From: [redacted]
[redacted] Le, Thai-Chau
Cc: Tu, John; Rood, Timothy; Flores, Michelle
Subject: EIR Scoping Input - We Oppose the Proposed Rezoning and Special Use Permit File Nos. C20-021/SP20-024/ER20-147 at 2740 Ruby Ave
Date: Saturday, June 19, 2021 6:35:32 PM
Importance: High

[External Email]

Dear Staffs:

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

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

1. **The project DOES NOT meet a number of Gereral Plan Policies, LU 10.8, CD-4, CD-4.4, VN-1, VN-1.11, VN-1.12 and others**. **The private Community Gagthering Facilities MUST be COMPATIBLE with the surounding Resident Neighborhood.**

2. In a letter from the City to applicant on November 5, 2018. The City has stated: "Given the site's location adjacency to existing single-family residence and completely surrounding an existing single-family residence, staff is concerned about the potential impact of the size of the project at points when the use is at full capacity". And that the proposed project would be inconsistent with General Plan Land Use Policy 10.8.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
PLANNING DIVISION

November 5, 2018

Lyna Lam/Andrew Mann Architecture

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

Dear Ms. Lam,

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

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

Proposal Issues and Concerns

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

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

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

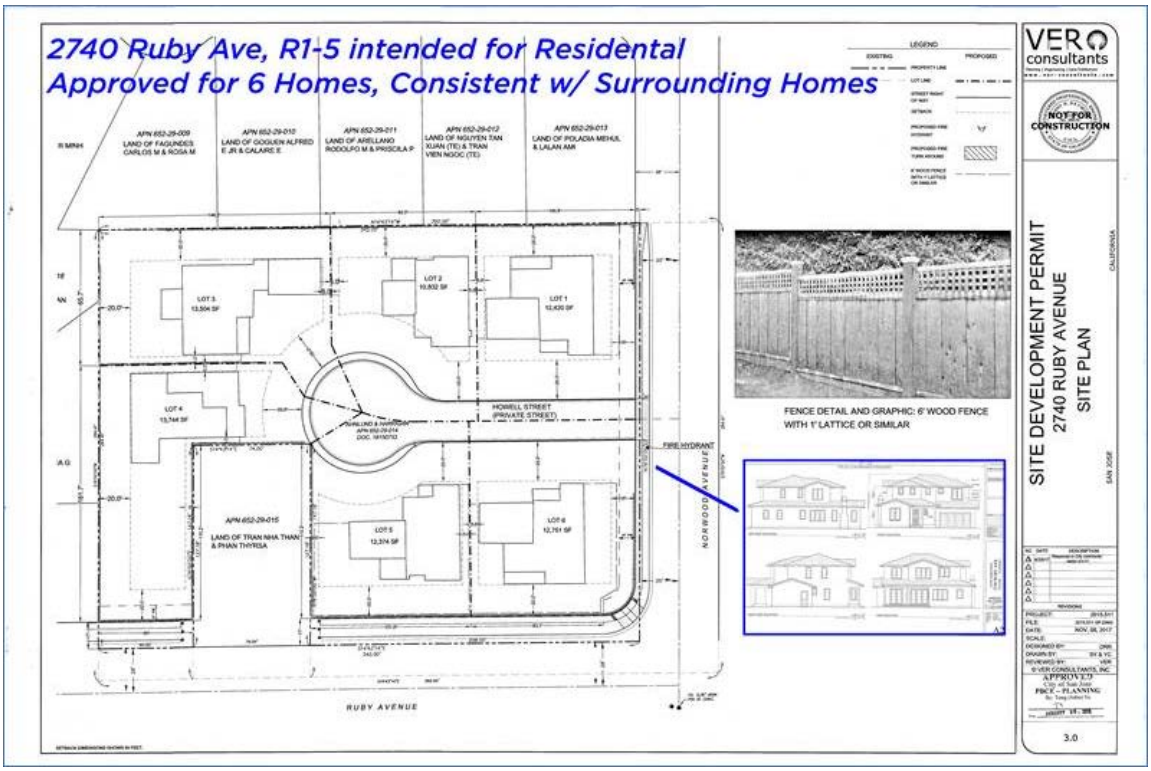
Land Use Policy LU – 10.8: Encourage the location of schools, private community gathering facilities, and other public/quasi-public uses within or adjacent to Urban Villages and other growth areas and encourage these uses to be developed in an urban form and in a mixed-use configuration.

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

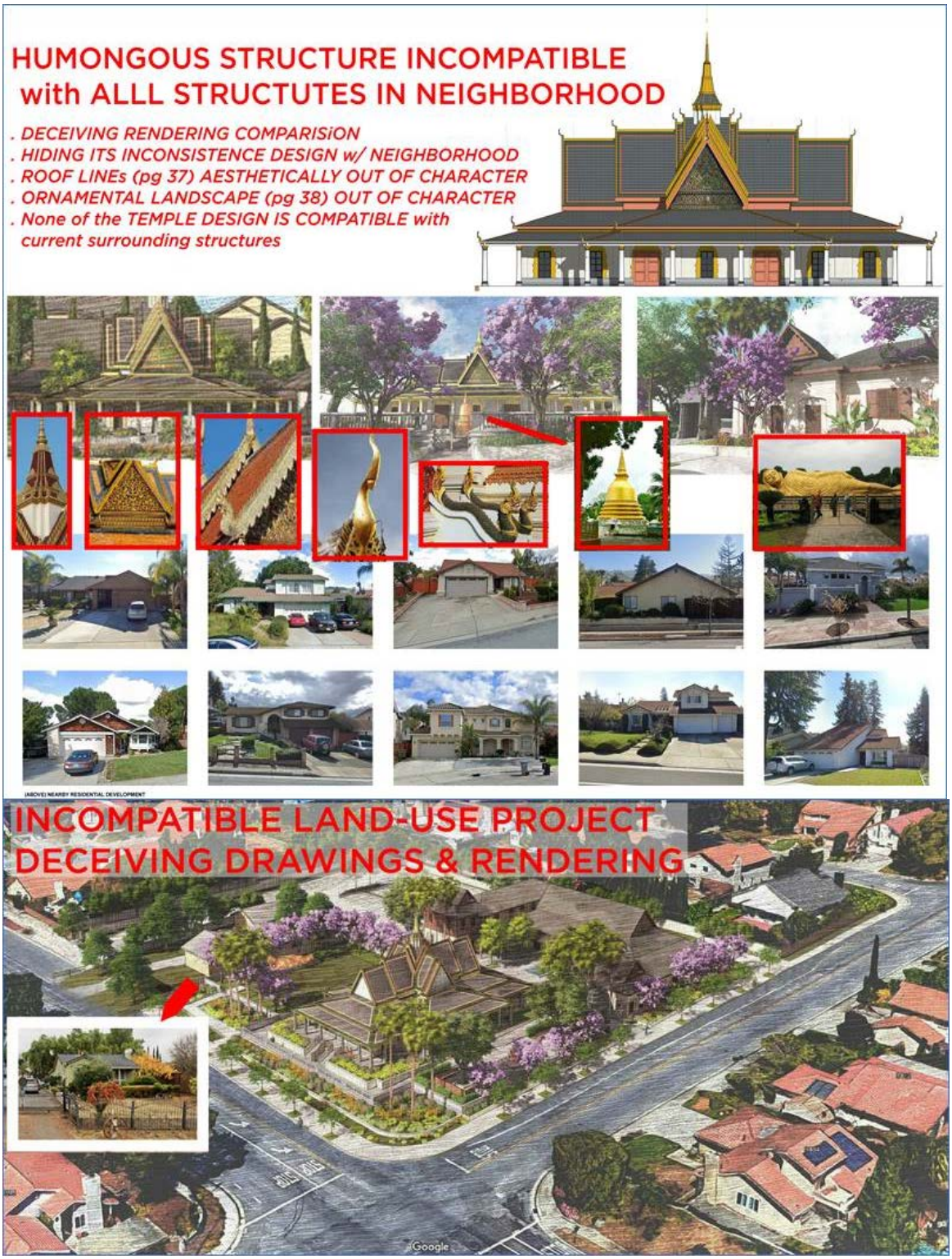
3. Zoning Consistency

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

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



4. The MASSIVE Buildings/Structures with over-the-top design, and several large visible Garden Sculptures are "AESTHETICALLY" inconsistence 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**.

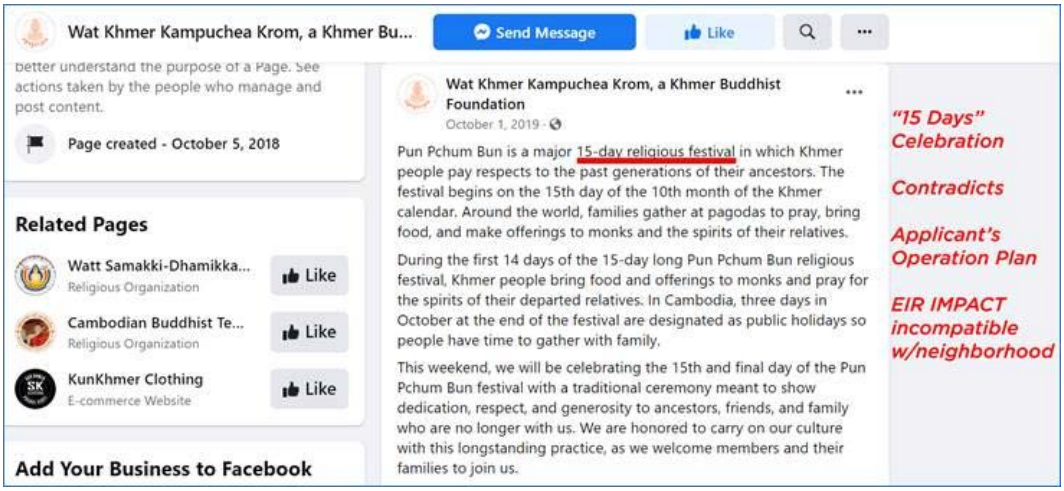


5. The narrow single ingress/egress driveway into the Huge Parking Lot, less than 350ft away from the busy Norwood/Ruby stop sign, and a small 2 way "double-yellow" roadways, will most definitely create major traffic & safety concerns. The traffic to accommodate a potential crowd of over 4,000 people,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

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

6. The fact that the applicant had planned for an underground parking (DEMAND FOR PARKINGS), then added a bus/shuttle for their visitors from nearby elementary schools, MORE THAN SUPPORT the concerns from the neighbors that the scale of project is 10 times bigger than what the applicant led the City and none-neighbors to believe on paper. The study must be included the impact for a crowd of over 4,000 people as the facility is designed to hold that many.

7. The operational plan from the applicant indicates DAILY ACTIVITIES from 9AM-10PM, and most activities are 2 to 15 days long… **This is a major environmental, noise, safety and traffic impact to the dense & quiet Residential Neighborhood**.



CALENDAR

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

Meakha Pujea
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)

Visakha Pujea
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 Binda: September 17 to October 1 - 2
Pchum Binda: October 1 - 2

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

October 22 - start
October 23 - parade and closing ceremony

Unity Kathina
Community members offer requisited to Buddhist monks.

November 12 - start
November 13 - closing ceremony

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

WAT KHMER KAMPUCHEA KROM
66 SUNSET COURT,
SAN JOSE CA 95110,
USA

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

Operations Plan for Wat Khmer Kampuchea Krom Temple - 03/26/2021			
YES	**Daycare/School/Church** (does not include family daycare homes with 14 or fewer children)	NO	**Off-Sale of Alcohol** (beer and/or wine or full range of alcoholic beverages)
NO	**Late Night** (defined as having hours between 12:00 a.m. to 6:00 a.m.)	NO	**Public Drinking Establishment** (i.e., a bar that does not serve full meals during all hours of operation)
NO	**Drive-through** (carwash, restaurant/café, banks, pharmacy, etc.)	NO	**Assisted Living, Residential Care/Service Facility, or Memory/Medical Care Facility**

Days of Operation	**Weekday**	Monday - Friday
	Weekend	Saturday - Sunday
Regular Hours of Operation	**Weekday**	9 a.m. - 10 p.m.*
	Weekend	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)**	**If yes, describe:** The project proposed a 56-car surface parking lot plus addtional 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.
	YES (Valet)	YES	YES	

Outdoor Uses?	Yes. Religious shrines and sacred spaces are located outdoors for use of Temple members for meditation and reflection. Some special events occur both indoors and outdoors. Refer to Activities Schedule for additional detail.	
Smoking?	Yes. A proposed dedicated smoking area is provided on site which meets all city standards and regulations.	
Noise?	**Anticipated:**	51 dB at the property line, Refer Acoustic Assessment Report
	Maximum Allowable:	53 dB at the property line

9. The actual activities vs the plan on paper is 10 times the magnitude. The proposal is extremely deceiving! The current temple members operate their activities @ 66 Sunset Ct, San Jose, CA 95116. There is no Use-Permit noted. The temple has also violated building codes and constructed part facilities illegally, CODE CASE #2018-12934. Thus, it is most likely that they violate all the basic rules in term of occupant capacities, parking, noise, and safety.

10. The current Temple @ 66 Sunset Court conducted many events outdoor with blasting loud speakers. The NOISE level combination of the over 4000 people + automobiles + loud speakers would more than exceed the normal noise standard for a Residential Neighborhood. The applicant indicates outdoor activities. The evidences of multiple loud speakers use for music, public

speaking, can be seen via the multiple YouTube videos that can be found @ https://www.youtube.com/user/buddhaghosacha. Please note that all the events utilize LOUD SPEAKERS. If you would review the following video @ about 40 min into the video, you can see the stack of load speakers. https://www.youtube.com/watch?v=E8kJDJ10jGk&t=2403s. The facility designed to hold over 4,000 people indoor/outdoor, is definitely a major Environmental Impact to this Residential Neighborhood.

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
    f. https://www.buddhistchannel.tv/index.php?id=65,12644,0,0,1,0
    g. https://sanfrancisco.cbslocal.com/2016/01/21/neighbors-say-buddhist-temple-in-san-jose-is-causing-a-disturbance/

13. One long-time resident in their 70's on Sweetleaf Ct, that will be directly impacted the **massive 15,000 sf**, **4-story high buildings**, & the daily 9AM-10PM activities, has already decided to sell the home. A second neighbor on Sweetleaf Ct is also considering moving, because this project will directly impact their environment, their quality of life and right to quiet enjoyment. The anticipated noise, the massive 15,000sf structure, 65ft tall (4-story high), that exceeds the 35ft standard for any structure in a RN neighborhood, is driving residents out of their homes. Noise level for 6 new homes compare to a 15,000 sf indoor + outdoor activities must be considered to see the real impact of this project!

14. Additionally, we live in a very diverse neighborhood. So, we are all very offended, when the members of this organization during the community meeting on 6/2, who identify themselves as "Members of the Temple" continuously spoke up and called the neighbors RACIST. None of the Temple's members responded to the any of the neighbor's concerns, but instead, they repeated addressed the neighbor as racists and that we are Anti-Asian! **The oversize project is simply incompatible in a small R1-5 with valid safety, traffic and noise concerns**. This project has more negative environment impacts to the neighborhood, than benefits to the community. How many member of the temple actually live within a 500ft radius of the project? This has nothing to do with religions or race.

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

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

Sincerely,
Nick Pham
Evergreen Resident

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