the early stages of the Covid pandemic where the county of Santa Clara required a Shelter in place, during one of the most historic public health challenges of our time. The only construction that was permitted at that time was for emergency housing and other emergency situations, yet the temple project proceeded, with construction during the lockdown. The emergency permit to begin demolition during the shelter in place was asked for on numerous occasions, never provided. The issues to neighbors were: 1) no prior notification of construction commencement 2) confusion about the project status 3) dust, noise, vibration that disrupted their ability to work, study, use their front and backyards. The impacts to neighbors were: 1) medical respiratory issues to air quality, anxiety, unable to concentrate to work from home, and study from home 4) unable to leave their homes to find other shelter during the demolition process. It should be noted that the air quality report shows there is some lead in the soil. There was probably also asbestos in the 1950's ranch home. No shielding was used to protect the neighbors from the toxic dust. There was no "noise disturbance coordinator" as is recommended under the Wilson Acoustics Noise Vibration report. Ref: EC-1.7. Construction hours were stated in the notification to neighbors to start no earlier than 8am. Those hours were breached. Though lawful hours for construction in San Jose are from 7 am to 7pm on weekdays, there was one instance where they trucks were going before 6:45 am. This was heard from 1000 feet away and verified by viewing the projectsite. Masks were not used at times, against the order of Santa Clara County. Report was made, and we were told those folks were from the same household. There is a major trust issue with this developer. Prior to construction implementation, noticing to neighbors should be given at least 1 week in advance of anticipated work commencement and timelines of work and type provided. An independent noise disturbance coordinator who responds to neighbor concerns approved by the neighborhood should be required and in place prior to work commencement.

Response S.1: This comment pertains to demolition that occurred on the property under separate permit, and prior to submittal of the current planning application for the proposed religious facility that is the subject of the Draft EIR. This comment does not pertain to the Draft EIR's analysis of the proposed project, but rather speaks to the need for effective enforcement of the proposed construction and quality and noise mitigation measures included in the Draft EIR. Refer to **Topic Response E. Demolition of On-site Structures** for more information.

Comment S.2: -cumulative impacts-during temple operations-noise study shows the temple may create noise levels at 71 dba. This is stadium level noise (San Jose General Plan), and even under P/QP requires a special use permit. Highest outdoor noise level is 60 dba or less permissible for residential under San Jose General Plan. The projects' noise study showed noise level around the perimeter of project to average 48 to 49 dna/ dba. The report also shows the project should strive to keep the noise at no higher than 5 over the current dba, which would be 55 dba. To mitigate to this level, noise report states sound wall and volume suppression equipment should be used in outdoor

amplification. Sound wall and noise volume suppression equipment will not be enough to lower the noise level to 54 dba/dna. Volume suppression devices are not guaranteed to be used. Sound sources including high pitched devices, any outdoor amplification should be held entirely contained inside the temple facilities. A sound monitor would need to be placed at facility for outdoor activities to ensure compliance as is done at other facilities where neighboring homes could be affected. Any activities should cease by 10pm or earlier on weekends and 8pm on weekdays. Placement of noise producing equipment should be placed as far from any residence as possible. Garbage pick up should be at the curbor another location that is not requiring garbage trucks to drive through the facility and next to neighboring fences.

Response S.2: Refer to **Topic Response B. Noise during Operations.** There are also no major projects located within 1,000 feet of the proposed project and therefore, noise of the project would not further exacerbate other noise impacts created by nearby projects.

T. Reuben Castillo Comment Letters (October 6, 2022-October 20, 2022)

Comment T.1: Following are my comments regarding the Draft Environmental Impact Report (DEIR) for the Wat Khmer Kampuchea Krom Temple Project (SCH # 2021050524 / FILE NOS: SP20-024 & ER20-147).

The DEIR is deficient in many areas, including in its description of the project and the neighborhood. The assessment of substantial impacts, and mitigation and alternatives, are also deficient. Applicants are billionaires and easily have access to and the ability to purchase another property to build to the visitor capacity they truly seek, which is at least 500 visitors at any one time, and room for growth. The DEIR's deficiencies does not enable decision-makers to assess the proposed project's impacts. The City of San José should work with its consultant to address these deficiencies and release a revised draft environmental impact report for public comment prior to finalizing it.

Response T.1: The commenter states, without supporting evidence, that the Draft EIR is deficient in describing the project and did not account for the actual number of visitors. The comment speculates that at least 500 visitors would attend events at the site, without explanation. The Draft EIR evaluates the proposed project based on the application filed with the City, including the project plans. See also **Response G.16** regarding the Draft EIR's discussion of alternative locations.

Comment T.2: My family has lived at 3410 Pin Oak Court for over forty (40) years. My mother is in her nineties and disabled. She cannot relocate, and my family will be significantly impacted by the project as proposed. As shown in Figure 1 below, my family's home is directly north of the proposed 1.86-acre project at 2740 Ruby Avenue (Proposed Project or Site).

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 2720 Ruby Ave.⁷ The Proposed Project currently has several points for vehicle entry / access from both Ruby and Norwood Avenues. My family's home, and the Tran family's home, would both be adjacent to the sole point of vehicular and delivery access the applicants are proposing. This point of entry will run the length of my family home's southern boundary and the Tran family's northern boundary.

Response T.2: The commenter describes the access point of the proposed project and its proximity to adjacent residences. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment T.3: 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

⁷ It bears repeating that the Proposed Project will surround the Tran family's home on all sides because the Hexagon – Sabuy Temple Study, and the Draft Environmental Impact Report dated August 2022 (DEIR), which largely relies on the Hexagon – Sabuy Temple Study, have no or very limited discussion and analysis about the Proposed Project's impacts / cumulative impacts on neighbors, including the Tran family and their home.

direction. Ruby Avenue has dedicated bicycles lanes in each direction, but there are no dedicated bicycle lanes on Norwood Avenue. Figure 1 above shows the bicycle lane on the eastern side of Ruby Avenue.

Response T.3: The commenter describes the land uses near the project site and identifies the bicycle lane layout of the nearby streets. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment T.4: Parking is not allowed on Ruby Avenue near the Proposed Project. The 2740 Ruby Avenue Buddhist Temple Local Transportation Analysis prepared for the Sabuy Temple – Khmer Buddhist Temple Foundation, dated June 22, 2022 (Hexagon - Sabuy Temple Study) incorrectly states that parking is allowed on Ruby Avenue.³ This is not the case. Parking on Ruby Avenue is not permitted between Tully Avenue and Quimby Road, which means that on-street parking on Ruby Avenue is not an option within one-half mile or more of the Proposed Project. Pin Oak and Sweetleaf Courts are the nearest courts to the Proposed Project. On Pin Oak Court, we have only six on-street parking spaces for seven single-family homes that have multi-generational households. Parking in our court is constantly in use, and, again, parking on Ruby Avenue is not an option for my family. Although the Proposed 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 commenter identifies incorrect descriptions of the presence of street parking in the Local Transportation Analysis. The Local Transportation Analysis has been revised to correct this error, and is included as an attachment to this Final EIR. This does not change the analysis in the report because the project did not assume any visitors would park on Ruby Avenue or Norwood Avenue. Further, parking is not a CEQA impact and is not required to be analyzed in environmental documents. Refer also to Topic Response C. Transportation and Parking. Therefore, no changes would be made to the Draft EIR that would require recirculation.

Comment T.5: The neighborhood is not well served by public transportation, with the nearest bus stop more than .5 miles away. Our neighborhood is not near rapid transit nor a rail line, and we are not in or near an Urban Village.

Response T.5: The commenter states that the nearest bus stop is further than a half mile away. The project site is located approximately a half mile away from the nearest bus stop on Quimby Road. This information is discussed on page 144 of the Draft EIR. The comment correctly notes the site is not located within or near an Urban Village, however, that is not a requirement for a religious assembly use. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment T.6: The Norwood/Ruby intersection is a busy one, and, unfortunately, these avenues are a source of speeding and collisions. The Hexagon- Sabuy Temple Study provides no background about speeding and collisions or related complaints made to the City’s Department of Transportation about this intersection. Instead, the Hexagon- Sabuy Temple Study focuses on traffic volume. It relies on the Proposed Project’s most current estimate of the number of visitors they expect.

Unfortunately, this study does not factor in the applicants' previous estimates for visitors' visits, which, in many instances, were higher per activity. Most notably, the applicants previously included events that exceeded 500 visitors at one time.⁸ The Hexagon – Sabuy Temple Study also excludes planned or likely future sources of development that will increase travel along Ruby Avenue. This includes additional development at the Evergreen Islamic Center and the Sikh Gurdwara Sahib – San Jose;⁹ growing demand for and access to Evergreen Village Square on Ruby Avenue, which is south of the Proposed Project and Aborn Road; and the likely future development of the 114-acre former Pleasant Hills Golf Course.¹⁰ These and other foreseeable sources will create more traffic on Ruby Avenue; and the fact that Murillo Road does not continuously connect from Aborn Road to Tully Road, means that traffic along both Ruby and Norwood Avenues has the potential to substantially increase. None of these sources are discussed or factored into traffic levels in the Hexagon – Sabuy Temple Study.

Response T.6: The commenter states that the intersection near the project experiences speeding and collisions and argues that the traffic report underestimates traffic from the proposed project and surrounding areas. The traffic report and Draft EIR evaluate the project as proposed based on the application filed with the City. Further the traffic impacts of the proposed project are analyzed based on vehicle mile traveled and not LOS for the purposes of CEQA and impacts associated with this metric were determined to be less than significant. Additionally, traffic operations are analyzed for the proposed project using 'background' traffic, which includes traffic generated by approved projects at the time of preparation but does not include proposed projects or future developments. Projects proposed during the preparation of the traffic report or speculated for development would be analyzed for traffic under their respective project applications and would include other approved projects at the time of preparation of the respective report. Additionally, refer to **Response C.2** regarding the accident rate of intersections near the project site. Therefore, the Draft EIR would not require revision or recirculation.

Comment T.7: Like the neighborhood, the Site has a General Plan designation of Residential Neighborhood and is zoned R1-R5. Residential Neighborhoods are generally low-growth areas.¹¹ Religious assemblies are allowed on R1-R5 zoned sites with a Conditional Use Permit.¹² The Proposed Project seeks a zoning change from R1-R5 to Public/Quasi-Public and a Special Use Permit. This designation is categorized alongside commercial zoning districts in the City's zoning code.¹³ The Public/Quasi-Public (PQP) designation allows a variety of uses, including public land

⁸ The City's Preliminary Review (PRE18-190) of applicants' preliminary application dated November 5, 2018, at page 5, identifies that some special events will include 500 community members and guests plus 8 monks. Applicants have not stated that these special events will occur at another location, and so these events will take place at the Site.

⁹ The Sikh Gurdwara Sahib – San Jose is on an avenue that becomes Murillo Avenue, but Murillo is incomplete, and, therefore, many travelers wishing to reach Tully Avenue to reach other major roads and highways will travel west on Norwood and north on Ruby Avenues, passing the Proposed Project.

¹¹ San José Spotlight, "Closed San Jose Golf Course Could Become Housing," September 6, 2022.

¹² Envision San José 2040 General Plan, Low Growth Areas, Chapter 5, p. 4.

¹³ San José Municipal Code, section 20.30.100.

¹³ San José Municipal Code, section 20.40.010.

uses, like schools and colleges, libraries, and convention centers.¹⁴ The PQP designation is also used for private uses, like schools, daycare centers, and hospitals. Private community gathering facilities, including those used for religious assembly, are discretionary and may be considered.¹⁵ Supporting and incidental uses to the primary PQP use, like offices, retail, public eating and/or drinking establishments, may be allowed.

Response T.7: The comment discusses the current zoning district (R-1-5 Residential) and proposed zoning district (Public/Quasi-public) for the site, as well as the Residential Neighborhood land use designation, which is not proposed to change as part of the project. This comment pertains to the planning regulations that apply, or that are proposed to be applied, to the site, and not to the Draft EIR's analysis of the project's environmental impacts and no further response is required.

Comment T.8: 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.¹⁶ No maximum individual occupant square footage is stated, and parking regulations are defined in a different section of the City's zoning code. If approved, the Proposed Project would add about 14,000 s.f. of buildings, of which 5,710 s.f. would be for assembly - 3,741 s.f. in the Community Building and 1,969 s.f. in the Temple.¹⁷ These figures exclude basement areas, which may someday be used as gathering spaces. 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 applicants' drawings, the setbacks proposed are 10 feet to all adjacent homes.¹⁸

Response T.8: The commenter correctly describes the proposed project's compliance with the PQP development standards. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment T.9: The Proposed Project also proposes to cut the Site's current various points of access, from both frontages, down to one for all visitors and deliveries. This sole point of access would be off Ruby Avenue and would run along my family home's southern border and the northern border of the Tran family home at 2720 Ruby Avenue.¹⁹ The Proposed Project's loading/unloading zone for all visitors, and likely for all deliveries, appears to be within about 15 feet of and directly behind the Tran family home. Per the plan sets the applicants have made available to community members, no off-site improvements, for traffic safety and traffic flow (i.e., a roundabout or narrowed traffic lanes, an extended turning lane on Ruby Ave, and crosswalks at this intersection), have been proposed by

¹⁴ Envision San José 2040 General Plan, Interconnected City, p. 5-12.

¹⁵ San José Municipal Code, section 20.40.100, emphasis added.

¹⁶ San José Municipal Code, section 20.40.200.

¹⁷ This total in assembly square footage was reduced by 661 s.f., which, more recently, the Proposed Project identified as non-assembly space.

¹⁸ Though the applicants' Project Data Sheet, Sheet No. 0, dated July 7, 2022, indicates much larger setbacks, the setbacks to uses at the site, which will generate noise at the site, like in the parking areas, are all 10 feet.

¹⁹ Applicants' Architectural Site Plan (SUP), Sheet Number S1.1, February 9, 2022.

applicants.²⁰ These plans specifically state that “offsite improvements for reference only – not on current proposed scope of work.” However, the Hexagon – Sabuy Temple Study prepared an analysis for a roundabout and no other traffic improvements (e.g., improvements that narrow or add a crosswalk to Ruby and/or Norwood Avenues).²¹ It found that the addition of a roundabout at this intersection was feasible.

Response T.9: The commenter describes the location of the proposed driveway for the site and states that the plan set does not align with the recommendation in the traffic report for the inclusion of a roundabout. The plan to add a roundabout is a city action and not officially part of the proposed project. This roundabout would be carried out in tandem with the proposed project however, it is not part of the proposed project design and the proposed project would contribute to payment for the cost of the roundabout. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment T.10: The Hexagon – Sabuy Temple Study is Deficient, which Contributed to the Draft Environmental Impact Report (DEIR) being Deficient

The Draft Environmental Impact Report (SCH# 2021050524), prepared by the City of San José in consultation with David J. Powers and Associates, Inc., dated August 2022 (DEIR) relies on analysis in the Hexagon - Sabuy Temple Study. Unfortunately, the Hexagon – Sabuy Temple Study is deficient on several fronts, leading the DEIR to also be deficient and fail to assess substantial impacts and propose mitigation measures and alternatives.

1. The Hexagon – Sabuy Temple Study underestimates the number of visitors to the site and, thus, makes unreasonable conclusions about neighborhood impacts, which are carried over into the DEIR. The Hexagon - Sabuy Temple Study assumes that the maximum number of visitors to the site in a day will be 300.²² But applicants’ original application identified that some events would attract 500 visitors. This figure likely excludes the eight permanent residents of the site, maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff that the applicants expect will support events.²³

Further, applicants’ originally proposed maximum of 500 visitors is likely the number of visitors at any one time, and it is more accurate than their current representation of 300 visitors, given that, recently, they identified that the Temple’s local congregation is as large as 6,000²⁴ and that its current plans meet their “minimum needs.”²⁵

Religious assemblies are not like other commercial or residential developments – one cannot simply reduce building square footage and reasonably believe that this will result in fewer people seeking to access the site. The Proposed Project will be of regional, and perhaps international, significance,

²⁰ Applicants’ Civil Improvement Plans, Overall Site Plan, Sheet C-2.0, July 1, 2020.

²¹ Hexagon – Sabuy Temple Study, p. 20.

²² Hexagon – Sabuy Temple Study, p. 5.

²³ The applicants have made clear, on several occasions, including in their March 26, 2021, Application Statement, that their visitor limit excludes the eight permanent residents living on site, maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff. (Applicants’ Statement, March 26, 2021, p. 14).

²⁴ Northern California activist builds a Temple for San Jose Cambodian population, Ken Kurson, California Globe September 28, 2022.

²⁵ Applicants’ proposed plan’s size and square footage were designed to meet their “minimum needs.” (Application Statement, March 26, 2021, p. 1.)

given that a considerable number of congregants who attended a prior community meeting identified that they reside in Oakland and San Francisco.²⁶

Applicants' many statements – through their application, plans, and media and the varied and distant locations of its congregation - make clear that visitors of the Proposed Project will reach or exceed 500 at one time. It is, therefore, necessary to include analysis of impacts, both in the Hexagon – Sabuy Temple Study and the DEIR, at this substantially higher visitor level. However, the Hexagon – Sabuy Temple Study provides no such description of or analysis for this larger number of visitors, and neither does the DEIR. On this basis, both studies are deficient.

Response T.10: The commenter states that the traffic report is deficient because they use the assumption that the proposed project would have a maximum of 300 visitors at one time. The analysis is based on the application filed with the City, as presented in the Draft EIR Project Description. The assertion that the project would generate more than 500 visitors is speculative, and not representative of the actual proposed project filed with the City for approval. Further, CEQA guidelines Section 15145 specifically discourage speculation on future conditions that are not identified in the proposed project application. Therefore, the Draft EIR and traffic analysis are addressing the actual application and do not require revision or recirculation.

Comment T.11: 2. The Hexagon – Sabuy Temple Study assumes, without adequate analysis, that the parking requirement for the Proposed Project will be 100 spaces. The Hexagon – Sabuy Temple Study does not appear to have followed, or at least articulated how it has followed, the City's Municipal Code to determine the number of parking spaces required by all uses at the site.²⁷ The Municipal Code provides that the number of required offstreet parking is the sum of the total required for the various individual uses on a site.

Uses that may generate their own parking requirement include offices, commercial support, commercial kitchens, schools, private club or lodge, community centers, and outdoor recreational areas. A reduction in this requirement may be allowed under the City's zoning code for alternating uses and exceptions.

However, analysis under the Municipal Code by this consultant in arriving at the number of spaces it has determined are adequate to support the Site is unclear, and it's unclear whether they followed the Municipal Code requirement. This study appears to jump from parking requirements calculated based solely on a portion of the Temple's square footage to then, confusingly, asks the public to, "Note that the City's vehicle parking requirement of 66 spaces is based on the square footage of the Temple's assembly and circulation space. The requirement does not consider the actual number of Temple visitors and does not account for any particular vehicle occupancy rate."²⁸ Despite this, this study then goes on to say that 100 parking spaces is what will be needed to meet parking demand at the Site. This analysis is deficient, and thus leads the DEIR to be deficient.

Response T.11: The commenter states that the traffic study concludes that the project would need 100 parking spaces and incorrectly identifies the parking

²⁶ Proposed Project, Community Meeting 2, June 2, 2021.

²⁷ Municipal Code section 20.90.060.

²⁸ Hexagon – Sabuy Temple Study, p. iv.

requirement. The Local Transportation Analysis on page 25 states that the proposed project would provide 67 total spaces with 63 of those for visitors. The commenter does not correctly describe the analysis in the Draft EIR or Local Transportation Analysis. The analysis presented is consistent with the Municipal Code parking requirement, and therefore meets the requirements of City policy. Additionally, parking supply is not an environmental issue evaluated under CEQA, and the environmental impacts from the proposed project, with the mix of on-site parking and off-site parking for larger events, have been disclosed throughout the Draft EIR (Section 2.0 page 3), where applicable, in the various impact sections, such as Noise, where the use of the on-site parking lot would generate noise impacts.

Comment T.12: 3. Without any analysis, the Hexagon – Sabuy Temple Study assumes that applicants’ proposal to allow vehicles to park perpendicularly to others and block 60% of stall parking in the Proposed Project’s off-site parking lot, including parking that is reserved for visitors with disabilities, is authorized under the City’s Municipal Code. This lack of analysis about whether such a parking scheme is authorized, or could create health and safety issues under some scenarios, carries over to the DEIR, making both studies deficient. The Proposed Project includes 15 permanent “valet” off-street parking spaces. In reality, these spaces would park perpendicular to and block 60% of vehicles parked in stalls, including vehicles in spaces permanently designated for persons with disabilities.²⁹ No daily parking management plan is described in the Hexagon – Sabuy Temple Study.³⁰ At most, the Hexagon – Sabuy Temple Study mentions that there 15 “valet” spaces would be used by nine valet staff who would manage these spaces when there were events that required off-site parking and that reached up to 250 visitors.³¹

No other analysis is provided in the Hexagon – Sabuy Temple Study, and for events under 190 visitors, these “valets spaces” would be unregulated. Further, no discussion about the likely possibility that more vehicles will park perpendicularly than 15, and that these would block fire safety access routes, is provided.

The Municipal Code does not authorize perpendicular parking or “valet spaces” in offsite locations. The Municipal Code mentions off-street parking, and tandem parking stalls under certain circumstances, but it does not authorize unmanaged perpendicular parking.³² The Hexagon – Sabuy Temple Study does not include any analysis about whether off-street cars parked in a perpendicular configuration would comply with the City’s Municipal Code or be safe. Since this was not analyzed in the Hexagon – Sabuy Temple Study, this issue was not analyzed in the DEIR, leading both studies to be deficient.

²⁹ Applicants’ Parking Count Diagram, Sheet G3.0, Dated July 11, 2022.

³⁰ Sixty-six of the 67 proposed off-site spaces would be for visitors. If these 6 spaces were all in use, according to Hexagon – Sabuy Temple Study estimates, at least 198 visitors would be on site. The Hexagon – Sabuy Study does not articulate how someone blocked in by a perpendicularly-parked car would be able to leave the parking lot. Would visitors who need to leave the Site honk, disturbing neighbors, to alert other visitors to move their cars? Would there be an announcement through an exterior loud speaker, disturbing neighbors? Would, over time, more than 15 cars perpendicularly park on site, blocking fire lanes? The Hexagon – Sabuy Temple Study does not discuss or assess this issue or a related management plan. Instead, it assumes that this unregulated “valet” parking would somehow work.

³¹ Hexagon – Sabuy Temple Study, p. 30

³² San Jose Municipal Code, 20.90.200.

Response T.12: This comment largely pertains to the design of parking, and does not relate to existing environmental resources that could be affected by the project. As such, the issues raised are related to the design of the project site plan and the smooth circulation of vehicles on site. Page 22 of the Transportation Analysis performed for the proposed project discusses that the parking lot would operate safely with adequate vehicle queuing and circulation and would allow for proper flow even with the inclusion of valet spaces. Additionally, on Page 23 the transportation analysis includes discussion of proper emergency access maintained for the site via project frontages to the parking lot or an access road on the east side of the project site. Therefore, the comment does not raise issues that would result in significant impacts on-site and the Draft EIR would not require revision or recirculation. See **Response T.10** and **Response T.11** above for further information.

Comment T.13: 4. The Hexagon – Sabuy Temple Study assumes, without adequate analysis, that applicant’s proposal for reduced off-street parking complies with the City’s requirements, including those regulating Transportation Demand Management Plans. This lack of analysis carries over to the DEIR, making both studies deficient. In a conclusory way, the Hexagon – Sabuy Temple Study estimates that applicants will need to provide 100 parking spaces for up to 300 visitors.³³ It is unclear if the Hexagon – Sabuy Temple Study’s assessment of this quantity of parking for the Proposed Project complies with the City’s Municipal Code.³⁴

The Hexagon – Sabuy Temple Study assumes that applicants will be authorized to have 15 “valet,” or perpendicular spaces, and another 52 parking stalls, totaling 67 spaces, of off-site parking at the Proposed Project. Also in a conclusory way, the Hexagon – Sabuy Temple Study specifies that 37 off-site parking spaces will be required and at another location and that this reduction in off-street parking at the Proposed Project is authorized under Municipal Code section 20.90.220. Based on this study’s analysis that the Proposed Project will require 100 off-street parking spaces, and that 37 will need to be contained at another off-site location, applicants will need to meet a minimum of 37% of its total off-street parking requirement at another off-street location.

The Planning Director, or on appeal to the Planning Commission, has discretion to authorize a project to meet its off-street parking requirements at another off-street location. But the Director or Commission must make certain findings before authorizing this.³⁵ Thirty-seven percent (37%) off-street parking at an off-site location is significant, and it would require applicants to have a Transportation Demand Management Plan (TDMP) that was approved by the Planning Director. This TDMP should reduce vehicle trips and vehicle miles traveled.³⁶ The TDMP’s off-site parking must be reasonably convenient and accessible to the buildings or uses to be served. Before granting a TDMP, the decision-maker must first find that applicants 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.

Applicants’ TDMP increases, it does not decrease, vehicle trips and vehicle miles traveled to the Proposed Project. The Hexagon – Sabuy Temple Study identifies that at least nine valets and a

³³ Hexagon – Sabuy Temple Study, p. 30.

³⁴ See issue, or item, 3 above.

³⁵ Municipal Code section 20.90.200

³⁶ Envision San José 2040 General Plan, Goal TR-7

shuttle would operate during events of up to 250 visitors.³⁷ This means that instead of each visitor trip creating two trips to the Proposed Project, the use of valets, plus visitors' trips, would result in six trips per visitor vehicle.³⁸

Further, the Hexagon – Sabuy Temple Study does not call the Proposed Project's off-site parking location convenient or accessible, since it would be at least half a mile away from alternate off-street locations or public transit stops. It does not envision that visitors will be walking to and from the off-street parking location nor taking public transportation, which is also at least one-half mile away. The Hexagon – Sabuy Temple Study does not mention nor analyze how applicants will satisfy its off-site parking requirement, which must be met at the Proposed Project because no off-site alternative parking locations within a reasonable walking distance of the Proposed Project exist. This is a significant issue, with significant environmental consequences, and it was not analyzed in either the Hexagon – Sabuy Temple Study nor the DEIR. Therefore, both studies are deficient.

Response T.13: The comment relates to the analysis of parking supply provided in the Local Transportation Analysis and the adequacy of the parking supply in light of parking requirements in Title 20 of the Municipal Code. The issue of proposed parking supply, both on-site and off-site, is a planning issue for consideration by the City based on Title 20 requirements, and not an environmental issue required to be evaluated in depth in the Draft EIR, as parking supply is not an environmental resource under CEQA that could be affected by the project. The parking supply proposed by the project is part of the Project Description (Section 2.2.6 page 14), and the Draft EIR discloses environmental impacts based on the various aspects of the Project Description, including the proposed mix of on-site parking and off-site parking. Further, the Title 20 requirements which were provided during the analysis of the project have been removed as of December 6th, 2022 by a decision of the City Council. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment T.14: 5. The Hexagon - Sabuy Temple Study unrealistically anticipates that all visitors will know about and access a TDMP or be denied entry to the Site. This unrealistic assumption carries over to the DEIR. The Hexagon – Sabuy Temple Study assumes that all visitors attending religious events of 190 people or more will follow a predetermined TDMP. This is unrealistic. The Temple will be unique and a regional, if not international, attraction for visitors. Not all visitors have access to or will use technology, and not all visitors will be routinely associated with the Temple. Some visitors from out of town may wish to visit on a day of religious significance. Comparing a regional place of worship to other commercial uses, which can simply turn visitors away because, for

³⁷ Hexagon – Sabuy Temple Study, p. 30.

³⁸ Each visitor's two trips (one on and off the Site) combined with each 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, and no valet was used, the applicants' proposed TDMP would have visitors shuttled on- and off-site from or to the off-site parking lot. Applicants' proposal to use a shuttle for events for more than 250 visitors would likely generate fewer trips per visitor than their proposed use of a valet for events up to 250 visitors.

example, they did not preplan their visit, get on a shuttle, and get tickets to access a place of worship, is unrealistic. This unrealistic assumption carries over to the DEIR, making both studies deficient.

Response T.14: The comment pertains to the evaluation of the proposed parking supply in the Local Transportation Analysis. Please see **Response T.13**.

Comment T.15: 6. The Hexagon - Sabuy Temple Study fails to include any realistic analysis about the impacts on neighbors (e.g., noise, emissions, etc.) relating to the parking lot, generally; the use of valet parking and operation of shuttles, specifically; and loading and unloading areas, which will be within 15 feet of the Tran family home. This oversight and deficiency carry over to the DEIR. The Hexagon – Sabuy Temple Study estimates that, for large events of up to 250 visitors, 9 valets and a continuously running shuttle will be needed to take and bring visitors from the off-site parking location, which would be one half mile away from the Proposed Project.⁴⁶ For events with visitors between 251 and 300 visitors, the Hexagon – Sabuy Temple Study suggest that visitors would need to be shuttled to and from the off-site parking area.⁴⁷

Visitors and valets traveling to and from the off-site parking lot would wait for the shuttle, which will be about 15 feet of the Tran family home. Despite the Hexagon – Sabuy Temple Study noting that these trips on/off site and operation of a shuttle would be constant during events, no impacts from noise or emissions from idling vehicles or shuttles, or noise from valets and visitors, seem to require any discussion or mitigation. No discussion of impacts or mitigation measures related to loading and unloading by commercial vehicles to maintain the Proposed Project and support on-site activities are described, despite the fact that all loading and unloading would occur within 15 feet of the Tran family home.⁴⁸ The fact that this currently configured pick up and drop off – whether for visitors or commercial deliveries in support of Temple events – may not comply with City requirements does not factor into the Hexagon – Sabuy Temple Study or DEIR.⁴⁹ These impacts would be substantial and must be analyzed and mitigated in the DEIR.

Response T.15: The Transportation Analysis was focused on transportation, and not other potential environmental impacts. The events which would require shuttles would occur approximately 20 times per year and would result in temporary impacts, such as increased noise, to residents adjacent to the project site. The air quality impacts are discussed on page 40 of the Draft EIR which determined that the temporary events, including increased vehicle traffic and shuttle buses, would not substantially change air quality emissions created by the project and would result in less than significant impacts. Further, the Noise Study and the Noise Section of the Draft EIR (Section 3.13) account for the noise from shuttles during larger events that involve the use of shuttles for off-site parking. Therefore, the impacts associated with loading and unloading of shuttles are adequately addressed in the Draft EIR and the document would not require revision or recirculation.

Comment T.16: 7. The Hexagon – Sabuy Temple Study underestimates off-street parking needs for support staff and provides no analysis about requirements concerning, or compliance with, the City’s Municipal Code relating to freight loading and unloading space at the Proposed Project. This oversight carries over to the DEIR, making both studies deficient. The Hexagon – Sabuy Temple Study assumes that for events of up to 300 people, only four on-site parking spaces for support staff

will be needed.³⁹ This is wholly deficient. Applicants, themselves, has identified that they will need far more support staff for some events. Support staff identified by applicants include maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff.

This study makes no mention of, nor describes where, commercial vehicles will station or park while serving the Proposed Project and events. Without noting this an issue for analysis or consideration in the DEIR, the Hexagon-Sabuy Temple Study simply states that “No freight loading areas are shown on the site plan. However, the project has indicated that some delivery and service vehicles would utilize the passenger loading zone within the surface parking lot.”

The Municipal Code requires that applicants’ off-street loading space not be closer than 50 feet to land in a residential district or, alternatively, for example, enclosed on all sides by an eight-foot fence.⁴⁰ Applicants appear to propose that all loading and unloading will occur within fifteen feet of the Tran family home. The Hexagon – Sabuy Temple Study fails to identify how this loading and unloading scheme complies, or does not comply, with the City’s Municipal Code. This oversight carries over to the DEIR, making both studies deficient.

Response T.16: The proposed project is a religious use and is not expected to receive frequent deliveries or freight. The deliveries that do come to the site would be adequately served by the parking lot of the temple as described in the Local Transportation Analysis. Additionally, the Municipal code section referenced by the commenter goes on to state, “This section shall apply to buildings intended for use by a manufacturing plant, storage facility, warehouse facility, goods display facility, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning establishment, or other use or uses similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise...”. This does not apply to religious establishments such as the proposed project. Therefore, the Draft EIR and Transportation Analysis are adequate and would not require revision or recirculation.

Comment T.17: 8. The Hexagon – Sabuy Temple Study’s underestimates the Proposed Project’s impacts on public streets, including stacking on public streets immediately adjacent to the Site. This assumption carries over to the DEIR, making both studies deficient. At most, the Proposed Project would provide space for up to 4 cars to stack in its off-street parking lot.⁴¹ No public street improvements are proposed. This is not reasonable nor adequate.

As noted above, more than 300 visitors will visit the site, either in a day or at one time. The applicants previously identified that as many as 500 visitors will visit the Site for some events, and this figure is likely the number of visitors at any one time. Further, it is unrealistic to assume complete compliance with a visitor reservation system and off-site parking requirements.

The Temple will generate regional, if not international, visits, and not everyone will know or have the ability to comply with a reservation system. The closest public transit stop is at least one-half mile away, which is not convenient for visitors and will not be used to reduce trips to the Site. Based

³⁹ Hexagon – Sabuy Temple Study, p. 30.

⁴⁰ San José Municipal Code, section 20.90.440

⁴¹ Hexagon – Sabuy Temple Study, p. 21, identifies that the Proposed Project will provide a total of 90 feet that could potentially be available for queueing. Each queueing car would require 20 feet. Therefore, only 4 cars would have the ability to stack off-site.

on visitors per day that will far exceed 300; that not all visitors, including those from the region and beyond, will have the ability to preplan their travel and use a reservation system; and that mass transit is an unrealistic option means that cars will stack on the public streets near the Proposed Project, causing substantial impacts and hazards. These include impeding residents on Pin Oak Court, the Tran family on Ruby Ave, and neighborhood residents, generally, from safely accessing and using public streets adjacent to the Proposed Project. On these bases, the Hexagon – Sabuy Temple Study and DEIR are deficient and require analysis and proposed alternatives to and/or mitigation of these issues.

Viable alternative development scenarios in the DEIR should include development at another site, where applicants can realize their goal of hosting 500 visitors at one time and growth of their development, and, alternatively, development under the existing R1-R5 zoning and General Plan (e.g., deeper setbacks than what PQP zoning requires and other related development standards); maintenance and improvement of at least two points of access, to enable more cars to stack off-site; no perpendicular or “valet” parking, which is not allowed under the Municipal Code to minimize environmental impacts, including noise and pollution from emissions, on neighbors and improve roadway and Proposed Project access safety; and reducing hours of operation, like other surrounding houses of worship have, from 8 am to 9 pm, to reduce related impacts .

The DEIR relies on the Hexagon- Sabuy Temple Study. Because this study fails to identify the preceding issues with environmental impacts, these issues were not evaluated in the DEIR. This causes the DEIR to be deficient in terms the Proposed Project’s description, discussion, and analysis of alternatives and mitigation of issues that are significant, including lack of compliance with City plans and regulations. Based on this, the DEIR is deficient and does not to enable decision-makers to assess the Proposed Project’s true impacts. The City of San José should work with its consultant to address these deficiencies and release a revised environmental report for public comment prior to finalizing it.

Response T.17: The commenter states that the proposed project should have analyzed hosting of 500 visitors for the potential of traffic issues. The Hexagon Transportation Assessment analyzed the project as proposed in the application filed with the City because this represents what the project applicant has actually proposed. The Draft EIR is also based on the current application and therefore analyzed the 300 visitor maximum for hazards and traffic impacts. The Draft EIR and Transportation Analysis determined that based on the project description, including site plan layout and operations plan, the Proposed project would not result in significant impacts to hazards or traffic operations. Therefore, the Draft EIR and Transportation Analysis would not require revision or recirculation for the issues provided in the comment. The comment further identifies various alternatives that are requested for inclusion in the Draft EIR, however, the Alternatives section of the Draft EIR explains the rationale for the range of alternatives, applying the ‘rule of reason’ that were presented for consideration for the decision-makers, and identifies those alternatives that were considered but rejected. Additionally, the existing congregational attendance is a maximum of 250 during special events and would not exceed this estimated 300 value. This information is further discussed in **Topic Response D. Land Use and Development Standards.**

Comment T.18: Other Deficiencies of the DEIR

In addition to the deficiencies of the DEIR discussed above, following are additional issues that must

be discussed, analyzed and mitigated in a revised DEIR.

9. The Proposed Project description is incomplete. The DEIR's project description is deficient and does not enable decision makers to assess the Proposed Project's impacts. A more complete description of the Proposed Project, including but not limited to its parking areas, with images of the proposed parking entrance, which do not exist in the DEIR; buildings, including building surfaces, building lighting, spires, wall construction and height; proposed commercial appliances; noise analyses of valet, visitor, and visitor and commercial delivery vehicles; and whether plans, including parking plans, currently comply or fail to comply with the City's plans, Municipal Code, and regulations, is required. A complete description of the Proposed Project will require additional analysis of the Proposed Project's environmental impacts and related mitigations and alternatives.

Response T.18: The project description for the Draft EIR presents the proposed project, both in terms of proposed construction activity and operations, based on the application materials and plans which have been submitted to the City. The project description provided in the Draft EIR complies with the requirements of CEQA Guidelines Section 15124, which provides that the description of the project shall contain 1) the precise location and boundaries of the proposed project, 2) a statement of the objectives sought by the proposed project, 3) a general description of the project's technical, economic, and environmental characteristics, and 4) a statement briefly describing the intended uses of the EIR, but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact. Compliance with the City's General Plan, Municipal Code, and other regulations will be evaluated in the Planning Commission staff report.

Comment T.19: 10. Future, foreseeable, plans are not discussed. Applicants' statements and plans make clear that the number of visitors to the Proposed Project at any one time will be far greater – to 500 or beyond at a time – than the 300 total, in a day, that the Hexagon – Sabuy Temple Study and the DEIR have stated. It is completely foreseeable that this substantially higher visitor number will have substantial environmental impacts that must be analyzed and addressed through the environmental impact report.

Response T.19: The comment speculates that the project proponent would expand the capacity of the temple beyond what is presented in the application materials. This is contrary to CEQA, which requires a stable, finite project description be analyzed based on the actual project filed for review with the lead agency. Speculating about a project that is different (i.e. larger) than what has actually been filed for approval with the City is not required by CEQA.

Comment T.20: 11. Land Use Planning and consistency with the City's plans, regulations and Municipal Code is not adequately discussed or analyzed. The Proposed Project will cause significant environmental impacts due to its conflicts with land use plans, policies, and regulations adopted that were instituted to prevent these impacts. The Proposed Project does not appear consistent with the City's plans, Municipal Code, and regulations as noted in this comment letter. These inconsistencies should be analyzed, and mitigations and alternatives explored, in the revised DEIR. 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.⁴² In non-growth areas, the design of new development and subdivisions should reflect the character of predominant existing development and be reflected through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.⁴³ Further, commercial uses on small existing residential streets must clearly demonstrate that they can integrate with the existing residential neighborhood without creating adverse impacts.⁴⁴ The General Plan encourages separation of developments with unique character of density, lot size and shape and existing neighborhoods, again emphasizing the City's drive for compatibility between neighboring uses.⁴⁵

The Proposed Project is in a Residential Neighborhood per the City's General Plan designation. Therefore, the City's General Plan appears to identify the neighborhood as an area not planned for growth. With this in mind, the General Plan guides community members to understand that new development should reflect the character of predominant existing development in our neighborhood and be reflected through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

Though they are not precluded from the Residential Neighborhood land use designation, San José Planning staff have previously advised applicants that Private Community Gathering Facilities are encouraged under the General Plan PQP land use designation.⁴⁶ (A General Plan PQP land use designation is apparently distinguished from a zoning PQP.) 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.

Several elements of the Proposed Project cause it to be incompatible with neighboring uses. The Proposed Project should reflect the character of predominant existing development. This should include the predominant existing character of building height, building scale, siting/setbacks, and building orientation. Exceeding the predominant building height, including through spires that will nearly reach 65 feet under PQP zoning, is not compatible development by the terms of the City's own General Plan.

The applicants' proposal to rezone the Site to PQP to utilize 10-foot setbacks also makes the proposed project incompatible with surrounding uses. The R1-R5 zoning in the neighborhood requires wider setbacks. Ten-foot setbacks are unrealistic for the Proposed Project, which will be surrounded by single-family homes and will surround the Tran family home. Impacts discussed in this comment letter include the number of visitors to the site for large-scale events, which, foreseeably, will exceed 500 visitors at a time and possibly thousands of visitors in a day; will create noise that exceeds allowable noise limits. Additionally, the applicants have not proposed to self-limit the number of large-scale events they will host per year. Further, the inadequate parking plan, which envisions continuous use of valets and shuttles, will generate significant environmental impacts. Further, 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), on March 16, 2020, Planning staff recommended that applicants consider setbacks that were even wider than what R1-R5 zoning requires.⁴⁷

⁴² Envision San José 2040 General Plan, Goal LU-11 and Strategies LU – 11.2 and 11.3.

⁴³ Goal CD-4.4.

⁴⁴ Strategy LU – 11.4.

⁴⁵ General Plan, Strategy LU – 11.7.

⁴⁶ Michelle Flores' letter to Andrew Mann, March 16, 2020, p. 2.

⁴⁷ Michelle Flores' letter to Andrew Mann, March 16, 2020, p. 3.

Applicants' Proposed Project does not align with Planning staff's March 16, 2020 recommendations. Applicants' proposed setbacks, for example, are too narrow for the impacts that will be generated. 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 use decreased setbacks but also incorporate all of their required off-street parking, promote street safety through the provision of on-site (off-street) vehicle stacking at their sites, and design and locate their assembly buildings so that they reduce impacts, like noise, on neighbors. Applicants' Proposed Project does not achieve these important elements. For example, the applicants propose to utilize narrower setbacks to 10-feet, at about 50% less than what is found in the neighborhood; substantially reduce their off-street parking requirement; incorporate double parking, which would block 60% of parking stalls; cut down their access points from several to one, which would promote vehicle stacking on surrounding streets; and incorporate relatively large spaces in buildings and exterior locations for assembly in their plans.

The Proposed Project is at least 20 feet taller than the religious assemblies (Grace Church and Evergreen Valley United Methodist Church) that applicants 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 applicants' building heights should be more consistent with the building heights of neighboring uses and other religious assemblies in the neighborhood.

Like other religious assemblies in the neighborhood and greater Evergreen neighborhood have done, the applicants must strike a better balance between building square footage and off-street parking on the Site to achieve compatibility with surrounding uses. As applicants are not seeking to incorporate all of their impacts and needs on-site, they can and should be required to increase their setbacks as Planning staff previously suggested in their March 16, 2020 letter to the applicants.

The DEIR's analysis of these impacts, and compliance with the City's plans, regulations and Municipal Code and alternatives and mitigation measures are not adequately discussed or analyzed. The Proposed Project does not appear consistent with the City's plans, Municipal Code, and regulations as noted in this document. These inconsistencies should be analyzed, and mitigations and alternatives discussed, in a revised DEIR.

Response T.20: This comment largely pertains to design issues, zoning requirements, and General Plan policy conformance, and does not specifically address the Draft EIR's evaluation of the project's environmental effects. These matters are covered fully in the Staff Report prepared for the project in support of the public hearings. The comment states the project is a commercial use, which is not correct. Please see also see **Response Q.14 and T.18.**

Comment T.21: 12. Impaired implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan is not examined, despite that Proposed Project elements may create this outcome. Applicants' off-street "valet" spaces are proposed as permanent spaces that will count towards their off-street parking requirement. These 15 "valet" spaces, which will block 60% of parking stalls, including all parking stalls for visitors with disabilities, will be in use on a daily basis. No operating plan for daily use is provided. Is the assumption that no one will need to leave early from an event or the Site? With the Proposed Project's 66 spaces in use, by the Hexagon – Sabuy Temple Study's own estimates, nearly 200 people will be on site. How will visitors coordinate if they need to leave? Will they honk, disturbing neighbors? What is the proposed system that will prevent this or other negative impacts?

Further, no plan is provided that describes how the Proposed Project will prevent visitors from creating additional “valet” spaces, which will block fire lanes and pose a threat to visitors and surrounding residents. The Hexagon -Sabuy Temple Study, and thus the DEIR, provides no analysis of whether these proposed “valet” spaces comply with the City’s plans, Municipal Code, or regulations. It provides no examples of where this parking configuration exists and has successfully been in use in other suburban residential locations in San José. It, therefore, assumes that this parking configuration, which is not authorized by the City’s Municipal Code, will work. Neighbors do not want to be guinea pigs to see if unregulated “valet” parking is workable.

This issue must be analyzed. Alternatives should be explored, including: developing the Proposed Project at an alternative site; requiring that all off-street parking be in parking stalls; increasing the number of parking stalls on site; requiring that if the total number of parking stalls is 52, and one stall is dedicated for those who live on-site, that all remaining parking stalls that serve events be at an off-site parking location.

Response T.21: There is no emergency response plan or emergency evacuation plan adopted by the City, County, or other public agency that pertains to the project driveway on Ruby Ave. The traffic report analyzed the safety of parking operations on site and determined that the circulation on site would not result in hazards or operational deficiencies. Additionally, parking on-site would not restrict the City’s established emergency operation plans which operate on a larger scale than specific sites. Valet operations are not an environmental issue and would not be addressed in an environmental document. The comment further requests inclusion of additional alternatives, which has been responded to in **Response T.17.**

Comment T.22: 13. Air quality impacts from idling vehicles, including through operations of the Proposed Project, are not examined. The DEIR should describe and analyze and suggest mitigation and alternatives relating to air quality both during construction as well as during operation. Neighbors, who are sensitive to pollutants, will be exposed during construction and operation of the Proposed Project.

Like during construction, neighbors will potentially be exposed to pollutants during use of the site’s commercial kitchen, particularly through use of a number of natural gas appliances that support large-scale events. Although applicants call the 500-plus square foot kitchen a “finishing” kitchen, its operations, frequency of use, types of appliances are not defined in plans. The site expects to have large-scale events of 300 visitors at one time on the site, but, as I discussed above, this figure may actually be substantially higher, reaching up to 500 visitors at any one time. The DEIR appears to assume that 300 site visitors will be the maximum in a day. But it is possible that large-scale events will attract thousands of people in a day, given that congregants number 6,000 and applicants originally planned to host over 500 people at any given time on the site.

A related operational issue is that large-scale events that attract thousands of people in a day could also lead to hundreds of idling vehicles – including from nine valets and idling shuttles - on site.⁴⁸

⁴⁸ Each visitor, who would typically generate two trips (one on / one off site), through a valet would actually generate six trips (one trip by visitor on/off the site and two trips each to drop off and pick up visitors’ vehicle). Not only would this proposed valet system generate idling cars but more pollution by tripling the number of trips each visitor would typically create through a visit to the site. This plan is not aligned with the City’s policies on reducing trips and greenhouse gases.

The Hexagon – Sabuy Temple Study, and without any analysis of impacts on neighbors, envisions that these valets and shuttles will engage in pick-ups and drop-offs every five minutes, or more frequently if necessary, creating pollution hot spots. The impacts from commercial and/or diesel-fueled vehicles to support the Proposed Project and events are not discussed. Further, applicants have not self-imposed any limit on the number of large-scale events they will hold in a year, and so these large-scale events may occur several times a week, leading to potentially substantial exposure to pollution for neighbors from parking operations. Though we on Pin Oak and Sweetleaf Courts will be substantially impacted, the Tran family will be even more impacted, since the sole pick up and drop off site designated will be within fifteen feet of their home.

The DEIR has failed to analyze impacts that will be generated by the Proposed Project’s commercial kitchen and valet and shuttle parking plan. Both of these sources have the potential to have significant impacts on neighbors. Mitigation and alternatives should include:

a. Proposed Project development alternatives analyses:

- i. No project at site and development of Proposed Project at another site that can accommodate 500-plus visitors at one time and related traffic and access.
- ii. Development of at the Site under R1-R5 requirements, including setbacks to limit neighbors’ exposure to pollutants; inclusion of at least two points of access for vehicular traffic to the Proposed Project, to prevent stacking on public streets; calculation of parking using the Municipal Code, as required, to provide adequate parking for all uses on site; elimination of “valet” parking spaces and use of stall parking only, since this is not a workable transportation demand management plan and subjects neighbors to excessive noise and pollution from idling vehicles; elimination of use of valets, since each visitor’s two trips triples to six trips, increases pollution and impacts on neighbors; requiring all parking off-site be in parking stalls and, instead requiring that access to all parking at off-site parking areas be solely by shuttle, since this will create fewer noise and pollution impacts on neighbors; limiting the number of large-scale events, which require off-street parking at another site, to 10 per year; and reducing hours of operation, like other surrounding houses of worship have, from 8 am to 9 pm, to reduce related impacts.

b. Proposed Project construction alternatives analyses:

- i. Pollutant emissions from heavy-duty construction equipment, and exposure to potentially toxic fugitive dust particles from construction concerns me and my neighbors. Requiring that, during construction, vehicles solely enter and exit from Norwood Avenue instead of from Ruby Avenue between Pin Oak Court homes, including my family home at 3410 Pin Oak Court, and the Tran family home, at 2720 Ruby Avenue, would distance heavy duty equipment and related pollutants from the nearest neighbors. This should be analyzed and proposed to reduce impacts on neighbors.

Response T.22: The commenter discusses impacts related to idling vehicles and thousands of visitors coming to the site. The operational impact of vehicles is primarily analyzed in the Air Quality study completed for the project in terms of trips to the project site which incorporates idling times on-site. During standard operation of the proposed project the proposed project would contribute approximately 104 daily trips to roadways near the project site. As stated on page 47 of the Draft EIR, roadways of greater than 10,000 daily trips are considered to be sources of hazardous air quality by BAAQMD and based on the daily operations of the proposed project the temple would contribute less than one percent of this number of trips to nearby roadways. Therefore, the hazards from operation and idling of vehicles on site would not constitute a significant impact under CEQA. Further, the commenter states that the proposed project would operate natural gas

stoves. Based on the San José Greenhouse Gas Reduction Strategy, all new development is required to use electrical kitchen appliances and therefore the proposed project would not be outfitted with natural gas stovetops.

The commenter also states that the frequency of large events on site would result in further air quality impacts and expose residents to unhealthy air quality. The proposed project would not have the capacity for thousands of visitors as stated in the comment. Please see prior **Response T.10**. Additionally, the larger events hosted by the project would occur approximately 20 times per year, depending on specific dates of Buddhist religious practices. During these times the increased air pollution would occur, however as stated on page 47 of the Draft EIR "...this would not represent a permanent change to the operations of nearby roadways and the trips would be dispersed to multiple sites given attendees would be utilizing off-site parking". Therefore, this was identified as a less than significant impact.

The commenter also requests the analysis of further alternatives. See prior **Response T.17** and **Response G.16** regarding the alternatives requested for inclusion in the comment. The recommendation for the construction trucks to enter and exit from Norwood will be considered by decision makers.

Comment T.23: 14. Reduce greenhouse gas emissions. The DEIR should evaluate alternatives and mitigation measure for this project to reduce greenhouse gas emissions. The Proposed Project will be a regional, if not international, attraction. The Hexagon – Sabuy Temple Study suggests that the valet and shuttle system is viable, despite the fact that each valet trip will triple each visitor trip – from 2 to 6. This proposed transportation plan increases, and does not decrease, impacts on neighbors and greenhouse gas emissions.

The Proposed Project is not within one-quarter mile of public transit, and so public transit usage is not a viable option to this Site. Alternatives and mitigation to be evaluated is development of the Proposed Project at sites within one-quarter mile of public transit, for example, to reduce greenhouse gas emissions.

Response T.23: As stated in Section 3.8 of the Draft EIR the proposed project would be in compliance with the Greenhouse Gas Reduction Strategy, based on the specific project details provided in the Compliance Checklist, required by the City of San José. This policy requires the project to reduce its greenhouse gas emissions through a variety of operational measures including the use of green energy and use of electrical appliances. The shuttles operating for the site would not be consistently used for the site as they would only be used for special events (up to 20 per year) and the increased shuttle trips would contribute a small number of trips compared to the normal operations of the proposed project over the course of the year. Additionally, compared to normal daily trips along Ruby Avenue, the number of shuttle trips and greenhouse gas emissions associated with these trips would be a minimal increase. Therefore, the project's GHG emissions are covered by the City's Greenhouse Gas Reduction Strategy and considered less than significant, and the Draft EIR would not require revision or recirculation.

Comment T.24: 15. Realistic noise levels not analyzed. The DEIR must use realistic assumptions of the sources of noise at the Proposed Project. Activities will include events that will use the entire

Site, like fundraising and weddings.⁴⁹ Events will include exterior amplification.⁵⁰ The applicants, themselves, identify events that will include dancing and music and that will use the full site. The applicants have not self-imposed a limit for the number of large-scale annual events. The DEIR's limitation of sources of noise to people scattered around the Site, softly chanting, or having louder conversations in the parking lot, only, is unrealistic. Further, it is unrealistic to assume that 300 people in a day will use the Site. As noted above, it is foreseeable that applicants will seek to increase the number of visitors to more than 500 at any one time, which means that for some events, thousands of visitors may access the site, and create excessive noise. The DEIR's noise analysis is unrealistic and inadequate. It must do a better job of analyzing applicants' present claims of maximum on-site visitor levels as well as foreseeable future visitor levels that may exceed 500 at any one time. In light of this, mitigation and alternatives to excessive noise should include: no exterior noise amplification, limiting the number of events of 300 visitors to a maximum of 10 per year, and reducing hours of operation to 8 am to 9 p.m.

Response T.24: Refer to **Topic Response B. Noise During Operations**. Further the contention that the EIR must evaluate a larger number of event attendees than proposed by the project has been addressed in prior **Response T.10**.

Comment T.25: 16. Aesthetics. The DEIR's description, analysis and proposed mitigation and alternatives relating to illumination, glare, shading, and consistency or inconsistency with City plans, its Municipal Code, regulations and neighboring uses are deficient. The DEIR should include a description, analysis, and mitigation / alternatives for each of the following.

a. Night Illumination. The DEIR does not describe or analyze the impacts from the site's proposed artificial light sources, like from parking areas, decorative lighting on the Temple and other buildings that outline roofs⁵¹, and signage, as well as from headlights, on neighbors and their properties. The applicants plan to operate from 4 am – 10 pm every day of the week.⁵² They propose to include decorative lighting on their buildings, including outlining the rooflines of the Temple,⁵³ which is proposed to be at least 8 feet taller than neighboring homes.⁵⁴

Neighbors, like all humans, are light sensitive. We have an expectation of privacy and an expectation to be free from excessive lighting that falls onto our homes and that obstructs our views of downtown landmarks and the night sky. Though neighbors that surround the site will be impacted by the applicants' lighting plan, the Tran family at 2720 Ruby Avenue will be the most impacted. The Tran family's home is surrounded by the proposed project, and it faces Ruby Avenue. Every vehicle trip onto or off of the site that requires illumination from headlights will fall onto their home and their windows. Any fence proposed by the Temple will not block out building or parking lot lighting. Lighting from these artificial light sources is significant, particularly for the Tran family, and as such

⁴⁹ Hexagon – Sabuy Temple Study, Appendix A – Temple Activities Schedule.

⁵⁰ DEIR, p. 124.

⁵¹ Applicants' Site Lighting Plan, Sheet S.4.0, dated July 19, 2022, identifies considerable lighting on the Temple building. This lighting appears decorative.

⁵² Hexagon – Sabuy Temple Study, Appendix A.

⁵³ Decorative lighting, like this, does not exist on neighboring homes or places of worship. It is unclear whether the Temple spire, which will nearly reach 65 feet, will include a light source. If it does, this source of light should also be analyzed.

⁵⁴ Applicants' West and South Exterior Elevation, Sheet A2.0, dated July 11, 2022.

must be analyzed in the DEIR.

Alternatives and mitigation to be explored should include: no project at this site and development at an alternative site,⁵⁵ development under the existing zoning of R1-R5 to, among other things, increase setbacks from neighboring uses to reduce impacts; elimination of decorative lighting on buildings that are not required for health or safety reasons; and a reduction in operating hours (e.g., opening time at 7 am and closing time to 9 pm) to minimize artificial lighting impacts on neighbors from artificial lighting sources on the site and from headlights.

b. Glare. The DEIR does not describe or analyze potential sources of glare at the proposed site. Glare sources may exist from reflective building colors, building materials, artificial light from highly polished surfaces, and windows that would reflect sunlight. The proposed project's Temple would stand at least eight feet taller than surrounding buildings. The Temple's spire would stand nearly thirty feet taller than surrounding uses. As such, the DEIR should discuss, analyze, and proposed alternatives and mitigation measures.

c. Shading. The DEIR does not describe or analyze potential shade on neighboring uses. The Proposed Project's buildings and spire will exceed a height of 35 feet, the maximum height of surrounding uses. Discussion of any shade studies, or the need for such a study, analysis, or proposed alternatives and mitigation measures should be included in the DEIR.

Response T.25: The Draft EIR discusses aesthetic impacts in Section 3.1. Impact area d) specifically discusses the light and glare impacts of the project and determined that based on the location of lighting and obscuring structures, light and glare would result in a less than significant impact on surrounding residents. Additionally, based on plans submitted by the project proponent the proposed project would have a roofline elevation similar to structures built on Sweetleaf Court and would have the tallest structures set back from surrounding uses and prevent significant shading from occurring on these surrounding uses. Further, any headlight glare would be comparable to passing cars on Ruby Avenue and would not result in greater impacts on residences fronting Ruby Avenue. Additionally, the lighting plan and increased lighting zones associated with the proposed project are included in Figure 3.1-1 of the Draft EIR and demonstrates no impact on surrounding residents. See prior **Response T.17** and **Response G.16** regarding the alternatives requested for inclusion in the comment. Therefore, the analysis presented in the Draft EIR is sufficiently describing aesthetic impacts and the Draft EIR does not require revisions or recirculation.

Comment T.26: 17. Cumulative impacts must be thoroughly analyzed and mitigated. The DEIR is deficient in its analysis of cumulative impacts and how these may be avoided through alternatives or mitigation. Most notably, cumulative impacts from operations on neighbors are not adequately discussed. More specifically, cumulative impacts on the Tran family, who would be completely surrounded by the Proposed Project, is given no weight. This is a glaring oversight. My family, and

⁵⁵ Applicants are billionaires (See Town & Country, "Meet the Cryptocurrency Billionaire Who Might be Worth More than the Google Founders," Jan. 5, 2018, <https://www.townandcountrymag.com/society/money-andpower/a14760286/chris-larsen-net-worth/>). Applicants own at least one other site at 66 Sunset Avenue in San Jose; they easily have access to and the ability to purchase another property to build to the visitor capacity they truly seek, which is at least 500 visitors at a time.

only second to the Tran family, will be impacted by continuous operation of the driveway during large-scale events, the number/amount of which is not limited. The Tran family will be further impacted by having the sole pick/up and drop off location within 15-feet of their home, which will likely be where all commercial deliveries will be made. Additionally, the Tran family will be impacted by the full use of the Site, which applicants acknowledged will occur. Despite the DEIR's attempt to say that noise in courtyards to scattered soft chanting, applicants have not publicly made this assertion. It is foreseeable that large groups will gather in the courtyard nearest the Tran family home. It is also foreseeable, based on applicants' own statements, that visitors to the site will exceed 500 at any one time. The DEIR must do a more throughout analysis of cumulative impacts, with more realistic noise levels, and include discussion about how to mitigate these impacts and alternatives to them.

Response T.26: The commenter requests further cumulative impact analysis for the proposed project on the house surrounded by the proposed project. Cumulative impacts are impacts of the proposed project in concert with other projects or existing impacts which may result in further exacerbated issues. The Draft EIR did not identify other projects near the project site which would contribute noise during construction or operations which could result in cumulative impacts. The commenter instead discusses the impacts of the proposed project on the adjacent household. Refer to **Topic Response B. Noise During Operations.**

Comment T.27: Alternatives and mitigation analyses

Construction and operation of the Proposed Project will have substantial impacts on neighbors. Each of the preceding sixteen issues should be analyzed. In addition to the alternative and mitigation analyses included in each of the issues identified above, each issue should include the following:

1. More detailed description of Proposed Project and each issue raised above;
2. Analysis and discussion of each issue raised above;
3. Alternatives and mitigations of issues analyses for each issue raised above, that include the following:
 - a. No project at this site and development at an alternative site; and
 - b. Development of at the Site under R1-R5 requirements, including setbacks to limit neighbors' exposure to pollutants; inclusion of at least two points of access for vehicular traffic to the Proposed Project, to prevent stacking on public streets; calculation of parking using the Municipal Code, as required, to provide adequate parking for all uses on site; elimination of "valet" parking spaces and use of stall parking only, since this is not a workable transportation demand management plan and subjects neighbors to excessive noise and pollution from idling vehicles; elimination of use of valets, since each visitor's two trips triples to six trips, increases pollution and impacts on neighbors; requiring all parking offsite be in parking stalls and, instead requiring that access to all parking at off-site parking areas be solely by shuttle, since this will create fewer noise and pollution impacts on neighbors; and limiting the number of large-scale events, which require off-street parking at another site, to 10 per year.

The DEIR's deficiencies does not enable decision-makers to assess the proposed project's impacts. The City of San José should work with its consultant to address these deficiencies and release a revised draft environmental impact report for public comment prior to finalizing it.

Response T.27: The commenter summarizes the information in comments above, and these have been answered in the associated responses. See prior **Response T.17**

and **Response G.16** regarding the alternatives requested for inclusion in the comment. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment T.28: On October 6, 2022, I submitted a comment letter on the Draft Impact Environmental Report (DEIR) for the Wat Khmer Kampuchea Krom Temple Project (SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147). A couple of things I commented about included an inadequate description of the project and the neighborhood and inadequate discussion about the Proposed Project's impacts on public streets, including stacking on public streets immediately adjacent to the proposed project at 2740 Ruby Avenue.

I recently learned that some of the streets in the neighborhood are undergoing changes, which will definitely impact the traffic levels, congestion, and safety on Ruby Avenue, near the proposed project and my family's home. These street changes include a reduction in the number of lanes – from two to one - in each direction on Ruby Avenue. This change has occurred between Ruby Avenue and White Road, and it may extend beyond this section of Quimby to others in the neighborhood. Based on this change, it is possible that other streets in our neighborhood may also undergo reductions. This City roads project was not publicized so that neighbors like me – who live .5 miles away – would know about before this change in roadways before it occurred this weekend. This reduction of lanes on Quimby Road will definitely mean more traffic and increased hazards on Ruby Avenue, near the proposed project and my family home. This is because drivers will try to avoid congestion on Quimby Road and instead access Tully Road, which runs parallel to Quimby Road and has two lanes in each direction. To access Tully Road, drivers will increase traffic trips and speed on Ruby Avenue near the proposed project and my family home.

Unfortunately, the DEIR does not appear to discuss these lane reductions or factor them into analyses in the DEIR. I have checked in with neighbors, and they did not have knowledge of these changes to neighborhood roadways. Because of this, my and neighbors' DEIR comment letters did not include requests that these roadway changes and related impacts be analyzed in the DEIR. However, I ask that the City request that these roadway changes – in the proposed project / neighborhood description and at analyses regarding how these roadway changes will impact congestion, stacking on public streets, street safety and any related mitigation and/or alternatives that may reduce these impacts – be analyzed in the DEIR since City staff knew, or was in a superior position to know, about these roadway changes. Failure to include discussion and analysis of this issue would be a major oversight.

Response T.28: The commenter requests that the Transportation Analysis and Draft EIR account for changes planned to Quimby Road that the commenter believes would cause a change in traffic volumes on Ruby Avenue. The Draft EIR analyzed traffic using the Vehicle Miles Traveled metric as required by CEQA and therefore, this does not express specific concerns about the adequacy of the Draft EIR with regard to CEQA pertinent thresholds. The changes to the surrounding roadway network would be relevant to the Transportation Analysis for level of service, which is outside the scope of CEQA. At the time of preparation of the Transportation Analysis, the improvements to streets around the project site were not known and impacts were compared to the existing conditions. Additionally, the changes to the roadway stated would not change the operations of Ruby Avenue which is already a two-lane roadway at the intersection where the proposed project is located. Congestion and other delays are not CEQA impacts and therefore, these street

changes would not require changes to the Draft EIR or recirculation of the document.

U. Robert Reese Comment Letter (October 4, 2022)

Comment U.1: Please consider and respond to my comments on the EIR for SP20-024 & ER20-147 WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT

1 The first paragraph in the circulation states that the applicant proposed a rezoning to PQP and a Special Use Permit to the City for the development. and leaves out the information to the reader of the document that actually the applicant had filed a Conditional Use Permit as a discretionary use under the R-1-5 zone and it was the City that required the applicant to file for the rezoning to PQP and the Special Use Permit. The City felt that the proposed development under the Conditional Use Permit in the R-1-5 zone would not be recommendation for approval by the City in the R-1-5 zone and Residential Neighborhood General Plan Designation. Previously the City stated to a prior property owner requesting a rezone to R-1-8 that no more intense zoning would be approved for the site based on the requirements of the Residential Neighborhood General Plan designation for the site that new use and buildings must closely conform to the neighborhood development pattern.

Response U.1: The commenter requests that background information about prior proposals for development be included in the Draft EIR. However, any such prior proposals are not relevant to the description of the current project and the Draft EIR's analysis of the current proposed project's expected environmental impacts. Additionally, the planning permit process (i.e. the type of permit required) whether Special Use or Conditional Use Permit does not change the physical development of the project which is what was evaluated in the EIR. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment U.2: 2. The Traffic Analyses incorrectly state that 2 lane roads are 4 lane roads which results in inaccurate traffic analyses and in particular for the stacking of vehicles on Ruby and the resulting hazardous traffic conditions which the development will create.

Response U.2: . The Traffic Analysis states that "Ruby Avenue is a north-south two- to four-lane City Connector Street. Ruby Avenue begins at Kohler Avenue as a transition from Mt. Pleasant Road in the north to Falls Creek Drive in the south. Ruby Avenue has sidewalks, on-street parking on both sides of the street and bike lanes except along the project frontage. The posted speed limit is 35 mph and provides direct access to the project site." This states that the Ruby Avenue roadway varies in width from two to four lanes.

Comment U.3: 3. The noise levels of the proposed development exceed the noise levels permitted in the R-1-5zone/Residential Neighborhood General Plan.

Response U.3: Refer to **Topic Response B. Noise During Operations.**

Comment U.4: 4. The parking provided is inadequate as the full size of the development requires more parking for the building sizes than is provided in the development. The parking was not based on the size of the temple as required by the City parking regulations and rather was based on a reduced area of the temple based on a non-standard subjective concept.

Response U.4: Parking analysis, which was approved during City Local Transportation Analysis review, complies with the requirements established by the City of San José for parking at a religious establishment. Therefore, the parking analysis is adequate and the document does not require revision or recirculation. Refer to **Topic Response C. Transportation and Parking** for more information.

Comment U.5: 5. The application states a maximum of 300 persons on site at any one time and the traffic analyses assume only some 200 persons. This results in a traffic analyses which does not accurately analyze impacts.

Response U.5: The comment states that the traffic analysis is based off a maximum of 200 visitors on site. This is incorrect and the maximum visitor capacity for up to 20 large events to be held annually at the project site is 300 people at one time in the Local Transportation Analysis, see page 5 of the Local Transportation Analysis.

Comment U.6: 6. There is no alternative project analysis of the R-1-5 prior approval relative to the impacts of the development in the PQP. This had been requested of the City previously.

Response U.6: The commenter states that Draft EIR did not analyze development of the project under the R-1-5 zoning restrictions. In Section 7.0 of the Draft EIR an alternative involving development under the Residential Neighborhood General Plan land use designation with eight units per acre was presented, as the General Plan land use designation provides direction for what is likely to occur on the site, should the current project not be implemented. Further, the site would be allowed to develop eight units if no rezoning was sought, and this would not represent a significant difference in impact. Therefore, the Draft EIR does not require revision or recirculation in response to this comment.

V. Scott Bulloch Comment Letters (October 3, 2022)

Comment V.1: This is in reference to the file in the subject line. I believe it's also known as the 2740 Ruby project. I have some concerns regarding the construction, specifically on air quality and noise during construction.

Members of my family have asthma and allergies. We have a major concern with contaminants being emitted from the machinery or from the soil (pesticides, for example). Wind patterns are unpredictable, and what may not be an issue on one day may be a major issue on another day. This will greatly affect the quality of life of those family members.

We work from home four out of five business days. There will be environmental impacts, both from disturbed/emitted contaminants and from construction noise.

On the days we go into the office, our route is always to go down Norwood (sometimes taking Norwood to Ruby to Tully). This is the route we've taken for many years, as it avoids the morning school traffic on Quimby. There is no other available route that does not add more distance and time to our commute.

We have a dog that we walk at least twice a day. Some of the routes we take with him bring us past or near the construction site.

Response V.1: The commenter states that the proposed project would result in air quality impacts during construction. The Draft EIR was based on an Air Quality study, and included mitigation measures to reduce the construction contaminants to a less than significant level for sensitive receptors including people with asthma and infants, which would be equally protective of those working from home. The air quality analysis also assumes that these sensitive receptors would be present in the home at all times resulting in maximum exposure to construction emissions. Based on this analysis, the worst case scenario of construction air pollutants would have a less than significant impact on sensitive receptors in the neighborhood. This comment also concerns traffic on Norwood Avenue, which is addressed in the Transportation Analysis, but is outside the scope of CEQA.

Comment V.2: On the topic of the project itself, I don't believe that the chosen parcel is appropriate for the temple project, as I think it's too small of a parcel for the intended construction. I'm in support of the general idea of a temple, but feel that the project team should have chosen a larger parcel that would allow for future growth and less neighborhood disturbance. The nearby Sikh Gurdwara and Islamic Center are ideal models for what the Wat Khmer Kampuchea Krom temple should have looked for in a parcel.

Response V.2: The commenter requests that the project be built somewhere else. Please see **Response G.16** regarding the discussion of an alternative location in the Draft EIR. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

W. Ted Nguyen Comment Letters (September 17, 2022)

Comment W.1: Please include my comments and concerns regarding this EIR.

There have been many proposed adjustments from an absurd 200 cars underground garage to now an above ground 67 parking lot with planned overflow to the nearby Mosques. And the more I read about this the more I see this project just does not want to fit in. The project seeks to change the neighborhood towards its own gains. This symbiotic relationship is not healthy for the community.

Response W.1: The commenter states an opinion that the project does not want to fit in. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment W.2: The EIR states there are planned outdoor events with possible 200-300 attendants and outdoor amplified speakers in this proposal. This type of outdoor amplified noise surrounding the property at 2720 Ruby Ave surely must be concerning to many. There would a flood of noise complaints on every event.

Response W.2: Refer to **Topic Response B. Noise During Operations.**

Comment W.3: Additionally, the proposed roundabout at the intersection where us tax payers have to pay 75% of the cost? That is extremely unreasonable.

I do fear that with this type of hostile pattern will only get worst after it is built. It is very difficult to trust the word of this organization. Most of their money comes the profits of cryptocurrency Ripple. And with the current crypto currency crash you'd have to wonder how they can maintain this facility long term. Eventually they could run out of money and will have to host more and more big events to sustain the operations of this expensive and oversized facility. Or the facility becomes blight and that'll just corrode the neighborhood.

Response W.3: The roundabout is a City proposed improvement which is being constructed with monetary assistance from the project proponent, but as a separate improvement. Therefore, the commenter's concerns of taxpayer burden are not an accurate representation of the proposed project.

Comment W.4: The reason for this facility itself is a concern. There is a need for GROWTH and I am concern at some point in the future they may grow larger. As they've outgrown the current location. Trust is earned and I don't think they've earn a single bit of it. Not one. I still remember one of our neighbors was pull to the side with the founder and he passive aggressively threaten to build a homeless shelter.

Response W.4: The commenter states that the proposed facility would need to grow beyond what is currently proposed. The Draft EIR evaluates the project that has been filed with the City, and speculation about future growth is not required in the Draft EIR's analysis. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

Comment W.5: I think with our current housing shortages. I recommend we keep this residential zone as is and build 11 more houses as stated in the EIR. The community and schools could use tax

revenues from the new homes. More room for new families to established roots and keep the community healthy.

Response W.5: The commenter suggests the project site be developed with a housing development, consistent with the presentation of the alternative in the Draft EIR that is based on the current Residential Neighborhood General Plan land use designation. This does not express specific concerns about the adequacy of the Draft EIR therefore, no further response is required.

SECTION 5.0 DRAFT EIR TEXT REVISIONS

DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the WKKK Temple Project Draft EIR dated August 2022. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

5.1

EIR, Section 3.10.1.2, Page: 15 and 16 The description of site drainage will be **REVISED** as follows:

The preliminary Stormwater Management Plan (SMP) prepared for the project proposes the incorporation of bioretention basins located toward the Ruby Avenue side of the site to treat runoff from building roofs and impervious ground surfaces. The bioretention basins provide treatment of the runoff by filtering pollutants out before the water is discharged to off-site storm drain lines in ~~Norwood~~ Ruby Avenue. In addition to the bioretention basins, self-treatment areas are proposed for locations containing open landscaping that is adjacent to impervious ground surfaces. Pollutants are filtered through the landscape plants and underlying soil as the runoff flows over them. Pervious paving materials are also proposed to be used in walkways and other pedestrian-oriented areas of the site to further reduce runoff volumes and rates. A detailed Operation and Maintenance Plan would be included in the final SMP to ensure that the post-construction treatment controls are properly maintained to maximize their functionality and pollutant removal efficiency.

EIR, Section 3.10.1.2, Page: 103 The first paragraph under “Groundwater” heading will be **REVISED** as follows:

The project site is located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and the Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. Published data indicates that historic high groundwater levels in the vicinity of the project site are greater than 20 feet below the ground surface. Regionally, a westerly groundwater flow direction would be anticipated. The project site is not a part of, or adjacent to, a formal recharge pond, however the project is in an area of the county that supports natural groundwater recharge as defined by Valley Water.

EIR, Section 3.10.1.2, Page: 106 The second paragraph under “Post-Construction Impacts” heading will be **REVISED** as follows:

The preliminary SMP prepared for the project proposes the incorporation of bioretention basins located toward the Ruby Avenue side of the site to treat runoff from building roofs and impervious ground surfaces. The bioretention basins provide treatment of the runoff by filtering pollutants out before the water is discharged to off-site storm drain lines in ~~Norwood~~ Ruby Avenue. In addition to the bioretention basins, self-treatment areas are proposed for locations containing open landscaping that is adjacent to impervious ground surfaces. Pollutants are filtered through the landscape plants

and underlying soil as the runoff flows over them. Pervious paving materials are also proposed to be used in walkways and other pedestrian-oriented areas of the site to further reduce runoff volumes and rates. A detailed Operation and Maintenance Plan would be included in the final SMP to ensure that the post-construction treatment controls are properly maintained to maximize their functionality and pollutant removal efficiency.

EIR, Section 3.10.2.1, Page: 107 The first paragraph under impact b) will be **REVISED** as follows:

The proposed project is located within the Santa Clara Subbasin, one of two groundwater basins located within the City of San José Urban Growth Boundaries. Planned buildout within the scope of the 2040 General Plan does not include areas within any of the Santa Clara Valley Water District's 18 major groundwater recharge systems. The Santa Clara Subbasin has not been identified as a groundwater basin in a state of overdraft. The project site is ~~not~~ located within a groundwater recharge area. The project is in an area of the county that supports natural groundwater recharge and recharge on-site would be retained to the greatest extent possible through unlined basins and landscaped areas allowing for infiltration.

EIR, Section 3.10.2.1, Page: 108 The second paragraph under impact e) will be **REVISED** as follows:

The project site is not located within, or adjacent to, a Valley Water groundwater recharge pond or facility, however, the proposed project is located within an area of the county which contributes to formal groundwater recharge.⁵² As stated above, groundwater recharge and recharge on-site would be retained to the greatest extent possible through unlined basins and landscaped areas allowing for infiltration. Implementation of the proposed project would not interfere with any actions set forth by Valley Water in its GMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the proposed project would not preclude the implementation of the GMP. **(Less than Significant Impact)**

EIR Section 3.13.2.1, Page: 126 – 128 The MM NOI-2.1 enforcement mechanism will be **REVISED** as follows; the intent of the Mitigation Measure is not changed and would not be lessened:

MM NOI-2.1: Prior to the issuance of any grading or demolition permits, whichever occurs first, the project applicant shall submit and implement a Construction Vibration Monitoring, Treatment, and Reporting Plan to document conditions prior to, during, and after vibration generating construction activities. The plan shall be undertaken under the direction of a Certified Acoustical Consultant ~~licensed Professional Structural Engineer~~ in the State of California and be in accordance with industry-accepted standard methods. The vibration monitoring, treatment, and reporting plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the

issuance of any grading or demolition permits for review and approval.

As part of the construction vibration monitoring, treatment, and reporting plan, construction activities for the proposed project shall include, but are not limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. The contractor shall phase demolition, earthmoving, and ground impacting operations so as not to occur during the same time period.
- Prohibit pile driving.
- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.
- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.
- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.
- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- A Licensed Surveyor would conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. The survey shall be submitted to the Director of the Department of Planning, Building, and Code Enforcement.

Appendix A: Revised Local Transportation Analysis



HEXAGON TRANSPORTATION CONSULTANTS, INC.



2740 Ruby Avenue Buddhist Temple

Local Transportation Analysis



Prepared for:

Sabuy Temple – Khmer Buddhist Temple Foundation



June 22, 2022



Hexagon Transportation Consultants, Inc.

Hexagon Office: 4 North Second Street, Suite 400

San Jose, CA 95113

Hexagon Job Number: 19BJ06

Phone: 408.971.6100

Client Name: Ms. Lyna Lam

San Jose • Gilroy • Pleasanton • Phoenix

www.hextrans.com

Areawide Circulation Plans Corridor Studies Pavement Delineation Plans Traffic Handling Plans Impact Fees Interchange Analysis Parking
Transportation Planning Traffic Calming Traffic Control Plans Traffic Simulation Traffic Impact Analysis Traffic Signal Design Travel Demand Forecasting

Table of Contents

Executive Summary	iii
1. Introduction	1
2. Existing Transportation Conditions	11
3. Local Transportation Analysis.....	16
4. Transportation Demand Management Plan	29
5. Conclusions.....	32

Appendices

Appendix A	Temple Activities Schedule
Appendix B	New Traffic Counts
Appendix C	Signal Warrants
Appendix D	Unsignalized Intersection Analysis Results

List of Tables

Table 1 Conversion of Buddhist Temple Use to Equivalent General Office Space	8
Table 2 Project Trip Generation Estimates.....	17
Table 3 Unsignalized Intersection Level of Service Analysis	20

List of Figures

Figure 1 Site Location and Study Intersections	2
Figure 2 Ground Level Site Plan	3
Figure 3 Level 2 Site Plan	4
Figure 4 Existing Bicycle Facilities	14
Figure 5 Existing Lane Configurations.....	15
Figure 6 Project Trip Distribution Pattern and Trip Assignment	18
Figure 7 Existing and Existing Plus Project Traffic Volumes.....	19

Executive Summary

This report presents the results of the Transportation Analysis (TA) conducted for the proposed Buddhist Temple at 2740 Ruby Avenue in the Evergreen area of San Jose, California. The project would construct 13,902 square feet (s.f.) of buildings and a 67-space surface parking lot to serve the Temple. This study was conducted for the purpose of identifying potential traffic operational issues related to the proposed project.

The potential impacts of the project were evaluated in accordance with the standards and methodologies set forth by the City of San Jose. Based on the City of San Jose's Transportation Analysis Policy (Policy 5-1) and the *Transportation Analysis Handbook 2020*, an LTA is required for the project to identify potential traffic operational issues related to the project. The LTA includes an evaluation of weekday AM and PM peak hour traffic conditions for the unsignalized intersection of Ruby Avenue & Norwood Avenue, as well as an analysis of site access, on-site circulation, parking, and effects to transit, bicycle, and pedestrian facilities.

CEQA Transportation Analysis

The City has not established thresholds of significance for religious land uses such as churches and Buddhist Temples. Development that does not fit traditional forms of residential, office or industrial development, such as the proposed project, must calculate a trip generation equivalency in order to evaluate the project using the City's VMT Evaluation Tool. Accordingly, the square footage of the Buddhist Temple was converted to an equivalent amount of office square footage to obtain project VMT. This is a reasonable approach to VMT analysis, since churches exhibit similar vehicle mode share characteristics, travel patterns, and trip length characteristics to that of office uses. Based on the conversion process (detailed in Chapter 1), a 13,902 s.f. Buddhist temple would generate peak hour vehicle trips equivalent to 6,100 s.f. of office space. This small amount of office space meets the screening criteria set forth in the City's *Transportation Analysis Handbook*. Since the project would meet the City's screening criteria and therefore satisfy Council Policy 5-1, no VMT analysis is required for the project.

Local Transportation Analysis

Project Trip Generation

Based on a total of 13,902 square feet (s.f.) of project floor area and applying the standard ITE rates for "Church" (ITE Land Use 560) per the City's requirement, it is estimated that the project would generate 97 daily vehicle trips, with 5 trips (3 inbound and 2 outbound) occurring during the weekday AM peak hour and 7 trips (3 inbound and 4 outbound) occurring during the weekday PM peak hour.

Note that according to the schedule of activities provided by the applicant (see Appendix A), it is estimated that 47 members would visit the site on a typical weekday. Based on an average occupancy of 3 people per vehicle, which is a reasonable assumption for this type of religious use (particularly since children represent 30 percent of the membership), this equates to approximately 16 vehicles or 32 daily vehicle trips (16 inbound trips and 16 outbound trips) on a typical weekday. Thus, the Temple's actual daily trip generation is expected to be far less than that of a typical church use.

Unsignalized Intersection Operations

The results of the roundabout analysis requested by City staff show that while the intersection of Ruby Avenue and Norwood Avenue is operating adequately with the current stop-control configuration (LOS C and B during the weekday AM and PM peak hours, respectively), the intersection level of service would improve to LOS A during both peak hours with a single-lane roundabout configuration, which is the City's preferred configuration. Based on the existing widths of Ruby Avenue and Norwood Avenue, a small-diameter roundabout design with a mountable central island is feasible at this intersection. The City has indicated that the project would be required to make a fair-share contribution equal to $\frac{1}{4}$ of the total cost of constructing the planned roundabout.

Signal Warrants

The results of the signal warrant check indicate that the AM and PM peak-hour volumes at the unsignalized study intersection of Ruby Avenue and Norwood Avenue currently do not meet the signal warrant and would not meet the warrant with the addition of project traffic.

Parking

The project would provide a 67-space shared parking lot for all activities/events that would occur at the Buddhist Temple facilities. The project would employ a staggered schedule of activities such that while certain activities would generate parking demand, others would not. The activities associated with the Temple (i.e., religious assembly) would generate the highest parking demand of all the on-site activities. Therefore, the parking demand for "religious assembly" was used to determine the project parking requirement. City of San Jose Municipal Code Section 20.90.060 specifies a ratio of 1 vehicle space per 30 s.f. of area designated for religious assembly. Based on 1,969 s.f. of Temple assembly and circulation space, this equates to a vehicle parking requirement of 66 spaces ($1,969 / 30 = 65.6$). All other on-site activities that occur at other times would require less parking and, thus, would not contribute toward the project parking requirement. The project would provide 66 visitor parking spaces (67 spaces - 1 permanent resident space) which would meet the City's vehicle parking requirement.

Note that the City's vehicle parking requirement of 66 spaces is based on the square footage of the Temple's assembly and circulation space. The requirement does not consider the actual number of Temple visitors and does not account for any particular vehicle occupancy rate. Based on an average occupancy of 3 people per vehicle, which is a reasonable assumption for this type of religious use, particularly since children represent 30 percent of the membership, 66 on-site visitor parking spaces equates to 198 people. Assuming up to 3 parking spaces would be used by event staff, this leaves 63 spaces available for visitors. Accordingly, events held at the Temple facility of up to 189 visitors (63 spaces x 3 people per vehicle = 189 visitors) on the site at any given time could be accommodated by the on-site parking lot. Any special events that would attract 190 or more visitors would require additional off-site parking. Note that some other religious uses in the area currently provide on-site parking based on an occupancy of 4 people per vehicle. Thus, the project is taking a more conservative approach to parking supply by assuming 3 people per vehicle.

During religious holidays and special events held on the Temple grounds, parking demand would increase compared to typical daily activities and could exceed the parking lot capacity. Accordingly, as

a proactive measure to prevent parking overflow into the neighborhood, the Temple plans to implement valet and shuttle services, including the use of off-site parking lots, for events of 190 or more visitors. Specifically, the project will secure a formal off-site parking agreement with the Evergreen Islamic Center located a half mile north of the project site on Ruby Avenue. The parking agreement would be in place for the life of the Temple. The proposed valet and shuttle services that would be implemented for events with 190 or more visitors are addressed as part of the proposed Traffic and Parking Management Plan (TPMP) described in Chapter 4.

Other Transportation Issues

The proposed site plan shows adequate site access and on-site circulation, and no adverse traffic operational issues are expected to occur at the project driveway as a result of the project. The project would not have an adverse effect on the existing pedestrian or bicycle facilities in the study area.

1. Introduction

This report presents the results of the Local Transportation Analysis (LTA) conducted for a proposed Buddhist Temple at 2740 Ruby Avenue in the Evergreen area of San Jose, California (see Figure 1). The project would construct 13,902 square feet (s.f.) of buildings and a 67-space surface parking lot to serve the Temple. This study was conducted for the purpose of identifying potential traffic operational issues related to the proposed project. The ground level site plan and level 2 site plan are shown on Figures 2 and 3, respectively.

Project Description and Operations

The project is comprised of two buildings - a Temple Sanctuary and Community Building - each set on either side of a main central courtyard. The project is served by a surface parking lot with a gated entry located on Ruby Avenue. The main courtyard serves as the entry point for all Temple visitors via two ceremonial entry gates, one at each side which represent the formal entry to sacred space. The south gate provides pedestrian access directly from the sidewalk on Norwood Avenue while the north gate gives access from the parking lot at the interior of the site.

The Temple Sanctuary building is intended for religious worship and meditation services. It is oriented to the public corner of the site nearest the intersection of Ruby Avenue and Norwood Avenue. It is intentionally set back from the sidewalks, allowing garden spaces to wrap along the two street frontages on this corner property. A walkway for religious procession follows the gardens around three sides of the building. The fourth side faces the Community Building and the two buildings together form a main courtyard at the interior of the site.

The Community Building is a multi-use structure with a horseshoe-shaped plan. The majority of the building is single-story. It houses on the first floor a large community hall for gathering and celebration of meals; a finishing kitchen; a religious library/classroom; and office and bathroom spaces. A small portion of the Community Building has a second floor which houses the monks' residence for 8 full-time residents of the property.

The building forms and perimeter walls create outdoor spaces in the form of courtyards and gardens, enhanced by plantings, trees, religious sculpture, and a fountain. Full sidewalk and street frontage improvements are proposed including new street trees and planting along both Ruby Avenue and Norwood Avenue.

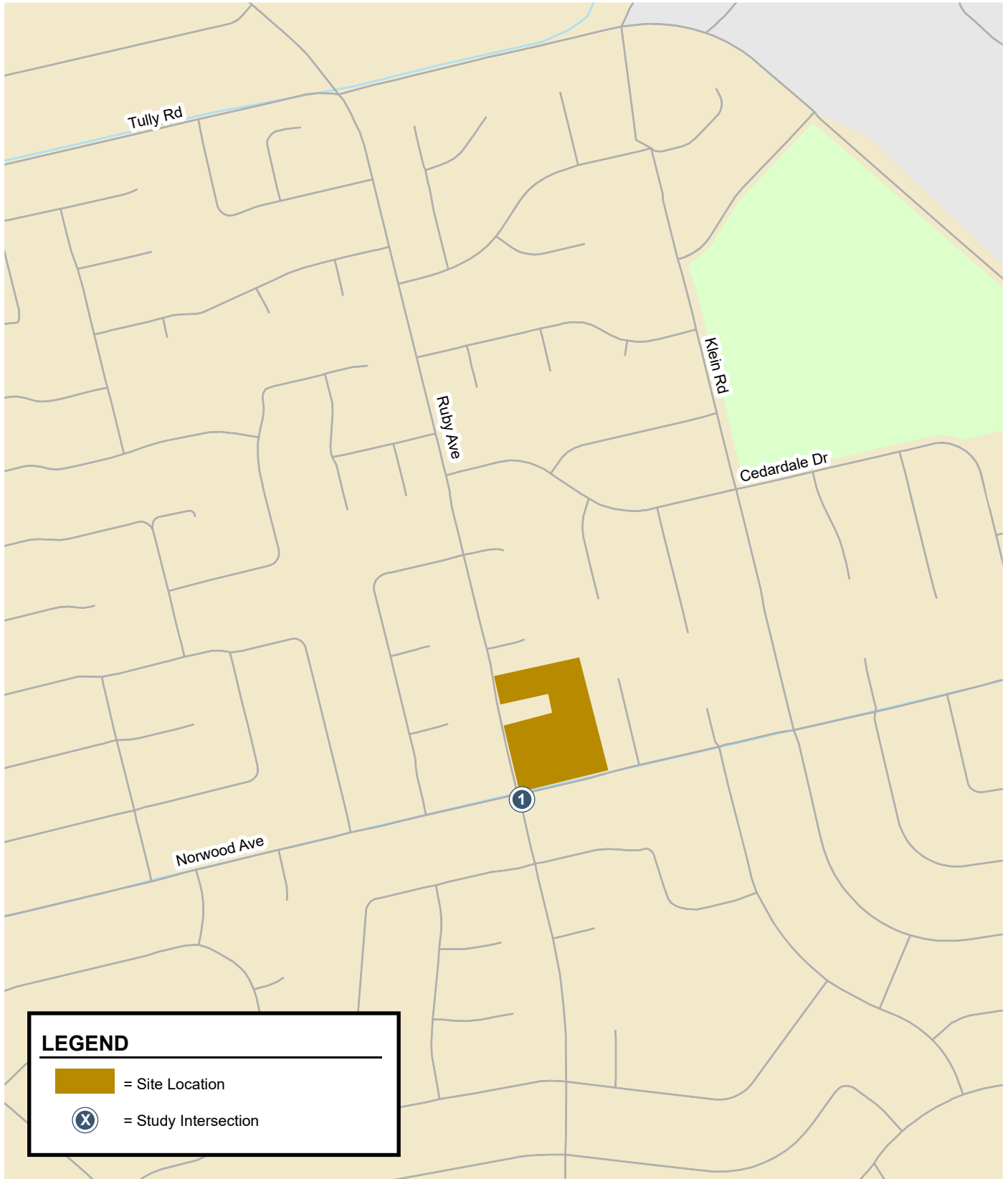


Figure 1
Site Location and Study Intersection

2740 Ruby Ave Buddhist Temple

NOTE:
 SEE S2.0 FOR LANDSCAPE ELEMENTS NOT NOTED
 SEE S3.0 FOR CIVIL ELEMENTS NOT NOTED
 SEE S3.1 & S3.2 FOR CROSS SECTIONS OF STREETS, DRIVEWAYS AND RIGHT OF WAYS
 SEE S4.0 FOR EXTERIOR LIGHTING ELEMENTS NOT NOTED

SITE AREA SUMMARY

GROSS TOTAL ACRES:	1.86 (81,022 SF)
NET TOTAL ACRES (USABLE):	1.86 (81,022 SF)
TOTAL NUMBER OF DWELLING UNITS:	1
TOTAL EXISTING AREA (GROSS):	0 SF
TOTAL GROSS FLOOR AREA (NON-RESIDENTIAL):	11,675 SF
TOTAL GROSS FLOOR AREA (RESIDENTIAL):	2,227 SF
TOTAL GROSS FLOOR AREA (RESIDENTIAL & NON-RESIDENTIAL):	13,902 SF
NET FLOOR AREA FOR NON-RESIDENTIAL USE (85% OF GROSS):	9,924 SF
TOTAL PROPOSED GROSS SF BY AREA*:	SEE G2.0
*for Planning Department purposes:	
TOTAL PROPOSED NET SF BY AREA:	SEE A1.0, A1.1, A1.2
TOTAL NUMBER OF PROPOSED PARKING SPACES:	67, SEE G3.0
PERCENTAGE OF PROPOSED SITE COVERAGE (INCLUDING LANDSCAPING):	100%
RESIDENTIAL DENSITY (UNITS/ACRE):	0.54

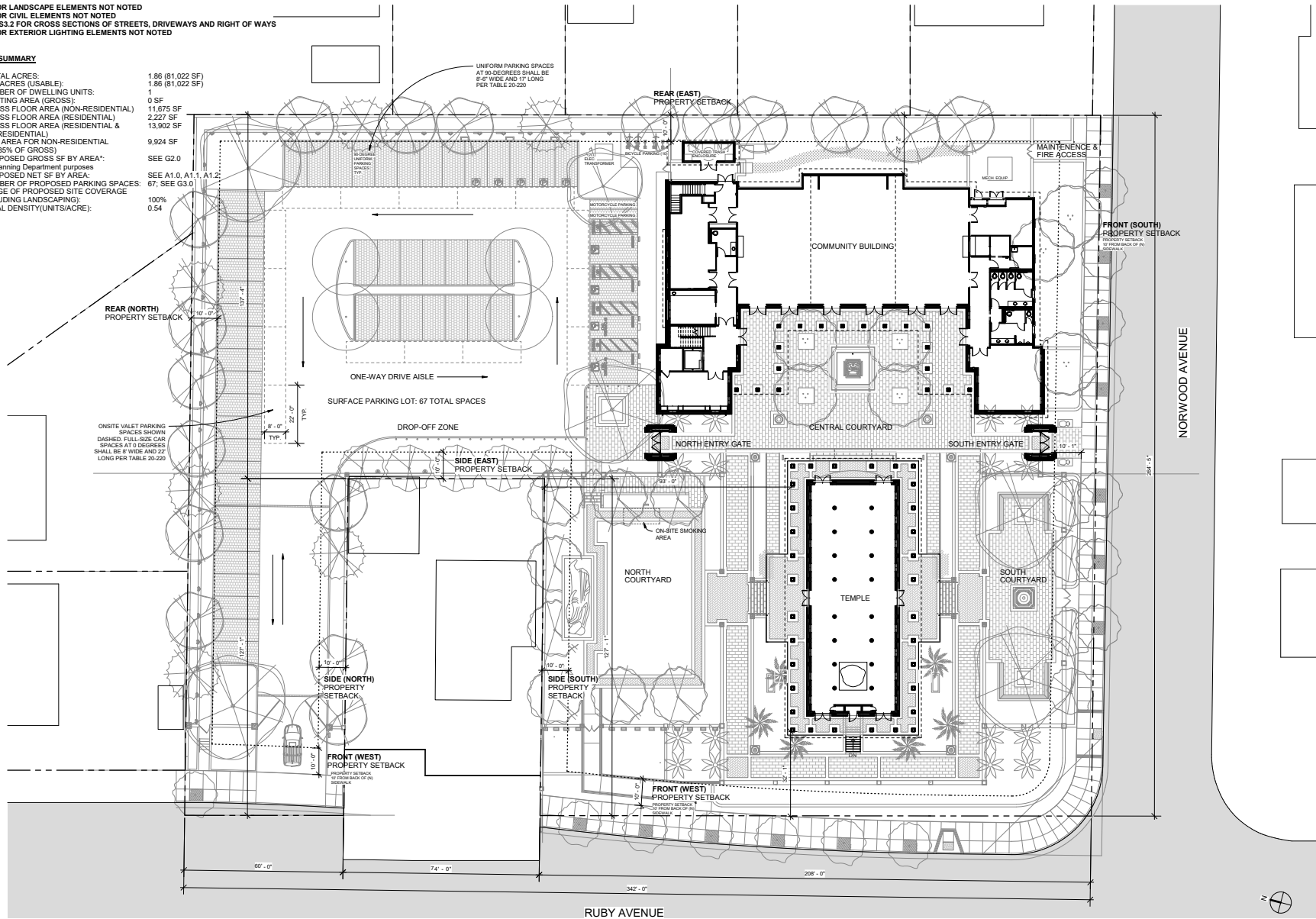
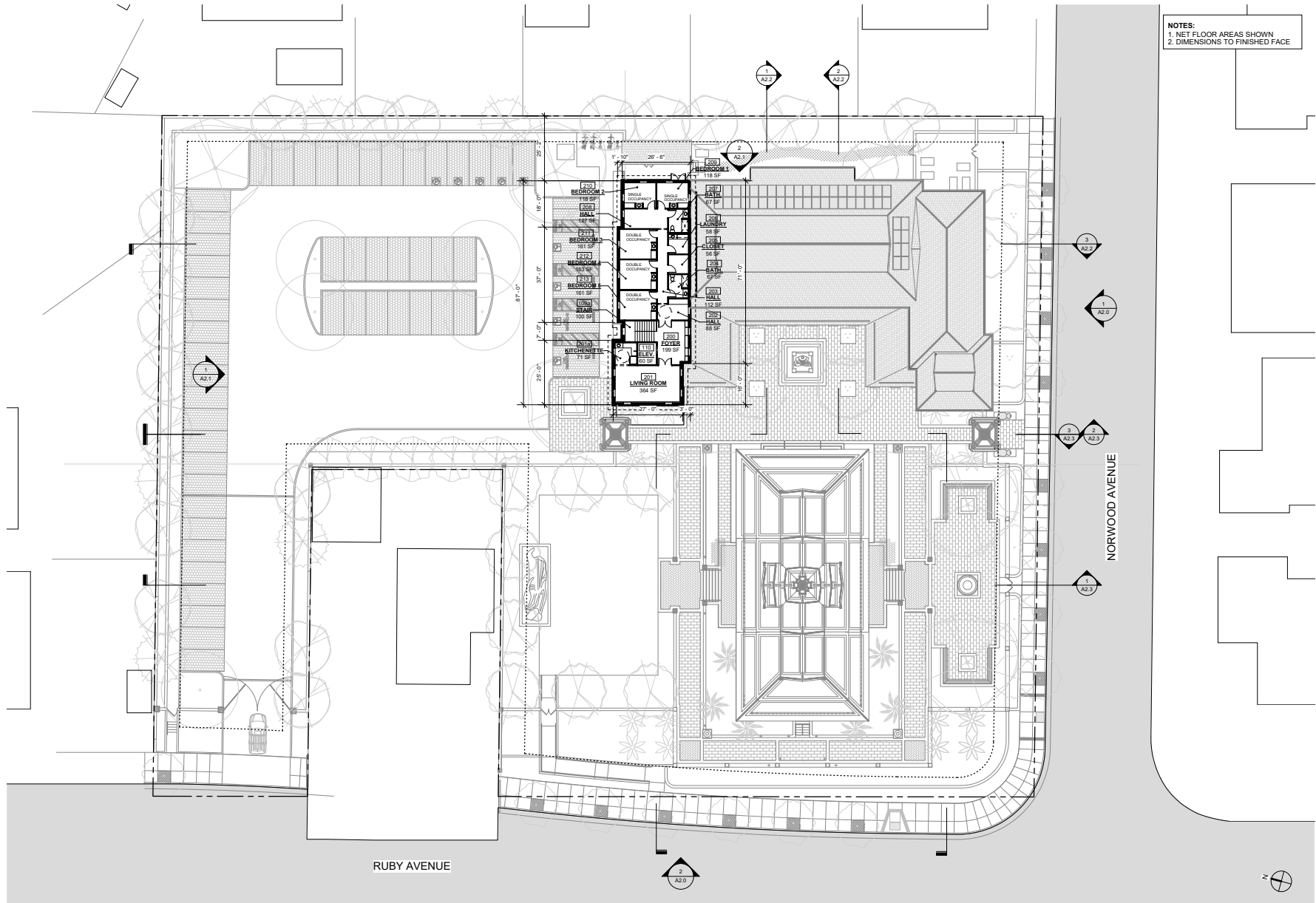


Figure 2
 Ground Level Site Plan



NOTES:
 1. NET FLOOR AREAS SHOWN
 2. DIMENSIONS TO FINISHED FACE

Figure 3
 Level 2 Site Plan

Daily Operations

The Temple would serve the daily religious, social and secular needs for the Khmer Krom community of San Jose throughout the year. Eight monks would live on the Temple grounds in small bedrooms. They would conduct a daily schedule of religious services in the Temple and assist in administrative tasks for Temple operations. A core group of elders would visit the Temple every day to be with the monks providing food offerings cooked offsite, socializing, taking instruction from and working with them.

When multiple events are scheduled, the events would be staggered so there is little to no parking overlap, consistent with a shared parking strategy. Also, most weekday events would occur outside the peak commute periods of the day.

Religious Holidays and Special Religious Events

In addition to the monks' daily schedule of services during the week, they would participate in certain religious holidays coinciding with monthly lunar phases and/or related to the life of the Buddha. These religious holidays would bring increased numbers of community members to the site as outlined in the operations and activity schedule shared by the Temple. Annual religious holidays like Uposatha and Chol Chnam Thmay occur based on the lunar calendar and are expected to result in an increase in attendance at worship services with approximately 75 visitors and 150 visitors on-site at any one time, respectively. The Kathina Ceremony Fundraiser and Kathina Robe Ceremony may have approximately 100 visitors and 150 visitors on-site at any one time, respectively.

The Buddhist Temple and its community spaces would also host special religious events in the lives of the members, as well as religious cultural gatherings important to the Khmer Krom community. Some examples include the anniversary of the dedication of the Temple, memorial services, wedding receptions, cultural performances, visiting lecturers, student awards and other accomplishments. These events would likely include food, either brought in by members or catered. The scale of attendance would vary for such events: there may be as few as 20 visitors for smaller events, and up to 300 visitors for larger events.

Education

The Buddhist Temple and community space would also play a religious educational role, as do many religious organizations. The Khmer Krom community would offer a variety of classes in the Khmer language, traditional dance, and the history of the Khmer people. The program would also support basic education and English-as-a-second language efforts for those in need within the community. Cultural classes would be provided for children and adults and would occur on a daily basis (both weekdays and weekends) between 1:00 PM - 4:00 PM. Classroom anticipated attendance is approximately 20 visitors, including the teacher(s).

Appendix A includes detailed activity schedules for the Khmer Krom community's projected use for typical weekdays and weekends, as well as for religious holidays and special religious events.

City of San Jose Transportation Policies

In adherence with State of California Senate Bill 743 (SB 743) and the City's goals as set forth in the Envision San Jose 2040 General Plan, the City of San Jose has adopted a Transportation Analysis Policy, Council Policy 5-1. The Policy replaces its predecessor (Council Policy 5-3) and establishes the thresholds for transportation impacts under CEQA based on vehicle miles traveled (VMT) instead of intersection level of service (LOS). The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle

emissions, and the creation of robust multimodal networks that support integrated land uses. Council Policy 5-1 requires all projects to analyze transportation impacts using the VMT metric.

The Transportation Analysis Policy 5-1, which took effect on March 29, 2018, aligns with the Envision San Jose 2040 General Plan which seeks to focus new development growth within Planned Growth Areas, bringing together office, residential, and service land uses to internalize trips and reduce VMT. VMT-based policies support dense, mixed-use, infill projects as established in the General Plan's Planned Growth Areas.

The Envision San Jose 2040 General Plan contains policies to encourage the use of non-automobile transportation modes to minimize vehicle trip generation and reduce VMT, including the following:

- Accommodate and encourage the use of non-automobile transportation modes to achieve San Jose's mobility goals and reduce vehicle trip generation and VMT (TR-1.1);
- Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects (TR-1.2);
- Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle in order to meet the City's mode split targets for San Jose residents and workers (TR-1.3);
- Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand (TR-1.4);
- Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emissions standards are met (TR-1.8);
- Give priority to the funding of multimodal projects that provide the most benefit to all users. Evaluate new transportation projects to make the most efficient use of transportation resources and capacity (TR-1.9);
- Coordinate the planning and implementation of citywide bicycle and pedestrian facilities and supporting infrastructure. Give priority to bicycle and pedestrian safety and access improvements at street crossings and near areas with higher pedestrian concentrations (school, transit, shopping, hospital, and mixed-use areas) (TR-2.1);
- Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San Jose International Airport (TR-2.2);
- Integrate the financing, design and construction of pedestrian and bicycle facilities with street projects. Build pedestrian and bicycle improvements at the same time as improvements for vehicular circulation (TR-2.5);
- Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements (TR-2.8);

- Coordinate and collaborate with local School Districts to provide enhanced, safer bicycle and pedestrian connections to school facilities throughout San Jose (TR-2.10);
- As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership, and require that new development is designed to accommodate and provide direct access to transit facilities (TR-3.3);
- Support the development of amenities and land use and development types and intensities that increase daily ridership on the VTA, BART, Caltrain, ACE and Amtrak California systems and provide positive fiscal, economic, and environmental benefits to the community (TR-4.1);
- Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees (TR-7.1);
- Promote transit-oriented development with reduced parking requirements and promote amenities around appropriate transit hubs and stations to facilitate the use of available transit services (TR-8.1);
- Balance business viability and land resources by maintaining an adequate supply of parking to serve demand while avoiding excessive parking supply that encourages auto use (TR-8.2);
- Support using parking supply limitations and pricing as strategies to encourage the use of non-automobile modes (TR-8.3);
- Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use (TR-8.4);
- Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive transportation demand management (TDM) program, or developments located near major transit hubs or within Urban Villages and other Growth Areas (TR-8.6);
- Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets (CD-3.3);
- Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas (LU-9.1);
- Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community (LU-10.5);
- Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities. Encourage developers or property owners to enter into formal agreements with the City to maintain trails adjacent to their properties (PR-8.5).

CEQA Transportation Analysis Scope

The City of San Jose’s Transportation Analysis Policy (Policy 5-1) establishes procedures for determining project impacts on Vehicle Miles Traveled (VMT) based on project description, characteristics, and/or location. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle-trips with one end within the project. Typically, development projects that are farther from other, complementary land uses (such as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more driving than development near complementary land uses with more robust transportation options. Therefore, developments located in a central business district with high density and diversity of complementary land uses and frequent transit services are expected to internalize trips and generate shorter and fewer vehicle trips than developments located in a suburban area with low density of residential developments and no transit service in the project vicinity.

Screening Criteria for VMT Analysis (CEQA Exemption)

The City has not established thresholds of significance for religious land uses such as churches and Buddhist Temples. Development that does not fit traditional forms of residential, office or industrial development, such as the proposed project, must calculate a trip generation equivalency in order to evaluate the project using the City’s VMT Evaluation Tool. Accordingly, the square footage of the Buddhist Temple was converted to an equivalent amount of office square footage to obtain project VMT. This is a reasonable approach to VMT analysis, since churches exhibit similar vehicle mode share characteristics, travel patterns, and trip length characteristics to that of office uses.

Based on the standard AM and PM peak hour trip generation rates contained in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual, 10th Edition* (2017) for “Church” (ITE Land Use 560) and “General Office Building” (ITE Land Use 710), a 13,902 s.f. Buddhist Temple is estimated to generate the same number of PM peak hour trips as 6,100 s.f. of office space (see Table 1). This small amount of office space meets the screening criteria set forth in the City’s *Transportation Analysis Handbook*, as described below. Since the project would meet the City’s screening criteria and therefore satisfy Council Policy 5-1, no VMT analysis is required for the project.

Screening Criteria for Small Infill Office Projects

- 10,000 square feet of total gross floor area of office space or less.

Table 1
Conversion of Buddhist Temple Use to Equivalent General Office Space

Land Use	Size	AM Peak Hour			PM Peak Hour			
		Rate	In	Out	Rate	In	Out	
Buddhist Temple ¹	13,902 sq.ft.	0.33	3	2	0.49	3	4	7
General Office ²	6,100 sq.ft.	1.16	6	1	1.15	1	6	7

Source: ITE Trip Generation Manual, 10th Edition, 2017.

Notes:

1. Peak hour trip rates in trips/1,000 SF for Church (Land Use 560).
2. Peak hour trip rates in trips/1,000 SF for General Office Building (Land Use 710).

Although the project is exempt from preparing a CEQA Transportation Analysis under Council Policy 5-1, the project is still required to prepare a Local Transportation Analysis (LTA) to identify potential operational issues associated with vehicular and pedestrian access and circulation elements in the immediate vicinity of the project site. The LTA requirement is described in more detail below.

Local Transportation Analysis Scope

The Local Transportation Analysis (LTA) identifies potential adverse operational effects that may arise due to a new development, as well as evaluates the effects of a new development on site access, circulation, and other safety-related elements in the proximate area of the project.

As part of the LTA, a project is typically required to conduct an intersection operations analysis if the project is expected to add 10 or more vehicle trips per hour per lane to any signalized intersection that is located within a half-mile of the project site and is currently operating at LOS D or worse. Based on these criteria (as outlined in the City's *Transportation Analysis Handbook*) and the low project trip generation estimates, no signalized intersections in the vicinity of the site require analysis. However, AM and PM peak hour traffic conditions were evaluated for the four-way stop-controlled intersection of Ruby Avenue and Norwood Avenue.

Traffic conditions at the study intersection were analyzed for the weekday AM and PM peak hours. The weekday AM peak hour is generally between 7:00 and 9:00 AM and the weekday PM peak hour is typically between 4:00 and 6:00 PM. It is during these periods that the most congested traffic conditions occur on a typical weekday. Note that evaluating traffic conditions for the weekday AM and PM peak hours presents a worst-case traffic scenario, since ambient traffic levels in the study area are lower during other times of the weekday and on weekends. Traffic conditions were evaluated for the following scenarios:

- **Existing Conditions.** Existing weekday AM and PM peak hour traffic volumes were obtained from new manual turning movement counts conducted on Wednesday, September 11, 2019 (see Appendix B).
- **Existing Plus Project Conditions.** Existing plus project traffic volumes were estimated by adding to existing traffic volumes the additional traffic generated by the project.

The LTA also includes an analysis of site access, on-site circulation, vehicle queuing, and effects to transit, bicycle, and pedestrian facilities.

Intersection Operations Analysis Methodology

The traffic study evaluated the unsignalized intersection of Ruby Avenue and Norwood Avenue for potential operational issues. The City of San Jose has not established a level of service standard for unsignalized intersections. A signal warrant analysis and a roundabout analysis were prepared as described below.

Signal Warrant

Traffic conditions at the unsignalized study intersection of Ruby Avenue and Norwood Avenue were assessed to determine whether a traffic signal would be warranted based on the peak-hour volume signal warrant (Warrant #3) described in the *California Manual on Uniform Traffic Control Devices* (CA MUTCD). This method provides an indication of whether traffic conditions and peak-hour traffic levels are, or would be, sufficient to justify installation of a traffic signal.

Roundabout Analysis

City of San Jose staff have requested that a roundabout analysis be prepared for the unsignalized intersection of Ruby Avenue and Norwood Avenue. The results of the roundabout analysis are contained in Chapter 3.

Data Requirements

The data required for the analysis were obtained from new traffic counts and field observations. The following data were collected from these sources:

- existing traffic volumes
- lane configurations
- vehicle queuing

Report Organization

This report has a total of five chapters. Chapter 2 describes existing transportation conditions including the existing roadway network, transit service, and bicycle and pedestrian facilities. Chapter 3 describes the local transportation analysis including operations of study intersection, the methods used to estimate project-generated traffic, the project's effects on the transportation system, and an analysis of other transportation issues including site access and circulation, parking, and an analysis of transit services, bicycle and pedestrian facilities. Chapter 4 presents the Traffic and Parking Management Plan (TPMP). Chapter 5 presents the conclusions of the local transportation analysis.

2. Existing Transportation Conditions

This chapter describes the existing conditions of the transportation system within the study area of the project. It describes transportation facilities in the vicinity of the project site, including the roadway network, transit service, and pedestrian and bicycle facilities. The analysis of existing intersection operations is included as part of the Local Transportation Analysis (see Chapter 3).

Existing Roadway Network

Regional access to the project site is provided via US 101.

US 101 is a north/south freeway that extends from San Francisco through San Mateo and Santa Clara Counties. In San Jose, US 101 is eight lanes wide, including two HOV lanes (one in each direction). US 101 provides access to and from the project site via Capitol Expressway and Tully Road.

Local access to the project site is provided via Capitol Expressway, Tully Road, Quimby Road, Norwood Avenue and Ruby Avenue. These roadways are described below.

Capitol Expressway is an eight-lane-wide Grand Boulevard with two HOV lanes (one in each direction). Capitol Expressway extends from State Route 87 to I-680. Access to the project site is provided via signalized intersections at Tully Road and Quimby Road.

Tully Road is an east-west four- to six-lane City Connector Street with a raised center median. Tully Road begins at Monterey Road as a transition from Curtner Avenue and extends eastward where it turns into Murillo Avenue at Ruby Avenue. Tully Road has sidewalks, on-street parking on both sides of the street, and bike lanes. Tully Road has a posted speed limit of 35 mph and provides access to the project site via Ruby Avenue.

Quimby Road is an east-west two- to four-lane City Connector Street that extends from Tully Road in the west to Murillo Avenue in the east. Between Tully Road and White Road, Quimby Road has two lanes in each direction of travel. East of White Road, the cross-section varies from a total of two to four lanes. Quimby Road has buffered bike lanes between Tully Road and Capitol Expressway, and again between Ruby Avenue and Murillo Avenue. Quimby Road has sidewalks on both sides of the street and has a posted speed limit of 40 mph.

Norwood Avenue is an east-west two-lane local road that extends between S White Road and Murillo Avenue where it transitions into Mt. Pleasanton Road. Norwood Avenue has sidewalks and on-street parking on both sides of the street except along the project frontage. Bike lanes and shared-lane bike route markings (Sharrows) are present on Norwood Avenue. The posted speed limit is 35 mph and provides access to the project site via Ruby Avenue.

Ruby Avenue is a north-south two- to four-lane City Connector Street. Ruby Avenue begins at Kohler Avenue as a transition from Mt. Pleasant Road in the north to Falls Creek Drive in the south. Ruby Avenue has sidewalks, ~~on-street parking on both sides of the street~~ and bike lanes except along the project frontage. Parking is provided on some portions of Ruby Avenue, however near the project site parking is not allowed. The posted speed limit is 35 mph and provides direct access to the project site.

Existing Pedestrian, Bicycle and Transit Facilities

San Jose desires to provide a safe, efficient, fiscally, economically, and environmentally-sensitive transportation system that balances the needs of bicyclists, pedestrians, and public transit riders with those of automobiles and trucks. The existing bicycle, pedestrian and transit facilities in the study area are described below.

Existing Pedestrian Facilities

Pedestrian facilities consist mostly of sidewalks along the streets in the study area. The neighborhood is mostly residential and few marked crosswalks exist within the project vicinity. There are no crosswalks at the study intersection of Ruby Avenue and Norwood Avenue. Sidewalks are generally present on both sides of Ruby Avenue and Norwood Avenue, but are missing directly along the project frontages. Note that sidewalks are planned along the project frontages. Overall, the existing network of sidewalks in the immediate vicinity of the project site has adequate connectivity and provides pedestrians with safe routes to other points of interest in the study area.

Existing Bicycle Facilities

In the project vicinity, Class II bike lanes are present on Ruby Avenue, and Norwood Avenue is a designated Class III bike route with Sharrow lane markings (see Figure 4). West of Remington Way, Norwood Avenue has Class II bike lanes. Additionally, the surrounding neighborhood streets carry low volumes. The bicycle facilities in the study area provides bicyclists with safe routes to nearby points of interests and transit services.

Existing Transit Services

Existing transit service to the study area is provided by the Santa Clara Valley Transportation Authority (VTA). One local bus route (Route 39) serves the project area:

Route 39 runs between The Villages and Eastridge Transit Center via Quimby Road in the vicinity of the project site. Route 39 operates between 6:30 AM and 8:00 PM with approximately 30-minute headways during the weekday AM and PM peak commute hours. The bus stop closest to the project site is located at the Ruby Avenue/Quimby Road intersection, about a ½-mile walk from the project site.

Because there is only one bus route serving the study area with relatively infrequent service, and the closest bus stop is located ½-mile from the project site, the area is not well served by transit.

Existing Intersection Lane Configuration

The existing lane configuration at the study intersection of Ruby Avenue and Norwood Avenue was determined by observations in the field and is shown on Figure 5.

Observed Existing Traffic Conditions at the Study Intersection

Traffic conditions were observed in the field to identify any existing operational deficiencies at the study intersection. AM, midday, and PM peak hour field observations conducted in September 2019 (pre-COVID-19 conditions) revealed that the intersection of Ruby Avenue & Norwood Avenue operated

generally well. It was noted that the heaviest time of traffic was in the northbound direction on Ruby Avenue from 7:35 AM to 7:50 AM. This is likely due to the beginning of the school day at the nearby Evergreen Valley High School. It was observed that the maximum queue for the northbound through movement was 7 vehicles long. When this maximum queue occurred, it took approximately 40 seconds for the last vehicle (7th vehicle) in the queue to clear the intersection. However, typical northbound queues at the intersection during this peak traffic period of the day were 4 to 5 vehicles in length.



Figure 4
Existing Bicycle Facilities

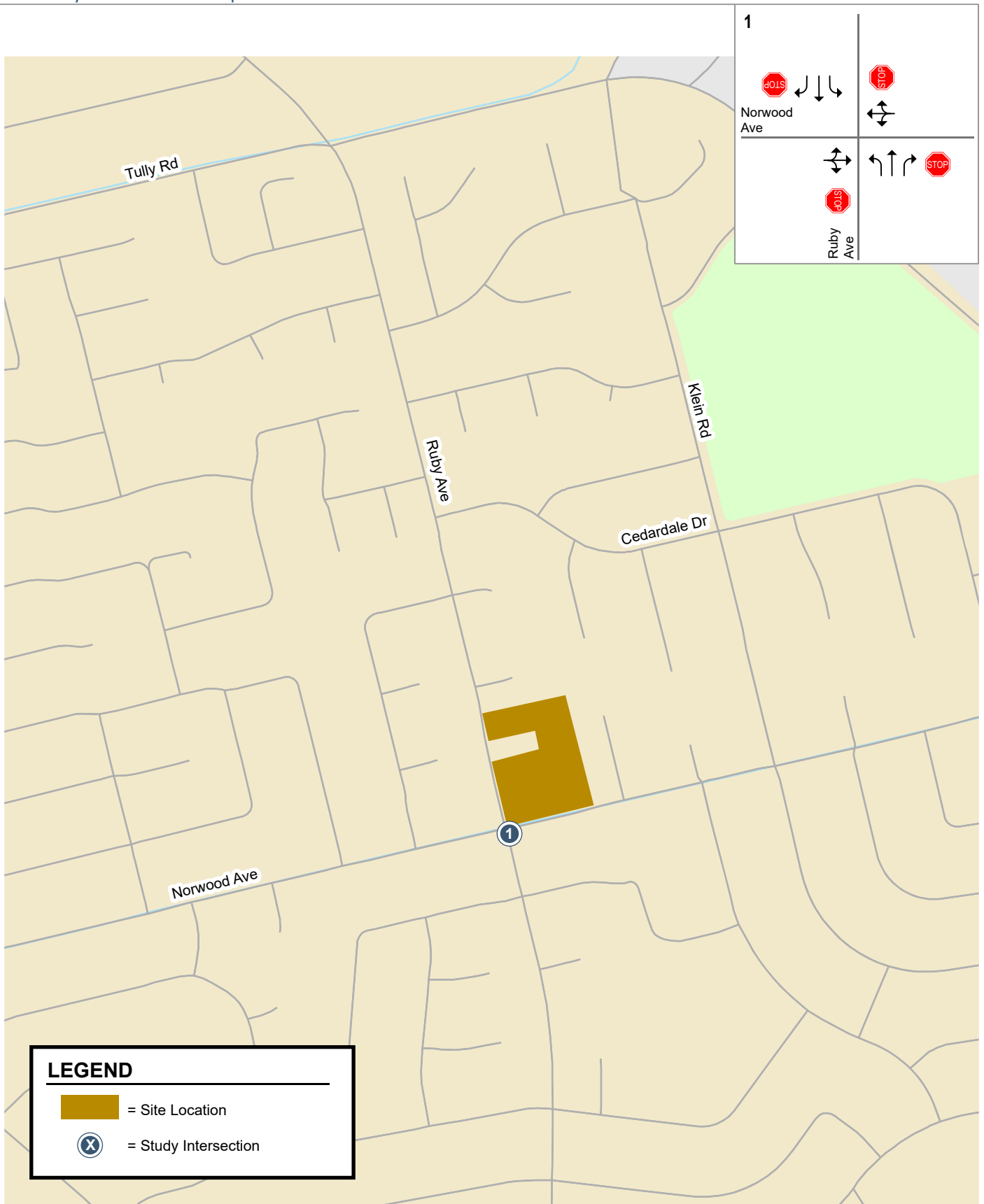


Figure 5
Existing Lane Configuration

3. Local Transportation Analysis

This chapter describes the local transportation analysis (LTA) including the method by which project traffic is estimated, intersection operations analysis for existing and existing plus project conditions, any adverse effects to intersection operations caused by the project, intersection vehicle queuing analysis, site access and on-site circulation review, effects on bicycle, pedestrian and transit facilities, and parking.

Intersection Operations Analysis

The unsignalized intersection operations analysis is intended to identify potential negative effects due to the addition of project traffic. Information required for the intersection operations analysis related to project trip generation, trip distribution, and trip assignment are presented in this section.

Project Trip Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the weekday AM and PM peak hours. As part of the project trip distribution, the directions to and from which the project trips would travel are estimated. In the project trip assignment, the project trips are assigned to specific streets and intersections. These procedures are described below.

Trip Generation

Through empirical research, data have been collected that quantify the amount of traffic produced by many types of land uses. This research is compiled in the *Trip Generation Manual, 10th Edition* (2017) published by the Institute of Transportation Engineers (ITE). The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates by the size of the development.

The trips that would be generated by the proposed Buddhist Temple were estimated using the ITE trip rates for “Church” (ITE Land Use 560). The proposed Buddhist Temple would operate similar to a church, which includes worship service, meeting space for community gathering, catering facilities for events, office space, and classroom space. Note that while churches do not typically include residences (the project would house eight monks on-site) any trips generated by the monks would occur outside the typical weekday AM and PM peak traffic periods of the day and would occur infrequently.

Note that although the Buddhist Temple project would generate trips on weekends, the ambient traffic levels in the study area would be higher during the weekday peak periods of traffic than during the weekend peak periods of traffic (even with a large special event held at the Temple) due to the nearby

schools and because the study area consists almost entirely of residential uses (i.e., weekday commuters). As a result, evaluating traffic volumes during the typical weekday AM and PM peak commute periods of the day presents a worst-case traffic condition.

Based on a total of 13,902 s.f. of project floor area and applying the standard ITE rates for “Church” (ITE Land Use 560) per the City’s requirement, it is estimated that the project would generate 97 daily vehicle trips, with 5 trips (3 inbound and 2 outbound) occurring during the weekday AM peak hour and 7 trips (3 inbound and 4 outbound) occurring during the weekday PM peak hour (see Table 2).

Note that according to the schedule of activities provided by the applicant (see Appendix A), it is estimated that 47 members would visit the site on a typical weekday. Based on an average occupancy of 3 people per vehicle, which is a reasonable assumption for this type of religious use (particularly since children represent 30 percent of the membership), this equates to approximately 16 vehicles or 32 daily vehicle trips (16 inbound trips and 16 outbound trips) on a typical weekday. Thus, the Temple’s actual daily trip generation is expected to be far less than that of a typical church use.

**Table 2
Project Trip Generation Estimates**

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour			PM Peak Hour				
				Pk-Hr Rate	Trips		Pk-Hr Rate	Trips			
					In	Out		Total	In	Out	Total
Buddhist Temple ¹	13,902 SF	6.95	97	0.33	3	2	5	0.49	3	4	7

Notes:
¹ Trip generation based on average rates contained in the *ITE Trip Generation Manual, 10th Edition*, for Church (Land Use 560) located in a General Urban/Suburban setting. Rates are expressed in trips per 1,000 S.F.

Trip Distribution and Assignment

The trip distribution pattern for the project was estimated based on the residences of the existing Wat Khmer Kampuchea Krom (or “Temple” community members), patterns on the surrounding roadway network that reflect typical weekday AM and PM commute patterns, the locations of complementary land uses, and freeway access points. The peak hour vehicle trips generated by the project were assigned to the roadway network in accordance with the trip distribution pattern. Figure 6 shows the project trip distribution and the trip assignment.

Traffic Volumes

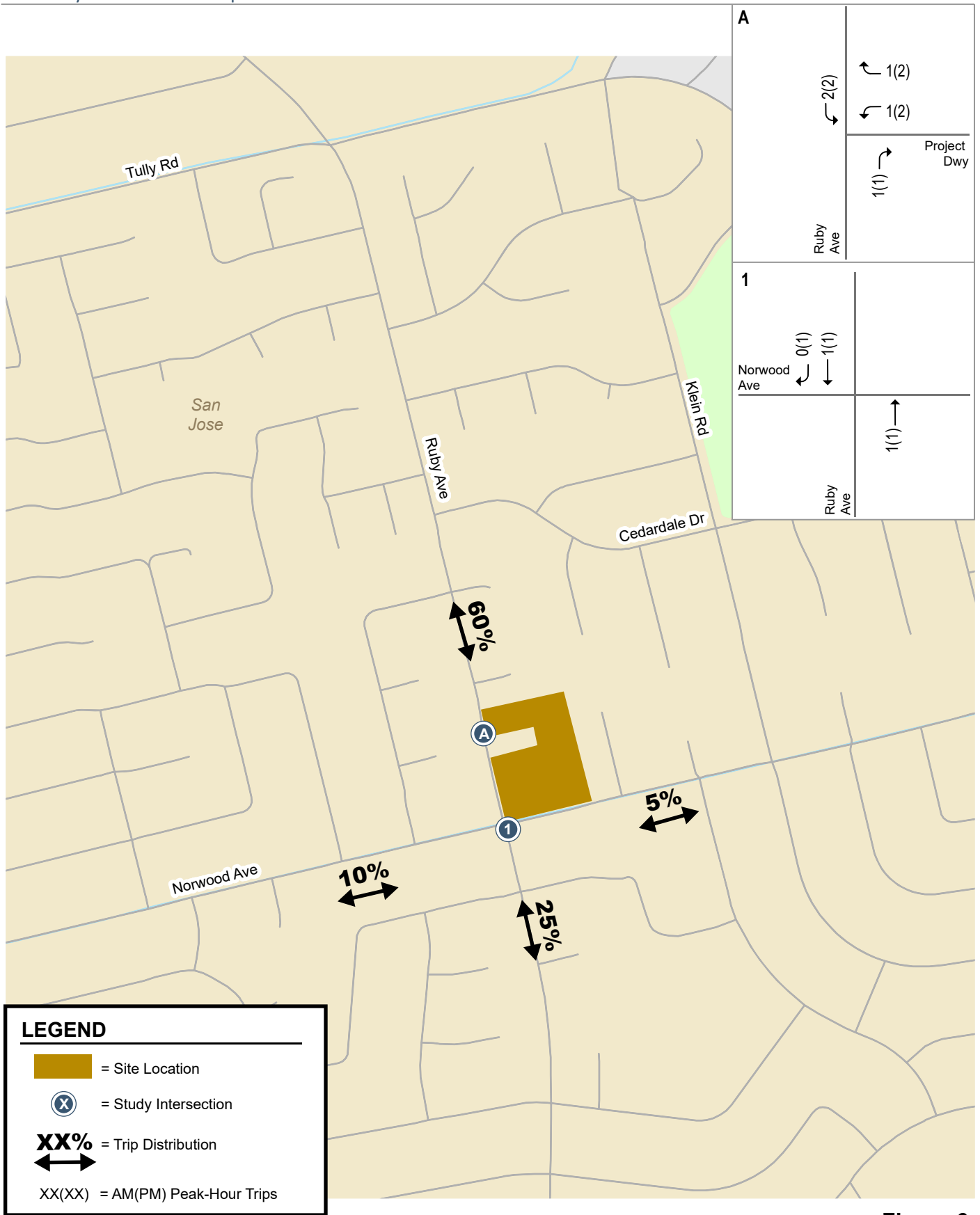
Existing Traffic Volumes

Existing AM and PM peak hour traffic volumes were obtained from manual turning movement counts conducted in September 2019 (see Appendix B). The September 2019 count data were reviewed and approved by the City of San Jose Department of Transportation for use in this transportation analysis.

Existing Plus Project Traffic Volumes

Project peak hour trips were added to existing peak hour traffic volumes to obtain existing plus project peak hour traffic volumes.

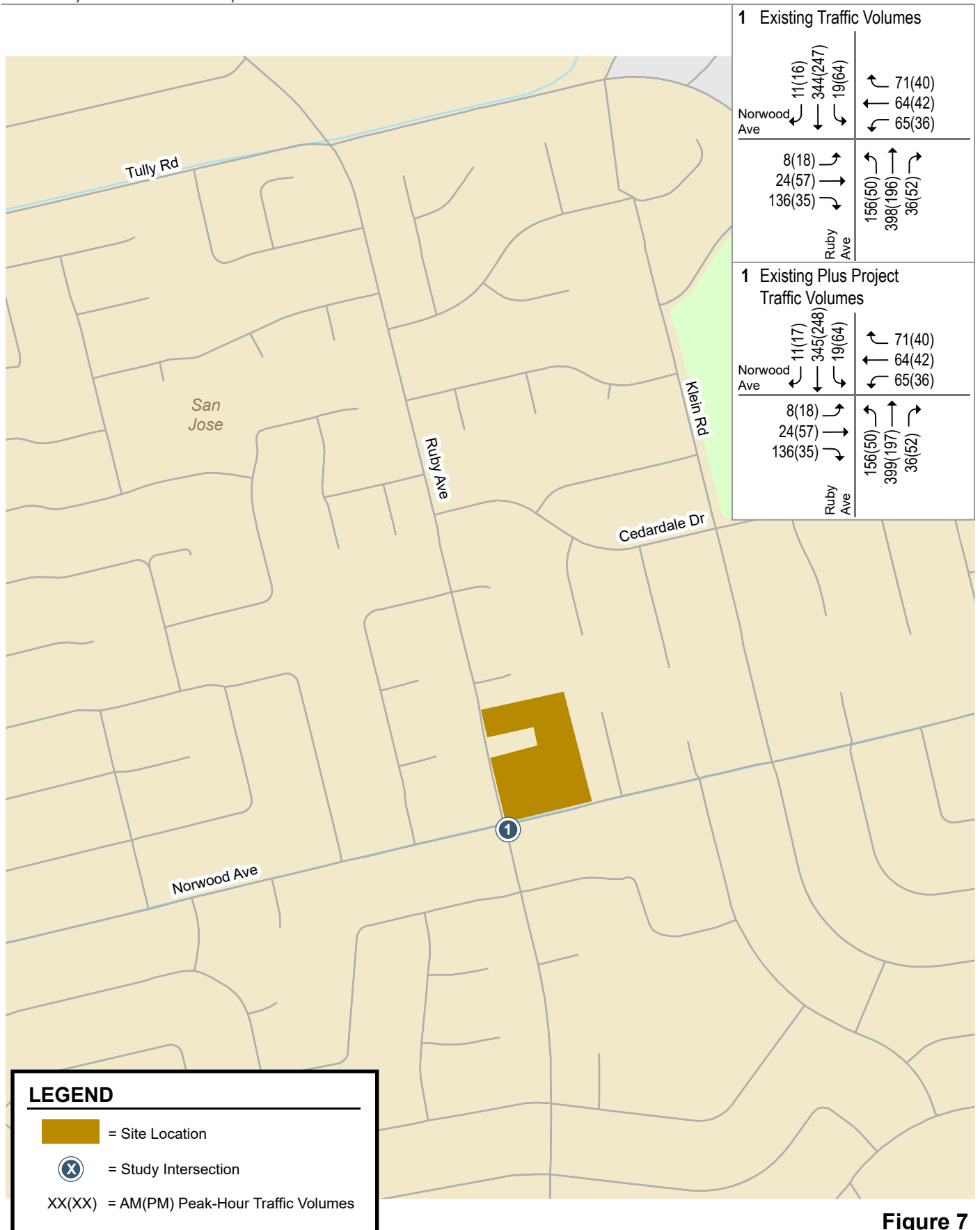
The existing and existing plus project peak hour intersection volumes are shown on Figure 7.



LEGEND

- = Site Location
- = Study Intersection
- XX%** = Trip Distribution
- = Trip Distribution
- XX(X) = AM(PM) Peak-Hour Trips

Figure 6
Project Trip Distribution Pattern and Trip Assignment



LEGEND

- = Site Location
- X = Study Intersection
- XX(X) = AM(PM) Peak-Hour Traffic Volumes

Figure 7
Existing and Existing Plus Project Traffic Volumes

Signal Warrant

Traffic conditions at the unsignalized study intersection of Ruby Avenue and Norwood Avenue were assessed to determine whether a traffic signal would be warranted based on the peak-hour volume signal warrant (Warrant #3) described in the *California Manual on Uniform Traffic Control Devices (CA MUTCD)*. This method makes no evaluation of intersection level of service, but simply provides an indication whether peak-hour traffic volumes are, or would be, sufficient to justify installation of a traffic signal. Intersections that meet the peak hour warrant are subject to further analysis before determining that a traffic signal is necessary. Additional analysis may include unsignalized intersection level of service analysis and/or operational analysis such as evaluating vehicle queuing and delay. Other options such as traffic control devices, signage, or geometric changes may be preferable at unsignalized intersections based on existing field conditions.

The results of the signal warrant check indicate that the AM and PM peak-hour volumes at the unsignalized study intersection currently do not meet the signal warrant and would not meet the warrant with the addition of project traffic. The signal warrant sheets are included in Appendix C.

Roundabout Analysis

A roundabout analysis was prepared for the unsignalized intersection of Ruby Avenue and Norwood Avenue. The intersection operations based on the current four-way stop-control configuration were compared to the operations with a single-lane roundabout configuration, which is the City's preferred configuration. The results of the analysis show that while the intersection is operating adequately with the current stop-control configuration (LOS C and B during the weekday AM and PM peak hours, respectively), the intersection level of service would improve to LOS A during both peak hours with a roundabout configuration. Based on the existing widths of Ruby Avenue and Norwood Avenue, a small-diameter roundabout design with a mountable central island is feasible at this intersection. The City has indicated that the project would be required to make a fair-share contribution equal to $\frac{1}{4}$ of the total cost of constructing the planned roundabout.

Table 3 shows the results of the level of service comparison based on average vehicle delay, as calculated using TRAFFIX software. The detailed unsignalized intersection level of service calculation sheets are contained in Appendix D.

Table 3
Unsignalized Intersection Level of Service Analysis

Intersection	Peak Hour	Count Date	4-Way Stop-Control				Single-Lane Roundabout			
			No Project		With Project		No Project		With Project	
			Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS
Ruby Av & Norwood Av	AM	9/17/19	16.8	C	16.8	C	5.6	A	5.6	A
	PM	9/17/19	10.1	B	10.1	B	4.3	A	4.3	A

Site Access and On-Site Circulation

The site access and circulation evaluations are based on the October 19, 2021 site plan prepared by Andrew Mann Architecture (see Figure 2). Site access was evaluated to determine the adequacy of the site's driveway with regard to the following: traffic volume, delays, vehicle queues, geometric design, and sight distance. On-site vehicular circulation was reviewed in accordance with generally accepted traffic engineering standards and transportation planning principles.

Vehicular Site Access

As proposed, the project would remove two existing driveways – one on Ruby Avenue and one on Norwood Avenue – and construct one driveway on Ruby Avenue. The new full-access driveway would provide access to a surface parking lot containing 90-degree parking. The parking lot would contain 67 parking spaces including 4 accessible parking spaces and 7 spaces with EV charging stations.

According to the site plan, the new project driveway is shown to be 26 feet wide, measured at the throat. The City's standard width for two-way driveways is 26 feet. This provides adequate width for vehicular ingress and egress and provides a reasonably short crossing distance for pedestrians.

The project-generated trips that are estimated to occur at the project driveway on Ruby Avenue are 3 inbound trips and 2 outbound trips during the weekday AM peak hour, and 3 inbound trips and 4 outbound trips during the weekday PM peak hour. Based on the current configuration of Ruby Avenue with a center two-way left-turn lane provided, full access would be provided at the new project driveway. Due to the low number of inbound and outbound project-generated trips estimated to occur during the weekday AM and PM peak hours of traffic, operational issues related to vehicle queueing and/or vehicle delay are not expected to occur at the project driveway on Ruby Avenue.

The City typically requires developments to provide adequate stacking space for at least two inbound vehicles (approximately 50 feet) between the face of curb and any entry gates or on-site parking stalls. This prevents inbound vehicles from queuing onto the street while the gate is closed. The driveway design as proposed would provide 40 feet of queuing space between the face of curb and the entry gate, and 50 feet of queuing space between the face of curb and the first on-site parking stall. Note that the project plans to keep the gate open during the hours of operation of the Temple facilities to provide the required 50-foot setback. The entry gate would remain closed outside the hours of operation.

Driveway Operations During Special Religious Events

During special religious events of between 251 and 300 visitors, Temple staff would be stationed at the Temple driveway on Ruby Avenue to redirect cars to a designated off-site parking location. For events with 251 to 300 attendees, the on-site parking spaces would be reserved for event staff and disabled visitors only. The off-site parking location would be selected and reserved in advance of the scheduled event. Members attending the event also would be notified in advance and encouraged to drive directly to the overflow parking lot. Free shuttle service would be provided between the Temple and the overflow parking lot. Special event parking and shuttle service is described in more detail in Chapter 4 as part of the proposed Traffic and Parking Management Plan (TPMP).

Passenger Loading

The project would provide an on-site passenger loading zone within the surface parking lot. The loading zone would be conveniently located near an entry gate to the Temple grounds. Vehicles would enter the project driveway from Ruby Avenue, pull into the loading zone to drop-off or pick-up passengers, circulate through the parking lot in a counterclockwise direction, and exit the project driveway.

Sight Distance

The project driveway should be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicycles traveling on Ruby Avenue. Currently, there is one overgrown tree in front of the adjacent residential property that could obscure sight distance at the project driveway. However, this tree would need to be removed in order to construct the new sidewalk along Ruby Avenue. Since this tree is not shown on the site plan, it can be assumed that the tree would be removed as part of the sidewalk reconstruction.

Providing the appropriate sight distance provides drivers with the ability to locate sufficient gaps in traffic when exiting a driveway, thereby reducing the likelihood of a collision. The minimum acceptable sight distance is often considered the Caltrans stopping sight distance. Sight distance requirements vary depending on roadway speeds. For a driveway on Ruby Avenue, which has a posted speed limit of 35 mph, the Caltrans stopping sight distance is 300 feet (based on a design speed of 40 mph). Thus, a driver must be able to see 300 feet along Ruby Avenue in order to stop and avoid a collision.

The project would construct a 12-foot-wide sidewalk with tree wells along its frontage on Ruby Avenue. Since street trees have a high canopy, they would not obstruct the view of drivers exiting the site. Based on the site plan, it can be concluded that the project driveway would meet the Caltrans stopping sight distance standard.

On-Site Vehicular Circulation and Parking Layout

On-site vehicular circulation was reviewed for the project in accordance with generally accepted traffic engineering standards and City of San Jose design guidelines. According to the site plan, the one-way drive aisles within the surface parking lot measure between 20 feet wide and 36 feet wide where 90-degree parking is provided. Circulation would occur in a counterclockwise direction. There are no dead-end drive aisles within the parking lot.

The City's standard minimum width for one-way drive aisles is 20 feet wide where 90-degree parking is provided and 26 feet wide for two-way drive aisles where 90-degree parking is provided. These widths provide sufficient room for vehicles to back out of the parking stalls. Thus, as proposed the parking lot drive aisles would meet the City's standards. Note that adequate on-site vehicular circulation would still be provided when the valet parking spaces (parallel spaces) are being utilized.

Parking Stall Dimensions

The City's off-street parking design standards for 90-degree uniform car size parking stalls is 8.5 feet wide by 17 feet long. All the parking stalls within the parking lot, with the exception of accessible spaces, are shown to be 8.5 feet wide by 17 feet long. The 90-degree accessible (ADA) spaces are shown to be 9 feet wide by 18 feet long with van accessibility provided. The stall dimensions would meet ADA standards.

Bike and Pedestrian Access

The site plan indicates that both Ruby Avenue and Norwood Avenue would be widened along the project frontages, and curb, gutter, and sidewalks would be added where none exist today. The street widths and sidewalks would conform to the design of adjacent parcels. A 12-foot wide sidewalk with tree wells would be provided on Ruby Avenue and a 10-foot wide sidewalk with tree wells would be provided on Norwood Avenue. The site plan also indicates that two separate ADA compliant curb ramps would be installed at the southwest corner of the project site (i.e., northeast corner of the Ruby Avenue and Norwood Avenue intersection): one on Ruby Avenue and one on Norwood Avenue. These improvements would create a continuous sidewalk along the project frontages (except for a short segment adjacent to the intervening parcel on Ruby Avenue), improving pedestrian connectivity and safety in the area. The network of existing sidewalks and crosswalks combined with the proposed improvements would provide visitors with good connectivity and safe routes to bus stops and other points of interest in the nearby area.

The two main pedestrian entrances would be accessed from Norwood Avenue and the on-site parking lot. The site plan shows a continuous network of on-site pedestrian paths and paved areas, with connections to all the on-site Temple facilities. The site plan also shows two additional pedestrian entrances on Norwood Avenue and one pedestrian entrance on Ruby Avenue. All three entrances are

for emergency pedestrian egress and fire/maintenance access only. Regular pedestrian ingress would not be provided at these three entrances.

The site plan shows 10 short-term bicycle parking spaces along the eastern boundary of the project site. Providing bicycle parking spaces would encourage bicycling by visitors, employees and residents of the project. Bike lanes are provided along Ruby Avenue and would provide access to the bicycle parking via the project driveway.

Truck Access and Circulation

Garbage Collection

The site plan shows a trash enclosure with double doors near the southeast corner of the project parking lot. Since there would be no height limitations within the surface parking lot, garbage collection would occur on-site. Garbage collection activities would involve rolling the trash bins out of the trash enclosure, positioning the bins in a trash staging area at the southeast corner of the parking lot, collecting the waste material (via a typical front load or side load garbage truck), and returning the bins to the trash enclosure.

Loading Operations

No freight loading areas are shown on the site plan. However, the project has indicated that some delivery and service vehicles would utilize the passenger loading zone within the surface parking lot.

Emergency Vehicle Access

The City of San Jose Fire Department requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of 6 feet clearance from the property line along all sides of the buildings. According to the site plan, the project would meet the 6-foot clearance and 150-foot fire access requirements. Emergency vehicles could park on Norwood Avenue and Ruby Avenue to access the project site. Additional fire access would be provided via the surface parking lot and a fire access gate at the southeast corner of the site. Adequate emergency vehicle access (EVA) and on-site circulation would be provided, even when the valet parking spaces (parallel spaces) are being utilized.

Pedestrian, Bicycle and Transit Facilities

All new development projects in San Jose should encourage multi-modal travel, consistent with the goals and policies of the City's General Plan. It is the goal of the General Plan that all development projects accommodate and encourage the use of non-automobile transportation modes to achieve San Jose's mobility goals and reduce vehicle trip generation and vehicle miles traveled. In addition, the adopted City Bike Master Plan establishes goals, policies and actions to make bicycling a daily part of life in San Jose. The Master Plan includes designated bike lanes along many City streets, as well as on designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities should be encouraged with new development projects.

Pedestrian Facilities

Pedestrian facilities consist of sidewalks along the streets in the immediate vicinity of the project site. Since the nearby neighborhood is mostly residential, there are few marked crosswalks in the project vicinity. Overall, the existing network of sidewalks exhibits adequate connectivity and would provide new residents and visitors with safe routes to transit services and other points of interest in the area. The project would construct new sidewalks along the project frontages on Ruby Avenue (12-foot sidewalk) and Norwood Avenue (10-foot sidewalk), resulting in improved pedestrian connectivity in the area.

Bicycle Facilities

Bicycle facilities in the project vicinity consists of bike lanes on Ruby Avenue. The project proposes no improvements to the bicycle network; however, there are planned improvements on Ruby Avenue. Based on the City of San Jose's 2018 Pavement Maintenance Program, the improvements will consist of adding standard bike lanes to Ruby Avenue along the project frontage (between Norwood Avenue and Pin Oak Court) and adding buffered bike lanes north of Pin Oak Court and south of Norwood Avenue. The continuous network of bike lanes on Ruby Avenue would provide bicyclists with a safe travel route to and from the project site.

Transit Services

The bus stops at the Ruby Avenue/Quimby Road intersection are located approximately a ½-mile walk from the project site. The project is not expected to generate a substantial number of new transit trips. It is estimated that the small increase in transit demand generated by the project could be accommodated by the current available ridership capacity of the local transit service in the study area.

Construction Activities

Typical activities related to the construction of any development could include lane narrowing and/or lane closures, sidewalk and pedestrian crosswalk closures, and bike lane closures along Ruby Avenue. In the event of any type of closure, clear signage (e.g., closure and detour signs) must be provided to ensure vehicles, pedestrians and bicyclists are able to adequately reach their intended destinations safely. Because Ruby Avenue has bike lanes, signage would be particularly important to redirect bicyclists to an alternative route in the event the bike lane is blocked by construction activities. Per City standard practice, the project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes.

Parking

Proposed Parking Supply

The project is proposing to provide 67 surface parking spaces, including 15 valet spaces, 1 space designated for Temple residents (monks), 4 accessible spaces, and 7 spaces with EV charging stations. Since one parking space would be reserved for Temple residents only, 66 parking spaces would be available for visitors. The project also would provide 10 short-term bicycle parking spaces (bicycle racks) along the eastern edge of the project site adjacent to the trash enclosure.

The project is proposing the following voluntary measures to help reduce the project's parking demand and the number of single-occupant vehicle trips. These parking reduction measures are consistent with the Envision San Jose 2040 General Plan policies in that they are intended to minimize vehicle trip generation and reduce vehicle-miles-traveled (VMT).

Dedicated and Preferential Parking for Carpools

Carpooling is common practice in the Temple community, which consists of large multi-generational families who often live and drive together. Providing preferential parking spaces in convenient locations for carpool vehicles would encourage Temple members and employees to carpool and reduce parking demand. The project plans to designate some on-site parking spaces for carpool vehicles to reduce the project parking demand. All the carpool spaces would be conveniently located near the entry gate to the Temple facilities.

Preferential Parking with EV Charging Stations

The project would provide 7 preferential parking spaces (including 2 ADA accessible spaces) with charging facilities for electric vehicles (EV). All the EV parking spaces would be conveniently located near the entry gate to the Temple facilities, which would encourage ridesharing.

On-Site Showers and Lockers

The project would provide on-site showers and lockers. Providing on-site showers and lockers would encourage members and visitors to bicycle to and from the Temple, thereby reducing vehicle trips and parking demand.

Project Parking Requirement

The project would provide a shared parking lot for all activities/events that would occur at the Buddhist Temple facilities. The project would employ a staggered schedule of activities such that while certain activities would generate parking demand, others would not. The activities associated with the Temple (i.e., religious assembly) would generate the highest parking demand of all the on-site activities. Therefore, the parking demand for “religious assembly” was used to determine the project parking requirement. City of San Jose Municipal Code Section 20.90.060 specifies a ratio of 1 vehicle space per 30 s.f. of area designated for religious assembly. Based on 1,969 s.f. of Temple assembly and circulation space, this equates to a vehicle parking requirement of 66 spaces ($1,969 / 30 = 65.6$). The community hall would be utilized by Temple members only preceding or following daily worship activities occurring at the Temple and would not create additional parking demand on typical non-event days. All other on-site activities that occur at other times would require less parking and, thus, would not contribute toward the project parking requirement. The project would provide 66 visitor parking spaces (67 spaces - 1 permanent resident space) which would meet the City’s vehicle parking requirement.

The project would be required to provide 1 bicycle parking space per 450 s.f. of area for religious assembly. This equates to a bicycle parking requirement of 5 spaces ($1,969 / 450 = 4.4$). The project would provide 10 bicycle spaces which would meet the City’s bicycle parking requirement.

Note that the City’s vehicle parking requirement of 66 spaces is based on the square footage of the Temple’s assembly and circulation space. The requirement does not consider the actual number of Temple visitors and does not account for any particular vehicle occupancy rate. Based on an average occupancy of 3 people per vehicle, which is a reasonable assumption for this type of religious use, particularly since children represent 30 percent of the membership, 66 on-site visitor parking spaces equates to 198 people. Assuming up to 3 parking spaces would be used by event staff, this leaves 63 spaces available for visitors. Accordingly, events held at the Temple facility of up to 189 visitors (63 spaces x 3 people per vehicle = 189 visitors) on the site at any given time could be accommodated by the on-site parking lot. Any special events that would attract 190 or more visitors would require additional off-site parking. Note that some other religious uses in the area currently provide on-site parking based on an occupancy of 4 people per vehicle. Thus, the project is taking a more conservative approach to parking supply by assuming 3 people per vehicle.

Based on the schedule of activities provided by the applicant (see Appendix A), it is estimated that 47 visitors (equivalent to approximately 16 vehicles) would visit the site on a typical weekday, and an estimated 89 visitors (equivalent to about 30 vehicles) would visit the site on a typical weekend day. However, not all visitors would be there at the same time. Based on the activity schedules, it is estimated that the maximum number of visitors that would be on site at any one time would be 37 visitors (about 13 vehicles) on a typical weekday and 64 visitors (about 22 vehicles) on a typical weekend day. Thus, the proposed amount of on-site parking would be adequate to serve the estimated number of visitors on a daily basis, both on weekdays and weekends.

For large special religious events such as wedding receptions and memorial services where visitors would be expected to arrive at approximately the same time, the amount of on-site parking may not be adequate. The proposed off-site parking strategies that would be implemented to accommodate special religious events of 190 or more attendees on site at any given time are described below.

Religious Holidays and Special Religious Events Parking

During religious holidays and special religious events held on the Temple grounds, parking demand would increase compared to typical daily activities and could exceed the parking lot capacity. Accordingly, as a proactive measure to prevent parking overflow into the neighborhood, the Temple plans to implement valet and shuttle services, including the use of off-site parking lots, for events of 190 or more visitors. Specifically, the project will secure a formal off-site parking agreement with the Evergreen Islamic Center located a half mile north of the project site on Ruby Avenue. The parking agreement would be in place for the life of the Temple. The proposed valet and shuttle services that would be implemented for events with 190 or more visitors are described below.

Special Event with Off-Site Valet Parking Provided (Event with 190 to 250 Visitors)

Off-site valet service would be implemented for special religious events with 190 or more attendees but fewer than 250 attendees. When off-site valet parking is being utilized, eventgoers would enter the project driveway and pull into the on-site passenger loading zone. A valet attendant would move the vehicles to a designated on-site valet space or to the designated off-site parking lot if the on-site valet spaces are already full. As shown on Figure 2, 15 vehicles could be valet parked on site while still providing adequate vehicular circulation within the parking lot, including fire access (EVA) and the use of the passenger loading zone. The valet attendants would ultimately retrieve vehicles for attendees upon leaving the Temple.

The number of valet attendants must be adequate in order to park and retrieve vehicles in a reasonable amount of time. Generally, scheduling valet attendants should be based on the number of visitor arrivals and the amount of time needed to park vehicles and return to the Temple. Since the overflow parking lot is located a half mile from the Temple (about a one-minute drive), some valet attendants would be shuttled between the two sites when parking or retrieving a vehicle. The valet personnel shuttle would run continuously, picking up and dropping off valet attendants approximately every 5 minutes. If necessary, the frequency could be increased with a second shuttle. Additionally, or alternatively, staggered attendee arrival times could be implemented to reduce the vehicle arrival rate.

Based on an average occupancy of 3 people per vehicle, a 250-visitor event would generate an additional 20 vehicles that would need to be parked off-site as follows:

$$((250 \text{ visitors} - 190 \text{ visitors}) / 3 \text{ people per vehicle}) = 20 \text{ overflow vehicles}$$

Assuming all 20 overflow vehicles were to arrive within a 15-minute period, and assuming each parking attendant would require 6 minutes on average to park a vehicle off-site and return to the passenger loading zone, an adequate staffing level for a 250-visitor event would require a minimum of 8 valet attendants to park vehicles off-site as follows:

$$(20 \text{ vehicles} \times 6 \text{ minutes per vehicle}) / 15 \text{ minutes} = 8 \text{ valet attendants}$$

One additional supervising valet attendant who remains on site at all times would be needed to greet eventgoers and manage the overall valet operations. Thus, it is estimated that a total of 9 valet parking staff would be needed for events of up to 250 attendees. All valet parking attendants would be required to park their own vehicles at the off-site lot before the start of the event, not in the on-site lot or within the neighborhood.

Special Event with Off-Site Visitor Shuttle Provided (Event with 251 to 300 Maximum Visitors)

For events of between 251 and 300 attendees, valet parking would not be possible due to the higher number of vehicles that would be arriving at the site and requiring a parking space. Thus, for these larger events, most visitors would be required to use the off-site parking lot and shuttle service. Assuming 3 people per vehicle equates to a peak parking demand of 100 spaces for an event with 300 attendees. Since the project would provide 63 on-site parking spaces for eventgoers (assuming 1 dedicated space for Temple residents (monks) and 4 on-site spaces for event staff), parking the 37 overflow vehicles associated with a 300-person event would require at least 15 valet parking attendants (plus a supervising valet attendant) as calculated below:

$$(37 \text{ vehicles} \times 6 \text{ minutes per vehicle}) / 15 \text{ minutes} = 15 \text{ valets} + 1 \text{ supervisor}$$

Since this number of valet parking attendants (16 total) is likely not feasible, off-site parking with free shuttle service for all attendees would be implemented for events of more than 250 attendees. Only event staff and those individuals requiring accessible parking spaces and/or special assistance would be allowed to park on site. Accordingly, the majority of eventgoers would be required to park their vehicles in the off-site lot and utilize the shuttles. Note that the on-site passenger loading zone could be used by visitors if needed before heading to the off-site parking lot. Though, most eventgoers would likely drive directly to the off-site lot and would be encouraged to do so.

Shuttle service would be prearranged for the special events with an anticipated attendance of 251 to 300 attendees, including large wedding receptions, seminars, and the anniversary of the Temple. Temple members would be notified in advance during meditation sessions, posted on bulletin boards, and via email of the planned parking procedures. On the day of the holiday or other large special event, Temple staff would be stationed at the Temple driveway to manage on-site parking and direct vehicles to the on-site passenger loading area and ultimately the off-site parking lot. Parking arrangements for special events, including the use of shuttles and school parking lots, are included as part of the proposed Traffic and Parking Management Plan (TPMP) described in Chapter 4.

For larger religious holidays and special events, the Temple would implement an RSVP ticketing system to ensure capacity limits (300 eventgoers) are observed. Commercially available online platforms such as Eventbrite and similar tools can track and manage attendee counts and share information with attendees related to parking reminders, staggered entry times, and other relevant information. Families could be managed under a single RSVP and could also share the number of vehicles they plan to use to attend the event. Attendees would obtain an entry ticket for the event from the shuttle driver. This would discourage eventgoers from parking within the neighborhood.

Alternative Off-Site Parking Locations

As a backup plan in the event of a scheduling conflict with the Evergreen Islamic Center, the Buddhist Temple would reserve parking available at one or more nearby public schools. The following public schools are available for facility reservations to reserve parking lots for off-site parking (valet and member parking) and shuttle service:

- Norwood Creek Elementary School,
- Cedar Grove Elementary School,
- Quimby Oak Middle School,
- Evergreen Valley High School, and
- Valle Vista Elementary School

Valet and/or shuttle service would occur at one or more school locations, depending on the availability of parking. Free shuttle service would be provided between the Temple and the school or schools that are reserved for a particular event. The Temple would reserve the school parking lots 12 months in advance for all annual events and holidays and as early as possible for other large events. This could

be done through Facilitron, an online reservation portal used by Evergreen School District and East Side Union High School District. In the event that one school is not available to honor the Temple's reservation request, the Temple would engage with one or more other schools on the list to reserve the parking lots.

Overflow Parking and Enforcement During Special Events

Even with implementation of an off-site overflow parking and free shuttle service program, including an entry ticket requirement, some special eventgoers may still be tempted to park on the surrounding neighborhood streets, since there are no parking restrictions within the neighborhood and an abundance of on-street parking exists within walking distance of the Temple site. Since some spill-over parking could potentially occur during large events, the Temple management should enforce the entry ticket requirement for large events. Visitors who park within the neighborhood would not receive tickets and, thus, would not be allowed access to the event.

4. Traffic and Parking Management Plan (TPMP)

The Temple would provide a shared parking lot for all activities and events that would occur at the Temple facilities. The project would employ a staggered schedule of activities such that while certain activities would generate parking demand, others would not. Accordingly, the Temple is not expected to exceed the parking demand on most days. However, during some special events and religious holidays where a large number of visitors would be expected to arrive at approximately the same time, the parking demand would increase and could exceed the on-site parking capacity. Accordingly, as a proactive measure to prevent parking overflow into the neighborhood, the project plans to implement a Traffic and Parking Management Plan (TPMP) to address traffic and parking issues that may arise when the Temple hosts religious events and other special events attracting 190 or more visitors. The TPMP is described in detail below.

Free Valet Service and Off-Site Parking and Shuttle Service

The project plans to implement valet and shuttle services, including the use of off-site parking lots. Specifically, the project will secure a formal off-site parking agreement with the Evergreen Islamic Center located a half mile north of the project site on Ruby Avenue. The parking agreement would be in place for the life of the Temple.

The proposed off-site parking strategies (i.e., valet and shuttle services) that would be implemented to accommodate special events and holidays of 190 or more attendees on site at any given time are described below.

Special Event with Off-Site Valet Parking Provided (Event with 190 to 250 Visitors)

Off-site valet service would be implemented for special religious events with 190 or more attendees but fewer than 250 attendees. When off-site valet parking is being utilized, eventgoers would enter the project driveway and pull into the on-site passenger loading zone. A valet attendant would move the vehicles to a designated on-site valet space or to the designated off-site parking lot if the on-site valet spaces are already full. As shown previously on Figure 2, 15 vehicles could be valet parked on site while still providing adequate vehicular circulation within the parking lot, including fire access (EVA) and the use of the passenger loading zone. The valet attendants would ultimately retrieve vehicles for attendees upon leaving the Temple.

The number of valet attendants must be adequate in order to park and retrieve vehicles in a reasonable amount of time. Generally, scheduling valet attendants should be based on the number of visitor arrivals and the amount of time needed to park vehicles and return to the Temple. Since the overflow parking lot is located a half mile from the Temple (about a one-minute drive), some valet attendants would be shuttled between the two sites when parking or retrieving a vehicle. The valet personnel

shuttle would run continuously, picking up and dropping off valet attendants approximately every 5 minutes. If necessary, the frequency could be increased with a second shuttle. Additionally, or alternatively, staggered attendee arrival times could be implemented to reduce the vehicle arrival rate.

Based on an average occupancy of 3 people per vehicle, a 250-visitor event would generate an additional 20 vehicles that would need to be parked off-site as follows:

$$((250 \text{ visitors} - 190 \text{ visitors}) / 3 \text{ people per vehicle}) = 20 \text{ overflow vehicles}$$

Assuming all 20 overflow vehicles were to arrive within a 15-minute period, and assuming each parking attendant would require 6 minutes on average to park a vehicle off-site and return to the passenger loading zone, an adequate staffing level for a 250-visitor event would require a minimum of 8 valet attendants to park vehicles off-site as follows:

$$(20 \text{ vehicles} \times 6 \text{ minutes per vehicle}) / 15 \text{ minutes} = 8 \text{ valet attendants}$$

One additional supervising valet attendant who remains on site at all times would be needed to greet eventgoers and manage the overall valet operations. Thus, it is estimated that a total of 9 valet parking staff would be needed for events of up to 250 attendees. All valet parking attendants would be required to park their own vehicles at the off-site lot before the start of the event, not in the on-site lot or within the neighborhood.

Special Event with Off-Site Shuttle Provided (Event with 251 to 300 Maximum Visitors)

For events of between 251 and 300 attendees, valet parking would not be possible due to the higher number of vehicles that would be arriving at the site and requiring a parking space. Thus, for these larger events, most visitors would be required to use the off-site parking lot and shuttle service. Assuming 3 people per vehicle equates to a peak parking demand of 100 spaces for an event with 300 attendees. Since the project would provide 63 on-site parking spaces for eventgoers (assuming 1 dedicated space for temple residents (monks) and 4 on-site spaces for event staff), parking the 37 overflow vehicles associated with a 300-person event would require at least 15 valet parking attendants (plus a supervising valet attendant) as calculated below:

$$(37 \text{ vehicles} \times 6 \text{ minutes per vehicle}) / 15 \text{ minutes} = 15 \text{ valets} + 1 \text{ supervisor}$$

Since 16 valet parking staff is likely not feasible, off-site parking with free shuttle service for all attendees would be implemented for events of more than 250 attendees. Only event staff and those individuals requiring accessible parking spaces and/or special assistance would be allowed to park on site. Accordingly, the majority of eventgoers would be required to park their vehicles in the off-site lot and utilize the shuttles. Note that the on-site passenger loading zone could be used by visitors if needed before heading to the off-site parking lot. Though, most eventgoers would likely drive directly to the off-site lot and would be encouraged to do so.

Shuttle service would be prearranged for the special events with an anticipated attendance of 251 to 300 attendees, including large wedding receptions, seminars, and the anniversary of the Temple. Temple members would be notified in advance during meditation sessions, posted on bulletin boards, and via email of the planned parking procedures. On the day of the holiday or other large special event, Temple staff would be stationed at the Temple driveway to manage on-site parking and direct vehicles to the on-site passenger loading area and ultimately the off-site parking lot.

For larger religious holidays and special events, the Temple would implement an RSVP ticketing system to ensure capacity limits (300 eventgoers) are observed. Commercially available online platforms such as Eventbrite and similar tools can track and manage attendee counts and share information with attendees related to parking reminders, staggered entry times, and other relevant information. Families could be managed under a single RSVP and could also share the number of

vehicles they plan to use to attend the event. Attendees would obtain an entry ticket for the event from the shuttle driver. This would discourage eventgoers from parking within the neighborhood.

Alternative Off-Site Parking Locations

As a backup plan in the event of a scheduling conflict with the Evergreen Islamic Center, the Buddhist Temple would reserve parking available at one or more nearby public schools. The following public schools are available for facility reservations to reserve parking lots for off-site parking (valet and member parking) and shuttle service:

- Norwood Creek Elementary School,
- Cedar Grove Elementary School,
- Quimby Oak Middle School,
- Evergreen Valley High School, and
- Valle Vista Elementary School

Valet and/or shuttle service would occur at one or more school locations, depending on the availability of parking. Free shuttle service would be provided between the Temple and the school or schools that are reserved for a particular event. The Temple would reserve the school parking lots 12 months in advance for all annual special events and holidays and as early as possible for other large events. This could be done through Facilitron, an online reservation portal used by Evergreen School District and East Side Union High School District. In the event that one school is not available to honor the Temple's reservation request, the Temple would engage with one or more other schools on the list to reserve the parking lots.

Parking Enforcement During Special Events

Even with implementation of an off-site overflow parking and free shuttle service program, including an entry ticket requirement, some special eventgoers may still be tempted to park on the surrounding neighborhood streets, since there are no parking restrictions within the neighborhood and an abundance of on-street parking exists within walking distance of the Temple site. Since some spill-over parking could potentially occur during large events, the Temple management should enforce the entry ticket requirement for large events. Visitors who park within the neighborhood would not receive tickets and, thus, would not be allowed access to the event.

The goal of the off-site parking and free shuttle program component of the TPMP is to avoid parking spillover into the neighborhood during special events at the Temple. Accordingly, one annual observation should be conducted on a day with a large special event scheduled at the Temple with visitor shuttle service provided (event of 251 to 300 attendees). Note that it would be unnecessary to count parking for a special event with valet service provided (event of 190 to 250 people), since all overflow vehicles would automatically be moved to the off-site parking lot by the valet attendants (i.e., all eventgoers would drive directly to the Temple site and would not be required to find parking). The field observations should occur in the immediate vicinity of the Temple site to confirm that Temple visitors are not parking within the neighborhood.

Counts of the number of parked vehicles and vacant spaces within the Temple parking lot should be conducted during the annual observation. If the counts show that the parking lot spaces are less than fully occupied, it can be assumed that event staff and disabled parking demand is being accommodated on site. It can also be assumed that most or all eventgoers are parking in the off-site lot and using the free visitor shuttle service. However, field observations would need to occur to confirm this. If the parking lot spaces are 100% occupied, then spillover may be occurring, and the effectiveness of the visitor shuttle program would need to be verified by monitoring parking in the neighborhood within approximately a 1,000-foot radius of the Temple site. Additional parking enforcement and/or solutions should be considered if eventgoers are regularly parking within the neighborhood.

5. Conclusions

This study was conducted for the purpose of identifying the potential transportation impacts related to the proposed development. The transportation impacts of the project were evaluated following the standards and methodologies set forth by the City of San Jose. Based on the City of San Jose's Transportation Analysis Policy (Policy 5-1) and the *Transportation Analysis Handbook 2020*, an LTA is required for the project to identify potential traffic operational issues related to the project. The LTA includes an evaluation of weekday AM and PM peak hour traffic conditions for the unsignalized intersection of Ruby Avenue & Norwood Avenue, as well as an analysis of site access, on-site circulation, parking, and effects to transit, bicycle, and pedestrian facilities.

CEQA Transportation Analysis

The City has not established thresholds of significance for religious land uses such as churches and Buddhist Temples. Development that does not fit traditional forms of residential, office or industrial development, such as the proposed project, must calculate a trip generation equivalency in order to evaluate the project using the City's VMT Evaluation Tool. Accordingly, the square footage of the Buddhist Temple was converted to an equivalent amount of office square footage to obtain project VMT. This is a reasonable approach to VMT analysis, since churches exhibit similar vehicle mode share characteristics, travel patterns, and trip length characteristics to that of office uses. Based on the conversion process (detailed in Chapter 1), a 13,902 s.f. Buddhist temple would generate peak hour vehicle trips equivalent to 6,100 s.f. of office space. This small amount of office space meets the screening criteria set forth in the City's *Transportation Analysis Handbook*. Since the project would meet the City's screening criteria and therefore satisfy Council Policy 5-1, no VMT analysis is required for the project.

Local Transportation Analysis

Project Trip Generation

Based on a total of 13,902 square feet (s.f.) of project floor area and applying the standard ITE rates for "Church" (ITE Land Use 560) per the City's requirement, it is estimated that the project would generate 97 daily vehicle trips, with 5 trips (3 inbound and 2 outbound) occurring during the weekday AM peak hour and 7 trips (3 inbound and 4 outbound) occurring during the weekday PM peak hour.

Note that according to the schedule of activities provided by the applicant (see Appendix A), it is estimated that 47 members would visit the site on a typical weekday. Based on an average occupancy of 3 people per vehicle, which is a reasonable assumption for this type of religious use (particularly since children represent 30 percent of the membership), this equates to approximately 16 vehicles or

32 daily vehicle trips (16 inbound trips and 16 outbound trips) on a typical weekday. Thus, the Temple's actual daily trip generation is expected to be far less than that of a typical church use.

Unsignalized Intersection Operations

The results of the roundabout analysis requested by City staff show that while the intersection of Ruby Avenue and Norwood Avenue is operating adequately with the current stop-control configuration (LOS C and B during the weekday AM and PM peak hours, respectively), the intersection level of service would improve to LOS A during both peak hours with a single-lane roundabout configuration, which is the City's preferred configuration. Based on the existing widths of Ruby Avenue and Norwood Avenue, a small-diameter roundabout design with a mountable central island is feasible at this intersection. The City has indicated that the project would be required to make a fair-share contribution equal to $\frac{1}{4}$ of the total cost of constructing the planned roundabout.

Signal Warrants

The results of the signal warrant check indicate that the AM and PM peak-hour volumes at the unsignalized study intersection of Ruby Avenue and Norwood Avenue currently do not meet the signal warrant and would not meet the warrant with the addition of project traffic.

Parking

The project would provide a 67-space shared parking lot for all activities/events that would occur at the Buddhist Temple facilities. The project would employ a staggered schedule of activities such that while certain activities would generate parking demand, others would not. The activities associated with the Temple (i.e., religious assembly) would generate the highest parking demand of all the on-site activities. Therefore, the parking demand for "religious assembly" was used to determine the project parking requirement. City of San Jose Municipal Code Section 20.90.060 specifies a ratio of 1 vehicle space per 30 s.f. of area designated for religious assembly. Based on 1,969 s.f. of Temple assembly and circulation space, this equates to a vehicle parking requirement of 66 spaces ($1,969 / 30 = 65.6$). All other on-site activities that occur at other times would require less parking and, thus, would not contribute toward the project parking requirement. The project would provide 66 visitor parking spaces (67 spaces - 1 permanent resident space) which would meet the City's vehicle parking requirement.

Note that the City's vehicle parking requirement of 66 spaces is based on the square footage of the Temple's assembly and circulation space. The requirement does not consider the actual number of Temple visitors and does not account for any particular vehicle occupancy rate. Based on an average occupancy of 3 people per vehicle, which is a reasonable assumption for this type of religious use, particularly since children represent 30 percent of the membership, 66 on-site visitor parking spaces equates to 198 people. Assuming up to 3 parking spaces would be used by event staff, this leaves 63 spaces available for visitors. Accordingly, events held at the Temple facility of up to 189 visitors (63 spaces x 3 people per vehicle = 189 visitors) on the site at any given time could be accommodated by the on-site parking lot. Any special events that would attract 190 or more visitors would require additional off-site parking. Note that some other religious uses in the area currently provide on-site parking based on an occupancy of 4 people per vehicle. Thus, the project is taking a more conservative approach to parking supply by assuming 3 people per vehicle.

During religious holidays and special events held on the Temple grounds, parking demand would increase compared to typical daily activities and could exceed the parking lot capacity. Accordingly, as a proactive measure to prevent parking overflow into the neighborhood, the Temple plans to implement valet and shuttle services, including the use of off-site parking lots, for events of 190 or more visitors. Specifically, the project will secure a formal off-site parking agreement with the Evergreen Islamic Center located a half mile north of the project site on Ruby Avenue. The parking agreement would be in

place for the life of the Temple. The proposed valet and shuttle services that would be implemented for events with 190 or more visitors are addressed as part of the proposed Traffic and Parking Management Plan (TPMP) described in Chapter 4.

Other Transportation Issues

The proposed site plan shows adequate site access and on-site circulation, and no adverse traffic operational issues are expected to occur at the project driveway as a result of the project. The project would not have an adverse effect on the existing pedestrian or bicycle facilities in the study area.

**Ruby Avenue Buddhist Temple LTA
Technical Appendices**

Appendix A

Temple 5 Wj jYg'GW YXi `Y

WEEKDAY ACTIVITY SCHEDULE

3/26/2021

TIME OF DAY	LOCATION	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	APPROXIMATE NUMBER OF PEOPLE	DESCRIPTION	
4AM-7AM	Monks Residence	Monks Rising	Monks Rising	Monks Rising	Monks Rising	Monks Rising	8 Residents	The monks are praying on their own in their rooms. This is a quiet time and precedes eating their morning meal.	
	Monks Residence	Morning Meal	Morning Meal	Morning Meal	Morning Meal	Morning Meal		Monks re-heat food brought the previous day by parishioners. This is also a time for personal preparation and for cleaning up the residence before or after eating.	
7AM-10AM	Monks Residence	Rest and Reflection	Rest and Reflection	Rest and Reflection	Rest and Reflection	Rest and Reflection	8 Residents	This time is used for some resting after the morning with reflection time.	
		Monk's Administrative Activities	Monk's Administrative Activities	Monk's Administrative Activities	Monk's Administrative Activities	Monk's Administrative Activities		Monks meet for administrative activities: scheduling events, planning, and daily business oriented tasks for that day or upcoming.	
10AM-12PM	Temple	Prayer and Food Offering	Prayer and Food Offering	Prayer and Food Offering	Prayer and Food Offering	Prayer and Food Offering	8 Residents, 15 Visitors	Monks receive members of the community in the Temple, usually elderly members, who come to the temple to pray and chant with the monks and who bring food to the monks. Normally consists of group of elderly members but could change if a family in the community is in need of guidance or blessings.	
	Temple	Lunch: Monks	Lunch: Monks	Lunch: Monks	Lunch: Monks	Lunch: Monks		Once chanting, praying, blessings and meditating is completed, monks will eat on a raised platform while laypeople are gathered facing them - meditating or praying quietly.	
12PM-4PM	Community Hall	Lunch: Laypeople, Teaching, Social Activity	Lunch: Laypeople, Teaching, Social Activity	Lunch: Laypeople, Teaching, Social Activity	Lunch: Laypeople, Teaching, Social Activity	Lunch: Laypeople, Teaching, Social Activity	8 Residents, 15 Visitors	After the monks finish their meal the laypeople leave the Temple to eat their lunch in the community hall. After the meal, some of the elders will remain with the monks through the rest of the day, taking teachings from them and socializing. Some monks may assist with Foundation administration.	
	Classroom/Library	Adult-oriented Classes	Adult-oriented Classes	Adult-oriented Classes	Adult-oriented Classes	Adult-oriented Classes	2 Teachers, 18 Visitors	Classes are taught from 1-4pm. Classes may include traditional language, dance, song, and music. In addition, reading, English-as-second language skills and other basic education would be taught here.	
	Office	Administrative Activities	Administrative Activities	Administrative Activities	Administrative Activities	Administrative Activities	Administrative Activities	1 Visitor	Volunteer coordinator to conduct Temple business, sometimes with assistance from monks.
		Building Caretaker	Building Caretaker	Building Caretaker	Building Caretaker	Building Caretaker	Building Caretaker	1 Visitor	Building operations and maintenance staff onsite.
4PM-6PM	Temple, Community Hall	Evening Offering and Activity	Evening Offering and Activity	Evening Offering and Activity	Evening Offering and Activity	Evening Offering and Activity	8 Residents, 10 Visitors	Monks and laypeople return to the Temple and bring the evening offering which consists of liquid only (fruit juices, tea, and the like) for the monks. This offering is done in the same manner as the lunch meal. This is also a time when the next morning's food is prepared offsite and brought for the monks to bring to their residence. Those having remained on site may seek monk's counsel or take the Precepts in the Temple. Additionally if there are blessings or rituals requested by members these would be performed at this time. These requests are not always performed on-site and monks will frequently visit people's homes to fulfill the requests.	
	Office	Building Caretaker	Building Caretaker	Building Caretaker	Building Caretaker	Building Caretaker		1 Visitor	Building operations and maintenance staff onsite.
6PM-9PM	Temple, Monks Residence	Break Time	Break Time	Break Time	Break Time	Break Time	8 Residents, 10 Visitors	This is unscheduled break time for the monks and the laypeople. Those who have come previously for the evening offering may remain to participate in chanting and prayers taking place after the break.	
	Temple	Chanting, Prayer, and Guidance	Chanting, Prayer, and Guidance	Chanting, Prayer, and Guidance	Chanting, Prayer, and Guidance	Chanting, Prayer, and Guidance		This time is reserved for teaching the members (typically the elderly) about chanting and prayer and the practice of it. This time is also used for counseling any member seeking guidance from the monks.	
9PM-10PM	Monks Residence	Monks Meditation	Monks Meditation	Monks Meditation	Monks Meditation	Monks Meditation	8 Residents	The monks retire to their residence.	
	Temple, Community Hall, Office	Clean Up, Prep Work	Clean Up, Prep Work	Clean Up, Prep Work	Clean Up, Prep Work	Clean Up, Prep Work	5 Visitors	Remaining laypeople clean up and prepare for the following day and then leave the site by 10pm.	

WEEKEND ACTIVITY SCHEDULE

03/26/2021

TIME OF DAY	LOCATION	SATURDAY	SUNDAY	APPROXIMATE NUMBER OF PEOPLE	DESCRIPTION
4AM-7AM	Monks Residence	Monks Rising	Monks Rising	8 Residents	The monks are praying on their own in their rooms. This is a quiet time and precedes eating their morning meal.
	Monks Residence	Morning Meal	Morning Meal		Monks re-heat food brought the previous day by parishioners. This is also a time for personal preparation and for cleaning up the residence before or after eating.
7AM-10AM	Monks Residence	Rest and Reflection	Rest and Reflection	8 Residents	This time is used for some resting after the morning with reflection time.
	Monks Residence	Monk's Administrative Activities	Monk's Administrative Activities		Monks meet for administrative activities: scheduling events, planning, and daily business oriented tasks for that day or upcoming.
10AM-12PM	Temple	Lecture and praying with Members	Lecture and praying with Members	8 Residents, 50 Visitors	Monks receive members of the community in the Temple. Laypeople gather in the Temple to receive a lecture from the monks and to practice meditation and chanting. Adults and children (approx. 30% of attendees) alike receive the monk's lecture. Following are chants and meditation. Children may transition to exterior spaces during this time.
	Temple	Lunch: Monks	Lunch: Monks		Monks are brought food prepared off-site by members of the community. Once chanting, and meditating is completed, monks will eat on a raised platform while laypeople are gathered facing them - meditating or praying quietly.
	Office	Building Caretaker	Building Caretaker	1 Visitor	Building operations and maintenance staff onsite.
12PM-4PM	Community Hall	Lunch: Laypeople, Teaching, Social Activity	Lunch: Laypeople, Teaching, Social Activity	8 Residents, 40 Visitors	After the monks finish their meal the laypeople leave the Temple to eat their lunch in the community hall. After the meal, some of the elders will remain with the monks through the rest of the day, taking teachings from them and socializing. Some monks may assist with Foundation administration.
	Classroom/Library	Youth-oriented Classes	Youth-oriented Classes	2 Teachers, 18 Visitors	Youth-oriented classes focused on the transference of language, cultural experience and values to the young people in the Khmer Krom community. (1-4pm)
	Office	Administrative Activities	Administrative Activities	3 Visitors	Volunteer coordinators meet to conduct Temple business, sometimes with assistance from monks.
	Office	Building Caretaker	Building Caretaker	1 Visitor	Building operations and maintenance staff onsite.
4PM-6PM	Temple, Community Hall	Evening Offering and Activity	Evening Offering and Activity	8 Residents, 15 Visitors	Monks and laypeople return to the Temple and bring the evening offering which consists of liquid only (fruit juices, tea, and the like) for the monks. This offering is done in the same manner as the lunch meal. This is also a time when the next morning's food is prepared offsite and brought for the monks to bring to their residence. Those having remained on site may seek monk's counsel or take the Precepts in the Temple. Additionally if there are blessings or rituals requested by members these would be performed at this time. These requests are not always performed on-site and monks will frequently visit people's homes to fulfill the requests.
	Office	Building Caretaker	Building Caretaker	1 Visitor	Building operations and maintenance staff onsite.
6PM-9PM	Temple, Monks Residence	Break Time	Break Time	8 Residents, 15 Visitors	This is unscheduled break time for the monks and the laypeople. Those who have come previously for the evening offering may remain to participate in chanting and prayers taking place after the break.
	Temple	Chanting, Prayer, and Guidance	Chanting, Prayer, and Guidance		This time is reserved for teaching the members (typically the elderly) about chanting and prayer and the practice of it. Members may take the 5 or 8 Precepts at this point - a ritual commitment to the tenets of Buddhism which involves a recitation of the Precepts and commitment to them. This time is also used for counseling any member seeking guidance from the monks.
9PM-10PM	Monks Residence	Monks Meditation	Monks Meditation	8 Residents	The monks retire to their residence.
	Temple, Community Hall, Office	Clean Up, Prep Work	Clean Up, Prep Work	5 Visitors	Remaining laypeople clean up and prepare for the following day and then leave the site by 10pm.

RELIGIOUS HOLIDAYS & SPECIAL EVENTS SCHEDULE

03/26/2021

EVENT	DATE(S)	LOCATION	TIME OF DAY							APPROXIMATE NUMBER OF PEOPLE	DESCRIPTION
			4AM-7AM	7AM-9AM	9AM-12PM	12PM-4PM	4PM-6PM	6PM-10PM	10PM-5AM		
Uposatha Day	Varies, set by lunar calendar (4x/month)	Temple			X	X				8 Residents 25 Weekday Visitors 75 Weekend Visitors	This religious holiday at the temple is based on the lunar calendar and occurs four times per month based on phases of the moon. Attendance numbers on these days for the morning lecture will increase and are noted to the left. There is a variable on increased attendance depending on whether these days coincide with a weekday or weekend. Regular Temple activities and attendance (weekday, or weekend) would occur prior to and following this morning lecture.
Khmer New Years Eve	Celebrated on the 1st Friday of the Khmer Lunar New Year, typically in mid-April	Temple						X		8 Residents 50 Visitors (6PM - 7PM)	Monks preach the Dharma in advance of the New Year. Activities are the same as any normal weekday, except that a larger attendance will come for evening prayer (6 pm to 7 pm)
Khmer New Years Day (1st day of Lunar New Year)	Celebrated on the 1st Saturday of the Khmer Lunar New Year, typically in mid-April	Full site			X	X	X	X		8 Residents 75 Visitors (10AM-6PM) 50 Visitors (6PM - 7PM) 10 Visitors (7PM - 10PM)	Monks preach the Dharma on the first day of the New Year. Activities are the same as any normal weekend, except that a larger attendance will come for the morning prayer (10AM to 12Noon) and will remain in the complex throughout the afternoon for special activities. 10AM - 12PM - Prayer and Monk's meal in the temple. 12PM - 1PM - Meal of laypeople in the community Hall 1PM - 4PM - Games outside (including music, dance, karaoke and tug of war. Sound system is used for music). 6PM-7PM - Praying in the temple
Chol Chnam Thmay (2nd day of Lunar New Year)	Celebrated on the 1st Sunday of the Khmer Lunar New Year, typically in mid-April	Full site			X	X	X			8 Residents 150 Visitors* (10AM-5PM)	Chol Chnam Thmay is the most important day of the New Year. Larger number of community members will visit the site to join the celebration (10 am - 5 pm). All special activities are finished by 5PM and only a few community members remain in the complex until 10 pm. 10AM - 12PM - Prayer and Monk's meal in the temple. 12PM - 1PM - Meal of laypeople in the community Hall 1PM - 5PM - Celebration and rituals performed outside in the gardens (including blessing of the Buddha, teachings and blessings by Monks, water blessings, folk dances and music. Sound system is used for music and blessings). 5PM - 10PM - Normal weekend activity. All special celebrations are finished and only older members will remain in the complex *It is tradition in the Cambodian community to visit the temple at least once during the Lunar New Year Celebration, mainly in the 3rd day of the celebration. Families will come to the temple, throughout the day (10AM - 5PM) to be blessed by the monk. Visit is quick and may last up to 20 - 30 min. Many people may come through the site, but at different times of the day with a peak anticipated attendance of 150 visitors on site at one time.
Flower fundraising event	2-day event, normally a weekend in July.	Full site			X	X	X	X		8 Residents 1st Day 70 Visitors - 10AM-4PM 30 Visitors - 4PM - 7PM 2nd Day 70 Visitors - 10 AM-2PM	The flower event is the main fundraising event in the year. 1st day - 10AM - 12PM - prayer and monk's meal in the temple 12PM - 1PM - Laypeople meal in the community hall. During the meal, fundraising is done on stage. 1PM - 4PM - Fewer members stay in the complex, socializing with other members. 6PM - 7PM - chanting and praying in the temple. 7pm -10 pm - Activities end after evening prayer. Few elderly members remain in the complex. 2nd day - 10AM - 12PM - Prayer and monk's meal in the temple 12PM - 2PM - Laypeople meal in the community hall. After the meal, fundraising totals are announced on stage. 2PM - 10 PM - Around 2 pm, all members will leave the temple, except for few elderly members who will stay with monks until 10 pm.
Ancestor's offerings	Varies, set by lunar calendar. Typically at the end of September or beginning of October	Full site	X							8 Residents 15 visitors - 4AM - 6AM	Day to honor the ancestors, when community members come to the temple before sunset to offer dry items (flowers, nuts, cookies) to their ancestors. Offerings are laid at 7 different locations within the temple complex. No music or noise made. At sunrise, all visitors leave the temple. Attendance numbers after this celebration will follow typical weekend or weekday schedule.

RELIGIOUS HOLIDAYS & SPECIAL EVENTS SCHEDULE (Continued)

03/26/2021

EVENT	DATE(S)	LOCATION	TIME OF DAY							APPROXIMATE NUMBER OF PEOPLE	DESCRIPTION
			4AM-7AM	7AM-9AM	9AM-12PM	12PM-4PM	4PM-6PM	6PM-10PM	10PM-5AM		
Kathina Ceremony Fundraiser	Varies, set by lunar calendar, typically during October or November	Full site			X	X	X	X		8 Residents 100 Visitors - 10AM-6PM 50 Visitors - 6PM - 7PM	Kathina serves as the culmination of the Vassa season and involves the ritual giving of robes to the monks. Activities are planned with volunteers organizing for the offerings of flowers, food, and the robes. This day is spent with chanting and blessings and preparations for the following day and includes a fundraising event. 10AM - 12PM - prayer and monk's meal in the temple 12PM - 1PM - Laypeople meal in the community hall 1PM - 6PM - Lottery and gift sales. Community members will offer the robes to the monks 6PM - 7PM - Lectures by Monks
Kathina Robe Ceremony	Varies, set by lunar calendar, typically during October or November	Full site			X	X				8 Residents 150 Visitors - 10 AM-4PM	On this day offerings are gathered together and put onto a "litter" which is taken on parade around the Temple three times after which it is brought back inside. After the procession and food offering to the monks the robe ceremony begins with the offering being made with chanting, prayers, and blessings. After the robe ceremony there is dancing with traditional music. 10AM - 12PM - prayer and monk's meal in the temple 12PM - 1PM - Laypeople meal in the community hall 1PM - 4PM - Outdoor celebration with offerings of fruits and ropes to the monks. Members and monks will walk around the temple 3 times with offerings. No music or sound system is used. Around 4pm all members will leave the temple, except for few elderly members who will stay with monks until 10 pm.
Anniversary of the Temple	Date to be determined	Full site			X	X				8 Residents Up to 300 maximum visitors	Annual event when the community celebrates the opening of the new Temple. To be scheduled on a weekend day. Attendance numbers for times prior to and after this celebration will follow typical weekend schedule. 10AM - 12PM - Prayer and monk's meal in the temple 12PM - 1PM - Laypeople meal in the community hall 1PM - 4PM - Outdoor celebration with dance, music and games. Sound system will be used during afternoon outdoor festivities Around 4 pm, all members will leave the temple, except for few elderly members who will stay with monks until 10 pm.
Memorial Services	Varies	Temple, Community Hall			X	X				8 Residents Typically 30-150 Visitors Up to 300 maximum	Memorial services take place in the temple where family members and friends gather to pray and receive blessings from the monks and are followed by a meal in the Community Hall. It can take place any day of the week but is more common during the weekend, especially Saturday. Depending on the family (size and prominence in the community), memorial services usually gather approximately 30-150 people, and sometimes up to 300 people maximum.
Weddings Receptions	Varies	Community Hall				X		X		8 Residents Typically 50-150 Visitors Up to 300 maximum	Weddings are an important celebration in the Khmer community and families will celebrate the occasion with a gathering and meal in the Community Hall. Depending on the event, wedding receptions usually gather approximately 50-150 people and sometimes up to 300 people maximum. Wedding receptions take place any day of the week. Weekends are the most popular days for the celebration. Receptions would occur either during lunch or dinner.
Religious Seminars & Cultural Events	Varies	Community Hall			X	X	X	X (-8pm)		8 Residents Typically 20-150 Visitors Up to 300maximum	Throughout the year, religious seminars and cultural events will be organized by the Temple community and will take place in the community hall. Attendance will depend on the event and typically range from approximately 20-150 people and sometime up to 300 people maximum. Examples of events include guest monks, cultural performers, human rights in Cambodia seminar, graduation events and visiting teachers and lecturers. Religious seminars and cultural events may occur at various times of the day and typically last only a few hours.

Appendix B

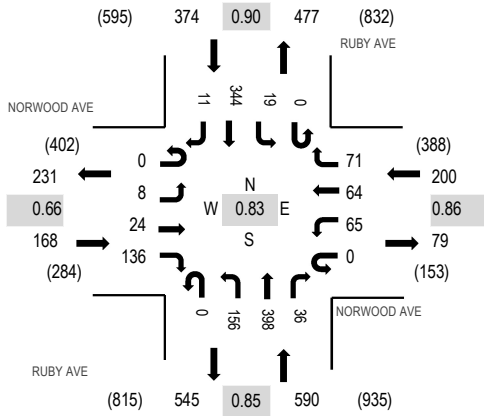
New Traffic Counts



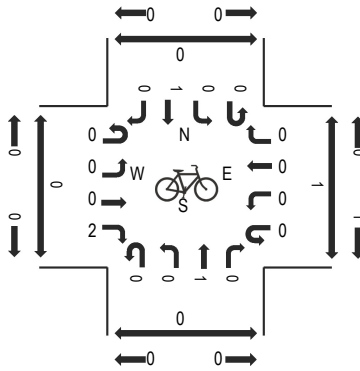
(303) 216-2439
www.alltrafficdata.net

Location: 1 RUBY AVE & NORWOOD AVE AM
Date: Wednesday, September 11, 2019
Peak Hour: 07:15 AM - 08:15 AM
Peak 15-Minutes: 08:00 AM - 08:15 AM

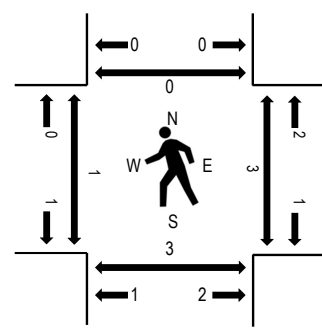
Peak Hour - Motorized Vehicles



Peak Hour - Bicycles



Peak Hour - Pedestrians



Note: Total study counts contained in parentheses.

Traffic Counts - Motorized Vehicles

Interval Start Time	NORWOOD AVE Eastbound				NORWOOD AVE Westbound				RUBY AVE Northbound				RUBY AVE Southbound				Total	Rolling Hour	Pedestrian Crossings			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right			West	East	South	North
7:00 AM	0	0	9	19	0	5	10	27	0	13	60	1	0	3	51	3	201	1,134	3	1	2	0
7:15 AM	0	1	3	39	0	25	18	20	0	38	106	8	0	2	100	2	362	1,332	0	1	1	0
7:30 AM	0	2	7	18	0	12	15	14	0	40	112	11	0	0	77	2	310	1,252	0	0	1	0
7:45 AM	0	3	4	27	0	14	7	15	0	20	77	4	0	6	82	2	261	1,160	1	1	0	0
8:00 AM	0	2	10	52	0	14	24	22	0	58	103	13	0	11	85	5	399	1,068	0	1	1	0
8:15 AM	0	2	9	15	0	8	25	21	0	41	109	5	0	7	31	9	282		0	3	3	0
8:30 AM	0	3	14	20	0	8	24	23	0	18	41	4	0	2	53	8	218		5	3	8	0
8:45 AM	0	5	10	10	0	6	9	22	0	7	42	4	0	6	44	4	169		0	1	2	0

Peak Rolling Hour Flow Rates

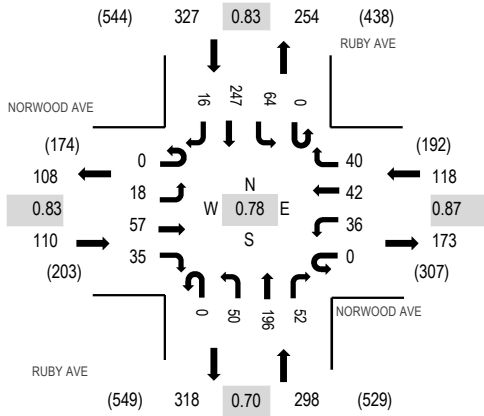
Vehicle Type	Eastbound				Westbound				Northbound				Southbound				Total
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lights	0	7	23	135	0	64	64	71	0	156	396	36	0	19	342	11	1,324
Mediums	0	1	1	1	0	1	0	0	0	0	2	0	0	0	2	0	8
Total	0	8	24	136	0	65	64	71	0	156	398	36	0	19	344	11	1,332



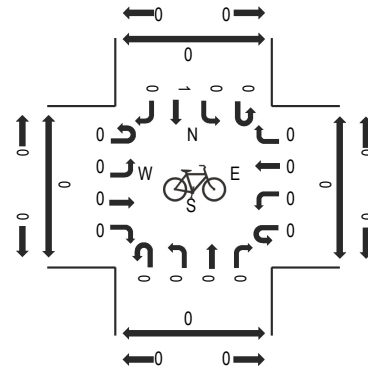
(303) 216-2439
www.alltrafficdata.net

Location: 1 RUBY AVE & NORWOOD AVE PM
Date: Wednesday, September 11, 2019
Peak Hour: 05:00 PM - 06:00 PM
Peak 15-Minutes: 05:30 PM - 05:45 PM

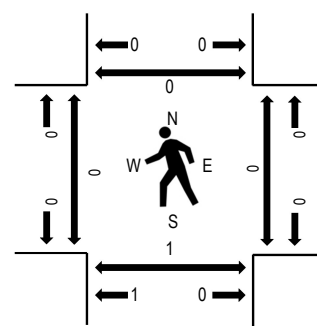
Peak Hour - Motorized Vehicles



Peak Hour - Bicycles



Peak Hour - Pedestrians



Note: Total study counts contained in parentheses.

Traffic Counts - Motorized Vehicles

Interval Start Time	NORWOOD AVE Eastbound				NORWOOD AVE Westbound				RUBY AVE Northbound				RUBY AVE Southbound				Total	Rolling Hour	Pedestrian Crossings			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right			West	East	South	North
4:00 PM	0	1	6	10	0	10	5	7	0	14	32	10	0	9	34	3	141	615	2	0	0	0
4:15 PM	0	2	15	12	0	7	7	6	0	5	40	8	0	18	37	2	159	654	4	0	0	0
4:30 PM	0	0	11	18	0	9	2	5	0	7	56	15	0	12	35	5	175	679	0	0	0	0
4:45 PM	0	0	10	8	0	4	7	5	0	6	30	8	0	12	47	3	140	776	0	0	0	0
5:00 PM	0	6	10	9	0	10	6	9	0	8	45	8	0	11	55	3	180	853	0	0	0	0
5:15 PM	0	4	12	5	0	7	10	10	0	10	31	10	0	20	59	6	184		0	0	0	0
5:30 PM	0	2	20	11	0	8	14	12	0	13	73	21	0	17	76	5	272		0	0	0	0
5:45 PM	0	6	15	10	0	11	12	9	0	19	47	13	0	16	57	2	217		0	0	1	0

Peak Rolling Hour Flow Rates

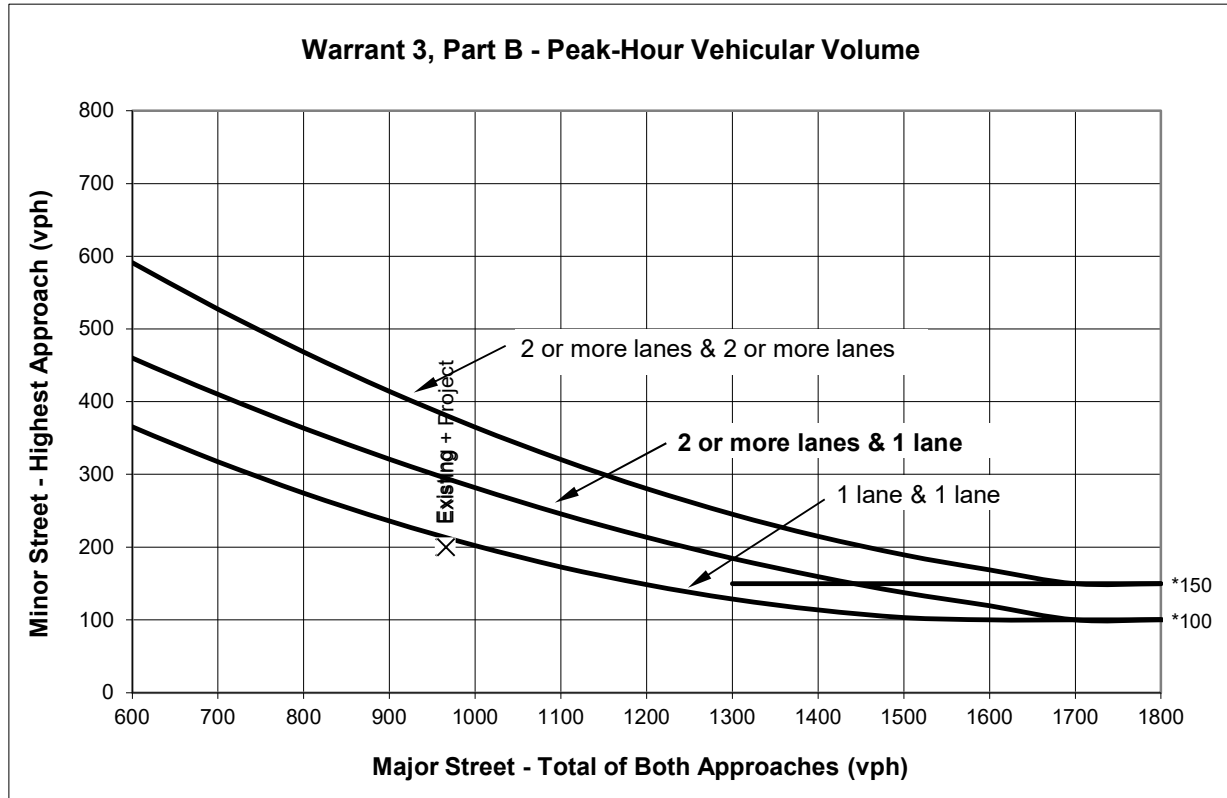
Vehicle Type	Eastbound				Westbound				Northbound				Southbound				Total
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Lights	0	18	57	35	0	36	41	39	0	50	195	52	0	63	246	16	848
Mediums	0	0	0	0	0	0	1	1	0	0	1	0	0	1	0	0	4
Total	0	18	57	35	0	36	42	40	0	50	196	52	0	64	247	16	853

Appendix C
Signal Warrants

2740 Ruby Avenue

Ruby Avenue and Norwood Avenue

AM PEAK PERIOD



Source: Figure 4C-3 California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA's MUTCD 2010 Edition, as amended for use in California).

* Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

Warrant 3, Part B - Peak-Hour Vehicular Volume

		Approach Lanes		AM PEAK PERIOD							
		2 or One	More	Existing	Existing + Project						
Major Street - Both Approaches	Ruby Avenue		X	964	966						
Minor Street - Highest Approach	Norwood Avenue	X		200	200						
Signal Warranted Based on Part B - Peak-Hour Volumes?				No	No						

*Warrant is satisfied if plotted points fall above the appropriate curve in graph above.

2740 Ruby Avenue

TRAFFIC SIGNAL WARRANTS WORKSHEET

Analyst: BJ date: 2/19/20

Major Street: Ruby Avenue
 Minor Street: Norwood Avenue

Critical Approach Speed* (mph) 35
 Critical Approach Speed* (mph) 35
 *Posted Speed.

Critical speed of major street traffic > 50 mph (64 km/h)..... }
 In built up area of isolated community of < 10,000 population..... } **Rural (R)**
 Urban (U)

AM PEAK PERIOD

Warrant 3 - Peak Hour

PART A

(All parts 1, 2, and 3 below must be satisfied)

AM PEAK PERIOD

	Existing	Existing + Project						
Minor Street Approach Direction w/ Highest Delay	WB	WB						
Highest Minor Street Average Delay (sec/veh)	13.2	13.2						
Corresponding Minor Street Approach Volume (veh/hr)	200	200						
Minor Street Total Delay (veh-hrs)	0.7	0.7						

1. The total delay experienced for traffic on one minor street approach controlled by a STOP sign equals or exceeds 4 vehicle-hours for a 1-lane approach and 5 vehicle-hours for a 2-lane approach; <u>AND</u>	No	No						
2. The volume on the same minor street approach equals or exceeds 100 vph for 1 moving lane of traffic or 150 vph for 2 moving lanes; <u>AND</u>	Yes	Yes						
3. The total entering volume serviced during the hour equals or exceeds 800 vph for intersections with 4 or more approaches or 650 vph for intersections with 3 approaches.	Yes	Yes						
Signal Warranted based on Part A?	No	No						

PART B

AM PEAK PERIOD

		Approach Lanes		Existing	Existing + Project					
		One	2 or More							
Major Street - Both Approaches	Ruby Avenue		X	964	966					
Minor Street - Highest Approach	Norwood Avenue	X		200	200					
Signal Warranted based on Part B?				No	No					

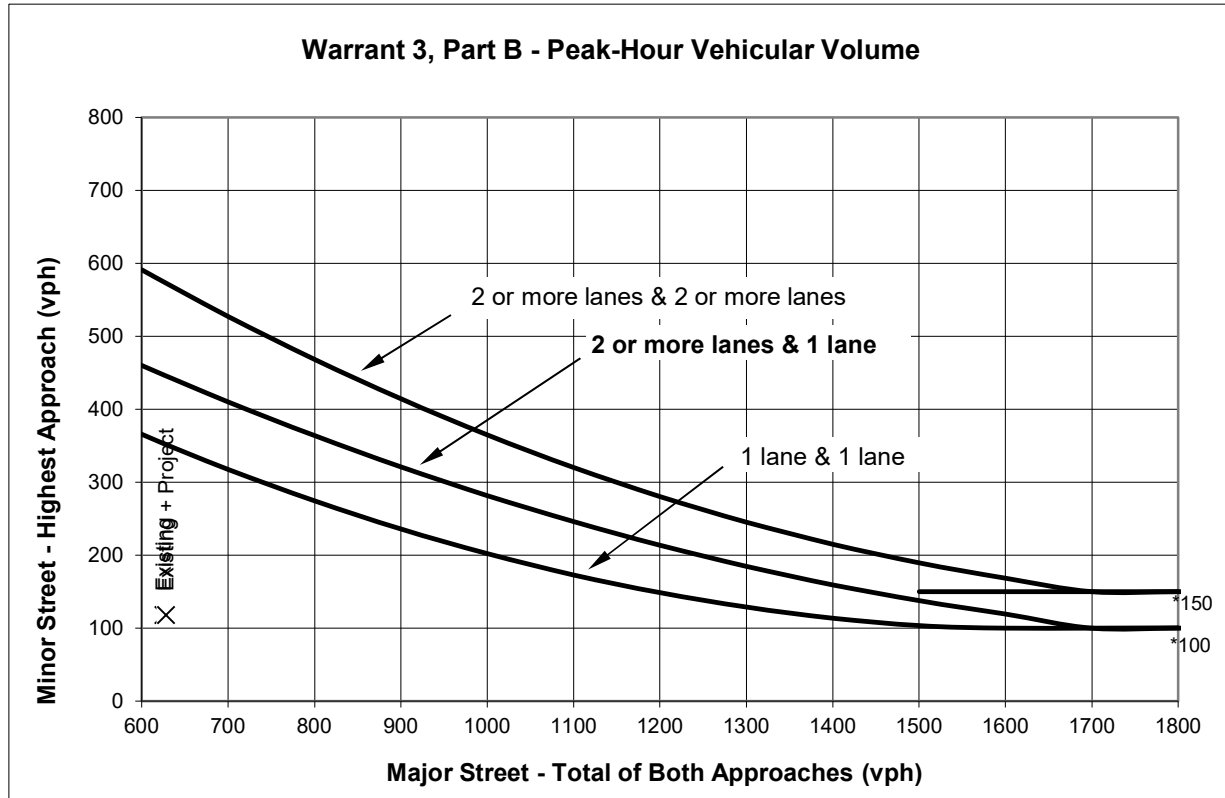
The Warrant is satisfied if the plotted point for vehicles per hour on the major street (both approaches) and the corresponding per hour higher vehicle volume minor street approach (one direction only) for one hour (any four consecutive 15-minute periods) fall above the applicable curves in California MUTCD Figure 4C-3 or 4C-4.

Source: California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA's MUTCD 2010 Edition, as amended for use in California).
 Notes:

2740 Ruby Avenue

Ruby Avenue and Norwood Avenue

PM PEAK HOUR



Source: Figure 4C-3 California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA's MUTCD 2010 Edition, as amended for use in California).

* Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

Warrant 3, Part B - Peak-Hour Vehicular Volume

		Approach Lanes		PM PEAK HOUR							
		2 or	One More	Existing	Existing + Project						
Major Street - Both Approaches	Ruby Avenue		X	625	628						
Minor Street - Highest Approach	Norwood Avenue	X		118	118						
Signal Warranted Based on Part B - Peak-Hour Volumes?				No	No						

*Warrant is satisfied if plotted points fall above the appropriate curve in graph above.

2740 Ruby Avenue

TRAFFIC SIGNAL WARRANTS WORKSHEET

Analyst: BJ date: 2/19/20

Major Street: Ruby Avenue
 Minor Street: Norwood Avenue

Critical Approach Speed* (mph) 35
 Critical Approach Speed* (mph) 35
 *Posted Speed.

Critical speed of major street traffic > 50 mph (64 km/h)..... }
 In built up area of isolated community of < 10,000 population..... } **Rural (R)**
 Urban (U)

PM PEAK HOUR

Warrant 3 - Peak Hour

PART A

(All parts 1, 2, and 3 below must be satisfied)

PM PEAK HOUR

	Existing	Existing + Project						
Minor Street Approach Direction w/ Highest Delay	WB	WB						
Highest Minor Street Average Delay (sec/veh)	9.6	9.6						
Corresponding Minor Street Approach Volume (veh/hr)	118	118						
Minor Street Total Delay (veh-hrs)	0.3	0.3						

1. The total delay experienced for traffic on one minor street approach controlled by a STOP sign equals or exceeds 4 vehicle-hours for a 1-lane approach and 5 vehicle-hours for a 2-lane approach; <u>AND</u>	No	No						
2. The volume on the same minor street approach equals or exceeds 100 vph for 1 moving lane of traffic or 150 vph for 2 moving lanes; <u>AND</u>	Yes	Yes						
3. The total entering volume serviced during the hour equals or exceeds 800 vph for intersections with 4 or more approaches or 650 vph for intersections with 3 approaches.	Yes	Yes						
Signal Warranted based on Part A?	No	No						

PART B

PM PEAK HOUR

	Approach Lanes		Existing	Existing + Project					
	One	2 or More							
Major Street - Both Approaches	Ruby Avenue	X	625	628					
Minor Street - Highest Approach	Norwood Avenue	X	118	118					
Signal Warranted based on Part B?			No	No					

The Warrant is satisfied if the plotted point for vehicles per hour on the major street (both approaches) and the corresponding per hour higher vehicle volume minor street approach (one direction only) for one hour (any four consecutive 15-minute periods) fall above the applicable curves in California MUTCD Figure 4C-3 or 4C-4.

Source: California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA's MUTCD 2010 Edition, as amended for use in California).
 Notes:

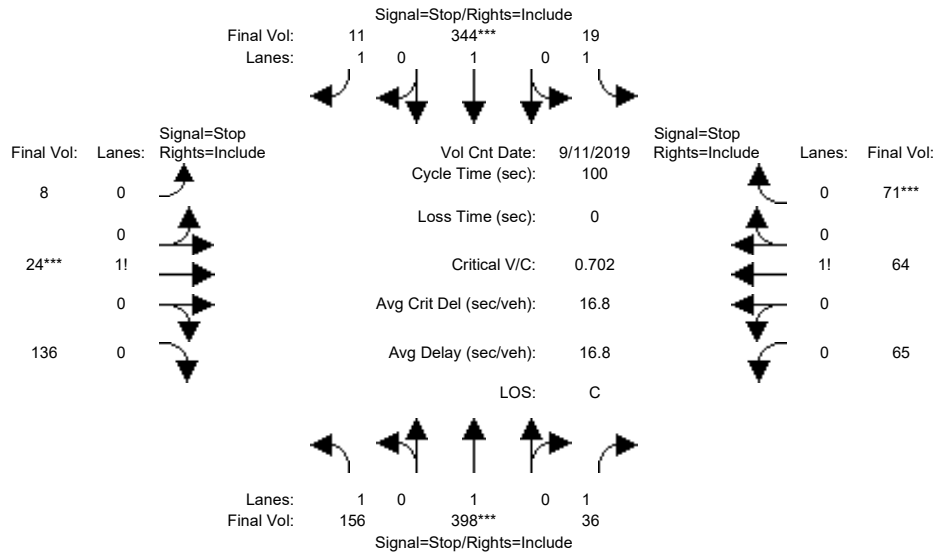
Appendix D

Level of Service Calculations

Ruby Avenue Buddhist Temple
All-Way Stop Configuration
2740 Ruby Avenue, San Jose, CA

Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
Existing AM

Intersection #1: Ruby Avenue and Norwood Avenue



Street Name: Ruby Avenue Norwood Avenue
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0

Volume Module:	>>	Count	Date:	11 Sep 2019	<<												
Base Vol:	156	398	36	19	344	11	8	24	136	65	64	71					
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		
Initial Bse:	156	398	36	19	344	11	8	24	136	65	64	71					
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0					
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0					
Initial Fut:	156	398	36	19	344	11	8	24	136	65	64	71					
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00					
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00					
PHF Volume:	156	398	36	19	344	11	8	24	136	65	64	71					
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0					
Reduced Vol:	156	398	36	19	344	11	8	24	136	65	64	71					
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00					
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00					
Final Volume:	156	398	36	19	344	11	8	24	136	65	64	71					

Saturation Flow Module:															
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00			
Lanes:	1.00	1.00	1.00	1.00	1.00	1.00	0.05	0.14	0.81	0.32	0.32	0.36			
Final Sat.:	523	567	632	496	538	595	25	74	417	165	162	180			

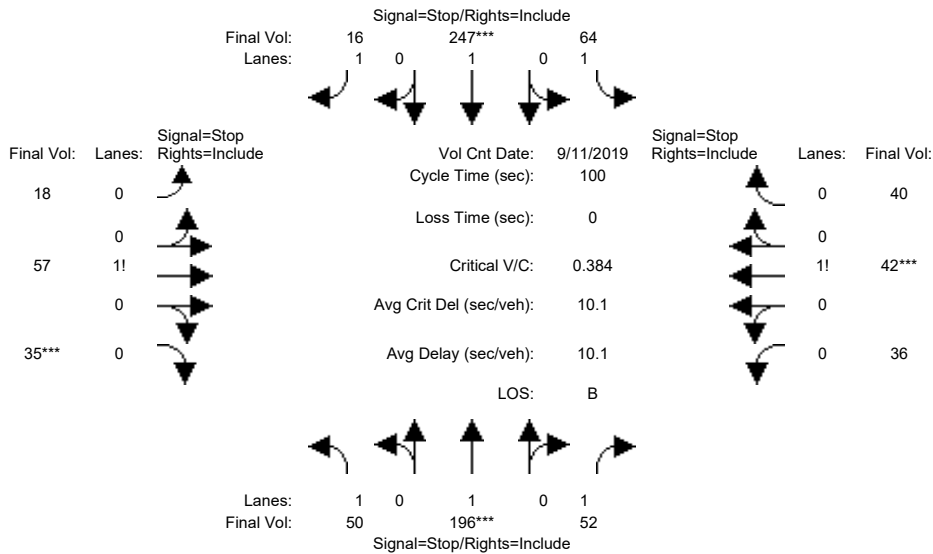
Capacity Analysis Module:															
Vol/Sat:	0.30	0.70	0.06	0.04	0.64	0.02	0.33	0.33	0.33	0.39	0.39	0.39			
Crit Moves:	****			****			****			****					
Delay/Veh:	12.2	21.6	8.6	10.0	19.2	8.6	11.9	11.9	11.9	13.2	13.2	13.2			
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00			
AdjDel/Veh:	12.2	21.6	8.6	10.0	19.2	8.6	11.9	11.9	11.9	13.2	13.2	13.2			
LOS by Move:	B	C	A	A	C	A	B	B	B	B	B	B			
ApproachDel:	18.3			18.5			11.9			13.2					
Delay Adj:	1.00			1.00			1.00			1.00					
ApprAdjDel:	18.3			18.5			11.9			13.2					
LOS by Appr:	C			C			B			B					
AllWayAvgQ:	0.4	2.0	0.1	0.0	1.5	0.0	0.4	0.4	0.4	0.5	0.5	0.5			

Note: Queue reported is the number of cars per lane.

Ruby Avenue Buddhist Temple
All-Way Stop Configuration
2740 Ruby Avenue, San Jose, CA

Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
Existing PM

Intersection #1: Ruby Avenue and Norwood Avenue



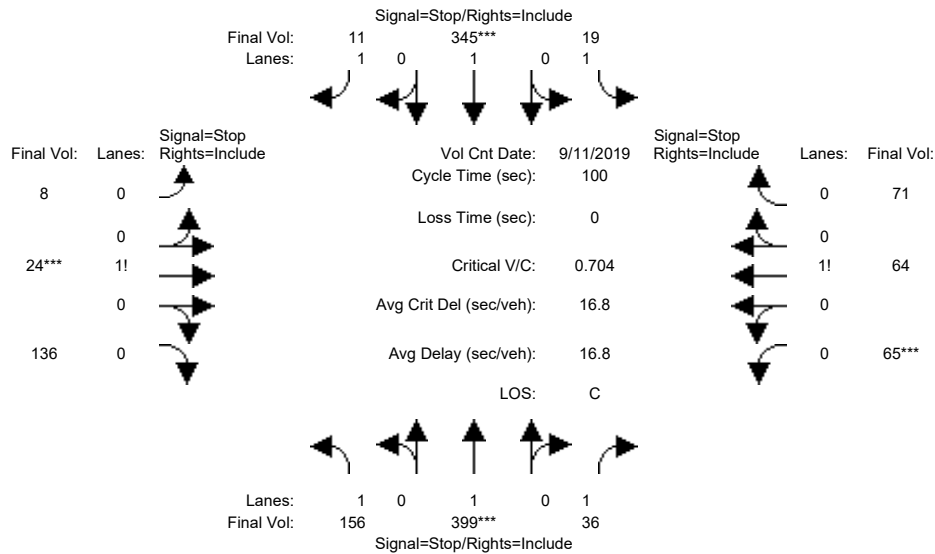
Street Name:	Ruby Avenue						Norwood Avenue					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module: >> Count Date: 11 Sep 2019 <<												
Base Vol:	50	196	52	64	247	16	18	57	35	36	42	40
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	50	196	52	64	247	16	18	57	35	36	42	40
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	50	196	52	64	247	16	18	57	35	36	42	40
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	50	196	52	64	247	16	18	57	35	36	42	40
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	50	196	52	64	247	16	18	57	35	36	42	40
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	50	196	52	64	247	16	18	57	35	36	42	40
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	1.00	1.00	1.00	1.00	1.00	1.00	0.16	0.52	0.32	0.30	0.36	0.34
Final Sat.:	584	637	725	589	643	733	100	318	195	188	219	209
Capacity Analysis Module:												
Vol/Sat:	0.09	0.31	0.07	0.11	0.38	0.02	0.18	0.18	0.18	0.19	0.19	0.19
Crit Moves:	****			****			****			****		
Delay/Veh:	9.2	10.5	7.8	9.3	11.3	7.5	9.5	9.5	9.5	9.6	9.6	9.6
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	9.2	10.5	7.8	9.3	11.3	7.5	9.5	9.5	9.5	9.6	9.6	9.6
LOS by Move:	A	B	A	A	B	A	A	A	A	A	A	A
ApproachDel:	9.8			10.7			9.5			9.6		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	9.8			10.7			9.5			9.6		
LOS by Appr:	A			B			A			A		
AllWayAvgQ:	0.1	0.4	0.1	0.1	0.6	0.0	0.2	0.2	0.2	0.2	0.2	0.2

Note: Queue reported is the number of cars per lane.

Ruby Avenue Buddhist Temple
All-Way Stop Configuration
2740 Ruby Avenue, San Jose, CA

Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
Existing +P AM

Intersection #1: Ruby Avenue and Norwood Avenue



Street Name:	Ruby Avenue						Norwood Avenue					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R

Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
-------------	---	---	---	---	---	---	---	---	---	---	---	---

Volume Module: >> Count Date: 11 Sep 2019 <<	Ruby Avenue NB			Ruby Avenue SB			Norwood Avenue EB			Norwood Avenue WB		
Base Vol:	156	399	36	19	345	11	8	24	136	65	64	71
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	156	399	36	19	345	11	8	24	136	65	64	71
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	156	399	36	19	345	11	8	24	136	65	64	71
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	156	399	36	19	345	11	8	24	136	65	64	71
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	156	399	36	19	345	11	8	24	136	65	64	71
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	156	399	36	19	345	11	8	24	136	65	64	71

Saturation Flow Module:	Ruby Avenue NB			Ruby Avenue SB			Norwood Avenue EB			Norwood Avenue WB		
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	1.00	1.00	1.00	1.00	1.00	1.00	0.05	0.14	0.81	0.32	0.32	0.36
Final Sat.:	523	566	631	496	538	595	24	73	416	165	162	180

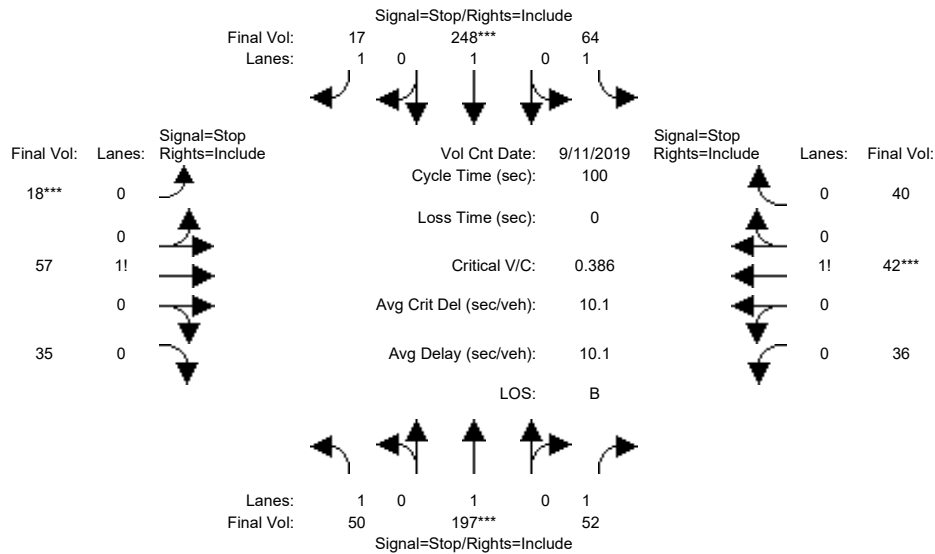
Capacity Analysis Module:	Ruby Avenue NB			Ruby Avenue SB			Norwood Avenue EB			Norwood Avenue WB		
Vol/Sat:	0.30	0.70	0.06	0.04	0.64	0.02	0.33	0.33	0.33	0.39	0.39	0.39
Crit Moves:	****			****			****			****		
Delay/Veh:	12.2	21.7	8.6	10.0	19.3	8.6	11.9	11.9	11.9	13.2	13.2	13.2
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	12.2	21.7	8.6	10.0	19.3	8.6	11.9	11.9	11.9	13.2	13.2	13.2
LOS by Move:	B	C	A	A	C	A	B	B	B	B	B	B
ApproachDel:	18.4			18.5			11.9			13.2		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	18.4			18.5			11.9			13.2		
LOS by Appr:	C			C			B			B		
AllWayAvgQ:	0.4	2.0	0.1	0.0	1.5	0.0	0.4	0.4	0.4	0.5	0.5	0.5

Note: Queue reported is the number of cars per lane.

Ruby Avenue Buddhist Temple
All-Way Stop Configuration
2740 Ruby Avenue, San Jose, CA

Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
Existing +P PM

Intersection #1: Ruby Avenue and Norwood Avenue



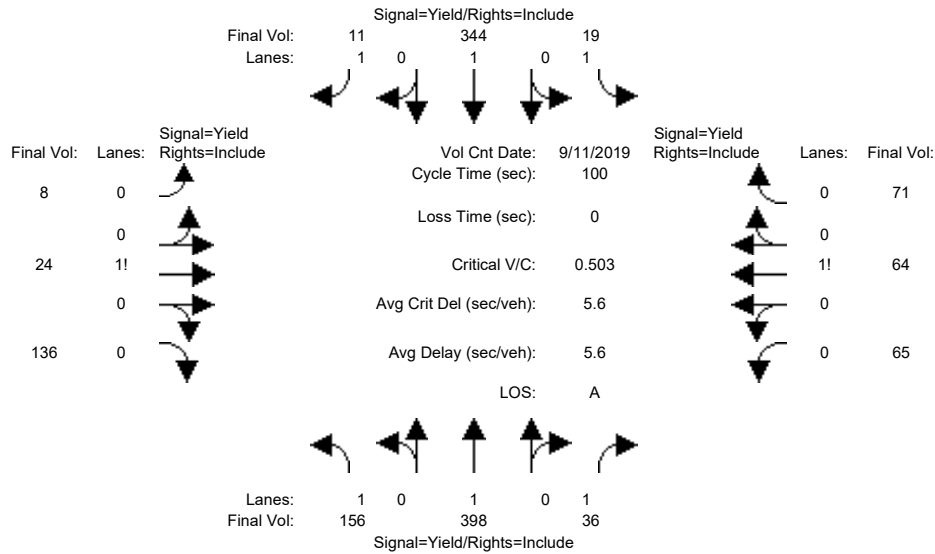
Street Name:	Ruby Avenue						Norwood Avenue					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module: >> Count Date: 11 Sep 2019 <<												
Base Vol:	50	197	52	64	248	17	18	57	35	36	42	40
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	50	197	52	64	248	17	18	57	35	36	42	40
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	50	197	52	64	248	17	18	57	35	36	42	40
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	50	197	52	64	248	17	18	57	35	36	42	40
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	50	197	52	64	248	17	18	57	35	36	42	40
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	50	197	52	64	248	17	18	57	35	36	42	40
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	1.00	1.00	1.00	1.00	1.00	1.00	0.16	0.52	0.32	0.30	0.36	0.34
Final Sat.:	584	637	725	589	643	733	100	318	195	188	219	209
Capacity Analysis Module:												
Vol/Sat:	0.09	0.31	0.07	0.11	0.39	0.02	0.18	0.18	0.18	0.19	0.19	0.19
Crit Moves:	****			****			****			****		
Delay/Veh:	9.2	10.5	7.8	9.3	11.3	7.5	9.5	9.5	9.5	9.6	9.6	9.6
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	9.2	10.5	7.8	9.3	11.3	7.5	9.5	9.5	9.5	9.6	9.6	9.6
LOS by Move:	A	B	A	A	B	A	A	A	A	A	A	A
ApproachDel:	9.8			10.8			9.5			9.6		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	9.8			10.8			9.5			9.6		
LOS by Appr:	A			B			A			A		
AllWayAvgQ:	0.1	0.4	0.1	0.1	0.6	0.0	0.2	0.2	0.2	0.2	0.2	0.2

Note: Queue reported is the number of cars per lane.

Ruby Avenue Buddhist Temple
Roundabout Configuration
2740 Ruby Avenue, San Jose, CA

Level Of Service Computation Report
FHWA Roundabout (Future Volume Alternative)
Existing AM

Intersection #1: Ruby Avenue and Norwood Avenue



Street Name: Ruby Avenue Norwood Avenue
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Volume Module: >> Count Date: 11 Sep 2019 <<

Base Vol:	156	398	36	19	344	11	8	24	136	65	64	71
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	156	398	36	19	344	11	8	24	136	65	64	71
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	156	398	36	19	344	11	8	24	136	65	64	71
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	156	398	36	19	344	11	8	24	136	65	64	71
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	156	398	36	19	344	11	8	24	136	65	64	71
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	156	398	36	19	344	11	8	24	136	65	64	71

PCE Module:

AutoPCE:	156	398	36	19	344	11	8	24	136	65	64	71
TruckPCE:	0	0	0	0	0	0	0	0	0	0	0	0
ComboPCE:	0	0	0	0	0	0	0	0	0	0	0	0
BicyclePCE:	0	0	0	0	0	0	0	0	0	0	0	0
AdjVolume:	156	398	36	19	344	11	8	24	136	65	64	71

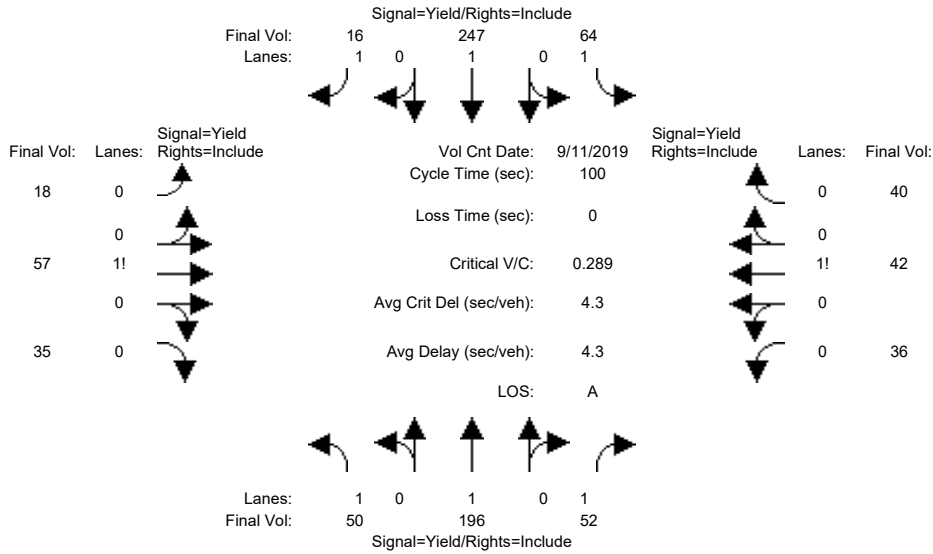
Delay Module: >> Time Period: 0.25 hours <<

CircVolume:	51	285	428	562
MaxVolume:	1172	1046	969	897
PedVolume:	0	0	0	0
AdjMaxVol:	1172	1046	969	897
ApproachVol:	590	374	168	200
ApproachV/C:	0.50	0.36	0.17	0.22
ApproachDel:	6.1	5.3	4.5	5.2
ApproachLOS:	A	A	A	A
Queue:	2.9	1.6	0.6	0.9

Ruby Avenue Buddhist Temple
Roundabout Configuration
2740 Ruby Avenue, San Jose, CA

Level Of Service Computation Report
FHWA Roundabout (Future Volume Alternative)
Existing PM

Intersection #1: Ruby Avenue and Norwood Avenue



Street Name:	Ruby Avenue						Norwood Avenue					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R

Volume Module:	>> Count Date: 11 Sep 2019 <<											
Base Vol:	50	196	52	64	247	16	18	57	35	36	42	40
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	50	196	52	64	247	16	18	57	35	36	42	40
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	50	196	52	64	247	16	18	57	35	36	42	40
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	50	196	52	64	247	16	18	57	35	36	42	40
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	50	196	52	64	247	16	18	57	35	36	42	40
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	50	196	52	64	247	16	18	57	35	36	42	40

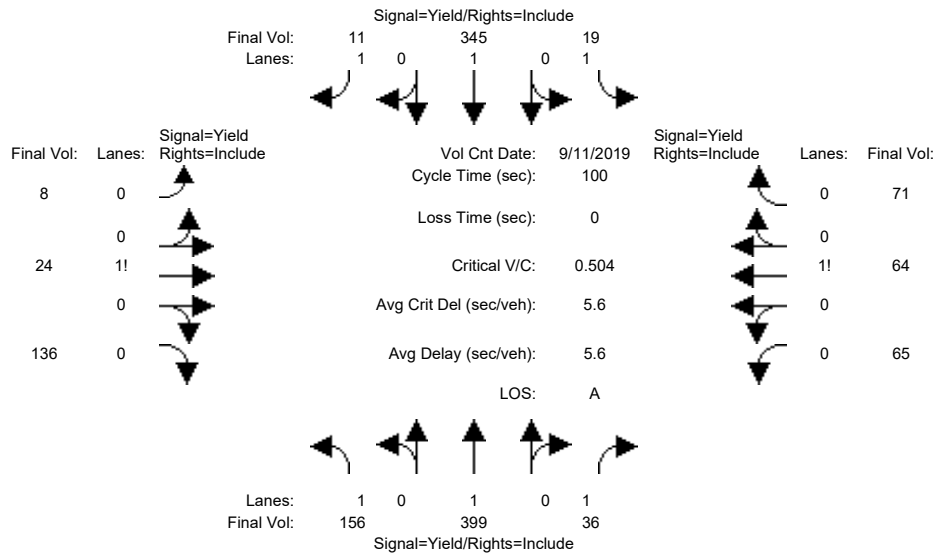
PCE Module:												
AutoPCE:	50	196	52	64	247	16	18	57	35	36	42	40
TruckPCE:	0	0	0	0	0	0	0	0	0	0	0	0
ComboPCE:	0	0	0	0	0	0	0	0	0	0	0	0
BicyclePCE:	0	0	0	0	0	0	0	0	0	0	0	0
AdjVolume:	50	196	52	64	247	16	18	57	35	36	42	40

Delay Module:	>> Time Period: 0.25 hours <<											
CircVolume:	139			128			347			264		
MaxVolume:	1125			1131			1013			1057		
PedVolume:	0			0			0			0		
AdjMaxVol:	1125			1131			1013			1057		
ApproachVol:	298			327			110			118		
ApproachV/C:	0.26			0.29			0.11			0.11		
ApproachDel:	4.3			4.5			4.0			3.8		
ApproachLOS:	A			A			A			A		
Queue:	1.1			1.2			0.4			0.4		

Ruby Avenue Buddhist Temple
Roundabout Configuration
2740 Ruby Avenue, San Jose, CA

Level Of Service Computation Report
FHWA Roundabout (Future Volume Alternative)
Existing +P AM

Intersection #1: Ruby Avenue and Norwood Avenue



Street Name:	Ruby Avenue						Norwood Avenue					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R

Volume Module:	>> Count Date: 11 Sep 2019 <<											
Base Vol:	156	399	36	19	345	11	8	24	136	65	64	71
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	156	399	36	19	345	11	8	24	136	65	64	71
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	156	399	36	19	345	11	8	24	136	65	64	71
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	156	399	36	19	345	11	8	24	136	65	64	71
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	156	399	36	19	345	11	8	24	136	65	64	71
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	156	399	36	19	345	11	8	24	136	65	64	71

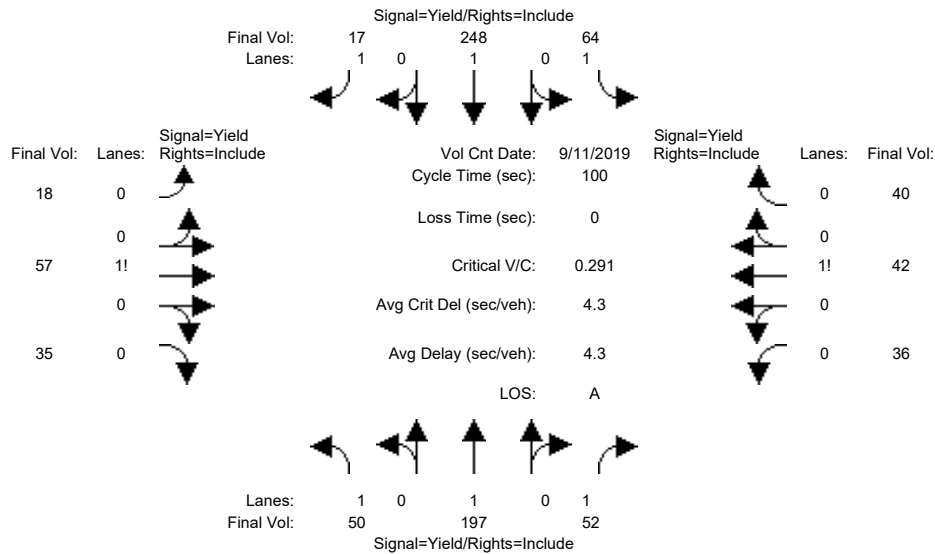
PCE Module:												
AutoPCE:	156	399	36	19	345	11	8	24	136	65	64	71
TruckPCE:	0	0	0	0	0	0	0	0	0	0	0	0
ComboPCE:	0	0	0	0	0	0	0	0	0	0	0	0
BicyclePCE:	0	0	0	0	0	0	0	0	0	0	0	0
AdjVolume:	156	399	36	19	345	11	8	24	136	65	64	71

Delay Module:	>> Time Period: 0.25 hours <<											
CircVolume:	51			285			429			563		
MaxVolume:	1172			1046			968			896		
PedVolume:	0			0			0			0		
AdjMaxVol:	1172			1046			968			896		
ApproachVol:	591			375			168			200		
ApproachV/C:	0.50			0.36			0.17			0.22		
ApproachDel:	6.1			5.4			4.5			5.2		
ApproachLOS:	A			A			A			A		
Queue:	2.9			1.6			0.6			0.9		

Ruby Avenue Buddhist Temple
Roundabout Configuration
2740 Ruby Avenue, San Jose, CA

Level Of Service Computation Report
FHWA Roundabout (Future Volume Alternative)
Existing +P PM

Intersection #1: Ruby Avenue and Norwood Avenue



Street Name: Ruby Avenue Norwood Avenue
 Approach: North Bound South Bound East Bound West Bound
 Movement: L - T - R L - T - R L - T - R L - T - R

Volume Module: >> Count Date: 11 Sep 2019 <<

	50	197	52	64	248	17	18	57	35	36	42	40
Base Vol:	50	197	52	64	248	17	18	57	35	36	42	40
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	50	197	52	64	248	17	18	57	35	36	42	40
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	50	197	52	64	248	17	18	57	35	36	42	40
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	50	197	52	64	248	17	18	57	35	36	42	40
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	50	197	52	64	248	17	18	57	35	36	42	40
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	50	197	52	64	248	17	18	57	35	36	42	40

PCE Module:

AutoPCE:	50	197	52	64	248	17	18	57	35	36	42	40
TruckPCE:	0	0	0	0	0	0	0	0	0	0	0	0
ComboPCE:	0	0	0	0	0	0	0	0	0	0	0	0
BicyclePCE:	0	0	0	0	0	0	0	0	0	0	0	0
AdjVolume:	50	197	52	64	248	17	18	57	35	36	42	40

Delay Module: >> Time Period: 0.25 hours <<

CircVolume:	139	128	348	265
MaxVolume:	1125	1131	1012	1057
PedVolume:	0	0	0	0
AdjMaxVol:	1125	1131	1012	1057
ApproachVol:	299	329	110	118
ApproachV/C:	0.27	0.29	0.11	0.11
ApproachDel:	4.4	4.5	4.0	3.8
ApproachLOS:	A	A	A	A
Queue:	1.1	1.2	0.4	0.4

Appendix B: Draft EIR Comment Letters

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Tuesday, September 20, 2022 3:14 PM
To: 'Newell, Justin'
Cc: 'Amelia Acton'; johnny@andrewmannarchitecture.com; Erik Schoennauer; Patrick Kallas; Shannon George
Subject: RE: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)
Attachments: PG&E_No_Impact_Letter_9-20-2022.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Justin,

Thank you for the review and comment letter.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Newell, Justin <J2NF@pge.com>
Sent: Tuesday, September 20, 2022 2:57 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: RE: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

[External Email]

Classification: Public

Hello Cort,

Please see the attached response regarding the Wat Khmer Kampuchea Krom Temple Project. There are no impacts to PG&E facilities or easements.

Thank you,

Justin Newell | Land Agent | Land Rights Records
Pacific Gas and Electric Company
916-594-4068



Click here to access the [PG&E Greenbook](#)
Click here to [Submit an Application](#)
Click here to access [Customer Connections Online](#)

From: PGE Plan Review
Sent: Friday, September 9, 2022 7:45 AM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: RE: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

Classification: Public

Dear Cort Hitchens,

Thank you for submitting the 2740 Ruby Ave plans. The PG&E Plan Review Team is currently reviewing the information provided. Should this project have the potential to interfere with PG&E's facilities, we intend to respond to you with project specific comments. Attached is some general information when working near PG&E facilities that must be adhered to when working near PG&E's facilities and land rights.

This email and attachment does not constitute PG&E's consent to use any portion of PG&E's land rights 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.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Thank you,



Pacific Gas and Electric Company
Plan Review Team
Email: pgeplanreview@pge.com

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Tuesday, August 23, 2022 9:28 AM
Subject: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

CAUTION: EXTERNAL SENDER!

This email was sent from an EXTERNAL source. Do you know this person? Are you expecting this email? Are you expecting any links or attachments? If suspicious, do not click links, open attachments, or provide credentials. Don't delete it. **Report it by using the "Report Phish" button.**

A-1

WAT KHMER KAMPUCHEA KROM TEMPLE

PROJECT

SCH# 2021050524

FILE NOS: SP20-024 & ER20-147

The project applicant proposes to construct an approximately 13,902-square foot Wat Khmer Kampuchea Krom Buddhist Temple on the approximately 1.86-gross acre site. The applicant is proposing a rezoning of the project site from the R-1-5 Zoning District to the PQP Public/ Quasi-Public Zoning District to allow for the construction of a religious assembly use to serve the existing local Khmer Krom religious community, whose current temple functions out of a converted residence at a different site in San José. These operations would be discontinued and moved to the new location. The Public/Quasi-Public Zoning District allows church/religious assembly uses upon issuance of a special use permit. The proposed project would comprise of two buildings – a Temple Sanctuary building and a Community building including a residence hall for eight full-time resident monks. A surface parking lot with 67 parking spaces (including valet) would be located at the interior of the lot with an entry drive located along Ruby Avenue. The project would also provide new buffer landscaping on the perimeter of the site, including new street trees. A six-foot-tall masonry sound screen wall would be constructed at the property lines. The proposed project would also construct roadway improvements including a roundabout.

LOCATION

2740 Ruby Avenue, San José, CA 95148

ASSESSOR'S PARCEL NUMBER

652-29-014

CIRCULATION

Tuesday, August 23, 2022 to Friday, October 7, 2022.

The public is welcome to review and comment on the draft documents. Public comments must be submitted to the Environmental Project Manager no later than 5:00 p.m. on October 7, 2022.

PROJECT DOCUMENTS

[Wat Khmer Kampuchea Krom Temple Project Draft EIR](#)

[Mitigation and Monitoring Reporting Program \(MMRP\)](#)

[Notice of Preparation](#)

[Combined NOP comments](#)

[Appendix A \(Part 1\) - Notice of Preparation](#)

[Appendix A \(Part 2\) - Notice of Preparation and Comment Letters](#)

[Appendix B - Construction Community Risk Assessment](#)

[Appendix C - Arborist Report](#)

[Appendix D - Geotechnical Investigation Report](#)

[Appendix E - GHG Compliance Checklist](#)

[Appendix F - Phase I Environmental Site Assessment and Preliminary Soil Quality Evaluation](#)

[Appendix G - Acoustical Assessment](#)

[Appendix H - Local Transportation Analysis](#)

ENVIRONMENTAL PROJECT MANAGER

Cort Hitchens

408-794-7386

Cort.Hitchens@sanjoseca.gov

Cort Hitchens | Planner II

City of San José

Planning, Building & Code Enforcement

200 E. Santa Clara Street, 3rd Floor

San José, CA 95113

Direct: (408) 794-7386

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



September 20, 2022

Cort Hitchens
City of San Jose
200 E Santa Clara St, 3rd Flr
San Jose, CA 95113

Re: Wat Khmer Kampuchea Krom Temple Project
2740 Ruby Avenue, San Jose, CA 95148

Dear Cort:

Thank you for providing PG&E the opportunity to review the proposed plans for the Wat Khmer Kampuchea Krom Temple Project dated 8-23-2022. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

B-1

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Thursday, October 6, 2022 9:11 AM
To: Raihan Saleh
Cc: Colleen Haggerty
Subject: RE: Valley Water Comments: Wat Khmer Kampuchea Krom Temple Project

Hi Raihan,

Thank you for your comments. They been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Raihan Saleh <RSaleh@valleywater.org>
Sent: Thursday, October 6, 2022 9:04 AM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: Colleen Haggerty <chaggerty@valleywater.org>
Subject: Valley Water Comments: Wat Khmer Kampuchea Krom Temple Project

You don't often get email from rsaleh@valleywater.org. [Learn why this is important](#)

[External Email]

Hi Cort,

Valley Water has reviewed the Draft Environmental Impact Report for the Wat Khmer Kampuchea Krom Temple Project at 2740 Ruby Avenue. Based on our review of the report we have the following comments:

1. Valley Water records show 1 active well on APN: 652-29-014. If the well will continue to be used following permitted activity, it must be protected so that it does not become lost or damaged during completion of permitted activity. If the well will not be used following permitted activity, it must be properly destroyed under permit from the District. While the District has records for most wells located in the County, it is always possible that a well exists that is not in the District's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from the District or registered with the District and protected from damage. Additionally, it should be clarified that well construction, including borings 45 feet or more in depth, and destruction permits are required under Valley Water's Well Ordinance 90-

C-1

1. Under Valley Water’s Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain permits.

C-1

2. Under the discussion of Hydrology and Water Quality, the document incorrectly states that the project site is not located in a groundwater recharge area. Although the site is not a part of, or adjacent to, a formal recharge pond, the project is in an area of the county that supports natural groundwater recharge (see the *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasin*). Natural groundwater recharge is an important element of the county’s overall water supply, representing approximately 15% of the supply available. The cumulative effect of development throughout the county over the last 50 years has substantially reduced natural groundwater recharge as naturally pervious surfaces have been developed with impervious surface. To avoid the potential impact to natural groundwater recharge from new impervious surfaces the proposed bioretention basins and other elements of the stormwater management plan should be designed to maintain as much runoff on-site as possible to maintain existing natural groundwater recharge.

C-2

3. Water use efficiency is a key pillar of Valley Water’s program to maintain and improve water supply reliability into the future. Valley Water recommends that the developers include water efficient appliances and landscaping. Where feasible, landscaping should get fed with recycled water and the developer could discuss with San Jose the feasibility of a hook up to the South Bay’s recycled water system. In addition, Valley Water recommends the developer include recommended actions from our Model New Development Water Efficient Ordinance.

C-3

If there are any further questions or concerns please contact Raihan Saleh at rsaleh@valleywater.org and reference Valley Water file 34455.

RAIHAN SALEH

ASSISTANT ENGINEER I
Community Projects Review Unit
Tel. (408) 630-2693

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Thursday, August 25, 2022 10:29 AM
To: 'Albert Sahim'
Subject: RE: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

Hello,

Thank you for your comment. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project at 5pm on October 7, 2022.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Albert Sahim <albertsahim@gmail.com>
Sent: Wednesday, August 24, 2022 9:02 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Re: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

You don't often get email from albertsahim@gmail.com. [Learn why this is important](#)

[External Email]

This is a very large project and the teams of people and most neighbouring tax payers have objected to it. They believe it is too much to put 67 cars in this lot. This is a single family. If city decides to rezone this then every neighbour within two three blocks should be allowed to re. Zone their home. Some may decide to make large additions to their home or make it two story. In general 90% of the people in this area are not happy with this expansion. Some suggested to allow this lot be divided as it was to build three homes. There are many real state firms who want to purchase this lot and build a standard home on them. They are asking why city shows favouratizm towards this project ? People want to continue to have city hear their concerns. Allow people and neighbours to vote on validity of this plan. People have complained about several key objective.

1. Is this in harmony with neighbourhood planning team of life here?
2. Is this a service people need in this neighbourhood?
3. Is this going to impact problems for the neighbourhood?
4. Is there an impact to noise and environmental effect of polution

A-1

A-2

A-3

A-4

, or safety concerns to children.

5. How many people benefit from this and are this who benefit live in this neighbourhood?

6. The team's of neighbours have met and had brain storming sessions and after careful analysis and review all concluded that they do not believe this construction is suitable in the current location.

7. Two real state agency have found other much more suitable locations which offer greater space, larger streets , cheaper cost to built and closer proximity to large streets. They feel that they want to move this plan to a much better place.

Please provide comments and further advise to the board and recommend any place that you know of so that the temple move can take place to a more appropriate location.

Best Regards

A-4

On Wed, Aug 24, 2022 at 5:30 PM 2740Ruby Concerns <2740rubyconcerns@gmail.com> wrote:

Hi Albert,

This is Janet, thank you for taking the time to write this great email. Please send this to the EIR manager listed on the email and note the project numbers so that it becomes part of the EIR if that is what you would like to do. I am just sending out information that I received from the city so that neighbors can start writing to the city about this draft EIR. The 2740Rubyconcerns email does not go to the city, it is a neighborhood email for discussion on opposing the project. Here is who you would need to send your email to, and any other city official you deem appropriate.

Janet

Cort.Hitchens@sanjoseca.gov

On Wed, Aug 24, 2022 at 3:33 PM Albert Sahim <albertsahim@gmail.com> wrote:

This is a very large project and the teams of people and most neighbouring tax payers have objected to it. They believe it is too much to put 67 cars in this lot.

This is a single family. If city decides to rezone this then every neighbour within two three blocks should be allowed to re. Zone their home. Some may decide to make large additions to their home or make it two story.

In general 90% of the people in this area are not happy with this expansion. Some suggested to allow this lot be divided as it was to build three homes.

There are many real state firms who want to purchase this lot and build a standard home on them. They are asking why city shows favouratizm towards this project ?

People want to continue to have city hear their concerns. Allow people and neighbours to vote on validity of this plan. People have complained about several key objective.

1. Is this in harmony with neighbourhood planning team of life here?

2. Is this a service people need in this neighbourhood?

3. Is this going to impact problems for the neighbourhood?

4. Is there an impact to noise and environmental effect of polution

, or safety concerns to children.

5. How many people benefit from this and are this who benefit live in this neighbourhood?

6. The team's of neighbours have met and had brain storming sessions and after careful analysis and review all concluded that they do not believe this construction is suitable in the current location.

7. Two real state agency have found other much more suitable locations which offer greater space, larger streets , cheaper cost to built and closer proximity to large streets. They feel that they want to move this plan to a much better place.

Please provide comments and further advise to the board and recommend any place that you know of so that the temple move can take place to a more appropriate location.

Best Regards

On Tue, Aug 23, 2022, 4:43 PM 2740Ruby Concerns <2740rubyconcerns@gmail.com> wrote:

Neighbors,

Please see the Draft EIR that has been released today by the planning department for the Temple Project at Ruby and Norwood.

The key take away is that we have 45 days to comment on the information in this EIR. As noted in the email below, the last day for public comment for this project is October 7. All comments must be sent before 5pm on October 7, 2022 to be included and addressed in the RTC.

After the public comment period, the RTC will take several weeks to complete, and it will be posted online at least 10 days prior to a Planning Commission hearing for this item.

There is a lot of reading. The Traffic report under Appendix H, the 2740 Ruby Ave Local Transportation Analysis has some inaccurate information pertaining to available street parking. Look for any inaccuracies and areas where the plans cannot reasonably be enforced and place a burden on the neighborhood. Let the city know the reasons why you think the EIR and project are incompatible with the residential neighborhood. We may want a lawyer to look the draft EIR over as well.

Please make your comments to Cort Hitchens on this email trail. Please note the project number on your correspondence. We will be launching a petition shortly as well. If wanted, we can launch a neighborhood Zoom meeting to discuss once we have gone over the material also.

Janet Holt-Neighbor

WAT KHMER KAMPUCHEA KROM TEMPLE

PROJECT

SCH# 2021050524

FILE NOS: SP20-024 & ER20-147

The project applicant proposes to construct an approximately 13,902-square foot Wat Khmer Kampuchea Krom Buddhist Temple on the approximately 1.86-gross

acre site. The applicant is proposing a rezoning of the project site from the R-1-5 Zoning District to the PQP Public/ Quasi-Public Zoning District to allow for the construction of a religious assembly use to serve the existing local Khmer Krom religious community, whose current temple functions out of a converted residence at a different site in San José. These operations would be discontinued and moved to the new location. The Public/Quasi-Public Zoning District allows church/religious assembly uses upon issuance of a special use permit. The proposed project would comprise of two buildings – a Temple Sanctuary building and a Community building including a residence hall for eight full-time resident monks. A surface parking lot with 67 parking spaces (including valet) would be located at the interior of the lot with an entry drive located along Ruby Avenue. The project would also provide new buffer landscaping on the perimeter of the site, including new street trees. A six-foot-tall masonry sound screen wall would be constructed at the property lines. The proposed project would also construct roadway improvements including a roundabout.

LOCATION

2740 Ruby Avenue, San José, CA 95148

ASSESSOR'S PARCEL NUMBER

652-29-014

CIRCULATION

Tuesday, August 23, 2022 to Friday, October 7, 2022

PROJECT DOCUMENTS

[Wat Khmer Kampuchea Krom Temple Project Draft EIR](#)

[Mitigation and Monitoring Reporting Program \(MMRP\)](#)

[Notice of Preparation](#)

[Combined NOP comments](#)

[Appendix A \(Part 1\) - Notice of Preparation](#)

[Appendix A \(Part 2\) - Notice of Preparation and Comment Letters](#)

[Appendix B - Construction Community Risk Assessment](#)

[Appendix C - Arborist Report](#)

[Appendix D - Geotechnical Investigation Report](#)

[Appendix E - GHG Compliance Checklist](#)

[Appendix F - Phase I Environmental Site Assessment and Preliminary Soil Quality Evaluation](#)

[Appendix G - Acoustical Assessment](#)

[Appendix H - Local Transportation Analysis](#)

ENVIRONMENTAL PROJECT MANAGER

Cort Hitchens

408-794-7386

Cort.Hitchens@sanjoseca.gov

Cort Hitchens | Planner II

City of San José

Planning, Building & Code Enforcement

200 E. Santa Clara Street, 3rd Floor

San José, CA 95113

Direct: (408) 794-7386

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Monday, October 3, 2022 2:02 PM
To: 'Albert Sahim'
Cc: Patrick Kallas; Shannon George
Subject: RE: Ruby Land Vote by the neighbors' Councils (SP20-024)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Thank you for your comment letter. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Albert Sahim <albertsahim@gmail.com>
Sent: Monday, October 3, 2022 12:53 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>; 2740Ruby Concerns <2740rubyconcerns@gmail.com>
Subject: Ruby Land Vote by the neighbors' Councils

You don't often get email from albertsahim@gmail.com. [Learn why this is important](#)

[External Email]

To: City of San Jose 2740Ruby Concerns

File SP20-024 & ER20-147 SCH# 2021050524 ADDRESS YOUR EMAIL TO Cort.Hitchens@sanjoseca.gov Planning, Building & Code Enforcement:
Phone # 408-794-7386 Noise * Air Quality * Traffic Parking (note traffic and Dear City officials: Our concern is going to a deff ears, does everything have to be taken care of with Lawsuit and accountability officers?
How does the public have to deal with you folks (The City)
When a resident wants to do a minor addition to his/her house you put everybody through hell? But when a rich guy arrives and wants to put a noisy Temple around a bend of a heavy intersection you guys all fold and even help him.
We Have double standards here.
Neighbours already spoke and told you that it is inappropriate to put this in a residential district. Yet you folks play your games and pay no attention.

B-1

We have analyzed everything from Noise, Lack of space, Traffic issues for lack of parking to the danger to the little children walking to their school to you folks. Yet it is gone to a deaf ears and nothing is done about it and you allow these three Lot to dominate the right of the entire Tax paying residence in the area.

All the neighbourhood is sick and tired of the city, our secretary has spent hours and hours of time and needs to be paid at the tune of \$50 per hour.

You guys are getting paid by the city and we do not see any results.

Everything is of concern yet you send us a letter that it is okay??

Like this comment you sent us: *parking is no longer a concern under CEQA) -California Environmental Quality Act, but is still a concern for us and a policy concern.)*

NOISE IMPACTS -cumulative impacts -during construction: trucks idling, digging, traffic to and from site with 600 loads of dirt, large equipment noise, vibration. There are no guarantees noise suppression plans will be done during construction.

It is absolutely illegal of what the city is doing to take away the rights of this residential area.

1) medical respiratory issues to air quality, anxiety, unable to concentrate to work from home, and study from home 4) unable to leave their homes to find other shelter during the demolition process.

It should be noted that the air quality report shows there is some lead in the soil. There was probably also asbestos in the 1950's ranch home. No shielding was used to protect the neighbors from the toxic dust. **Don't lie to us that there was no "noise disturbance " as is recommended under the Wilson Acoustics Noise Vibration report. Ref: EC-1.7. This is a cover up. people should dictate what they want and not a report that you paid someone to write for you.**

You try to underplay that :

Lies deceit and false report are punishable by Law:

Bottom line we are not interested in any kind of noise and construction, this area is already built and we can not endure noisy area as most people are still working from home.

Construction hours were stated in the notification to neighbors to start no earlier than 8am. Those hours were breached. Though lawful hours for construction in San Jose are from 7 am to 7pm on weekdays, there was one instance where trucks were going before 6:45 am. This was heard from 1000 feet away and verified by viewing the project site. Masks were not used at times, against the order of Santa Clara County. Report was made, and we were told those folks were from the same household. There is a major trust issue with this developer. Prior to construction implementation, notice to neighbors should be given at least 1 week in advance of anticipated work commencement and timelines of work and type provided. An independent noise disturbance coordinator who responds to neighbor concerns approved by the neighborhood should be required and in place prior to work commencement. - cumulative impacts-during temple operations-noise study shows the temple may create noise levels at 71 dba. This is stadium level noise (San Jose General Plan), and even under P/QP requires a special use permit. Highest outdoor noise level is 60 dba or less permissible for residential under San Jose General Plan. The projects' noise study showed noise level around the perimeter of the project to average 48 to 49 dna/ dba. The report also shows the project should strive to keep the noise at no higher than 5 over the current dba, which would be 55 dba. To mitigate this level, the noise report states sound wall and volume suppression equipment should be used in outdoor amplification.

These are all gimmicks, we request no construction noise as we all have children and this noise is going to be very disturbing.

Sound wall and noise volume suppression equipment will not be enough to lower the noise level to 54 dba/dna. Volume suppression devices are not guaranteed to be used. Sound sources including high pitched devices, any outdoor amplification should be held entirely contained inside the temple facilities. A sound monitor would need to be placed at a facility for outdoor activities to ensure compliance as is done at other facilities where neighboring homes could be affected. Any activities should cease by 10pm or earlier on weekends and 8pm on weekdays. Placement of noise producing equipment should be placed as far from any residence as possible. Garbage pick up should be at the curb or another location that is not requiring garbage trucks to drive through the facility and next to neighboring fences

Please add your additional comment to this email:

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Friday, October 7, 2022 12:43 PM
To: 'Daniel deTar'
Subject: RE: Temple Proposal at Ruby and Norwood

Hi Daniel,

Thank you for your comments. They been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

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

From: Daniel deTar <dandetar@gmail.com>
Sent: Friday, October 7, 2022 11:37 AM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Temple Proposal at Ruby and Norwood

[You don't often get email from dandetar@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[External Email]

Too all whom this may concern,

I live on Ruby Court. My home is approximately 1000 feet away from this proposed temple.

The Khmer Krom community is much too large to have their main worship facility on this tiny parcel. They admit that their current family membership is 300 families, and growing. This likely means there are upwards of 1000 people who will use this facility. And growing.

It makes no sense to me why this group would choose this lot for their expansion plans. It's already way too small for the activities that they would like to have.

Between weekly services, weddings, funerals, special functions and Buddhist holidays, it is reasonable to assume that there will be functions with sizable gatherings several times per week. Why here? It simply makes no sense.

It is located at the busiest corner in our neighborhood, that already has several accidents per month.

C-1

C-2

The massive construction project will also create chaos with traffic, noise, dust, and additional turmoil within the immediate neighborhood.

Once the project is complete, the same chaos will continue with insufficient parking, noise, and many more accidents at that intersection.

I wish it was really a case of 8 contemplative monks praying quietly all day. In reality, they plan gatherings of hundreds of people and plan to shuttle participants in for each function.

I ask you this: If you wanted to attend a function at a location that had no parking, and your choices were to go to a school parking lot and wait for a shuttle or would you rather drive yourself to a residential location close to the facility, where you know your car would be close by, safe, and easily accessible should you need it. What would you do? I think the vast majority of us would much prefer the latter. And very few would choose the former. Especially considering the rampant car burglaries and Catalytic converter thefts going on these days.

C-3

It is unrealistic to expect a large group of people to adhere to these "promises" from the PR group pushing this agenda.

I am not Buddhist. But I have many friends and some relatives who are. The religious aspects of this are welcome. The cultural aspects are also very welcome. The thought of an occasional celebration or memorial near my home is also fine. However, these events won't be occasional. They will be regular events happening on all days of the week, every week, all year long.

The size and scope of the proposed buildings, along with their occupancy proposals do not mesh with the lot size, available parking, traffic concerns, and safety concerns of our neighborhood.

I adamantly oppose this project for all of the above reasons.

C-4

I recommend a denial of the conditional use permit. I recommend the Khmer Krom community sell this lot to a developer who will build the six modest single family homes that the neighborhood needs and originally expected.

Sincerely and Respectfully,

Daniel deTar
408-857-9944

Sent from my iPhone. Sorry for any typos or auto correct errors.

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Wednesday, September 21, 2022 4:02 PM
To: David Ciraulo
Cc: Maryciraulo; Patrick Kallas; Shannon George; 'Amelia Acton'; johnny@andrewmannarchitecture.com; Andrew Mann; Erik Schoennauer
Subject: RE: Wat Khmer Kampuchea Krom

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Dave,

Thank you for your comment. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

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

From: David Ciraulo <davidciraulo@yahoo.com>
Sent: Wednesday, September 21, 2022 2:27 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: David Ciraulo <davidciraulo@yahoo.com>; Maryciraulo <maryciraulo@yahoo.com>
Subject: Wat Khmer Kampuchea Krom

[External Email]

Hello, I have listed a few concerns that my wife and I have regarding the proposed temple at the corner of Ruby and Norwood Ave.

1. The sound level will be too disturbing for our neighborhood(the sound will echo throughout the neighborhood).
2. Increased traffic, causing more collisions at this intersection.
3. Safety concerns, increased noise, parking issues.
4. The size of the proposed temple is too large for the size of the property.
5. The infrastructure will not accommodate the increase traffic flow.
6. Resources such as water and electricity would be inadequate 7. Will not meet the City Plan.

We would appreciate you considering our worries and fears for our neighborhood.

Dave and Mary Ciraulo
2890 Sweetleaf Ct

D-1

D-2

D-3

D-4

D-5

D-6

San Jose

Sent from my iPhone

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Wednesday, September 21, 2022 4:03 PM
To: Dee Dee Pho
Cc: Patrick Kallas; Shannon George; 'Amelia Acton'; Andrew Mann; johnny@andrewmannarchitecture.com; Erik Schoennauer
Subject: RE: Wat Khmer Kampuchea Oppose

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Thank you for your comment. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II

City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Dee Dee Pho <deedeepho@gmail.com>
Sent: Wednesday, September 21, 2022 3:19 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Wat Khmer Kampuchea Oppose

[External Email]

Hi Cory,

I am the owner of 2873 Sweetleaf Court, San Jose CA 95148. My backyard is connected with this lot. Based on the proposed drawing, i will be facing a parking lot with car exhaust, noise and open parking lot means safety is at risk. This project has a direct impact my family health and safety.

some of my concerns from the EIR document:

1. Noise + sound level, temple bell, sound system speaker, crowd noise on weekend gathering. where we look to rest at home on weekends to recharge for a new work week, now i need to worry about noise echoing and what to do when it's intolerable. what will do you if you are at on a Saturday morning and it will be loud, car driving in, outdoor speaking, singing each weekend?
2. the traffic!!! it is already congested and lots of accidents. Where will they park? The proposed parking in a joke for their size.
3. have you seen the infrastructure? it's humongous and out of character. it does not blend in with a residential neighborhood. It can't bring peace and tranquility if each day you have to deal with traffic, noise on weekends and

E-1

E-2

E-3

possible weekday praying, bell ringing. THIS IS A RESIDENTIAL ZONE with homes, not an oversize, massive infrastructure that does not fit in.

E-3

4. resources: water, land risk, who will we call if they flood our streets with car, if they blast out because of wedding celebration, music, speaking outdoors. What do we do? Who can we call on the weekend?

E-4

We are helpless neighbors who only wish this project and billionaire would reconsider building residential buildings instead of bullying us by having their professional companies, their big relationship to force us to put up at our own, our resting place.

I wonder if any of the Canyon Snow owners, or anyone else would like to move here and live next to the temple as an example for us.

E-5

please , if this was next to your backyard, then? Please disapprove this out of scope , out of character project. We want regular homes for a residential area.

--

Dee Dee Pho
Cell 408-373-4699

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Wednesday, August 24, 2022 3:18 PM
To: 'Ernie Lipari'
Subject: RE: WAT KHMER KAMPUCHEA KROM TEMPLE

Follow Up Flag: Follow up
Flag Status: Completed

Hi Ernie,

Thank you for your comment. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project at 5pm on October 7, 2022.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Ernie Lipari <elipari@comcast.net>
Sent: Wednesday, August 24, 2022 2:58 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: WAT KHMER KAMPUCHEA KROM TEMPLE

You don't often get email from elipari@comcast.net. [Learn why this is important](#)

[External Email]

I'm hoping my email, with many others in my neighborhood who feel the same, is taken seriously.

The WAT KHMER KAMPUCHEA KROM TEMPLE, in our neighborhood is the absolutely wrong area to be built.

I know the City of San Jose does not care about what our neighbors think and is embedded with this temple plan.

All I want to say is to please allow such a temple to be built in a more viable, public transportation zone that does not interfere

with our neighborhood in the Evergreen foothills.

F-1

Thanks,

Mr. Lipari

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

From Janet Holt

2943 Mitton Dr. San Jose CA 95148

REF: File SP20-024 & ER20-147

SCH# 2021050524

TO Cort.Hitchens@sanjoseca.gov

Planning, Building & Code Enforcement:

Phone # 408-794-7386

Dear Mr. Hitchens,

As a neighbor 1000 feet from the above proposed project location, I have many concerns about the impacts to the neighborhood about size, location, safety, traffic, parking, noise, and air quality. The DEIR does not fully address all the impacts. It does not address the real occupancy levels this regional facility will attract. A clear study of relocating the project to a more suitable site should be done. The DEIR should be resubmitted with more information. This beautiful project belongs on a larger property with plenty of roadway access, buffering between neighbors and room for growth. More than one small driveway should be incorporated at a new site. Should this project be approved at the current location, it should be downsized, and several conditions should be placed to meet both some objectives of the project and the abide neighborhood residentially zoned property.

G-1

AREAS OF CONCERN

Noise * Air Quality * Traffic* Parking

NOISE AND AIR IMPACTS

G-2

-Cumulative impacts during construction: trucks idling, excavation work, construction traffic to and from site with 600

loads of dirt, large equipment noise, vibration, and air quality concerns.

Past and Future Impacts:

The demolition of 100-year-old barns cottage and a 1950's home caused detrimental noise, vibration, and negative impacts over approximately two and a half weeks. No construction plan was distributed or posted outside the project. A notice for demolition was given the same day as the work started. This was at the early stages of the Covid pandemic Shelter in Place Order, during one of the most historic public health challenges of our time. The only construction permissible at that time was for emergency housing and other emergency situations. The emergency waiver to begin demolition during the shelter in place was asked for and never provided. An "approved demo permit" and an "approved permit/waiver" to start construction during a County Wide Emergency Health shutdown are two different things. Please provide the emergency release to start construction on a non-essential, non-emergency construction project.

G-2

Issues of neighbors were:

- 1) no prior notification of construction commencement and construction during a county wide shelter in place order.
- 2) confusion about the project status
- 3) dust, noise, vibration that disrupted their ability to work, study, use their front and backyards.

G-3

The impacts to neighbors were

- 1) Respiratory issues due to air quality over two and a half weeks
- 2) Anxiety in relation to status of project, not able to determine what contaminants may be in the soil (lead) or asbestos in the home during demo, noise, and vibration
- 3) Difficulty working, studying, enjoying homes due to noise and air quality
- 4) Unable to leave homes to escape the noise and poor air quality. Could not go to work or school, or a library as the county was shut down. It should be noted that this EIR document shows there is lead and other contaminants in the soil. We were not given that information at time of demolition. There may have been asbestos in the 1950's ranch home. No shielding was used to protect the neighbors from the toxic dust.

There was no “noise disturbance coordinator” as is recommended under the Wilson Acoustics Noise Vibration report. Ref: EC-1.7. Construction hours stated in the notification to neighbors to start no earlier than 8am. Those hours were ignored. Though lawful hours for construction in San Jose are from 7 am to 7pm on weekdays, there was an instance where trucks were working before 6:45 am. This was heard from 1000 feet away and verified by viewing activity at the project site.

Should the current project be approved, the neighborhood can expect at least 24 months of the same type of detrimental impacts as above, less the shelter in place order.

Suggested condition of approval: Prior to construction implementation, noticing to neighbors should be given at least one week in advance of anticipated work commencement including:

Types and timelines of work to be performed. An independent noise disturbance coordinator who responds to neighbor concerns approved by the neighborhood should be required and in place prior to work commencement. Continued testing of soil and air samples should be taking place during all phases, especially anything regarding dirt, dust, digging. All measures must be taken to protect neighborhood and workers at site.

G-4

-Cumulative impacts-during temple operations

Noise study shows the temple may create noise levels at 71 dba. This is stadium level noise. San Jose General Plan and under P/QP requires special permit to operate at this level. The projects' noise study showed current noise level at the perimeter of project to average 48 to 49 DBA/DNA. The report also shows the project should mitigate the noise level to 55

G-5

DBA. To mitigate to this level, noise report states sound wall and volume suppression equipment will be used.

The report also states project will use outside amplification. It can be assumed project will also want to use non amplified musical instruments. Some instruments have a far higher sound range than others, for instance drums, bells, and bass instruments. These should not be used in outdoor environment as the temple project is too close to neighbors and will cause detrimental noise.

For comparison, other local facilities holding outdoor events are NOT allowed any outdoor amplification. Ref: Casa Grande (Almaden) run by Santa Clara County Parks and the Sikh Gurdwara San Jose. Both facilities do NOT allow outdoor amplification. Both also have more buffered land and setback from neighbors.

Sound wall and noise volume suppression equipment will not be sufficient to lower the noise level to 55 DBA/DNA during crowded conditions with over 50 people. Although a thoughtful sound system including a volume suppression device is to be installed, it can be turned up. As a reasonable expectation, crowd conditions will determine how loud the sound system would be turned up to be heard over crowd chatter. It is reasonable to consider it will be a lot higher than the 71 dba and go over the max allowable at 55 DBA, even with mitigation.

-Other operational noise impacts are traffic, parking lot, placement of garbage container, placement of HVAC equipment.

Traffic will be considerable during festival events and contribute to noise, safety concerns, air quality issues. Parking at large festivals requiring at times 8 valets, offsite parking, and shuttles. The parking lot adjoins Pin Oak Ct, Sweetleaf Ct and the neighbor on Ruby fence lines.

The garbage dumpster and HVAC equipment are placed all the way toward the back of the facility next to neighbor fences where the impacts to neighbors would be maximum. The garbage truck would have to drive into the driveway, through the parking lot thus impacting the middle neighbor home, Pin Oak Ct and Sweetleaf Ct homes.

Suggested conditions of approval: Sound sources including certain musical instruments, microphones, megaphones, and any amplification should be held entirely indoors. No outdoor amplification should be allowed. This facility is too close to surrounding neighbors. A sound monitor would need to be placed at facility for activities to ensure compliance. Any activities including set up and clean up should begin no earlier than 8 am and cease by 8 pm on weekdays and 9 am to 10 pm on weekends.

Placement of noise producing equipment like HVAC, filters, should be placed as far from any residence as possible. Garbage dumpster container should be placed inside facility as far away from any neighbor as possible to mitigate air quality, noise. Garbage pickup relocated to the street curb or another location that does not require garbage trucks to drive through the facility and next to neighboring fences.

G-6

-Operational adjust Alternative areas of Public Concern-Pg. ix. Wedding receptions, large annual holiday celebrations, flower festival would create too many detrimental impacts to the community, creating noise, traffic, safety, and air issues. Large festival parking will be a fiasco at this busy corner in the middle of a residential area. Further, the DEIR is unclear as to how many actual events will take place per year. One could calculate based upon DEIR statement, that just one of several events that happens 4 times per month is 48 events per year for that event. Adding the 48 to the rest of the cultural celebrations, religious holidays, seminars, teaching events, weddings, fund raising, annual celebrations, the events then escalate.

G-7

Please go back and find out exactly how many events per year for the following:

50 persons

100 persons

200 persons

300 persons

300 plus persons

Important decisions are relying upon accurate information. Should we assume that there will be weddings/receptions every weekend? That needs to be counted. For a community of 6000 people there must be a way to calculate all of these types of events and come up with a reasonable number. The document is not clear as to actual numbers of events. Tables providing events, over how many days, number of folks are fine, but they need to be summarized and the various estimated number of additional events must be added into the summary.

Suggested Condition of Approval: Any and all adjustments should be made to limit operations. Hours should be cut to the most minimum hours and designate quiet hours. Signage should be placed in the onsite parking lot on the soundwall abutting adjacent homes, at intervals and large enough to be clearly visible indicating this is a residential neighborhood and quiet should be respected. As an example of best practices, quiet signs are placed at the Hakone Estate and Gardens parking lot in Saratoga.

Wedding receptions, flower festival, large annual festivals should be held offsite to a more spacious and suitable event space. There should be no large crowds over 50 people at any

time, including the outside courtyard areas to minimize detrimental impacts to the neighborhood. There should be a maximum allowable occupancy per day established within reasonable hours.

G-7

-Additional Air quality concerns-and Safety

The construction plan indicates there will be up to dirt hauling truck 600 trips. This is an enormous number of trips laden with heavy loads. The potential for excessive noise, air contamination and road destruction are a reasonable concern.

If the temple eliminated the 2 basements, they could reduce some detrimental impacts to surrounding residential community, including toxic dust, excessive noise, excessive digging, less heavy truckloads of dirt, less gas used to move from one place to another.

G-8

This facility has a planned outdoor smoking area and will use scented incense for their cultural and religious practices. Smoking, even second hand, is known through medical studies to be detrimental to health. Studies on incense burning also show detrimental health factors exasperating asthma, allergies and adding to unhealthy particulate matter. References: NY Times 12/15/20, Lung.ca -Canadian Lung Association, Springer-Science and Business Media Aug 25, 2015NIH, April 2008.

As a condition of approval to mitigate toxic and sensitive air receptors, the entire facility should be NON-smoking, and any

use of scented ceremonial incense should be confined to indoor spaces with sufficient air filtration that does not harm the sensitive receptors. page 14 EIR document.

G-8

-ERRORS

Characterization of current zoning/allowable uses/density and intensity

EIR report Page ix -Under Summary of alternatives to Proposed Project

Project Redevelopment with current allowable uses information is incorrect. The DEIR indicates 14 homes plus ADU's /14 residential lots are allowable if redeveloped into residential homes. This statement is also the basis for calculating comparable square footage, density, intensity and operations between a residential development and the temple project. Please correct, update, and recirculate: Current zoning is R-1-5, allowing for 5 homes per acre, not 8. To calculate square footage on 14 homes, vs the probably 8 or 9 if developed as residential under R-1-5 is incorrect. It is reasonable to state 14 homes with possible ADU's, residential usage and operations would have less impact to the neighborhood, density, operations, intensity, traffic, and parking. And is more reasonable to state that 6 to 8 homes would have even less impact. The need for a driveway/street would reduce the number of homes on the lot as well.

G-9

Occupancy

The project application states no more than 300 people will be onsite at one time, less staff, monks, and service providers (unknown number of people).

The very first mailer sent to the community characterized the temple project as much smaller with just a few events, (3 holidays) a few people, a small monks' residence, on site parking and a playground for their families. See below:

Sabuy Temple

408-535-3500 city ST



Cust. Cent. CTR

5-71- 9:42 AM
12:40 PM
2:30

The Sabuy temple seeks to provide a peaceful meditation place for the Khmer Krom community in our neighborhood.

We believe in being good neighbors and we look forward to being a part of this community.

Who We Are

The Khmer Krom community is a small subset of the greater Cambodian community that, like many cultures, seeks to preserve our traditions and customs with a home base. Sabuy temple envisions a place for the Khmer Krom community to practice our faith, celebrate our time-honored traditions, create a safe space for families, and preserve our culture for generations to come.

Lena Lam, founder of Sabuy temple, has worked hard to reach this moment, and establishing a new temple is a fresh start for the community that will instill goodwill and strong values for our future generations.

Vision For Our New Home

Sabuy temple plans to build our new home at the northeast corner of Ruby Avenue and Norwood Avenue. The temple will have a main building for quiet meditation and prayer service, a small living accommodation for the monks and disciples, as well as a classroom/multipurpose building, parking, and a playground for our families.

We endeavor to create a beautiful, peaceful temple that will complement the neighborhood with gardens and natural landscape improvements.



Why We're Reaching Out

We seek your input to propose a thoughtful project for the community and our neighbors. The temple will create a resource for the Khmer Krom community to celebrate its culture encompassed by Cambodian New Year, Mother's Day, and Buddha's Birthday as well as off-site blessing rituals for new homes, recent births, and family members passing on.

Benefits To The Community

San Jose is a diverse community that respects religious freedoms and celebrates our diversity. Our community has called San Jose home for generations and with this new temple, we will be able to open our doors to celebrate the Buddhist religion of empathy and compassion and meet the community's spiritual and cultural needs.



Proposed location of Sabuy Temple highlighted

Planning Dept

Your Input

Project partners are currently contemplating optimal design uses on the site to create a project that is thoughtful and will complement the neighborhood. We welcome your questions, ideas, and thoughts.

Join the discussion and participate in shaping our community! Please contact us at sabuytemple@gmail.com or visit us at www.facebook.com/sabuytemple

Being A Good Neighbor

We care about our neighbors quality of life and your ability to enjoy this beautiful area of San Jose. We're making plans to have on-site parking to accommodate as many of our members as possible. During our special holidays we will make efforts to ensure quiet in the neighborhood and we will observe respectful self-imposed curfews. We will always keep open communication with you to respond to any concerns and to let our neighbors know in advance of any planned events. Sabuy temple intends to observe three holidays practiced by our faith and will make every effort to mitigate disturbances on those days and year-round.

We welcome your feedback to be a good neighbor to you.

A preliminary application stated 500 community members and guest, total 508 people attending special events twice yearly. (ref: Preliminary application (Pre-18-190) review letter from City of San Jose dated November 5, 2018.

A later news article in San Jose Spotlight quoting Lyna Lam mentioned 300 families.

The current application says 300 people at one time.

A recent article states Lyna Lam would like to serve their San Jose community of 6000 people. The article states Lyna Lam intends to serve 6000 people from the San Jose area. Ref: Published Sept 28th, California Globe titled "Northern California activist builds a temple for San Jose Cambodian Population.

These inconsistent numbers are misleading and can lead to a reasonable conclusion that the lesser total number of persons of 300 now indicated on their application is unreliable and understated. Let's get these numbers right. There is no going back should application be approved. Per applicants' own words, they wish to serve 6000 members of the San Jose community. There is clear documentation all along that the number of intended visitors has changed. Preliminary app, 508 people, then 350 families, now 300 people. This is very different from saying there will be 300 at any one time. Even with a staggered occupancy of 300 at one time, a thousand people could potentially attend over one day. The potential to forever change the peaceful neighborhood character to one of a destination site is very real with very real impacts.

Requesting: Amend the DEIR document to clearly identify R-1-5 as the zoning and that it allows 5 homes per acre.

Recalculate the correct density of 5 residential homes per acre on an irregularly shaped 1.86-acre site and compare to temple use as shown above.

Investigate past and present stated occupancy level inconsistencies with actual usage and anticipated usage at any one time and calculate for future growth based on a community of 6000 people.

Acknowledge building sizes are large enough to hold many more than 300 thus providing for crowds higher than 300 at any one time.

Question and study why the temple building, which is much smaller of the two buildings, minus sacred temple square footage is the only square footage, again minus the sacred space, being calculated for parking requirements since, one would reasonably conclude both buildings will be used at the same time.

If the objective of the project is to have a full-service facility serving a community of 6000, then a full disclosure of potential persons on site at one time as well as potential of persons staggered throughout the day need to be recalculated. Please update and recirculate the DEIR.

Description of Roadways adjacent to project: Roadways are described on the traffic report allowing parking on Ruby Ave. Ruby Ave does **not** allow parking from Aborn Rd through Tully Rd which includes the area fronting the project. The roadway in front of the temple (from Quimby to the south to Tully to the North) is a two-lane roadway with designated bicycle lanes. It should be noted the stop sign at Ruby and Norwood is frequently run, there are frequent accidents at the intersection and close by due to speeding, running the stop sign and vehicle donuts all along Ruby.

G-12

Currently, as noted Ruby is a no parking roadway from Aborn through Tully. It is reasonable to assume, given the lack of on-site parking, during activities over 50 people, folks could park illegally on Ruby in front of the temple on both sides of the roadway. As a foundation for this reasoning, illegal parking happens daily during the week on Ruby Ave between Quimby and Norwood while parents wait to pick up children from Evergreen Valley High School. Although it is illegal to park there, but folks do so anyway.

-Additional Environmental Concern:

Water: Drought year: It is reasonable to be mindful of approving any discretionary project application during a drought. The need to conserve precious water resources is critical.

G-13

Wildfire and water use: Using the adjacent fire hydrant for construction water during a drought may lower the amount of water available and lower water pressure. The last large wildfire in our area was in August 2020 where resident's half a mile east of Murillo Ave were on mandatory evacuation. In addition to above mentioned SCU Lightning Complex fire, there are typically one or two fires in the hills east of the project that burn quickly and require air support every year. The typical wildfire areas are between half a mile to a mile away. Should Reid Hillview airport be shut down sooner than 2030, critical air support and the convenient multiple fire hydrants will be gone, further impacting the availability of water and air support. These issues should be considered.

G=13

Alternate Location Rejection Reasons: starting at page 176. The argument that the owner needs to be a governmental agency using eminent domain to acquire land makes no sense. There are other, larger pieces of land for sale. Private persons, business owner can buy/sell land. The project developer bought the proposed project land with an R-1-5 zoning designation. This land had structures on it, developers demolished, is seeking a discretionary permit and a higher density rezone to accomplish the objectives of their project. This could be done in another larger location that would allow for their full operational needs. A larger piece of land would, allow for growth, expansion, serve the potential 6000-person religious

G-14

community they wish to serve. The project should be located where there is sufficient buffered land from neighboring homes, allow for several entrances and exits to the property to allow for better traffic flow and parking. By choosing a suitable alternate site the current site would be open for the residential uses it is intended and zoned for.

G-14

The DEIR says an alternative location site was not studied because as a matter of case law it doesn't have to be. However, it is the reasonable thing to do. Neighbors have asked for the project developer to relocate to a more suitable location since the beginning siting reasonable arguments such as all listed above.

Reduced scale rejected argument: Reducing the scale would absolutely reduce the impact to the neighborhood. Should scale, size, height and eliminating underground basement spaces would reduce construction time, noise, bad air quality, operations, affects to neighborhood. Bring the height down to 35' at any one point. This could allow for more onsite parking and open space, visibility with the original small playground inclusion.

G-15

Objectives for temple:

Among the objectives of the temple are to build a peaceful facility and be a good neighbor. See page 180. Reducing

G-16

activities, footprint, would bring more peace and tranquility to the neighborhood. Building a facility to serve 6000 people at the current location goes over the scope of their project thus cannot fulfill their objective. Pg. 176.

What is the case law case # siting reasonable alternative location does not need to be studied? DEIR document left out an important part of a sentence and makes the report incomplete. "Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making AND PUBLIC PARTICIPATION." The applicant project is not consistent with the general plan under the current zone of R-1-5. The applicant is seeking a rezone to meet the objectives of their project; therefore, it is imperative that a suitable alternate site be considered and analyzed. It is not "reasonable" to build this project at this location based on the activities, operations, size. The developer is a billionaire who has all resources at their disposal to purchase another site. Siting the need for eminent domain is silly. Applicant had the ability early on to find other locations. Please take this back to the city attorney for further analysis and recirculate the document.

G-16

No project at this location

Does not mean, no project anywhere. Relative to this comment, the question is can they do everything they want to do here, and the answer is no, applicant says it barely meets

G-17

their minimum objectives. It leaves no room for growth unless they plan to use their courtyards and parking lot areas to build out at a future time. This would then impact the neighborhood further. DEIR needs to research the original objectives. The DEIR has an obligation to the public, our city, and the applicant to provide a fully studied document of all possible issues. The neighbors have suggested alternate locations to identify, analyze and compare. Please explain why an alternate site location was rejected as infeasible. This needs to be reexamined and an alternative site researched and studied. This is especially important given the project site has requested a more intense rezoning. A no project would also leave the property open for much needed residential development that would house more than 8 people should 6 homes be built. Six families plus possible ADU's would add to our housing stock, consistent with the general plan and zoning district.

G-17

The last thing I am bringing up are the current and future projects in the area that would increase the traffic and other impacts to the area. Construction is going on half a mile to the north of project property enlarging the Evergreen Islamic Center. Application is in process for enlarging the Sikh temple a mile away to the southeast. There is a property right above my home that has had a preliminary application for homes (5 with possible ADU's) that is 1000 feet from the project. Lastly adding huge future impacts will be the re-development of Eastridge Shopping Center approximately 2 miles to the west where new homes or mixed use will likely happen. Our nearby regional

G-18

general aviation Reid Hillview Airport is currently scheduled to be closed and developed. The former Mt Pleasant Golf course property is a 144-acre property at White and Tully roads, approximately 1.5 miles to the northwest of the property is under intense pressure for development. All of these will add severe impacts. Please study.

G-18

I would like to thank you for reading this document. I implore the city and DEIR preparer study these comments and come back with a more equitable, reasonable, and full report. I wish for the temple members, temple foundation, my neighborhood, and neighbors, nothing but the absolute best.

Janet Holt-2943 Mitton Dr San Jose, CA 95148

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Monday, October 3, 2022 3:42 PM
To: 'Joanna Wan'
Cc: Flores, Michelle; Tu, John; Shannon George; Patrick Kallas
Subject: RE: Proposed Temple on Ruby and Norwood Ave. (SP20-024)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Joanna,

Thank you for your comment letter. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Joanna Wan <joannawan7@gmail.com>
Sent: Monday, October 3, 2022 2:58 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: Flores, Michelle <michelle.flores@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>
Subject: Proposed Temple on Ruby and Norwood Ave.

Some people who received this message don't often get email from joannawan7@gmail.com. [Learn why this is important](#)

[External Email]

Dear Mr. Hitchens,

I am writing to express my concerns with the proposed Wat Khmer Kampuchea Krom Temple that is being proposed on Ruby and Norwood Ave. I believe that the scope and use of this proposed temple is not suitable for the size of land and location which is in the middle of a quiet suburban neighborhood with homes surrounding all sides and one home right in the middle of the proposed project. I strongly oppose the proposal of rezoning the project site from R-1-5 zoning district to the PQP Public/Quasi-Public zoning district.

Below are just a few of the many concerns I along with my fellow neighbors have:

Construction Noise - the project will most likely take over 2 years to build. Construction noise and pollution for 2 years is not bearable for the surrounding neighborhood. From our house at Cedardale Court, we already can clearly hear the tractors clearing out debris and weeds. Can you imagine the noise once construction actually begins? San Jose allows construction on weekdays. Apparently the noise we hear from the tractors also occur during the weekends. How do we ensure that the developer's actions will align with regulations or with what they promise on their application? There are no guarantees noise suppression plans will be made during construction. During the pandemic, a shelter in place was issued by the County however, the developers continued demolition work. No emergency permit was provided by neighbors who inquired. There was no "noise disturbance coordinator" as proposed by the Wilson Acoustic Noise report. How again do we trust their actions? I sincerely hope that the city of San Jose will stand by regulations and not allow "influential" members from temple project and their affiliates to be able to circumvent these regulations. Many neighbors including our household work at home and the construction noise will be a great disturbance in our ability to work productively and peacefully.

Pollution - Dust and debris from the construction site will effect all the residences within 1000 ft. and more. Many of the surrounding homes have pools. Our front/back yards and pools will be covered with dust blowing in from the construction site in which may contain lead (as indicated in the soil report) or other toxic materials (sawdust, concrete dust etc.). This will be both costly to clean and make our pools and back/front yards unsafe to use, thus diminishing our quality of life and ability to enjoy the outdoors.

Post Construction Noise will also significantly impact the neighborhood. The noise study shows the temple may create noise levels at 71dba. This is "stadium level noise" and noise level above 60 dba is not permitted under the SJ General Plan. The develops strive to keep noise levels no higher than 55dba but that is still very loud. Can you imagine having a wedding or celebration near your backyard every weekend? Wedding for instance naturally include celebration, music, loud celebratory talking. . By all means, it will be impossible to minimize a large crowd of 300 people to "whispering" or not making loud noises during these celebrations. All amplified sound systems should remain indoors and NO amplified music, mics, speakers should be allowed outdoors. Additionally, there should be a designated sound monitor to ensure compliance at all times. In addition to sound walls, full grown sound barrier trees such as Thuja Green Giants should line the perimeter of the lot rather than sparsely. A venue hosting activities for over 300+ attendees (weddings, celebrations, after school programs etc.) should not be situated in a quiet neighborhood.

Traffic- the traffic study completed appears to be completed on September 11, 2019 which was during the midst of the COVID-19 pandemic. People are going back to the office and schools are back in session. Norwood and Ruby experience heavy traffic every morning as Quimby middle school starts at 8:15am, Evergreen Valley High school starts at 8:30am (incorrectly time is stated on traffic report), and Norwood Creek Elementary starts at 8:45am. Imagine adding trucks going in and out hauling dirt and other construction related items to this traffic. Traffic or near traffic accidents happen frequently in the intersection of Norwood and Ruby. Building such a large venue at this intersection not only adds additional traffic but is a safety concern for the entire community. This large scale project ideally be set in an area with good public transportation, plenty of space for parking, near highways and more central to the community it serves, not in a small suburban neighborhood.

I do wish the developers would be more upfront with the neighbors in our community and *sincerely* concerned about our concerns. From the first meetings, I feel they were not upfront with the size and scope of the project. For example initially, they mentioned only 3-4 major events throughout the year and having 5 or so people visiting the monks every day to bring them food. Subsequently they proposed the underground parking and now quasi-public zoning. Neighbors have reached out to the developers with multiple concerns that the project substantially exceeds many of the compatibility parameters specified in the City's General Plan and zoning designations for the neighborhood but these concerns did not seem to be significant to them. The scale is just too large and incompatible with our small neighborhood.

In summary, noise, pollution, traffic from this over sized project will all impact our community negatively and effect our quality of life. Development on this parcel of land should follow the residential neighborhood general plan. This project is too large in scale and the number of uses and activities proposed corresponds to public gathering spaces situated in

H-3

H-4

H-5

H-6

H-7

urban areas not a suburban residential neighborhood. R-1-5 zoning district to the PQP Public/Quasi-Public zoning district should not be approved.

H-7

Thank you for your time to review my comments.

Sincerely,

Joanna Wan
Concerned Neighbor

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Thursday, August 25, 2022 7:04 PM
To: 'Joyce Gibson'
Subject: RE: SCH# 2021050524

Hello,

Thank you for your comment. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project at 5pm on October 7, 2022.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Joyce Gibson <joygib@icloud.com>
Sent: Thursday, August 25, 2022 6:15 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: SCH# 2021050524

You don't often get email from joygib@icloud.com. [Learn why this is important](#)

[External Email]

Regarding

Wat Khmer Kampuchea Krom Buddhist Temple

SCH# 2021050524

It is a problem that this tiny little lot has this great big building plan, but it is located in the middle of houses with families. it cannot handle 100+ people coming into the area weekend after weekend. Think of the foot traffic, car traffic, noise etc. it just isn't right for a RESIDENTIAL area. A private residence would never be allowed to gather such large groups. Again, this is a RESIDENTIAL area. There are many other larger lots available in the San Jose area.

Regards,

Joyce Gibson

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Friday, October 7, 2022 9:27 AM
To: 'Karina Liao'
Subject: RE: Watt Khmer Kampuchea Krom Temple

Hi Karina,

Thank you for your comments. They been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Karina Liao <kliao3542@gmail.com>
Sent: Thursday, October 6, 2022 9:41 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Watt Khmer Kampuchea Krom Temple

[External Email]

Dear Ms. Hitchens,

I live near the proposed temple, on Milburn St. and I'm writing to oppose the Watt Kampuchea Khmer Krom Temple project located at 2740 Ruby Ave., San Jose, CA 95148. Below is my reasons:

1. Land Use Compliance-General Plan Consistency

I find this proposal is inconsistent with San Jose's Envision San Jose General Plan 2040 as cited in 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".

J-1

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.

J-1

2. This project and its intended purposes don't fit into neighborhoods' characters. It's planned to attract and accommodate thousands of people with all the consequences/potential problems. The buildings, including the underground rooms, and the courtyards are designed for this purpose. Any open space covered by concrete, pavers, and fake grass can potentially facilitate thousands of worshippers on holidays/special events. Sixty plus parking spots are greatly insufficient. We can not, in any way, rely on temple staffs to manage the crowd. The bosses live in San Francisco and won't worship there.

j-2

3. Temple asks to use the outdoor PA sound system in special events and holidays in their application. FYI, they have many holidays, Cambodian holidays are celebrated in addition to Buddhism. There are, at minimum, twelve big holidays/year in addition to Uposatha days (4 days/month), for a total of 61 holidays/year. They're: 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), As you notice, two of them (New Year and Pchum Ben) are being celebrated 3 days straight each! These numbers don't include private events, such as weddings, conferences, etc. The size and the frequency of these activities plus the noise levels are grossly unsuitable for its surrounding residential areas.

J-3

4. Project site located on a busy intersection causes traffic problems and safety. Cars would line up to enter one narrow entrance/exit blocking intersection and cause traffic jams.

J-4

5. The buildings' architectural design and color schemes are not inline with surrounding neighborhood architectural character.

J-5

In conclusion, this project and its planned uses/activities will surely cause so many problems to nearby communities. This site is not the right fit for the developer's intended purposes. They have all the resources to choose other suitable lots, within 1-3 miles away, on the outskirts of neighborhoods for much cheaper price and way more beautiful view, yet they insist on this small, unfit, oddly shaped lot. I'm not able to comprehend the reasons behind it, so are nearby community members.

J-6

Thank you for reaching out to me and my community regarding this project. It's greatly appreciated.

Best regards,
Karina Liao

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Friday, September 23, 2022 10:29 AM
To: 'linda ladwig'
Cc: Kerm Ladwig; Patrick Kallas; Shannon George
Subject: RE: Comment on Draft EIR for What Khmer Kampuchea Krom Temple project at Corner of Ruby and Norwood

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Thank you for your comments. They been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

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

From: linda ladwig <sail221@yahoo.com>
Sent: Thursday, September 22, 2022 9:26 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: Linda Ladwig <sail221@yahoo.com>; Kerm Ladwig <thedocc4u@yahoo.com>
Subject: Comment on Draft EIR for What Khmer Kampuchea Krom Temple project at Corner of Ruby and Norwood

[You don't often get email from sail221@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[External Email]

To Cort Hitchens
Email: Cort.Hitchens@sanjoseca.gov

SCH# 2021050524
FILE NOS: SP20-024 & ER20-147

Please add my comments and concerns to the EIR:

I am a longtime Evergreen resident and have seen many changes for our Evergreen neighborhood. We live in a very diverse cultural area of San Jose which makes it challenging to satisfy everyone. This area currently is surrounded by

K-1

many many different religious meeting places. Most are located on the outer diameter of the residential homes, and/or located on properties much larger than the property that is being considered for this new temple project, and/or closer to a major roadway like Capitol Expressway or White Road.

I live on Americus Drive (right off of Ruby Ave.) - about two blocks away from the corner of Ruby and Norwood. Americus Drive is the next street located right outside the yellow circle as seen on page 49 of EIR. While we are not within the yellow diameter, this project will definitely have a significant negative impact on our "quality of life" in our residential Evergreen neighborhoods.

K-2

Building Height

As a resident of Evergreen, do not agree with the proposal for City to change this residential property status to PQQ zoning. The plan to build a building that will stand almost 65 feet (Temple Steeple to be 64 feet 10 inches) will overpower the current houses in the neighborhood. Also both buildings to have deep basements (10 ft deep for Temple and 9 1/2 ft deep for community bldg).

K-3

Traffic:

Ruby Ave is one of our main residential streets serving local residents living all along Ruby especially between Aborn, Quimby, Norwood, and Tully. It is the first Main Roadway folks get onto when leaving their homes to head toward White Road and/or Capitol Expressway. I know from my own experience, I have waited for about 100 cars to pass before I was able to get onto Ruby Ave from Americus Dr. during times when local high school, Jr High school, and grammar schools and work commuter traffic is in full swing. As with all of San Jose, traffic continues to get worse but the road infrastructures are not widening. The neighborhoods will experience more cars going through their neighborhoods if Ruby Ave is busy and backed up. For me and many other residents, that would be going through more neighborhood streets to get on to Norwood Ave and then be able to get onto Ruby Ave. with a stop signal - Right at corner of Norwood and Ruby where this project is being considered. While the traffic analysis appears to use the intersection of Norwood and Ruby for its analysis, it would be good to get an analysis of the traffic changes that the neighborhood will be forced to do in order to get out of their immediate neighborhoods. This is a much larger area than just the intersection and changes for different days/times etc. One day is not an accurate version of what we go through to get from point A to B while leaving Evergreen.

K-4

The closest bus stops are on Quimby Road. There is not a lot of "mass transit" in this residential area. The report states that the Temple will have offsite parking at different school and other religious sites to support the overflow of 67 parking spaces. There will be a caravan of cars taking people to and from the temple location from offsite locations. Would like to see how many members actually live in the local Evergreen area as it seems like the report is planning to have many cars coming from all different areas which will cause more overall traffic congestion. How will the Temple control the maximum 300 person limit at any given time? Who does the community call when the people limit is broken? More cars in neighborhood means more air pollution in neighborhood areas.

K-5

Having to have alternate parking plans to cater to special temple events seems to be counter productive as this is going to bring MORE traffic congestion on Quimby, Tully/Ruby intersection, Norwood Ave. and other surrounding neighborhoods. These local streets already have a lot of extra cars from the locals school activities. Seems like pushing traffic mess more into our neighborhoods near schools to support a project that is too much for this particular residential location.

K-6

Parking:

The parking at our local schools are already being challenged with the volume of cars. How can they absorb more traffic congestion than they have to deal with now? We must keep our children safe as recent accidents near schools is on the increase! We have many inexperienced drivers in this area going to two different high schools that use Ruby Ave and surrounding side streets. There are also many distracted drivers not obeying the set speed limits.

K-7

There is a brand new temple at Tully and Ruby that is in the report as a possible parking alternative for large events for Temple project. The Evergreen Islamic Center started to add on right after they got done with their original building.

How are they going to provide additional parking when they seem to have to expand their facility to support their own growth. What happens when schedules at both temples conflict? Will the public schools be able to charge for Temple cars to park in their parking lot(s)? Schools are funded by public tax funds.

K-7

Noise:

Noise definitely travels a long distance around this area - A lot more noise than many would think. Is it because we are close to the East Foothills or all the two story houses.? The noise from an outside Microphone for the Temple will travel a good distance. Also the noise from having 300 people gathering outside will also travel within a larger diameter into the neighborhood. We will all hear these noises whether in or out of the yellow diameter. Also concern about the construction noise pollution and the extra construction trucks coming through the residential area especially near and in school zones.

On Page 14 of EIR, Concern about early timing of Ancestor's offerings starting at 4AM to 6 AM for estimated 15 visitors. This early time schedule is unacceptable for a neighborhood setting.

K-8

Examples: 1) We can hear the Evergreen High School marching band practice and hear the announcer from the football games at the High School that is about 5 blocks away past Quimby Road. 2) When neighbors have outdoor parties, the entire neighborhood hears the karaoke over their microphone. 3) Lately our new neighbors who live up on the hill that is surrounded by our immediate neighborhood, their music bounces off the two story houses behind us and we get to hear their music surround sound both front and back yards! 4) Even on some calm nights, we can hear the train from Monterey Road. Also loud fireworks, gunshots, barking dogs and they are not right in our immediate local neighborhood.

City Services

Our Fire and Police are very much appreciated to all of us and we depend on their services. We know they are stretched already. This area has seen an uptick of home invasions, car thefts, traffic accidents and need to have our City Services available to the community. Do not see in report that Evergreen would get additional services for having this project built however with the additional activities it would require City Services to be available.

K-9

Understand that this project is an important one for the members of the Temple project. However in the report it states that a religious gathering place bring the neighborhood quality of life. We already have many religious gathering places surrounding us in Evergreen. However this particular spot in the middle of a residential neighborhood will not bring our community "Quality of Life". We will have to deal with a lot of negative impacts such as traffic, noise, too big of a project in the middle of our neighborhood will bring our neighborhood additional stress. There are many vacant properties and buildings in Evergreen that would be a much better location to serve for the Temple's needs and desires. Please keep this a residential zoning with a much smaller project to enhance the quaintness of our neighborhood

K-10

Thank you
Linda and Kerm Ladwig
Evergreen Resident

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Tuesday, October 11, 2022 9:09 AM
To: 'Matt Millward'
Cc: Janet Holt
Subject: RE: WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT; SCH# 2021050524; FILE NOS: SP20-024 & ER20-147

Hello,

Thank you for your questions and comments, they have been received and will be addressed in the response to comments (RTC) document. The public circulation and comment period for this project closed on Friday, October 7 at 5pm. Preparation of the RTC document may take several weeks following the close of the public circulation and comment period, depending on the volume and complexity of comments received.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Matt Millward <matt.millward@outlook.com>
Sent: Friday, October 7, 2022 4:54 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: Janet Holt <janetholt80@gmail.com>
Subject: WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT; SCH# 2021050524; FILE NOS: SP20-024 & ER20-147

You don't often get email from matt.millward@outlook.com. [Learn why this is important](#)

[External Email]

Hello,

Regarding the EIR for the project in the subject line, I have a few comments:

1. The covered trash area is adjacent to the neighbor's fence line. Can this be moved to somewhere on the east side of the parking lot so as to not be so close to the neighbor? | L-1
2. Is it possible to eliminate outdoor amplification? While 71 dB(A) is fine when directed away from the fenceline per the acoustic report, there is no guarantee that both the direction of the sound and the level will be maintained. A better solution is to keep amplification indoors. | L-2
3. Is it possible to put notices on adjacent neighborhood streets (e.g. cul de sacs, Norwood, etc.) that temple parking is not allowed to prevent overflow? | L-3

Regards,
Matt Millward

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Thursday, October 6, 2022 3:16 PM
To: Patrick Kallas; Shannon George
Subject: FW: Concerns about EIR for the temple project

FYI another comment, forgot to bcc you.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Mazin Khurshid <mazink@yahoo.com>
Sent: Thursday, October 6, 2022 11:59 AM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Concerns about EIR for the temple project

[External Email]

Dear Hitchens,

I would like to convey my concerns regarding the EIR for the temple project.

SCH# 2021050524

FILE NOS: SP20-024 & ER20-147

I live on 3364 Bareoak Ct, 1 block away from the temple. We purchased are house in 1994, as this was a very peaceful area.

Can you please let me know how the city will address my concerns.

1. I work a graveyard shift as a driver, I sleep between 10:00am to 6:00pm, as I have to report to work at 8:00pm.

Based on the acoustic report (link below, page 15):

<https://www.sanjoseca.gov/home/showpublisheddocument/88801/63796782767270000>

It seems there will full site 4 events almost every week, and these events will be during the time I sleep. If I cannot get enough sleep, there could be chances that I will fall asleep when I am driving at night, and crash.

This is very dangerous, and there is now way for me to change jobs, as I am 58+ years old. This is my biggest concern, when we bought our house in 1994, I made sure that the noise was minimum. The temple plans to use outdoor speakers, and because of the proximity of my house, the noise level will be unreasonable (stadium level). Can you please not allow outdoor speakers. I have no issues if they use speakers inside enclosed facilities.

M-1

2. The temple only has one entrance (A) shown below, but on Ruby Ave, the traffic flow is opposite to the entrance when using Tully->Ruby. In this case, most cars will try to make a u-turn by making a left on Norwood, and perform the U-turn using Mantis/Bareoak Ct. This creates dangerous situation for traffic on Norwood and Mantis. How will the city address this issue.

M-2

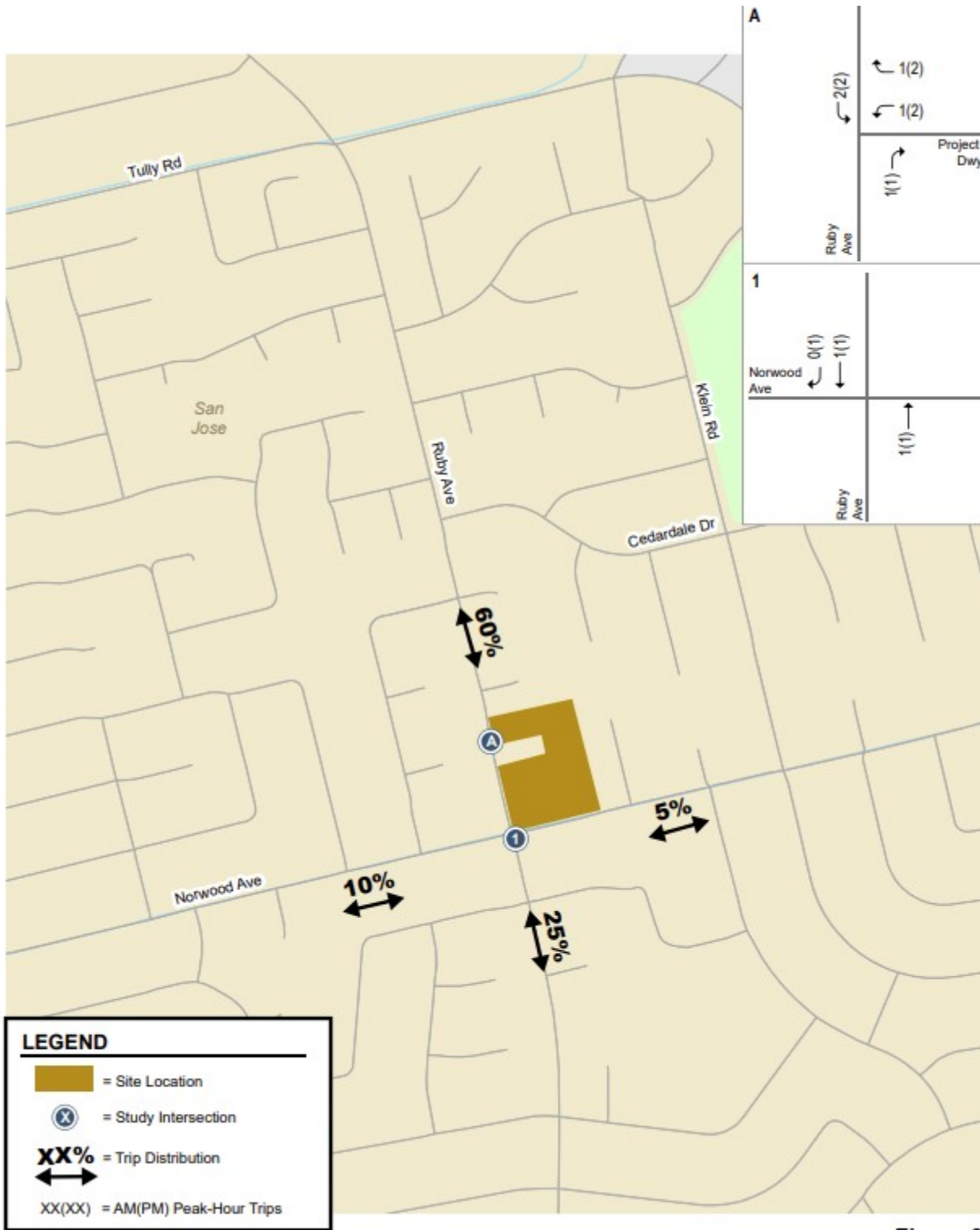


Figure 6

3. NOISE IMPACTS & Construction

-cumulative impacts -during construction: trucks idling, digging, traffic to and from site with 600 loads of dirt, large equipment noise, vibration.

There are no guarantees noise suppression plans will be done during construction. For reference, during demolition, residences within less than 500 feet and more than 1000 feet experienced significant detrimental effects, especially the home that is surrounded on 3 sides of the project

site and the two streets of neighbors with adjacent fence lines. The noticing for demolition was given the same day as the work started. The work started during the early stages of the Covid pandemic where the county of Santa Clara required a Shelter in place, during one of the most historic public health challenges of our time. The only construction that was permitted at that time was for emergency housing and other emergency situations, yet the temple project proceeded, with construction during the lockdown. The emergency permit to begin demolition during the shelter in place was asked for on numerous occasions, never provided.

The issues to neighbors were:

- 1) no prior notification of construction commencement
- 2) confusion about the project status
- 3) dust, noise, vibration that disrupted their ability to work, study, use their front and backyards.

The impacts to neighbors were:

- 1) medical respiratory issues to to air quality, anxiety, unable to concentrate to work from home, and study from home
- 2) unable to leave their homes to find other shelter during the demolition process. It should be noted that the air quality report shows there is some lead in the soil. There was probably also asbestos in the 1950's ranch home. No shielding was used to protect the neighbors from the toxic dust.

There was no "noise disturbance coordinator" as is recommended under the Wilson Acoustics Noise Vibration report. Ref: EC-1.7. Construction hours were stated in the notification to neighbors to start no earlier than 8am. Those hours were breached. Though lawful hours for construction in San Jose are from 7 am to 7pm on weekdays, there was one instance where they trucks were going before 6:45 am. This was heard from 1000 feet away and verified by viewing the project site. Masks were not used at times, against the order of Santa Clara County. Report was made, and we were told those folks were from the same household. There is a major trust issue with this developer. Prior to construction implementation, noticing to neighbors should be given at least 1 week in advance of anticipated work commencement and timelines of work and type provided. An independent noise disturbance coordinator who responds to neighbor concerns approved by the neighborhood should be required and in place prior to work commencement.

4. Stadium Level Noise during operation

Impacts-during temple operations-noise study shows the temple may create noise levels at 71 dba. This is stadium level noise (San Jose General Plan), and even under P/QP requires a special use permit. Highest outdoor noise level is 60 dba or less permissible for residential under San Jose General Plan. The projects' noise study showed noise level around the perimeter of project to average 48 to 49 dna/ dba.

The report also shows the project should strive to keep the noise at no higher than 5 over the current dba, which would be

M-3

M-4

M-5

55 dba. To mitigate to this level, noise report states sound wall and volume suppression equipment should be used in outdoor amplification. Sound wall and noise volume suppression equipment will not be enough to lower the noise level to 54 dba/dna. Volume suppression devices are not guaranteed to be used. Sound sources including high pitched devices, any outdoor amplification should be held entirely contained inside the temple facilities.

A sound monitor would need to be placed at facility for outdoor activities to ensure compliance as is done at other facilities where neighboring homes could be affected. Any activities should cease by 10pm or earlier on

weekends and 8pm on weekdays. Placement of noise producing equipment should be placed as far from any residence as possible.

Regards,

Mazin Khurshid , 3364 Bareoak Ct, San Jose, CA 95148

M-5

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Tuesday, October 4, 2022 2:45 PM
To: 'mgabler@earthling.net'
Subject: RE: response to Draft EIR for Wat Khmer Kampuchea Krom

Hello Michael,

Thank you for your comments. They been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: mgabler@earthling.net <mgabler@earthling.net>
Sent: Tuesday, October 4, 2022 1:31 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: response to Draft EIR for Wat Khmer Kampuchea Krom

You don't often get email from mgabler@earthling.net. [Learn why this is important](#)

[External Email]

Cort,
As a neighborhood leader in the neighborhood adjacent to the proposed temple, I have to object to the implication that traffic of 14 homes placed on the site would be anywhere near the possible traffic from a facility that has the capacity to hold hundreds to a thousand of people. The developers can state that they will never exceed a low number threshold but once the facility is built, there is no viable way to limit the attendance. The city does not have the staff nor funds to address community complaints now, they will not be addressing them if this construction advances.

The EIR lists the use of off-site parking and shuttles . . . this again points to the intention to hold large scale events. Once built, there will be no way to limit the attendance nor the traffic that is attempting to access the facility. The surrounding neighborhoods will be severely impacted with vehicle and foot traffic. The neighborhood is already impacted by a lack of street parking, the construction of the proposed facility will exacerbate the problem to the point of potential detrimental actions. No, I am not advocating any irreparable violence, just stating a possible situation when too much is crammed into an already confined space.

The propose development is no where near compatible with the surrounding neighborhood, neither in construction nor architecture.

N-1

N-2

If built, the neighborhood will be irreparably impacted and harmed.

My request, to the people that will review this project . . . imagine that this facility was build right next door to your home. Or in this case, around your home.

This is a great project but I can not support it at the current location.

Respectfully,
Michael Gabler
President, Norwood Neighborhood Association
c: 408-205-8670

N-2

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Tuesday, October 11, 2022 9:07 AM
To: 'Murali P'
Cc: 2740Ruby Concerns
Subject: RE: RESPONSE TO Draft EIR ER-147 SP20-024 Norwood/Ruby Temple Project

Hello,

Thank you for your comments, they have been received and will be addressed in the response to comments (RTC) document. The public circulation and comment period for this project closed on Friday, October 7 at 5pm. Preparation of the RTC document may take several weeks following the close of the public circulation and comment period, depending on the volume and complexity of comments received.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Murali P <pabbisetty@gmail.com>
Sent: Friday, October 7, 2022 4:54 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: 2740Ruby Concerns <2740rubyconcerns@gmail.com>
Subject: RESPONSE TO Draft EIR ER-147 SP20-024 Norwood/Ruby Temple Project

[External Email]

From Murali Pabbisetty
3418 Pin Oak Ct, San Jose 95148

REF: File SP20-024 & ER20-147

SCH# 2021050524

TO Cort.Hitchens@sanjoseca.gov, PlanningDepartment

Dear Mr. Hitchens,

I live adjacent to the property and I have many concerns that I have expressed to the applicant and the city for last 4 years. The complete project is not compatible with San Jose GP2040 for the reasons mentioned below and this is the reason that we are not supporting this project and request the city to ask the applicant to move it to a suitable location in Evergreen San Jose.

O-1

1. Incompatible project due to its size – Previous owner was denied permission to increase the number of houses from 6 to 8 due to intensity of use. According to the application, the project has a capacity of easily over 1000 people with only a soft limit of applicant enforcing a limit of 300 people. Applicant Lyna Lam has mentioned several times that their community is 6000 people strong and they expect to be used by 300 families. There are many sites in evergreen within 2 mile radius of the current parcel that are much more suitable (10-15 acres) that would allow the applicant to scale for next several decades. The applicant should think on the lines of San Jose Gurudwara

O-2

2. Incompatible due to type of project – Construction of a project of this size with the underground capacity will involve moving 100s of trucks of dirt over next the course of the project. This would severely impact the lives of 100s of residents that live and use the area for walking, biking etc. There are 4 schools within 1 mile radius so there are lot of school children that go through this intersection every day. Just the clean up conducted to remove the old buildings created enough noise to disturb all of us in terms of noise, dust etc. We understand any project would generate some amount of dust but excavating 100s of trucks of dirt would impact our lives significantly.

O-3

3. Incompatible intensity of the use – The number and size of events(weddings, funerals, fund raisers, new year celebrations) mentioned in the operational plan are not compatible with a residential neighborhood. Large events with 100s of people would need capacity to park 100s of cars but they have only 70 parking spots. The adjacent roads do not have the space to support the stacking requirements for cars to go in and come out.

O-4

4. Incompatible due to safety concerns – This parcel is located at a notorious intersection where accidents happen on a bi weekly basis. So a project that would require this scale of construction and this level of activity will become a nightmare for all the 100s of residents who go through the intersection.

O-5

5. Incompatible due to irrigation to nearby trees – When the applicant purchased there are 35 trees on the property and over the last few years they have cut down the number of trees systematically. With asphalt and parking lot it will stop the water flow to trees in the vicinity so regular housing project will be much more compatible than a project that requires to rezoning.

O-6

Thank you,
Murali Pabbisetty
3418 Pin Oak Ct, San Jose, CA 95148

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Tuesday, October 11, 2022 9:14 AM
To: 'nha tran'
Subject: RE: 2740 ruby ave temple

Hello,

Thank you for your comments, they have been received and will be addressed in the response to comments (RTC) document. The public circulation and comment period for this project closed on Friday, October 7 at 5pm. Preparation of the RTC document may take several weeks following the close of the public circulation and comment period, depending on the volume and complexity of comments received.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

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

From: nha tran <nathanshare408@gmail.com>
Sent: Friday, October 7, 2022 3:36 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: 2740 ruby ave temple

[You don't often get email from nathanshare408@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[External Email]

Dear Cort .hitchens , and all city council !!!

My name Nha tran , My house is 2720 ruby ave , the house at middle of the lot site of the temple, I have some though about the temple project I would like to share with all city council and who have the power to approve the temple project:

1. What is reason to build the temple ? I think build the temple to make the people around the temple relax and peaceful

When the temple start to buy the land every one around neighbor not relax and peaceful at all , everyone sad because a lot of different reasons: traffic, noises, accidents by car when too much traffic ... 2. Before the owner of the lot ask city permit for 8 or 10 house city reject because too much house and high traffic that why city approve only 6 house . Now if city approve this project is something not right here 3.the temple project association have a lot of money, they always saying they have a lot of money why they don't buy any different lot size in the zone city allowed to build the temple 4. Before you sign to approve the project please put your shoes in my shoes: you will approve to build the temple around your house . How do you feel when your house at middle of the temple? Please consider before you sign to approve the project 5. Thank you so much for reading some of my thoughts please help all the residents of your city who all support

P-1

P-2

P-3

P-4

P-5

and vote for you make city better every day please not support to some one have too much money want to do any they want just because some money they can destroy the city image .

Thank you so much in advance

Nha tran 🙏🙏🙏

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

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

June 2, 2021

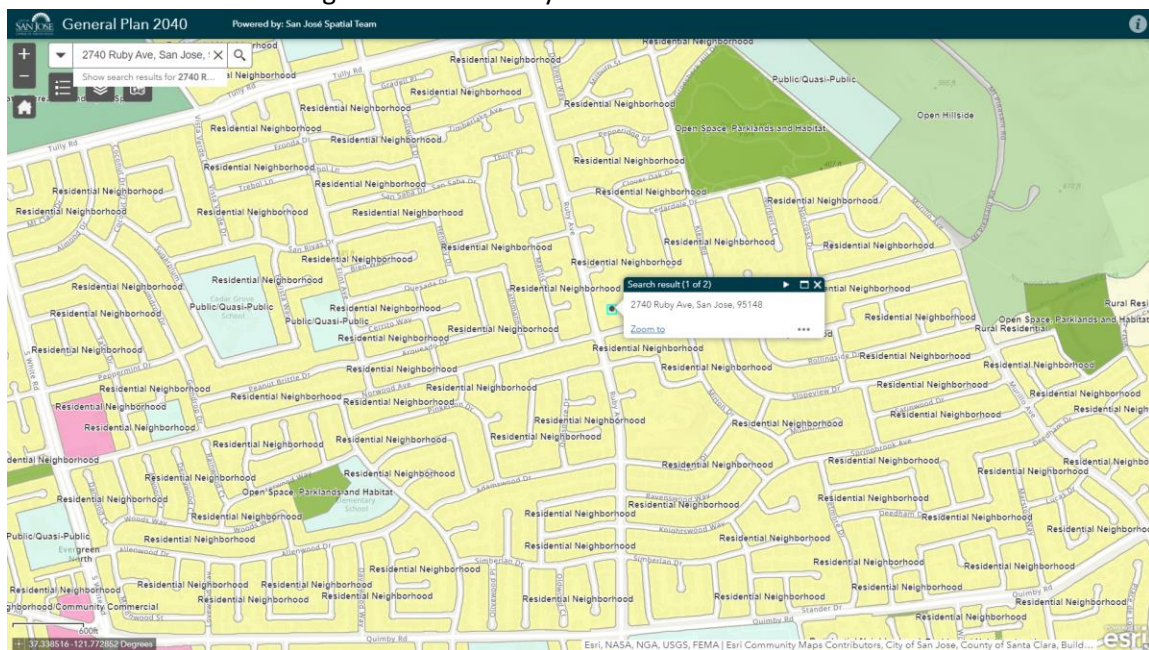
To: City of San Jose Planning Department, Planning Commissioners, Council Members

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.**



Q-1

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

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.

Q-1

Q-2

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



Q-2



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

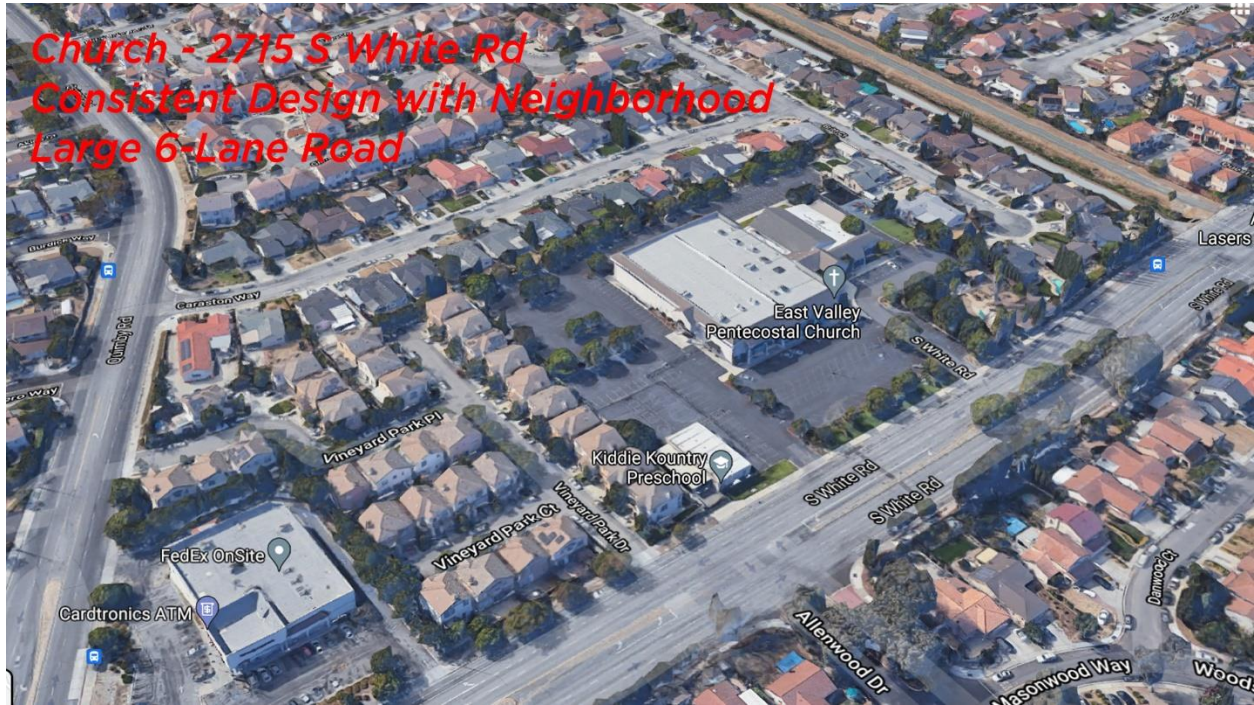


Q-2



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.



Q-2

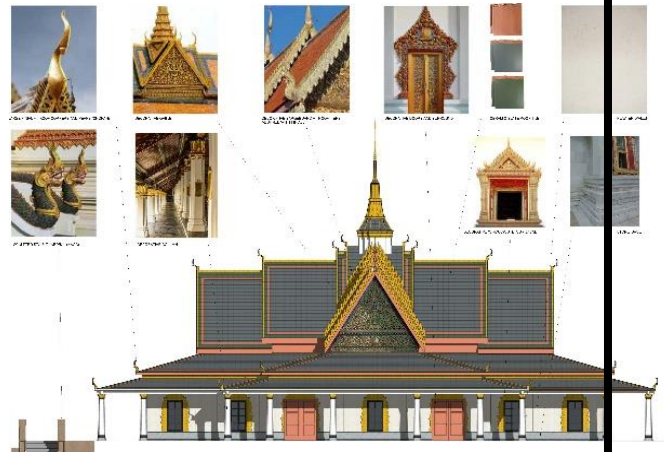


RESIDENT'S RESPONSE TO THE: Proposed Rezoning and Special Use Permit at 2740 Ruby Avenue , Project No. C20-012 & SP20-024

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.



Q-2



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 1st meeting inputs from the community, and 2nd 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
Basement					
205F	MECH./ELEC.	861 SF	Mechanical Equipment Room	300 SF	3
		861 SF			3
1st Floor					
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
		6936 SF			787
2nd Floor					
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
		7891 SF			799

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

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
					2132

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

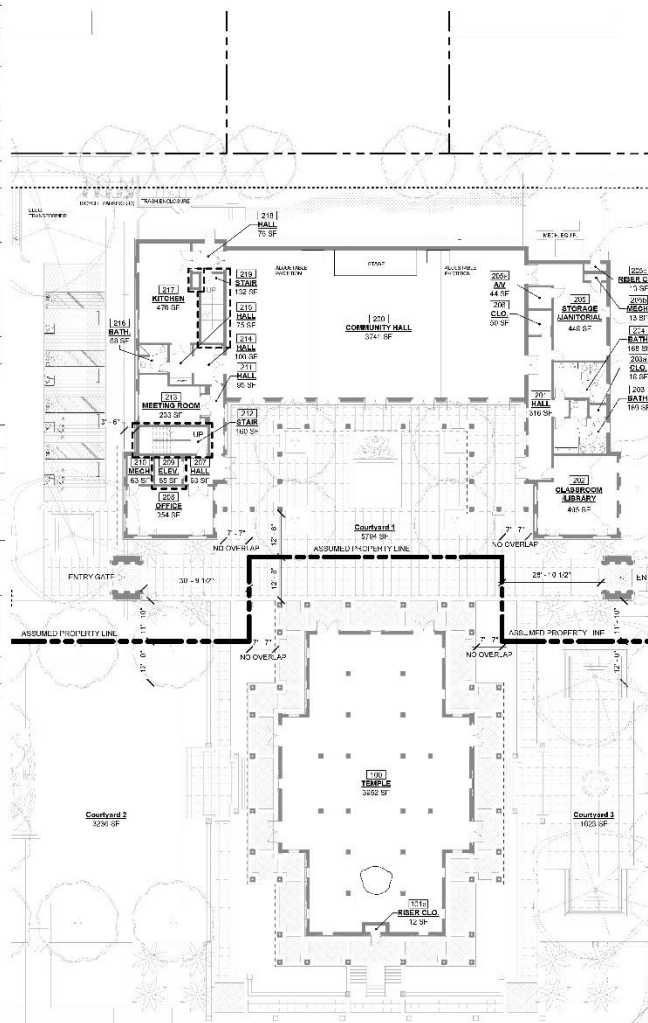
NOTE: SF/5.1 FOR EGRESS ANALYSIS

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.



Q-4

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?**

Q-4



Q-5



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

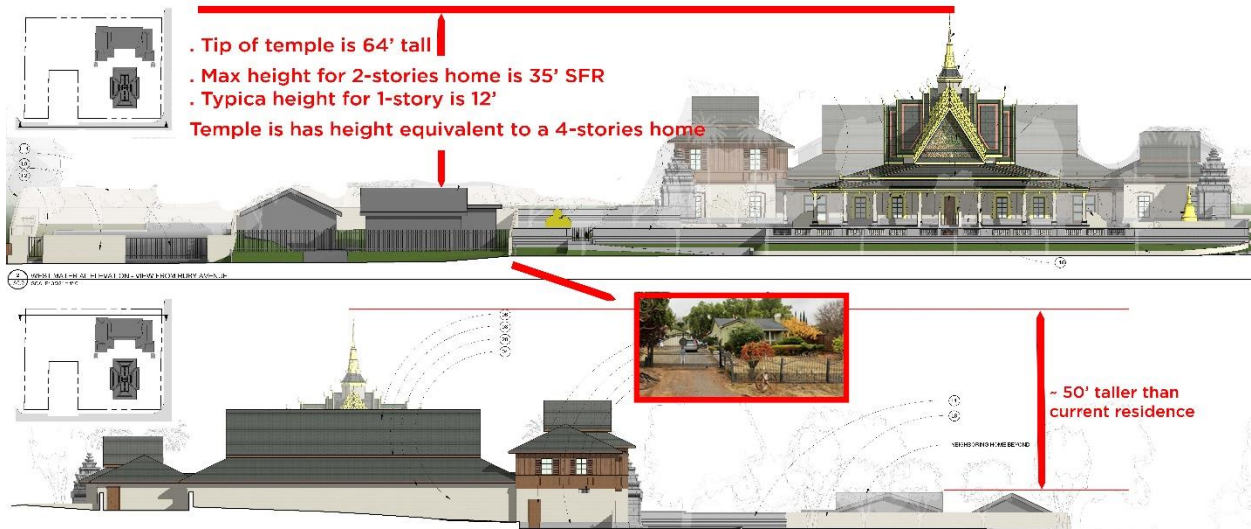
6. Again on paper, everything will meet ALL requirements. In Reality, traffic and parking are horrendous for these small infill oversized facilities. I personally had to driver through all the small street competing for parking spaces with thousand other visitors. I had observed many people jaywalking 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.

Q-5

Q-6

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



Q-6

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)

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

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



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.

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

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.

Q-8

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**

Q-9

Q-10

Q-11

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

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 contradict 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 visitors 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 a 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 maximum 300 people? I do understand that if one applies 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.

Q-11

Q-12

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

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 are 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?

Q-12

Q-13

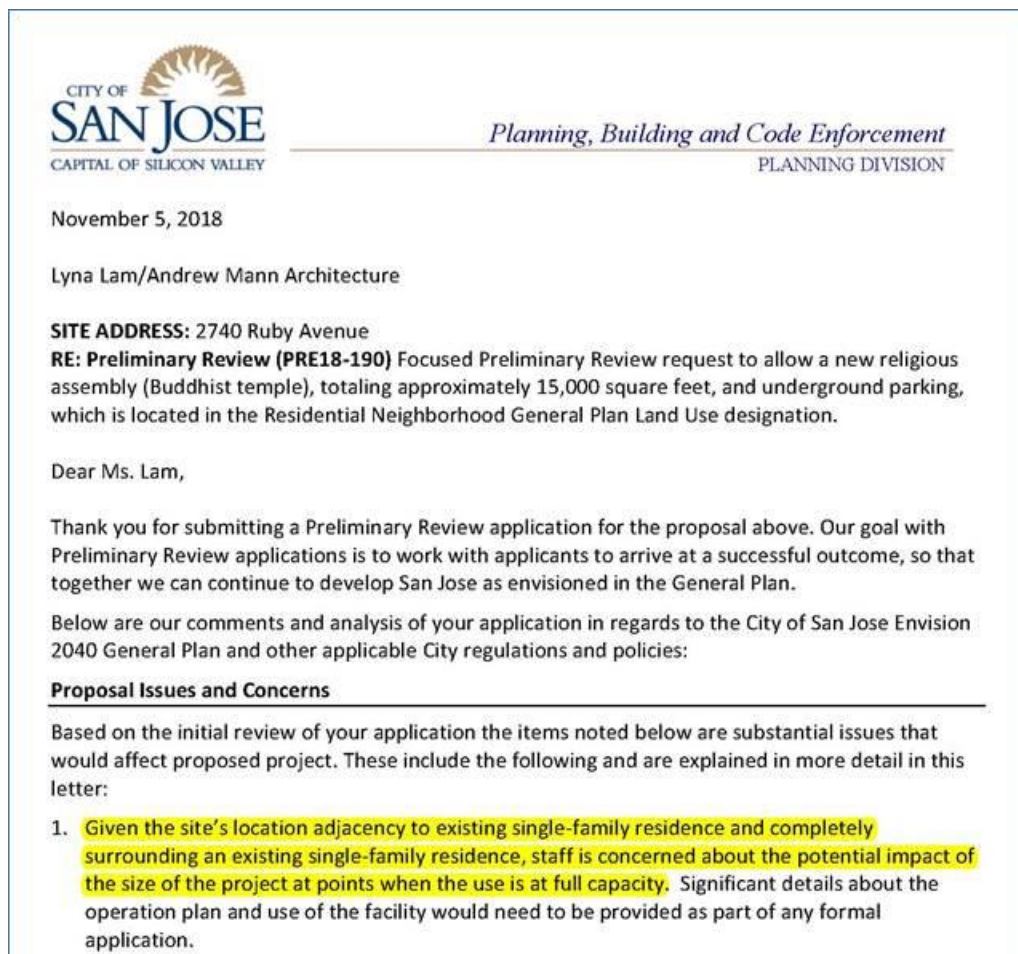
Please consider all these points if you are moving forward with the EIR and CEQA compliance review. Thank you for hearing our concerns.

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.



Q-14

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.

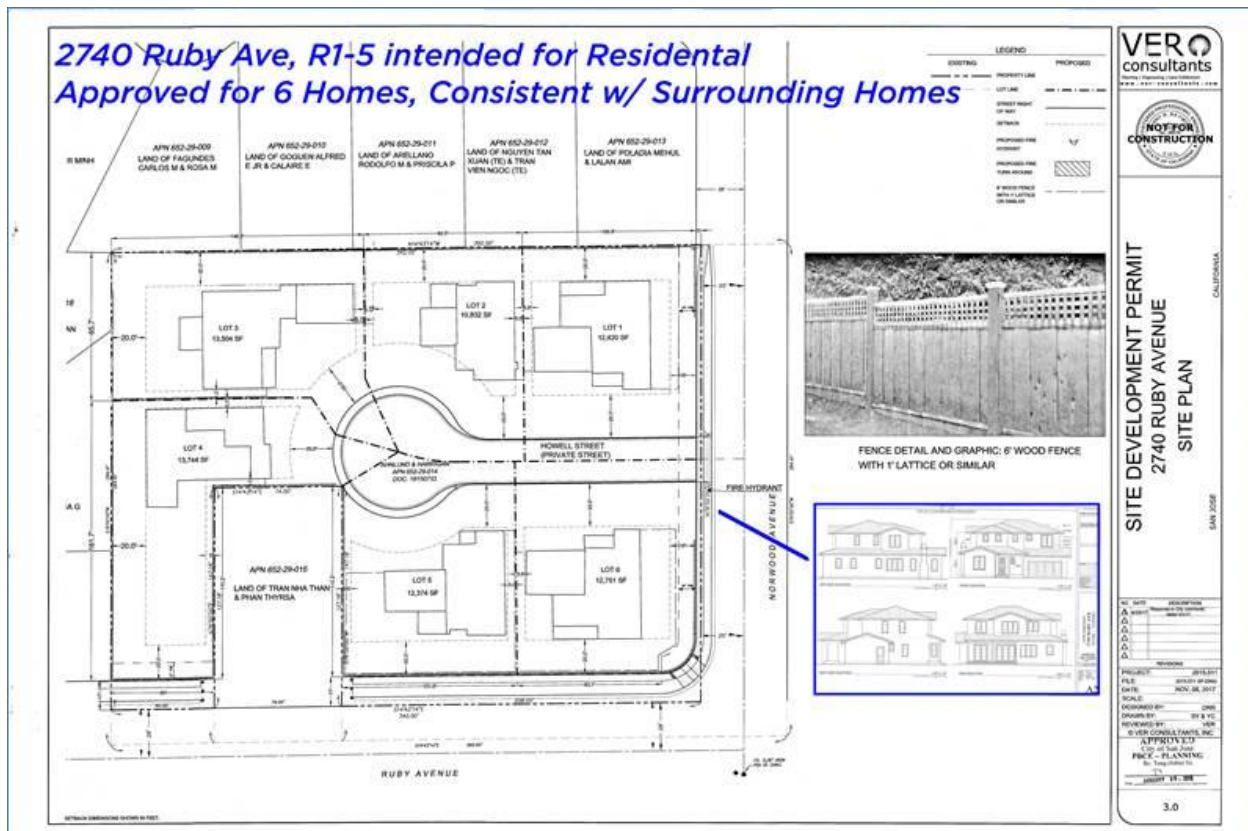
The proposed project would need to be compatible with the surrounding neighborhood. A detailed analysis and operation plan needs to be provided as part of a formal application submittal. Additionally, the building layout and design would need to be compatible with the existing neighborhood (frontage 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.

Q-14

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.



Q-15

- 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 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



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.

Q-16

- 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.
- 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

Q-17

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

Meekha 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 Sakyakmuni 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 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

66 SUNSET COURT,
SAN JOSE CA 95130,
USA

ABOUT US

CALENDAR

NEWS

CONTACT

Q-17

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.
		NOTE: FACILITY DESIGNED TO HOLD OVER 4,000 PEOPLE		
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	

Q-17

- 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.



Q-18



Q-18

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.**

Q-19

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

Sincerely,
Nick Pham
Evergreen Resident

RESIDENT’S RESPONSE TO THE: ER20-147 AND The Rezone a Residential Neighborhood C20-012 and Special Use Permit SP20-024

“NO” to Rezoning of a highly densed Residential Neighborhood to build a 14,000 Sq Ft Temple that can hold 4,000 people

Date: October 7, 2022

To: City of San Jose Mayor, Councilmember, Planning Commissioners, Planning Staffs

Dear sir/madam:

This public comment to the Draft ER20-147 should be review in conjuction with my public comment #1, #2 & #3 at the end of the ER Preparation Public Meeting.

My public comments prior to this Draft EIR highlight many areas that would make make this proposed project incompatible with the current Residential Zone. There are so many major impacts to this Residential Neighborhood that MUST be considered. And therefore, **the rezoning proposal should be declined. The Residential Neighborhood designation per General Plan 2040 should remain unchanged.**

Q-20

Here are few points in summary:

1. AIR-1 – the applicant had demolished the current single family home that was on the land without fully understanding the impact per this item
2. BIO-1 – the applicant had tree work done without the proper review of the all the appropriate agency.
3. NOI-1, 2 – In additional to the noise and operation impact outlined in my Public Comment #1, 2, 3, the construction impact on surrounding the environment, and current homeowners per the EIR.
4. CURRENT LAND-USE would not result in any impacts
5. “Given that the project site is located within the incorporated limits of San José, served by existing utilities, and has a Residential Neighborhood General Plan land use designation, it is not realistic to assume the project site would remain undeveloped in perpetuity if the proposed project is not approved.” – **EIR is very clear that the The Residential Neighborhood General Plan land use designation allows eight**

Q-21

Q-22

Q-23

RESIDENT'S RESPONSE TO THE: ER20-147 AND The Rezone a Residential Neighborhood C20-012 and Special Use Permit SP20-024

detached homes per acre, which for the subject 1.86 acre site would allow for up to 14 lots with each lot capable of accommodating a single-family detached (SFD) unit and potentially an accessory dwelling unit (ADU).

Q-23

6. Operation plan is of 150 people is extremely misleading for a 14,000 SF facility! The proposed facility is capable of holding 4000 people

Q-24

7. As mentioned, I had provide 3 lengthy documents after the Notice of Preparation Meeting that I would like to incorporate into this Comment #4. I will be sending these again for your reference.

Q-25

8. **The EIR findings conclude that the proposed project may not have any aesthetic impact to any State scenic highway or designated scenic corrirod. But it FAILED to mention that the temple is no compatible to any adjacent structures and definitely out of character for this small Residential Parcel. Again, this proposed project is in a HIGHLY DENSED RN zone, and the design impacts should be compared to existing single and 2-story Single Family Home. Th All the elaborate decorative design is not COMPATIBLE and COMPLETELY OUT OF CHARACTER with adjacent homes.**

Q-26

9. The Operation Plan does not make sense for a 14,000 SF facility that is capable of holding easily 4,000 people. The applicant's current facility has shown via youtube of events showing LOUD speakers and parking issues that cause major problem for this designated Residential Neighborhood zone

Q-27

10. Onsite parking is not adequate! The overflow to residential streets without a doubt. This problem is observed with nearby religious facilites.

Q-28

11. The shutle plan is a major hazard in a highly densed Residential Neighborhood. And is UNACCEPTABLE.

Overall, the EIR highly many impacts, and violate many Policy. The project is incompatible and out of character for the designated Residential Neighborhood Zone per the General Plan 2040.

Q-29

Sincerely and respectfully, I'd like ask any staff members, members of the Planning Commission and the City Council - would you approve this project if it next to your home?

Nick Pham, Evergreen Resident

See attached Comment #1, 2, 3 for additional comment.

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Tuesday, August 23, 2022 4:26 PM
To: Patrick Kallas
Subject: FW: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

Hi Patrick,

Please see below for a public comment for this project, to be addressed in the RTC following close of public circulation on October 7.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: PAUL ROSATI <paul.rosati@comcast.net>
Sent: Tuesday, August 23, 2022 11:32 AM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Re: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

[External Email]

Cort,

This issue has gone on way too long. From the beginning, I vehemently opposed re-zoning from residential to something else to allow a temple. This location was occupied by a long time San Jose physician, Dr. Ahnlund, and it is and always has been 100% residential. Re-zoning is preferential to the builder who I heard has a friendship with our mayor. Why is the preference allowed? Pure political shenanigans to me. The homes were here first. The temple should go find a location with mixed residential and not invade the pure residential.

R-1

Regards,
Paul Rosati

On 08/23/2022 9:10 AM Hitchens, Cort <cort.hitchens@sanjoseca.gov> wrote:

WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT

SCH# 2021050524

FILE NOS: SP20-024 & ER20-147

The project applicant proposes to construct an approximately 13,902-square foot Wat Khmer Kampuchea Krom Buddhist Temple on the approximately 1.86-gross acre site. The applicant is proposing a rezoning of the project site from the R-1-5 Zoning District to the PQP Public/ Quasi-Public Zoning District to allow for the construction of a religious assembly use to serve the existing local Khmer Krom religious community, whose current temple functions out of a converted residence at a different site in San José. These operations would be discontinued and moved to the new location. The Public/Quasi-Public Zoning District allows church/religious assembly uses upon issuance of a special use permit. The proposed project would comprise of two buildings – a Temple Sanctuary building and a Community building including a residence hall for eight full-time resident monks. A surface parking lot with 67 parking spaces (including valet) would be located at the interior of the lot with an entry drive located along Ruby Avenue. The project would also provide new buffer landscaping on the perimeter of the site, including new street trees. A six-foot-tall masonry sound screen wall would be constructed at the property lines. The proposed project would also construct roadway improvements including a roundabout.

LOCATION

2740 Ruby Avenue, San José, CA 95148

ASSESSOR'S PARCEL NUMBER

652-29-014

CIRCULATION

Tuesday, August 23, 2022 to Friday, October 7, 2022

PROJECT DOCUMENTS

[Wat Khmer Kampuchea Krom Temple Project Draft EIR](#)

[Mitigation and Monitoring Reporting Program \(MMRP\)](#)

[Notice of Preparation](#)

[Combined NOP comments](#)

[Appendix A \(Part 1\) - Notice of Preparation](#)

[Appendix A \(Part 2\) - Notice of Preparation and Comment Letters](#)

[Appendix B - Construction Community Risk Assessment](#)

[Appendix C - Arborist Report](#)

[Appendix D - Geotechnical Investigation Report](#)

[Appendix E - GHG Compliance Checklist](#)

[Appendix F - Phase I Environmental Site Assessment and Preliminary Soil Quality Evaluation](#)

[Appendix G - Acoustical Assessment](#)

[Appendix H - Local Transportation Analysis](#)

ENVIRONMENTAL PROJECT MANAGER

Cort Hitchens

408-794-7386

Cort.Hitchens@sanjoseca.gov

Cort Hitchens | Planner II

City of San José

Planning, Building & Code Enforcement

200 E. Santa Clara Street, 3rd Floor

San José, CA 95113

Direct: (408) 794-7386

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Wednesday, September 21, 2022 10:00 AM
To: PAUL ROSATI
Cc: 'Amelia Acton'; johnny@andrewmannarchitecture.com; Andrew Mann; Erik Schoennauer; Patrick Kallas; Shannon George; Flores, Michelle
Subject: RE: Buddhist Temple Project SCH# 2021050524

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Paul,

Thank you for your comment. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: PAUL ROSATI <paul.rosati@comcast.net>
Sent: Wednesday, September 21, 2022 9:57 AM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Buddhist Temple Project SCH# 2021050524

[External Email]

Dear Mr. Hitchens,

I have never understood the basis for rezoning from residential (6 homes) to special use (Temple) permit. If 6 homes were too demanding, how can the Temple be less demanding? Something smell fishy to me. I heard it is rich guy behind this who has friendship with our mayor. Why do rich people get all the breaks in this world and why are they able to tilt the system to their benefit? We need homes. We do not need more places of worship. This project will stick out like a sore thumb in our neighborhood. Please stop good old boy cronyism and go back to the original plan of 6 homes.

Respectfully submitted,
Paul Rosati
2875 Rathmann Drive

R-2

Cel: 408-966-9774

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Friday, October 7, 2022 11:07 AM
To: 'Philip Nguyen'
Subject: RE: Re File SP20-024&ER20-147 Noise Air Quality / Traffic Parking concern as local impacted residents

Hi Philip,

Thank you for your comments. They been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Philip Nguyen <philiphnguyen@yahoo.com>
Sent: Friday, October 7, 2022 10:55 AM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Re File SP20-024&ER20-147 Noise Air Quality / Traffic Parking concern as local impacted residents

[External Email]

File SP20-024 & ER20-147

SCH# 2021050524

ADDRESS YOUR EMAIL TO Cort.Hitchens@sanjoseca.gov

Planning, Building & Code Enforcement:

Phone # 408-794-7386

As current property owner.resident resided within 300 feets proximity of this proposed project. We have the following areas of concern we would like the Department to consider and address in the EIR document.

Noise * Air Quality * Traffic Parking

(note traffic and parking no longer a concern under CEQA) -California Environmental Quality Act, but is still a concern for us and a policy concern.)

NOISE IMPACTS

-cumulative impacts -during construction: trucks idling, digging, traffic to and from site with 600 loads of dirt, large equipment noise, vibration. There are no guarantees noise suppression plans will be done during construction. For reference, during demolition, residences within less than 500 feet and more than 1000 feet experienced significant detrimental effects, especially the home that is surrounded on 3 sides of the project site and the two streets of neighbors with adjacent fence lines. The noticing for demolition was given the same day as the work started. The work started during the early stages of the Covid pandemic where the county of Santa Clara required a Shelter in place, during one of the most historic public health challenges of our time. The only construction that was permitted at that time was for emergency housing and other emergency situations, yet the temple project proceeded, with construction during the lockdown. The emergency permit to begin demolition during the shelter in place was asked for on numerous occasions, never provided. The issues to neighbors were: 1) no prior notification of construction commencement 2) confusion about the project status 3) dust, noise, vibration that disrupted their ability to work, study, use their front and backyards. The impacts to neighbors were: 1) medical respiratory issues to air quality, anxiety, unable to concentrate to work from home, and study from home 4) unable to leave their homes to find other shelter during the demolition process. It should be noted that the air quality report shows there is some lead in the soil. There was probably also asbestos in the 1950's ranch home. No shielding was used to protect the neighbors from the toxic dust.

S-1

There was no "noise disturbance coordinator" as is recommended under the Wilson Acoustics Noise Vibration report. Ref: EC-1.7. Construction hours were stated in the notification to neighbors to start no earlier than 8am. Those hours were breached. Though lawful hours for construction in San Jose are from 7 am to 7pm on weekdays, there was one instance where they trucks were going before 6:45 am. This was heard from 1000 feet away and verified by viewing the projectsite. Masks were not used at times, against the order of Santa Clara County. Report was made, and we were told those folks were from the same household. There is a major trust issue with this developer. **Prior to construction implementation, noticing to neighbors should be given at least 1 week in advance of anticipated work commencement and timelines of work and type provided. An independent noise disturbance coordinator who responds to neighbor concerns approved by the neighborhood should be required and in place prior to work commencement.**

-cumulative impacts-during temple operations-noise study shows the temple may create noise levels at 71 dba. This is stadium level noise (San Jose General Plan), and even under P/QP requires a special use permit. Highest outdoor noise level is 60 dba or less permissible for residential under San Jose General Plan. The projects' noise study showed noise level around the perimeter of project to average 48 to 49 dna/ dba. The report also shows the project should strive to keep the noise at no higher than 5 over the current dba, which would be 55 dba. To mitigate to this level, noise report states sound wall and volume suppression equipment should be used in outdoor amplification. **Sound wall and noise volume suppression equipment will not be enough to lower the noise level to 54 dba/dna. Volume suppression devices are not guaranteed to be used. Sound sources including high pitched devices, any outdoor amplification should be held entirely contained inside the temple facilities. A sound monitor would need to be placed at facility for outdoor activities to ensure compliance as is done at other facilities where**

S-2

neighboring homes could be affected. Any activities should cease by 10pm or earlier on weekends and 8pm on weekdays. Placement of noise producing equipment should be placed as far from any residence as possible. Garbage pick up should be at the curbor another location that is not requiring garbage trucks to drive through the facility and next to neighboring fences.

S-2

Sincerely,

Philip Nguyen

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

October 6, 2022

Via email (cort.hitchens@sanjoseca.gov)

Cort Hitchens
Environmental Project Manager / Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113

**Re: Comment on Draft Environmental Impact Report
Wat Khmer Kampuchea Krom Temple Project
SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147**

Dear Mr. Hitchens:

Following are my comments regarding the Draft Environmental Impact Report (DEIR) for the Wat Khmer Kampuchea Krom Temple Project (SCH # 2021050524 / FILE NOS: SP20-024 & ER20-147).

The DEIR is deficient in many areas, including in its description of the project and the neighborhood. The assessment of substantial impacts, and mitigation and alternatives, are also deficient. Applicants are billionaires¹ and easily have access to and the ability to purchase another property to build to the visitor capacity they truly seek, which is at least 500 visitors at any one time, and room for growth.

T-1

The DEIR's deficiencies does not enable decision-makers to assess the proposed project's impacts. The City of San José should work with its consultant to address these deficiencies and release a revised draft environmental impact report for public comment prior to finalizing it.

Background

My family has lived at 3410 Pin Oak Court for over forty (40) years. My mother is in her nineties and disabled. She cannot relocate, and my family will be significantly impacted by the project as proposed. As shown in Figure 1 below, my family's home is directly north of the proposed 1.86-acre project at 2740 Ruby Avenue (Proposed Project or Site).

T-2

¹ See Town & Country, "Meet the Cryptocurrency Billionaire Who Might be Worth More than the Google Founders," Jan. 5, 2018, <https://www.townandcountrymag.com/society/money-and-power/a14760286/chris-larsen-net-worth/>.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147



Figure 1 – Adjacency of my family’s home to the Proposed Project and proposed sole point of access.

T-2

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 2720 Ruby Ave.² The Proposed Project currently has several points for vehicle entry / access from both Ruby and Norwood Avenues. My family’s home, and the Tran family’s home, would both be adjacent to the sole point of vehicular and delivery access the applicants are proposing. This point of entry will run the length of my family home’s southern boundary and the Tran family’s northern boundary.



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

² It bears repeating that the Proposed Project will surround the Tran family’s home on all sides because the Hexagon – Sabuy Temple Study, and the Draft Environmental Impact Report dated August 2022 (DEIR), which largely relies on the Hexagon – Sabuy Temple Study, have no or very limited discussion and analysis about the Proposed Project’s impacts / cumulative impacts on neighbors, including the Tran family and their home.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

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 bicycle lanes on Norwood Avenue. Figure 1 above shows the bicycle lane on the eastern side of Ruby Avenue.

T-3

Parking is not allowed on Ruby Avenue near the Proposed Project. The 2740 Ruby Avenue Buddhist Temple Local Transportation Analysis prepared for the Sabuy Temple – Khmer Buddhist Temple Foundation, dated June 22, 2022 (Hexagon - Sabuy Temple Study) incorrectly states that parking is allowed on Ruby Avenue.³ This is not the case. Parking on Ruby Avenue is not permitted between Tully Avenue and Quimby Road, which means that on-street parking on Ruby Avenue is not an option within one-half mile or more of the Proposed Project. Pin Oak and Sweetleaf Courts are the nearest courts to the Proposed Project. On Pin Oak Court, we have only six on-street parking spaces for seven single-family homes that have multi-generational households. Parking in our court is constantly in use, and, again, parking on Ruby Avenue is not an option for my family. Although the Proposed 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.

T-4

The neighborhood is not well served by public transportation, with the nearest bus stop more than .5 miles away. Our neighborhood is not near rapid transit nor a rail line, and we are not in or near an Urban Village.

T-5

The Norwood/Ruby intersection is a busy one, and, unfortunately, these avenues are a source of speeding and collisions. The Hexagon- Sabuy Temple Study provides no background about speeding and collisions or related complaints made to the City’s Department of Transportation about this intersection. Instead, the Hexagon- Sabuy Temple Study focuses on traffic volume. It relies on the Proposed Project’s most current estimate of the number of visitors they expect. Unfortunately, this study does not factor in the applicants’ previous estimates for visitors’ visits, which, in many instances, were higher per activity. Most notably, the applicants previously included events that exceeded 500 visitors at one time.⁴ The Hexagon – Sabuy Temple Study also excludes planned or likely future sources of development that will increase travel along Ruby Avenue. This includes additional development at the Evergreen Islamic Center and the

T-6

³ Hexagon – Sabuy Temple Study, p. 12.

⁴ The City’s Preliminary Review (PRE18-190) of applicants’ preliminary application dated November 5, 2018, at page 5, identifies that some special events will include 500 community members and guests plus 8 monks. Applicants have not stated that these special events will occur at another location, and so these events will take place at the Site.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

Sikh Gurdwara Sahib – San Jose⁵; growing demand for and access to Evergreen Village Square on Ruby Avenue, which is south of the Proposed Project and Aborn Road; and the likely future development of the 114-acre former Pleasant Hills Golf Course.⁶ These and other foreseeable sources will create more traffic on Ruby Avenue; and the fact that Murillo Road does not continuously connect from Aborn Road to Tully Road, means that traffic along both Ruby and Norwood Avenues has the potential to substantially increase. None of these sources are discussed or factored into traffic levels in the Hexagon – Sabuy Temple Study.

T-6

Like the neighborhood, the Site has a General Plan designation of Residential Neighborhood and is zoned R1-R5. Residential Neighborhoods are generally low-growth areas.⁷ Religious assemblies are allowed on R1-R5 zoned sites with a Conditional Use Permit.⁸ The Proposed Project seeks a zoning change from R1-R5 to Public/Quasi-Public and a Special Use Permit. This designation is categorized alongside commercial zoning districts in the City’s zoning code.⁹ The Public/Quasi-Public (PQP) designation allows a variety of uses, including public land uses, like schools and colleges, libraries, and convention centers.¹⁰ The PQP designation is also used for private uses, like schools, daycare centers, and hospitals.¹¹ Private community gathering facilities, including those used for religious assembly, are discretionary and *may* be considered.¹² Supporting and incidental uses to the primary PQP use, like offices, retail, public eating and/or drinking establishments, may be allowed.

T-7

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.¹³ No maximum individual occupant square footage is stated, and parking regulations are defined in a different section of the City’s zoning code.¹⁴

If approved, the Proposed Project would add about 14,000 s.f. of buildings, of which 5,710 s.f. would be for assembly - 3,741 s.f. in the Community Building and 1,969 s.f. in the Temple.¹⁵ These figures exclude basement areas, which may someday be used as gathering spaces. The Proposed Project’s Temple, including its spires, would nearly reach the PQP height limit of 65

T-8

⁵ The Sikh Gurdwara Sahib – San Jose is on an avenue that becomes Murillo Avenue, but Murillo is incomplete, and, therefore, many travelers wishing to reach Tully Avenue to reach other major roads and highways will travel west on Norwood and north on Ruby Avenues, passing the Proposed Project.

⁶ San José Spotlight, “Closed San Jose Golf Course Could Become Housing,” September 6, 2022.

⁷ Envision San José 2040 General Plan, Low Growth Areas, Chapter 5, p. 4.

⁸ San José Municipal Code, section 20.30.100.

⁹ San José Municipal Code, section 20.40.010.

¹⁰ Envision San José 2040 General Plan, Interconnected City, p. 5-12.

¹¹ Id.

¹² San José Municipal Code, section 20.40.100, emphasis added.

¹³ San José Municipal Code, section 20.40.200.

¹⁴ Id.

¹⁵ This total in assembly square footage was reduced by 661 s.f., which, more recently, the Proposed Project identified as non-assembly space.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

feet. The Proposed Project would also contain three courtyards. According to applicants' drawings, the setbacks proposed are 10 feet to all adjacent homes.¹⁶

T-8

The Proposed Project also proposes to cut the Site's current various points of access, from both frontages, down to one for all visitors and deliveries.¹⁷ This sole point of access would be off Ruby Avenue and would run along my family home's southern border and the northern border of the Tran family home at 2720 Ruby Avenue.¹⁸ The Proposed Project's loading/unloading zone for all visitors, and likely for all deliveries, appears to be within about 15 feet of and directly behind the Tran family home.¹⁹ Per the plan sets the applicants have made available to community members, no off-site improvements, for traffic safety and traffic flow (i.e., a roundabout or narrowed traffic lanes, an extended turning lane on Ruby Ave, and crosswalks at this intersection), have been proposed by applicants.²⁰ These plans specifically state that "off-site improvements for reference only – not on current proposed scope of work."²¹ However, the Hexagon – Sabuy Temple Study prepared an analysis for a roundabout and no other traffic improvements (e.g., improvements that narrow or add a crosswalk to Ruby and/or Norwood Avenues).²² It found that the addition of a roundabout at this intersection was feasible.²³

T-9

The Hexagon – Sabuy Temple Study is Deficient, which Contributed to the Draft Environmental Impact Report (DEIR) being Deficient

The Draft Environmental Impact Report (SCH# 2021050524), prepared by the City of San José in consultation with David J. Powers and Associates, Inc., dated August 2022 (DEIR) relies on analysis in the Hexagon - Sabuy Temple Study. Unfortunately, the Hexagon – Sabuy Temple Study is deficient on several fronts, leading the DEIR to also be deficient and fail to assess substantial impacts and propose mitigation measures and alternatives.

T-10

- 1. The Hexagon – Sabuy Temple Study underestimates the number of visitors to the site and, thus, makes unreasonable conclusions about neighborhood impacts, which are carried over into the DEIR.** The Hexagon - Sabuy Temple Study assumes that the maximum number of visitors to the site *in a day* will be 300.²⁴ But applicants' original application identified that some events would attract 500²⁵ visitors. This figure likely

¹⁶ Though the applicants' Project Data Sheet, Sheet No. 0, dated July 7, 2022, indicates much larger setbacks, the setbacks to uses at the site, which will generate noise at the site, like in the parking areas, are all 10 feet.

¹⁷ Id.

¹⁸ Applicants' Architectural Site Plan (SUP), Sheet Number S1.1, February 9, 2022.

¹⁹ Id.

²⁰ Applicants' Civil Improvement Plans, Overall Site Plan, Sheet C-2.0, July 1, 2020.

²¹ Id.

²² Hexagon – Sabuy Temple Study, p. 20.

²³ Id.

²⁴ Hexagon – Sabuy Temple Study, p. 5.

²⁵ See Note 3 above.

excludes the eight permanent residents of the site, maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff that the applicants expect will support events.²⁶

Further, applicants' originally proposed maximum of 500 visitors is likely the number of visitors at any one time, and it is more accurate than their current representation of 300 visitors, given that, recently, they identified that the Temple's local congregation is as large as 6,000²⁷ and that its current plans meet their "minimum needs."²⁸

Religious assemblies are not like other commercial or residential developments – one cannot simply reduce building square footage and reasonably believe that this will result in fewer people seeking to access the site. The Proposed Project will be of regional, and perhaps international, significance, given that a considerable number of congregants who attended a prior community meeting identified that they reside in Oakland and San Francisco.²⁹

Applicants' many statements – through their application, plans, and media and the varied and distant locations of its congregation - make clear that visitors of the Proposed Project will reach or exceed 500 at one time. It is, therefore, necessary to include analysis of impacts, both in the Hexagon – Sabuy Temple Study and the DEIR, at this substantially higher visitor level. However, the Hexagon – Sabuy Temple Study provides no such description of or analysis for this larger number of visitors, and neither does the DEIR. On this basis, both studies are deficient.

- 2. The Hexagon – Sabuy Temple Study assumes, without adequate analysis, that the parking requirement for the Proposed Project will be 100 spaces.** The Hexagon – Sabuy Temple Study does not appear to have followed, or at least articulated how it has followed, the City's Municipal Code to determine the number of parking spaces required by all uses at the site.³⁰ The Municipal Code provides that the number of required off-street parking is the sum of the total required for the various individual uses on a site.³¹

²⁶ The applicants have made clear, on several occasions, including in their March 26, 2021, Application Statement, that their visitor limit excludes the eight permanent residents living on site, maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff. (Applicants' Statement, March 26, 2021, p. 14).

²⁷ Northern California activist builds a Temple for San Jose Cambodian population, Ken Kurson, California Globe September 28, 2022.

²⁸ Applicants' proposed plan's size and square footage were designed to meet their "minimum needs." (Application Statement, March 26, 2021, p. 1.)

²⁹ Proposed Project, Community Meeting 2, June 2, 2021.

³⁰ Municipal Code section 20.90.060.

³¹ Id.

T-10

T-11

Uses that may generate their own parking requirement include offices, commercial support, commercial kitchens, schools, private club or lodge, community centers, and outdoor recreational areas. A reduction in this requirement may be allowed under the City's zoning code for alternating uses and exceptions.

However, analysis under the Municipal Code by this consultant in arriving at the number of spaces it has determined are adequate to support the Site is unclear, and it's unclear whether they followed the Municipal Code requirement. This study appears to jump from parking requirements calculated based solely on a portion of the Temple's square footage to then, confusingly, asks the public to, "Note that the City's vehicle parking requirement of 66 spaces is based on the square footage of the Temple's assembly and circulation space. The requirement does not consider the actual number of Temple visitors and does not account for any particular vehicle occupancy rate."³² Despite this, this study then goes on to say that 100 parking spaces is what will be needed to meet parking demand at the Site. This analysis is deficient, and thus leads the DEIR to be deficient.

T-11

- 3. Without any analysis, the Hexagon – Sabuy Temple Study *assumes* that applicants' proposal to allow vehicles to park perpendicularly to others and block 60% of stall parking in the Proposed Project's off-site parking lot, including parking that is reserved for visitors with disabilities, is authorized under the City's Municipal Code. This lack of analysis about whether such a parking scheme is authorized, or could create health and safety issues under some scenarios, carries over to the DEIR, making both studies deficient.** The Proposed Project includes 15 permanent "valet" off-street parking spaces. In reality, these spaces would park perpendicular to and block 60% of vehicles parked in stalls, including vehicles in spaces permanently designated for persons with disabilities.³³ No daily parking management plan is described in the Hexagon – Sabuy Temple Study.³⁴ At most, the Hexagon – Sabuy Temple Study mentions that there 15 "valet" spaces would be used by nine valet staff who would manage these spaces when there were events that required off-site parking and that reached up to 250 visitors.³⁵

T-12

³² Hexagon – Sabuy Temple Study, p. iv.

³³ Applicants' Parking Count Diagram, Sheet G3.0, Dated July 11, 2022.

³⁴ Sixty-six of the 67 proposed off-site spaces would be for visitors. If these 6 spaces were all in use, according to Hexagon – Sabuy Temple Study estimates, at least 198 visitors would be on site. The Hexagon – Sabuy Study does not articulate how someone blocked in by a perpendicularly-parked car would be able to leave the parking lot. Would visitors who need to leave the Site honk, disturbing neighbors, to alert other visitors to move their cars? Would there be an announcement through an exterior loud speaker, disturbing neighbors? Would, over time, more than 15 cars perpendicularly park on site, blocking fire lanes? The Hexagon – Sabuy Temple Study does not discuss or assess this issue or a related management plan. Instead, it assumes that this unregulated "valet" parking would somehow work.

³⁵ Hexagon – Sabuy Temple Study, p. 30

No other analysis is provided in the Hexagon – Sabuy Temple Study, and for events under 190 visitors, these “valets spaces” would be unregulated. Further, no discussion about the likely possibility that more vehicles will park perpendicularly than 15, and that these would block fire safety access routes, is provided.

The Municipal Code does not authorize perpendicular parking or “valet spaces” in off-site locations. The Municipal Code mentions off-street parking, and tandem parking stalls under certain circumstances, but it does not authorize unmanaged perpendicular parking.³⁶ The Hexagon – Sabuy Temple Study does not include any analysis about whether off-street cars parked in a perpendicular configuration would comply with the City’s Municipal Code or be safe. Since this was not analyzed in the Hexagon – Sabuy Temple Study, this issue was not analyzed in the DEIR, leading both studies to be deficient.

T-12

- 4. The Hexagon – Sabuy Temple Study assumes, without adequate analysis, that applicant’s proposal for reduced off-street parking complies with the City’s requirements, including those regulating Transportation Demand Management Plans. This lack of analysis carries over to the DEIR, making both studies deficient.** In a conclusory way, the Hexagon – Sabuy Temple Study estimates that applicants will need to provide 100 parking spaces for up to 300 visitors.³⁷ It is unclear if the Hexagon – Sabuy Temple Study’s assessment of this quantity of parking for the Proposed Project complies with the City’s Municipal Code.³⁸

The Hexagon – Sabuy Temple Study assumes that applicants will be authorized to have 15 “valet,” or perpendicular spaces, and another 52 parking stalls, totaling 67 spaces, of off-site parking at the Proposed Project.³⁹ Also in a conclusory way, the Hexagon – Sabuy Temple Study specifies that 37 off-site parking spaces will be required and at another location and that this reduction in off-street parking at the Proposed Project is authorized under Municipal Code section 20.90.220.⁴⁰ Based on this study’s analysis that the Proposed Project will require 100 off-street parking spaces, and that 37 will need to be contained at another off-site location, applicants will need to meet a minimum of 37% of its total off-street parking requirement at another off-street location.

T-13

³⁶ San Jose Municipal Code, 20.90.200.

³⁷ Hexagon – Sabuy Temple Study, p. 30.

³⁸ See issue, or item, 3 above.

³⁹ Id.

⁴⁰ Id.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

The Planning Director, or on appeal to the Planning Commission, has discretion to authorize a project to meet its off-street parking requirements at another off-street location. But the Director or Commission must make certain findings before authorizing this.⁴¹ Thirty-seven percent (37%) off-street parking at an off-site location is significant, and it would require applicants to have a Transportation Demand Management Plan (TDMP) that was approved by the Planning Director. This TDMP should reduce vehicle trips and vehicle miles traveled.⁴² The TDMP's off-site parking must be reasonably convenient and accessible to the buildings or uses to be served. Before granting a TDMP, the decision-maker must first find that applicants 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.⁴³

Applicants' TDMP increases, it does not decrease, vehicle trips and vehicle miles traveled to the Proposed Project. The Hexagon – Sabuy Temple Study identifies that at least nine valets and a shuttle would operate during events of up to 250 visitors.⁴⁴ This means that instead of each visitor trip creating two trips to the Proposed Project, the use of valets, plus visitors' trips, would result in six trips per visitor vehicle.⁴⁵

Further, the Hexagon – Sabuy Temple Study does not call the Proposed Project's off-site parking location convenient or accessible, since it would be at least half a mile away from alternate off-street locations or public transit stops. It does not envision that visitors will be walking to and from the off-street parking location nor taking public transportation, which is also at least one-half mile away.

The Hexagon – Sabuy Temple Study does not mention nor analyze how applicants will satisfy its off-site parking requirement, which must be met at the Proposed Project because no off-site alternative parking locations within a reasonable walking distance of the Proposed Project exist. This is a significant issue, with significant environmental

⁴¹ Municipal Code section 20.90.200

⁴² Envision San José 2040 General Plan, Goal TR-7

⁴³ Id.

⁴⁴ Hexagon – Sabuy Temple Study, p. 30.

⁴⁵ Each visitor's two trips (one on and off the Site) combined with each 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, and no valet was used, the applicants' proposed TDMP would have visitors shuttled on- and off-site from or to the off-site parking lot. Applicants' proposal to use a shuttle for events for more than 250 visitors would likely generate fewer trips per visitor than their proposed use of a valet for events up to 250 visitors.

consequences, and it was not analyzed in either the Hexagon – Sabuy Temple Study nor the DEIR. Therefore, both studies are deficient.

T-13

5. The Hexagon - Sabuy Temple Study unrealistically anticipates that all visitors will know about and access a TDMP or be denied entry to the Site. This unrealistic assumption carries over to the DEIR. The Hexagon – Sabuy Temple Study assumes that all visitors attending religious events of 190 people or more will follow a predetermined TDMP. This is unrealistic. The Temple will be unique and a regional, if not international, attraction for visitors. Not all visitors have access to or will use technology, and not all visitors will be routinely associated with the Temple. Some visitors from out of town may wish to visit on a day of religious significance. Comparing a regional place of worship to other commercial uses, which can simply turn visitors away because, for example, they did not preplan their visit, get on a shuttle, and get tickets to access a place of worship, is unrealistic. This unrealistic assumption carries over to the DEIR, making both studies deficient.

T-14

6. The Hexagon - Sabuy Temple Study fails to include any realistic analysis about the impacts on neighbors (e.g., noise, emissions, etc.) relating to the parking lot, generally; the use of valet parking and operation of shuttles, specifically; and loading and unloading areas, which will be within 15 feet of the Tran family home. This oversight and deficiency carry over to the DEIR. The Hexagon – Sabuy Temple Study estimates that, for large events of up to 250 visitors, 9 valets and a continuously running shuttle will be needed to take and bring visitors from the off-site parking location, which would be one half mile away from the Proposed Project.⁴⁶ For events with visitors between 251 and 300 visitors, the Hexagon – Sabuy Temple Study suggest that visitors would need to be shuttled to and from the off-site parking area.⁴⁷

T-15

Visitors and valets traveling to and from the off-site parking lot would wait for the shuttle, which will be about 15 feet of the Tran family home. Despite the Hexagon – Sabuy Temple Study noting that these trips on/off site and operation of a shuttle would be constant during events, no impacts from noise or emissions from idling vehicles or shuttles, or noise from valets and visitors, seem to require any discussion or mitigation. No discussion of impacts or mitigation measures related to loading and unloading by commercial vehicles to maintain the Proposed Project and support on-site activities are described, despite the fact that all loading and unloading would occur within 15 feet of the Tran family home.⁴⁸ The fact that this currently configured pick up and drop off –

⁴⁶ Hexagon – Sabuy Temple Study, p. 30.

⁴⁷ Id.

⁴⁸ As currently configured, the visitor and loading and unloading zone, being within 15 feet of the Tran home, may not comply with the Municipal Code. The Municipal Code requires that applicants' off-street loading space not be closer than 50 feet to land in a residential district. Alternatively, it may be wholly within a completely enclosed building or enclosed on all sides by a wall not less than eight feet in height. (Municipal Code, section 20.90.440).

whether for visitors or commercial deliveries in support of Temple events – may not comply with City requirements does not factor into the Hexagon – Sabuy Temple Study or DEIR.⁴⁹ These impacts would be substantial and must be analyzed and mitigated in the DEIR.

T-15

- 7. The Hexagon – Sabuy Temple Study underestimates off-street parking needs for support staff and provides no analysis about requirements concerning, or compliance with, the City’s Municipal Code relating to freight loading and unloading space at the Proposed Project. This oversight carries over to the DEIR, making both studies deficient.** The Hexagon – Sabuy Temple Study assumes that for events of up to 300 people, only four on-site parking spaces for support staff will be needed.⁵⁰ This is wholly deficient. Applicants, themselves, has identified that they will need far more support staff for some events. Support staff identified by applicants include maintenance or janitorial staff, security personnel, cleaning crews, and other types of event staff.

T-16

This study makes no mention of, nor describes where, commercial vehicles will station or park while serving the Proposed Project and events. Without noting this an issue for analysis or consideration in the DEIR, the Hexagon-Sabuy Temple Study simply states that “No freight loading areas are shown on the site plan. However, the project has indicated that some delivery and service vehicles would utilize the passenger loading zone within the surface parking lot.”⁵¹

The Municipal Code requires that applicants’ off-street loading space not be closer than 50 feet to land in a residential district or, alternatively, for example, enclosed on all sides by an eight-foot fence.⁵² Applicants appear to propose that all loading and unloading will occur within fifteen feet of the Tran family home. The Hexagon – Sabuy Temple Study fails to identify how this loading and unloading scheme complies, or does not comply, with the City’s Municipal Code. This oversight carries over to the DEIR, making both studies deficient.

- 8. The Hexagon – Sabuy Temple Study’s underestimates the Proposed Project’s impacts on public streets, including stacking on public streets immediately adjacent to the Site. This assumption carries over to the DEIR, making both studies deficient.** At most, the Proposed Project would provide space for up to 4 cars to stack in its off-street parking lot.⁵³ No public street improvements are proposed. This is not reasonable nor adequate.

T-17

⁵⁰ Hexagon – Sabuy Temple Study, p. 30.

⁵¹ Id. at p. 23.

⁵² San José Municipal Code, section 20.90.440

⁵³ Hexagon – Sabuy Temple Study, p. 21, identifies that the Proposed Project will provide a total of 90 feet that could potentially be available for queueing. Each queueing car would require 20 feet. Therefore, only 4 cars would have the ability to stack off-site.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

As noted above, more than 300 visitors will visit the site, either in a day or at one time. The applicants previously identified that as many as 500 visitors will visit the Site for some events, and this figure is likely the number of visitors at any one time. Further, it is unrealistic to assume complete compliance with a visitor reservation system and off-site parking requirements.

The Temple will generate regional, if not international, visits, and not everyone will know or have the ability to comply with a reservation system. The closest public transit stop is at least one-half mile away, which is not convenient for visitors and will not be used to reduce trips to the Site. Based on visitors per day that will far exceed 300; that not all visitors, including those from the region and beyond, will have the ability to pre-plan their travel and use a reservation system; and that mass transit is an unrealistic option means that cars will stack on the public streets near the Proposed Project, causing substantial impacts and hazards. These include impeding residents on Pin Oak Court, the Tran family on Ruby Ave, and neighborhood residents, generally, from safely accessing and using public streets adjacent to the Proposed Project. On these bases, the Hexagon – Sabuy Temple Study and DEIR are deficient and require analysis and proposed alternatives to and/or mitigation of these issues.

Viable alternative development scenarios in the DEIR should include development at another site, where applicants can realize their goal of hosting 500 visitors at one time and growth of their development, and, alternatively, development under the existing R1-R5 zoning and General Plan (e.g., deeper setbacks than what PQP zoning requires and other related development standards); maintenance and improvement of at least two points of access, to enable more cars to stack off-site; no perpendicular or “valet” parking, which is not allowed under the Municipal Code to minimize environmental impacts, including noise and pollution from emissions, on neighbors and improve roadway and Proposed Project access safety; and reducing hours of operation, like other surrounding houses of worship have, from 8 am to 9 pm, to reduce related impacts .

The DEIR relies on the Hexagon- Sabuy Temple Study. Because this study fails to identify the preceding issues with environmental impacts, these issues were not evaluated in the DEIR. This causes the DEIR to be deficient in terms the Proposed Project’s description, discussion, and analysis of alternatives and mitigation of issues that are significant, including lack of compliance with City plans and regulations. Based on this, the DEIR is deficient and does not to enable decision-makers to assess the Proposed Project’s true impacts. The City of San José should work with its consultant to address these deficiencies and release a revised environmental report for public comment prior to finalizing it.

T-17

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

Other Deficiencies of the DEIR

In addition to the deficiencies of the DEIR discussed above, following are additional issues that must be discussed, analyzed and mitigated in a revised DEIR.

9. The Proposed Project description is incomplete. The DEIR’s project description is deficient and does not enable decision makers to assess the Proposed Project’s impacts. A more complete description of the Proposed Project, **including but not limited to its parking areas, with images of the proposed parking entrance, which do not exist in the DEIR;** buildings, including building surfaces, building lighting, spires, wall construction and height; proposed commercial appliances; noise analyses of valet, visitor, and visitor and commercial delivery vehicles; and whether plans, including parking plans, currently comply or fail to comply with the City’s plans, Municipal Code, and regulations, is required. A complete description of the Proposed Project will require additional analysis of the Proposed Project’s environmental impacts and related mitigations and alternatives.

T-18

10. Future, foreseeable, plans are not discussed. Applicants’ statements and plans make clear that the number of visitors to the Proposed Project at any one time will be far greater – to 500 or beyond at a time– than the 300 total, in a day, that the Hexagon – Sabuy Temple Study and the DEIR have stated. It is completely foreseeable that this substantially higher visitor number will have substantial environmental impacts that must be analyzed and addressed through the environmental impact report.

T-19

11. Land Use Planning and consistency with the City’s plans, regulations and Municipal Code is not adequately discussed or analyzed. The Proposed Project will cause significant environmental impacts due to its conflicts with land use plans, policies, and regulations adopted that were instituted to prevent these impacts. The Proposed Project does not appear consistent with the City’s plans, Municipal Code, and regulations as noted in this comment letter. These inconsistencies should be analyzed, and mitigations and alternatives explored, in the revised DEIR.

T-20

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.⁵⁴ In non-growth areas, the design of new development and subdivisions should reflect the character of predominant existing development and be reflected through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.⁵⁵ Further, commercial uses on small existing

⁵⁴ Envision San José 2040 General Plan, Goal LU-11 and Strategies LU – 11.2 and 11.3.

⁵⁵ Id., Goal CD-4.4.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

residential streets must clearly demonstrate that they can integrate with the existing residential neighborhood without creating adverse impacts.⁵⁶ The General Plan encourages separation of developments with unique character of density, lot size and shape and existing neighborhoods, again emphasizing the City's drive for compatibility between neighboring uses.⁵⁷

The Proposed Project is in a Residential Neighborhood per the City's General Plan designation. Therefore, the City's General Plan appears to identify the neighborhood as an area not planned for growth. With this in mind, the General Plan guides community members to understand that new development should reflect the character of predominant existing development in our neighborhood and be reflected through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

Though they are not precluded from the Residential Neighborhood land use designation, San José Planning staff have previously advised applicants that Private Community Gathering Facilities are encouraged under the General Plan PQP land use designation.⁵⁸ (A General Plan PQP land use designation is apparently distinguished from a zoning PQP.) 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.⁵⁹

Several elements of the Proposed Project cause it to be incompatible with neighboring uses. The Proposed Project should reflect the character of predominant existing development. This should include the predominant existing character of building height, building scale, siting/setbacks, and building orientation. Exceeding the predominant building height, including through spires that will nearly reach 65 feet under PQP zoning, is not compatible development by the terms of the City's own General Plan.

The applicants' proposal to rezone the Site to PQP to utilize 10-foot setbacks also makes the proposed project incompatible with surrounding uses. The R1-R5 zoning in the neighborhood requires wider setbacks. Ten-foot setbacks are unrealistic for the Proposed Project, which will be surrounded by single-family homes and will surround the Tran family home. Impacts discussed in this comment letter include the number of visitors to the site for large-scale events, which, foreseeably, will exceed 500 visitors at a time and possibly thousands of visitors in a day; will create noise that exceeds allowable noise limits. Additionally, the applicants have not proposed to self-limit the number of large-scale events they will host per year. Further, the inadequate parking plan, which

⁵⁶ Id., Strategy LU – 11.4.

⁵⁷ General Plan, Strategy LU – 11.7.

⁵⁸ Michelle Flores' letter to Andrew Mann, March 16, 2020, p. 2.

⁵⁹ Id.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

envisions continuous use of valets and shuttles, will generate significant environmental impacts.

Further, 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), on March 16, 2020, Planning staff recommended that applicants consider setbacks that were even wider than what R1-R5 zoning requires.⁶⁰

Applicants' Proposed Project does not align with Planning staff's March 16, 2020 recommendations. Applicants' proposed setbacks, for example, are too narrow for the impacts that will be generated. 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 use decreased setbacks but also incorporate all of their required off-street parking, promote street safety through the provision of on-site (off-street) vehicle stacking at their sites, and design and locate their assembly buildings so that they reduce impacts, like noise, on neighbors. Applicants' Proposed Project does not achieve these important elements. For example, the applicants propose to utilize narrower setbacks to 10-feet, at about 50% less than what is found in the neighborhood; substantially reduce their off-street parking requirement; incorporate double parking, which would block 60% of parking stalls; cut down their access points from several to one, which would promote vehicle stacking on surrounding streets; and incorporate relatively large spaces in buildings and exterior locations for assembly in their plans.

The Proposed Project is at least 20 feet taller than the religious assemblies (Grace Church and Evergreen Valley United Methodist Church) that applicants 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 applicants' building heights should be more consistent with the building heights of neighboring uses and other religious assemblies in the neighborhood.

Like other religious assemblies in the neighborhood and greater Evergreen neighborhood have done, the applicants must strike a better balance between building square footage and off-street parking on the Site to achieve compatibility with surrounding uses. As applicants are not seeking to incorporate all of their impacts and needs on-site, they can and should be required to increase their setbacks as Planning staff previously suggested in their March 16, 2020 letter to the applicants.

The DEIR's analysis of these impacts, and compliance with the City's plans, regulations and Municipal Code and alternatives and mitigation measures are not adequately

⁶⁰ Michelle Flores' letter to Andrew Mann, March 16, 2020, p. 3.

discussed or analyzed. The Proposed Project does not appear consistent with the City’s plans, Municipal Code, and regulations as noted in this document. These inconsistencies should be analyzed, and mitigations and alternatives discussed, in a revised DEIR.

T-20

12. Impaired implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan is not examined, despite that Proposed Project elements may create this outcome. Applicants’ off-street “valet” spaces are proposed as permanent spaces that will count towards their off-street parking requirement. These 15 “valet” spaces, which will block 60% of parking stalls, including all parking stalls for visitors with disabilities, will be in use on a daily basis. No operating plan for daily use is provided. Is the assumption that no one will need to leave early from an event or the Site? With the Proposed Project’s 66 spaces in use, by the Hexagon – Sabuy Temple Study’s own estimates, nearly 200 people will be on site. How will visitors coordinate if they need to leave? Will they honk, disturbing neighbors? What is the proposed system that will prevent this or other negative impacts?

Further, no plan is provided that describes how the Proposed Project will prevent visitors from creating additional “valet” spaces, which will block fire lanes and pose a threat to visitors and surrounding residents. The Hexagon -Sabuy Temple Study, and thus the DEIR, provides no analysis of whether these proposed “valet” spaces comply with the City’s plans, Municipal Code, or regulations. It provides no examples of where this parking configuration exists and has successfully been in use in other suburban residential locations in San José. It, therefore, assumes that this parking configuration, which is not authorized by the City’s Municipal Code, will work. Neighbors do not want to be guinea pigs to see if unregulated “valet” parking is workable.

T-21

This issue must be analyzed. Alternatives should be explored, including: developing the Proposed Project at an alternative site; requiring that all off-street parking be in parking stalls; increasing the number of parking stalls on site; requiring that if the total number of parking stalls is 52, and one stall is dedicated for those who live on-site, that all remaining parking stalls that serve events be at an off-site parking location.

13. Air quality impacts from idling vehicles, including through operations of the Proposed Project, are not examined. The DEIR should describe and analyze and suggest mitigation and alternatives relating to air quality both during construction as well as during operation. Neighbors, who are sensitive to pollutants, will be exposed during construction and operation of the Proposed Project.

Like during construction, neighbors will potentially be exposed to pollutants during use of the site’s commercial kitchen, particularly through use of a number of natural gas appliances that support large-scale events. Although applicants call the 500-plus square foot kitchen a “finishing” kitchen, its operations, frequency of use, types of appliances

T-22

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

are not defined in plans. The site expects to have large-scale events of 300 visitors at one time on the site, but, as I discussed above, this figure may actually be substantially higher, reaching up to 500 visitors at any one time. The DEIR appears to assume that 300 site visitors will be the maximum in a day. But it is possible that large-scale events will attract thousands of people in a day, given that congregants number 6,000 and applicants originally planned to host over 500 people at any given time on the site.

A related operational issue is that large-scale events that attract thousands of people in a day could also lead to hundreds of idling vehicles – including from nine valets and idling shuttles - on site.⁶¹ The Hexagon – Sabuy Temple Study, and without any analysis of impacts on neighbors, envisions that these valets and shuttles will engage in pick-ups and drop-offs every five minutes, or more frequently if necessary, creating pollution hot spots. The impacts from commercial and/or diesel-fueled vehicles to support the Proposed Project and events are not discussed. Further, applicants have not self-imposed any limit on the number of large-scale events they will hold in a year, and so these large-scale events may occur several times a week, leading to potentially substantial exposure to pollution for neighbors from parking operations. Though we on Pin Oak and Sweetleaf Courts will be substantially impacted, the Tran family will be even more impacted, since the sole pick up and drop off site designated will be within fifteen feet of their home.

The DEIR has failed to analyze impacts that will be generated by the Proposed Project’s commercial kitchen and valet and shuttle parking plan. Both of these sources have the potential to have significant impacts on neighbors. Mitigation and alternatives should include:

- a. Proposed Project development alternatives analyses:
 - i. No project at site and development of Proposed Project at another site that can accommodate 500-plus visitors at one time and related traffic and access.
 - ii. Development of at the Site under R1-R5 requirements, including setbacks to limit neighbors’ exposure to pollutants; inclusion of at least two points of access for vehicular traffic to the Proposed Project, to prevent stacking on public streets; calculation of parking using the Municipal Code, as required, to provide adequate parking for all uses on site; elimination of “valet” parking spaces and use of stall parking only, since this is not a

⁶¹ Each visitor, who would typically generate two trips (one on / one off site), through a valet would actually generate six trips (one trip by visitor on/off the site and two trips each to drop off and pick up visitors’ vehicle). Not only would this proposed valet system generate idling cars but more pollution by tripling the number of trips each visitor would typically create through a visit to the site. This plan is not aligned with the City’s policies on reducing trips and greenhouse gases.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

workable transportation demand management plan and subjects neighbors to excessive noise and pollution from idling vehicles; elimination of use of valets, since each visitor's two trips triples to six trips, increases pollution and impacts on neighbors; requiring all parking off-site be in parking stalls and, instead requiring that access to all parking at off-site parking areas be solely by shuttle, since this will create fewer noise and pollution impacts on neighbors; limiting the number of large-scale events, which require off-street parking at another site, to 10 per year; and reducing hours of operation, like other surrounding houses of worship have, from 8 am to 9 pm, to reduce related impacts.

T-22

b. Proposed Project construction alternatives analyses:

- i. Pollutant emissions from heavy-duty construction equipment, and exposure to potentially toxic fugitive dust particles from construction concerns me and my neighbors. Requiring that, during construction, vehicles solely enter and exit from Norwood Avenue instead of from Ruby Avenue between Pin Oak Court homes, including my family home at 3410 Pin Oak Court, and the Tran family home, at 2720 Ruby Avenue, would distance heavy duty equipment and related pollutants from the nearest neighbors. This should be analyzed and proposed to reduce impacts on neighbors.

14. Reduce greenhouse gas emissions. The DEIR should evaluate alternatives and mitigation measure for this project to reduce greenhouse gas emissions. The Proposed Project will be a regional, if not international, attraction. The Hexagon – Sabuy Temple Study suggests that the valet and shuttle system is viable, despite the fact that each valet trip will triple each visitor trip – from 2 to 6. This proposed transportation plan increases, and does not decrease, impacts on neighbors and greenhouse gas emissions.

T-23

The Proposed Project is not within one-quarter mile of public transit, and so public transit usage is not a viable option to this Site. Alternatives and mitigation to be evaluated is development of the Proposed Project at sites within one-quarter mile of public transit, for example, to reduce greenhouse gas emissions.

15. Realistic noise levels not analyzed. The DEIR must use realistic assumptions of the sources of noise at the Proposed Project. Activities will include events that will use the entire Site, like fundraising and weddings.⁶² Events will include exterior amplification.⁶³ The applicants, themselves, identify events that will include dancing and music and that will use the full site. The applicants have not self-imposed a limit for the number of

T-24

⁶² Hexagon – Sabuy Temple Study, Appendix A – Temple Activities Schedule.

⁶³ DEIR, p. 124.

large-scale annual events. The DEIR's limitation of sources of noise to people scattered around the Site, softly chanting, or having louder conversations in the parking lot, only, is unrealistic.⁶⁴ Further, it is unrealistic to assume that 300 people in a day will use the Site. As noted above, it is foreseeable that applicants will seek to increase the number of visitors to more than 500 at any one time, which means that for some events, thousands of visitors may access the site, and create excessive noise. The DEIR's noise analysis is unrealistic and inadequate. It must do a better job of analyzing applicants' present claims of maximum on-site visitor levels as well as foreseeable future visitor levels that may exceed 500 at any one time. In light of this, mitigation and alternatives to excessive noise should include: no exterior noise amplification, limiting the number of events of 300 visitors to a maximum of 10 per year, and reducing hours of operation to 8 am to 9 p.m.

T-24

16. Aesthetics. The DEIR's description, analysis and proposed mitigation and alternatives relating to illumination, glare, shading, and consistency or inconsistency with City plans, its Municipal Code, regulations and neighboring uses are deficient. The DEIR should include a description, analysis, and mitigation / alternatives for each of the following.

- a. Night Illumination.** The DEIR does not describe or analyze the impacts from the site's proposed artificial light sources, like from parking areas, decorative lighting on the Temple and other buildings that outline roofs⁶⁵, and signage, as well as from headlights, on neighbors and their properties. The applicants plan to operate from 4 am – 10 pm every day of the week.⁶⁶ They propose to include decorative lighting on their buildings, including outlining the rooflines of the Temple,⁶⁷ which is proposed to be at least 8 feet taller than neighboring homes.⁶⁸

T-25

Neighbors, like all humans, are light sensitive. We have an expectation of privacy and an expectation to be free from excessive lighting that falls onto our homes and that obstructs our views of downtown landmarks and the night sky. Though neighbors that surround the site will be impacted by the applicants' lighting plan, the Tran family at 2720 Ruby Avenue will be the most impacted. The Tran family's home is surrounded by the proposed project, and it faces Ruby Avenue. Every vehicle trip onto or off of the site that requires illumination from

⁶⁴ Id.

⁶⁵ Applicants' Site Lighting Plan, Sheet S.4.0, dated July 19, 2022, identifies considerable lighting on the Temple building. This lighting appears decorative.

⁶⁶ Hexagon – Sabuy Temple Study, Appendix A.

⁶⁷ Decorative lighting, like this, does not exist on neighboring homes or places of worship. It is unclear whether the Temple spire, which will nearly reach 65 feet, will include a light source. If it does, this source of light should also be analyzed.

⁶⁸ Applicants' West and South Exterior Elevation, Sheet A2.0, dated July 11, 2022.

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

headlights will fall onto their home and their windows. Any fence proposed by the Temple will not block out building or parking lot lighting. Lighting from these artificial light sources is significant, particularly for the Tran family, and as such must be analyzed in the DEIR.

Alternatives and mitigation to be explored should include: no project at this site and development at an alternative site,⁶⁹ development under the existing zoning of R1-R5 to, among other things, increase setbacks from neighboring uses to reduce impacts; elimination of decorative lighting on buildings that are not required for health or safety reasons; and a reduction in operating hours (e.g., opening time at 7 am and closing time to 9 pm) to minimize artificial lighting impacts on neighbors from artificial lighting sources on the site and from headlights.

- b. **Glare.** The DEIR does not describe or analyze potential sources of glare at the proposed site. Glare sources may exist from reflective building colors, building materials, artificial light from highly polished surfaces, and windows that would reflect sunlight. The proposed project's Temple would stand at least eight feet taller than surrounding buildings. The Temple's spire would stand nearly thirty feet taller than surrounding uses. As such, the DEIR should discuss, analyze, and proposed alternatives and mitigation measures.
- c. **Shading.** The DEIR does not describe or analyze potential shade on neighboring uses. The Proposed Project's buildings and spire will exceed a height of 35 feet, the maximum height of surrounding uses. Discussion of any shade studies, or the need for such a study, analysis, or proposed alternatives and mitigation measures should be included in the DEIR.

17. Cumulative impacts must be thoroughly analyzed and mitigated. The DEIR is deficient in its analysis of cumulative impacts and how these may be avoided through alternatives or mitigation. Most notably, cumulative impacts from operations on neighbors are not adequately discussed. More specifically, cumulative impacts on the Tran family, who would be completely surrounded by the Proposed Project, is given no weight. This is a glaring oversight. My family, and only second to the Tran family, will be impacted by continuous operation of the driveway during large-scale events, the number/amount of which is not limited. The Tran family will be further impacted by having the sole pick/up

⁶⁹ Applicants are billionaires (See Town & Country, "Meet the Cryptocurrency Billionaire Who Might be Worth More than the Google Founders," Jan. 5, 2018, <https://www.townandcountrymag.com/society/money-and-power/a14760286/chris-larsen-net-worth/>). Applicants own at least one other site at 66 Sunset Avenue in San Jose; they easily have access to and the ability to purchase another property to build to the visitor capacity they truly seek, which is at least 500 visitors at a time.

T-25

T-26

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

and drop off location within 15-feet of their home, which will likely be where all commercial deliveries will be made. Additionally, the Tran family will be impacted by the full use of the Site, which applicants acknowledged will occur. Despite the DEIR's attempt to say that noise in courtyards to scattered soft chanting, applicants have not publicly made this assertion. It is foreseeable that large groups will gather in the courtyard nearest the Tran family home. It is also foreseeable, based on applicants' own statements, that visitors to the site will exceed 500 at any one time. The DEIR must do a more throughout analysis of cumulative impacts, with more realistic noise levels, and include discussion about how to mitigate these impacts and alternatives to them.

T-26

Alternatives and mitigation analyses

Construction and operation of the Proposed Project will have substantial impacts on neighbors. Each of the preceding sixteen issues should be analyzed. In addition to the alternative and mitigation analyses included in each of the issues identified above, each issue should include the following:

1. More detailed description of Proposed Project and each issue raised above;
2. Analysis and discussion of each issue raised above;
3. Alternatives and mitigations of issues analyses for each issue raised above, that include the following:

- a. No project at this site and development at an alternative site; and
- b. Development of at the Site under R1-R5 requirements, including setbacks to limit neighbors' exposure to pollutants; inclusion of at least two points of access for vehicular traffic to the Proposed Project, to prevent stacking on public streets; calculation of parking using the Municipal Code, as required, to provide adequate parking for all uses on site; elimination of "valet" parking spaces and use of stall parking only, since this is not a workable transportation demand management plan and subjects neighbors to excessive noise and pollution from idling vehicles; elimination of use of valets, since each visitor's two trips triples to six trips, increases pollution and impacts on neighbors; requiring all parking off-site be in parking stalls and, instead requiring that access to all parking at off-site parking areas be solely by shuttle, since this will create fewer noise and pollution impacts on neighbors; and limiting the number of large-scale events, which require off-street parking at another site, to 10 per year.

T-27

R Castillo

Re: Comment on Draft Environmental Impact Report

Wat Khmer Kampuchea Krom Temple Project

SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147

The DEIR's deficiencies does not enable decision-makers to assess the proposed project's impacts. The City of San José should work with its consultant to address these deficiencies and release a revised draft environmental impact report for public comment prior to finalizing it.

T-27

Sincerely,

Reuben Castillo

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Friday, October 7, 2022 9:25 AM
To: 'R Castillo'
Subject: RE: Comment on Draft Environmental Impact Report

Hello,

Thank you for your comment letter. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: R Castillo <r23castillo49@gmail.com>
Sent: Thursday, October 6, 2022 8:58 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Comment on Draft Environmental Impact Report

[External Email]

Wat Khmer Kampuchea Krom Temple Project
SCH# 2021050524 / File Nos.: SP20-024 & ER20-147

Please confirm by email that you received this document. Thank you

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Friday, October 21, 2022 11:55 AM
To: Patrick Kallas
Cc: Akoni Danielsen; Garg, Tina
Subject: FW: Follow up to comment on DEIR for the Wat Khmer Kampuchea Krom Temple Project (SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147).

Hi Patrick,

The below comment on the Ruby Avenue project was received last night, about two weeks after the close of public circulation for this project. I have discussed with our team, and we have agreed to include the below comment into the RTC document.

Let me know if you have any questions. Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: R Castillo <r23castillo49@gmail.com>
Sent: Thursday, October 20, 2022 7:16 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: r23cadtillo49@gmail.com
Subject: Follow up to comment on DEIR for the Wat Khmer Kampuchea Krom Temple Project (SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147).

[External Email]

Dear Mr. Hitchens:

On October 6, 2022, I submitted a comment letter on the Draft Impact Environmental Report (DEIR) for the Wat Khmer Kampuchea Krom Temple Project (SCH# 2021050524 / FILE NOS: SP20-024 & ER20-147). A couple of things I commented about included an inadequate description of the project and the neighborhood and inadequate discussion about the Proposed Project's impacts on public streets, including stacking on public streets immediately adjacent to the proposed project at 2740 Ruby Avenue.

I recently learned that some of the streets in the neighborhood are undergoing changes, which will definitely impact the traffic levels, congestion, and safety on Ruby Avenue, near the proposed project and my family's home. These street changes include a reduction in the number of lanes – from two to one - in each direction on Ruby Avenue. This change has occurred between Ruby Avenue and White Road, and it may extend beyond this section of Quimby to others in the neighborhood. Based on this change, it is possible that other streets in our neighborhood may also undergo reductions.

T-28

This City roads project was not publicized so that neighbors like me – who live .5 miles away – would know about before this change in roadways before it occurred this weekend.

This reduction of lanes on Quimby Road will definitely mean more traffic and increased hazards on Ruby Avenue, near the proposed project and my family home. This is because drivers will try to avoid congestion on Quimby Road and instead access Tully Road, which runs parallel to Quimby Road and has two lanes in each direction. To access Tully Road, drivers will increase traffic trips and speed on Ruby Avenue near the proposed project and my family home.

Unfortunately, the DEIR does not appear to discuss these lane reductions or factor them into analyses in the DEIR. I have checked in with neighbors, and they did not have knowledge of these changes to neighborhood roadways. Because of this, my and neighbors' DEIR comment letters did not include requests that these roadway changes and related impacts be analyzed in the DEIR. **However, I ask that the City request that these roadway changes – in the proposed project / neighborhood description and at analyses regarding how these roadway changes will impact congestion, stacking on public streets, street safety and any related mitigation and/or alternatives that may reduce these impacts – be analyzed in the DEIR since City staff knew, or was in a superior position to know, about these roadway changes. Failure to include discussion and analysis of this issue would be a major oversight.**

T-28

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Wednesday, October 5, 2022 8:40 AM
To: 'Robert Reese'
Subject: RE: Comments on the EIR for SP20-024 & ER20-147 WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT

Hello Robert,

Thank you for your comments. They been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Robert Reese <reaserlest@yahoo.com>
Sent: Tuesday, October 4, 2022 9:38 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Comments on the EIR for SP20-024 & ER20-147 WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT

[External Email]

Hello Cory!

Please consider and respond to my comments on the EIR for SP20-024 & ER20-147 WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT

1 The first paragraph in the circulation states that the applicant proposed a rezoning to PQP and a Special Use Permit to the City for the development. and leaves out the information to the reader of the document that actually the applicant had filed a Conditional Use Permit as a discretionary use under the R-1-5 zone and it was the City that required the applicant to file for the rezoning to PQP and the Special Use Permit. The City felt that the proposed development under the Conditional Use Permit in the R-1-5 zone would not be recommendation for approval by the City in the R-1-5 zone and Residential Neighborhood General Plan Designation. Previously the City stated to a prior property owner requesting a re-zone to R-1-8 that no more intense zoning would be approved for the site based on the requirements of the Residential Neighborhood General Plan designation for the site that new use and buildings must closely conform to the neighborhood development pattern. U-1

2. The Traffic Analyses incorrectly state that 2 lane roads are 4 lane roads which results in inaccurate traffic analyses and in particular for the stacking of vehicles on Ruby and the resulting hazardous traffic conditions which the development will create. U-2

- 3. The noise levels of the proposed development exceed the noise levels permitted in the R-1-5zone/Residential Neighborhood General Plan. | U-3
- 4. The parking provided is inadequate as the full size of the development requires more parking for the building sizes than is provided in the development. The parking was not based on the size of the temple as required by the City parking regulations and rather was based on a reduced area of the temple based on a non-standard subjective concept. | U-4
- 5. The application states a maximum of 300 persons on site at any one time and the traffic analyses assume only some 200 persons. This results in a traffic analyses which does not accurately analyze impacts. | U-5
- 6. There is no alternative project analysis of the R-1-5 prior approval relative to the impacts of the development in the PQP. This had been requested of the City previously. | U-6

Thank you for your good help!

Robert Reese

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Monday, October 3, 2022 5:28 PM
To: 'Scott Bulloch'
Subject: RE: EIR feedback - SP20-024/ER20-147 SCH# 2021050524

Hello Scott,

Thank you for your comments. They been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: Scott Bulloch <scott.bulloch@gmail.com>
Sent: Monday, October 3, 2022 5:25 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: EIR feedback - SP20-024/ER20-147 SCH# 2021050524

You don't often get email from scott.bulloch@gmail.com. [Learn why this is important](#)

[External Email]

Hi Cort,

This is in reference to the file in the subject line. I believe it's also known as the 2740 Ruby project.

I have some concerns regarding the construction, specifically on air quality and noise during construction.

- Members of my family have asthma and allergies. We have a major concern with contaminants being emitted from the machinery or from the soil (pesticides, for example). Wind patterns are unpredictable, and what may not be an issue on one day may be a major issue on another day. This will greatly affect V-1 the quality of life of those family members.
- We work from home four out of five business days. There will be environmental impacts, both from disturbed/emitted contaminants and from construction noise.
 - On the days we go into the office, our route is always to go down Norwood (sometimes taking Norwood to Ruby to Tully). This is the route we've taken for many years, as it avoids the morning school traffic on Quimby. There is no other available route that does not add more distance and time to our commute.

- We have a dog that we walk at least twice a day. Some of the routes we take with him bring us past or near the construction site.

V-1

On the topic of the project itself, I don't believe that the chosen parcel is appropriate for the temple project, as I think it's too small of a parcel for the intended construction. I'm in support of the general idea of a temple, but feel that the project team should have chosen a larger parcel that would allow for future growth and less neighborhood disturbance. The nearby Sikh Gurdwara and Islamic Center are ideal models for what the Wat Khmer Kampuchea Krom temple should have looked for in a parcel.

V-2

Best regards,
Scott Bulloch

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

Patrick Kallas

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Sent: Tuesday, September 20, 2022 8:16 AM
To: 'ted nguyen'
Cc: Flores, Michelle; Tu, John; Arenas, Sylvia; 'Amelia Acton'; johnny@andrewmannarchitecture.com; Erik Schoennauer; Patrick Kallas; Shannon George
Subject: RE: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ted,

Thank you for your comment. It has been received and will be addressed in the response to comments (RTC) document, following the close of the public circulation and comment period for this project.

Thank you,

Cort Hitchens | Planner II

City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Direct: (408) 794-7386

From: ted nguyen <nguyen.ted@outlook.com>
Sent: Monday, September 19, 2022 8:39 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: Flores, Michelle <michelle.flores@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>
Subject: Re: NOTICE OF CEQA POSTING: Draft Environmental Impact Report for WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT (SP20-024)

[External Email]

Hello Cort Hitchens,

Please include my comments and concerns regarding this EIR.

There have been many proposed adjustments from an absurd 200 cars underground garage to now an above ground 67 parking lot with planned overflow to the nearby Mosques. And the more I read about this the more I see this project just does not want to

W-1

fit in. The project seeks to change the neighborhood towards its own gains. This symbiotic relationship is not healthy for the community.

W-1

The EIR states there are planned outdoor events with possible 200-300 attendants and outdoor amplified speakers in this proposal. This type of outdoor amplified noise surrounding the property at 2720 Ruby Ave surely must be concerning to many. There would a flood of noise complaints on every event.

W-2

Additionally, the proposed roundabout at the intersection where us tax payers have to pay 75% of the cost? That is extremely unreasonable.

I do fear that with this type of hostile pattern will only get worst after it is built. It is very difficult to trust the word of this organization. Most of their money comes the profits of cryptocurrency Ripple. And with the current crypto currency crash you'd have to wonder how they can maintain this facility long term. Eventually they could run out of money and will have to host more and more big events to sustain the operations of this expensive and oversized facility. Or the facility becomes blight and that'll just corrode the neighborhood.

W-3

The reason for this facility itself is a concern. There is a need for GROWTH and I am concern at some point in the future they may grow larger. As they've outgrown the current location. Trust is earned and I don't think they've earn a single bit of it. Not one. I still remember one of our neighbors was pull to the side with the founder and he passive aggressively threaten to build a homeless shelter.

W-4

I think with our current housing shortages. I recommend we keep this residential zone as is and build 11 more houses as stated in the EIR. The community and schools could use tax revenues from the new homes. More room for new families to established roots and keep the community healthy.

W-5

Thank you for reading,
Ted Nguyen

On Aug 23, 2022, at 9:10 AM, Hitchens, Cort <Cort.Hitchens@sanjoseca.gov> wrote:

WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT

SCH# 2021050524

FILE NOS: SP20-024 & ER20-147

The project applicant proposes to construct an approximately 13,902-square foot Wat Khmer Kampuchea Krom Buddhist Temple on the approximately 1.86-gross acre site. The applicant is proposing a rezoning of the project site from the R-1-5 Zoning District to the PQP Public/ Quasi-Public Zoning District to allow for the construction of a religious assembly use to serve the existing local Khmer Krom religious community, whose current temple functions out of a converted residence at a different site in San José. These operations would be discontinued and moved to the new location. The Public/Quasi-Public Zoning District allows church/religious assembly uses upon issuance of a special use permit. The proposed project would comprise of two buildings – a Temple Sanctuary building and a Community building including a residence hall for eight full-time resident monks. A surface parking lot with 67 parking spaces (including valet) would be located at the interior of the lot with an entry drive located along Ruby Avenue. The project would also provide new buffer landscaping on the perimeter of the site, including new street trees. A six-foot-tall masonry sound screen wall would be constructed at the property lines. The proposed project would also construct roadway improvements including a roundabout.

LOCATION

2740 Ruby Avenue, San José, CA 95148

ASSESSOR'S PARCEL NUMBER

652-29-014

CIRCULATION

Tuesday, August 23, 2022 to Friday, October 7, 2022

PROJECT DOCUMENTS

[Wat Khmer Kampuchea Krom Temple Project Draft EIR](#)

[Mitigation and Monitoring Reporting Program \(MMRP\)](#)

[Notice of Preparation](#)

[Combined NOP comments](#)

[Appendix A \(Part 1\) - Notice of Preparation](#)

[Appendix A \(Part 2\) - Notice of Preparation and Comment Letters](#)

[Appendix B - Construction Community Risk Assessment](#)

[Appendix C - Arborist Report](#)

[Appendix D - Geotechnical Investigation Report](#)

[Appendix E - GHG Compliance Checklist](#)

[Appendix F - Phase I Environmental Site Assessment and Preliminary Soil Quality Evaluation](#)

[Appendix G - Acoustical Assessment](#)

[Appendix H - Local Transportation Analysis](#)

ENVIRONMENTAL PROJECT MANAGER

Cort Hitchens

408-794-7386

Cort.Hitchens@sanjoseca.gov

Cort Hitchens | Planner II

City of San José

Planning, Building & Code Enforcement

200 E. Santa Clara Street, 3rd Floor

San José, CA 95113

Direct: (408) 794-7386

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