From: [redacted]
To: Flores, Michelle; Le, Thai-Chau
Cc: Tu, John
Subject: Comment letter for Proposed Project at 2740 Ruby Ave Folder # SP20-024, Converted from CP20-002
Date: Wednesday, June 23, 2021 9:32:33 AM
Attachments: Letter to M Flores & TC Le 6 23 21_2740 Ruby Ave Rezoning & Sup.pdf

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[External Email]

Dear Michelle and Thai-Chau:

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

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

Sincerely,

Reuben Castillo
[redacted]

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June 23, 2021

michelle.flores@sanjoseca.gov and thai-chau.le@sanjoseca.gov
Michelle Flores
Planner
Planning Division
City of San Jose
San Jose, CA 95113

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

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

Dear Michelle and Thai-Chau:

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

I. Neighborhood

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

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

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

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

II. Proposed Project - Site and Project Description

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

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

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

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

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

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

A. <u>Parking and Transportation Demand Management Plan</u>

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

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

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[1] Applicant's Project Data sheet identifies much wider setbacks, which does not appear to align with other drawings in the set provided, like A1.1.

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

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

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

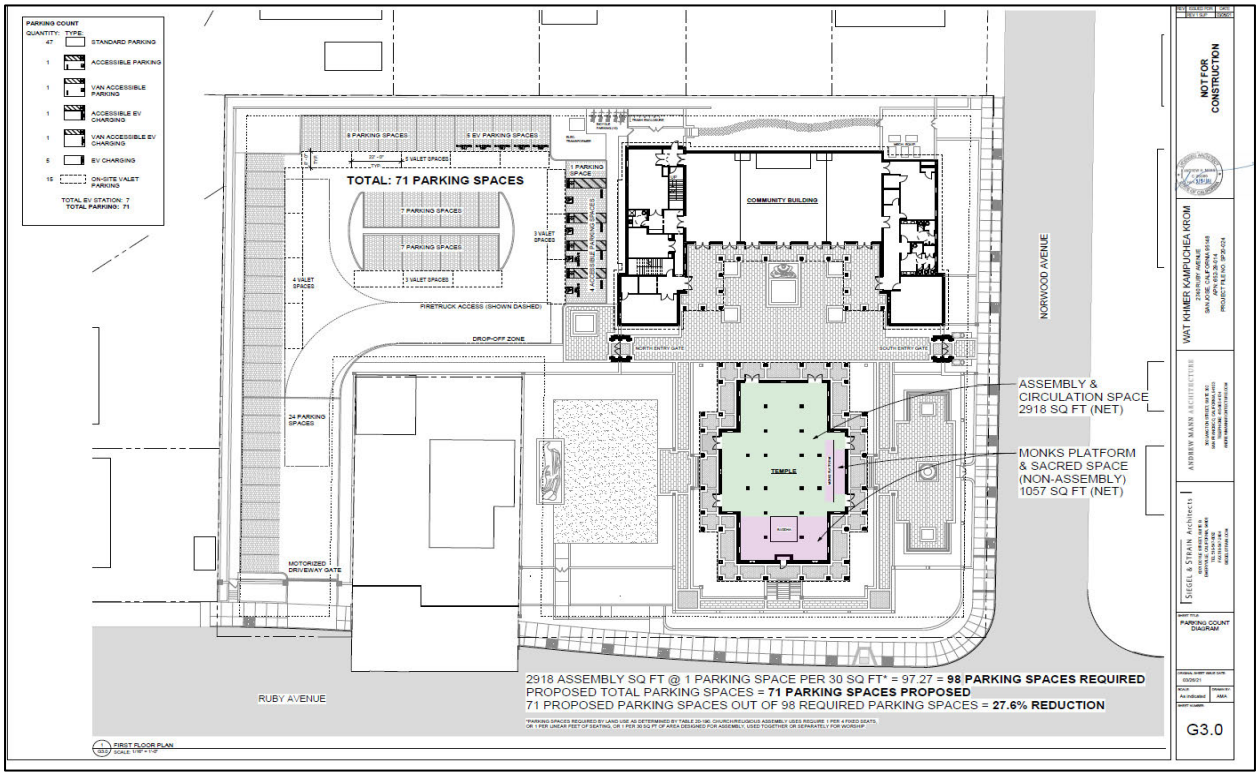

Figure 3 – The project proposes 56 stalls of parking and 15 double-parked spaces that would block 60% of on-site parking stalls. Image is Applicant's sheet G3.0, "Parking Count Diagram."

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

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

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

B. <u>Applicant's Assessment of Compatibility with Other Religious Assemblies</u>

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

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

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

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

C. Proposed Activities

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

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

III. Comments on the Proposed Project

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

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

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

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

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

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

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

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

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

B. <u>Applicant's Parking Plan and TDM are Inadequate and Unrealistic</u>
Applicant's parking plan must be properly sited to mitigate potential adverse impacts on adjacent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Applicant's Proposed Project Seeks Too Many Exceptions

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

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

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

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

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

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

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

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

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

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

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

B. Street Safety and Circulation

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

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C. Noise, Vibration, and Exhaust

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

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

D. Lighting

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

E. Natural Resources and Wildlife

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

F. Site's Tree Canopy

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

G. Requests Related to Modified Proposed Project

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

1. **Install Italian Cypress Trees Between Our Home at 3410 Pin Oak Court and Site**. Applicant has proposed to install trees at the fence line between our properties. We ask that applicant install Italian Cypress trees that are full and that do not shed leaves.

2. **Install Soft-Closing Gate Hardware at Pedestrian Gate on Ruby Avenue**. The applicant has proposed a pedestrian gate adjacent to our home. We ask that that the applicant install hardware on the pedestrian gate so that the gate closes softly and stops it from slamming shut.

3. **Install Speed Bumps in the On-Site Parking Area(s)**. The Proposed Project will be located near an intersection with a history of traffic collisions, including as recently as one week ago. To help prevent additional collisions, we ask that applicant install speed bumps, particularly near future entry and exit points.

4. **Landscaping and/or Foliage on Stucco Walls to Deter Graffiti**. The Site's temporary fencing, as well as other fences and walls in the neighborhood, have been graffitied, sometimes repeatedly. Applicant has proposed to install a stucco perimeter walls. To deter graffiti, we ask that applicant install landscaping and/or foliage along these walls.

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

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

Sincerely,

Reuben Castillo
Diana Castillo
[redacted]