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To: Le, Thai-Chau; Flores, Michelle; Tu, John
Cc: [redacted]; Arenas, Sylvia; McGarrity, Patrick
Subject: Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024
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Proposed Rezoning and Special Use Permit File Nos. C20-012 & SP20-024

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

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

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

Project elements do not adhere to Envision 2040 General Plan.

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

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

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

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

P/QP Allows too many variances

Rezoning to P/QP opens the parcel to many more uses and variances than the current residential R1-5 zoning permit. A P/QP rezoning application is a discretionary application and not by right. Once rezoned, P/QP zoning permits uses that potentially add excessive adverse impacts into the residential neighborhood.
o Please study how the extra allowable uses under P/QP will adversely affect neighbors relating to height, noise, traffic, safety, capacity, and potential variety of uses within R1-5 residentially zoned neighborhoods.

Traffic Concerns

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

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

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

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

Enforcement Concerns

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

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

Parking Feuds

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

o Please comment on the requested reduced parking

Parking Calculation and TDM Plan

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

Inconsistent Capacity Numbers – Red Flags

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

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

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

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

Wrap Up

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

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

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

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

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

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