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

June 2, 2021

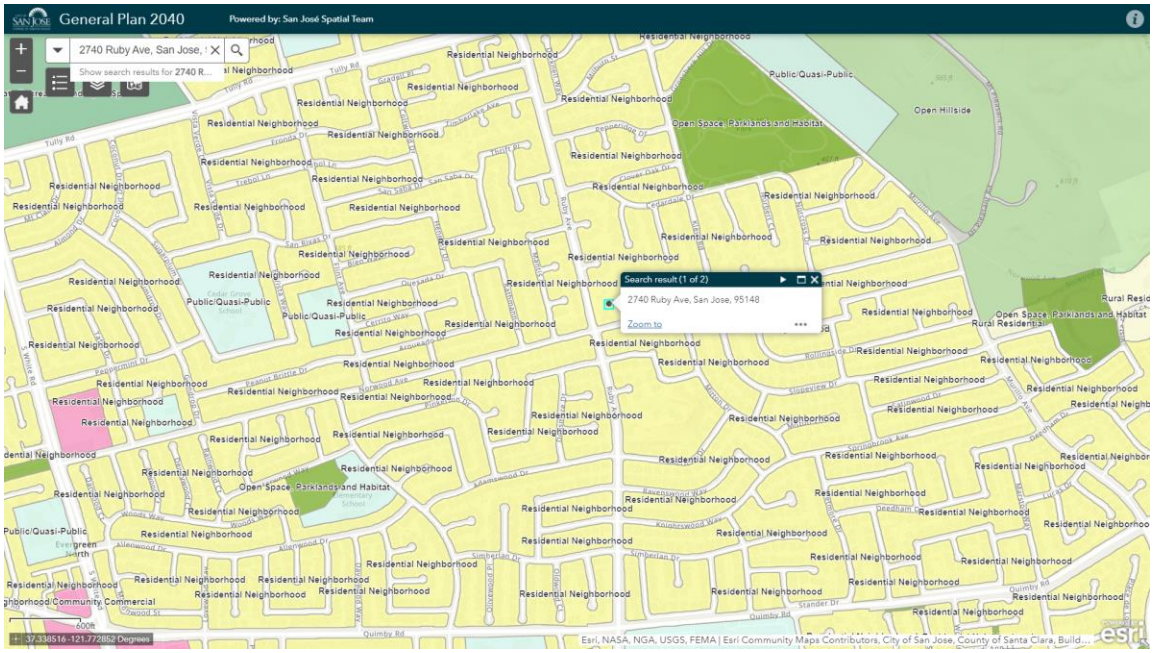
To: City of San Jose Planning Department, Planning Commissioners, Council Members

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

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

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

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



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

[redacted]

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 neighhorhood homes with of 1,500-2,500 SF living space on average.

4. The current land use designation for 2740 Ruby is **RESIDENTIAL NEIGBORHOOD** 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 capatible with the surrounding neighborhood. In this case, **IT DOES NOT AND IS NOT COMPATIBLE** with the immediate and surrouding **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 Gereral 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 neighboorhood. The assembly hall, shape, size and design are consistent with the neighborhood.

Church - 3095 Norwood
Consistent Design with Neighborhood
Appropriate lot size
Iglesia de Dios San Jose /
San Jose Church Of God
Norwood Ave
Tally Dr
3053
2751
3049
2805
2802
2811
2817
2818
2823
2824
2830

Church - 3095 Norwood
Consistent Design with Neighborhood
Appropriate lot size

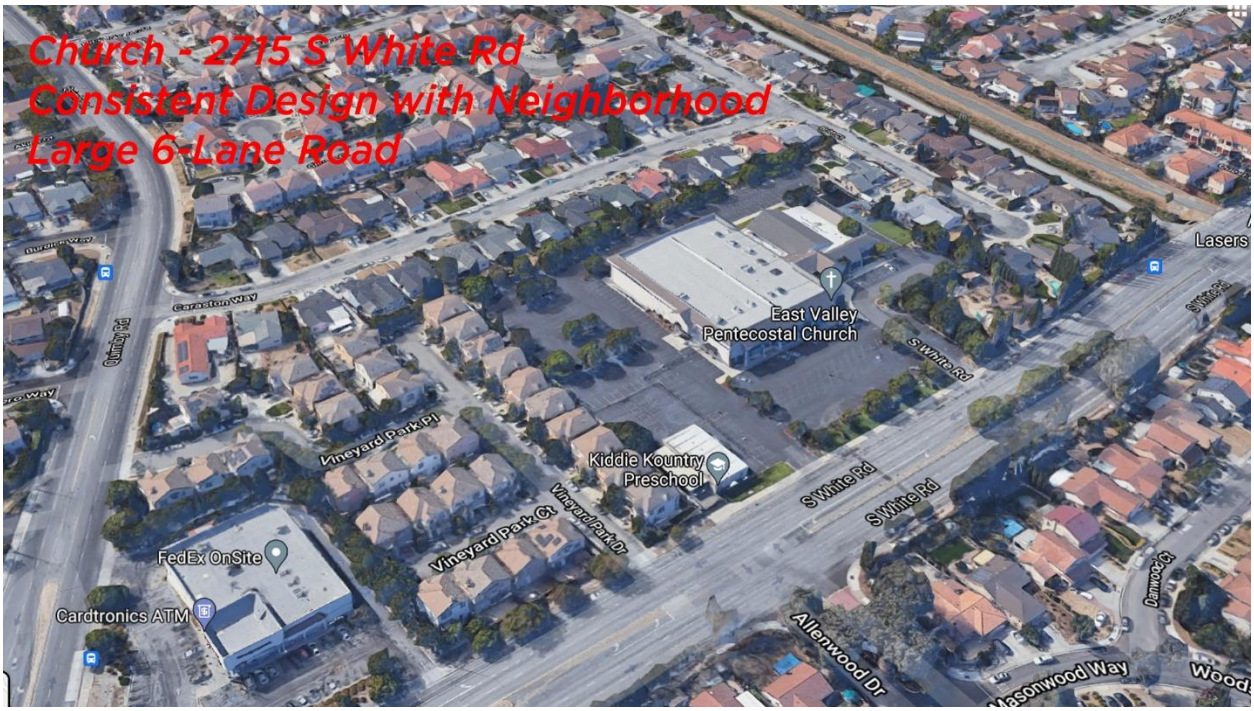
[redacted]

East Valley Church
Flint Ave
Quesada Dr
Quesada Dr
2826
3292
East Valley church - 2827 Flint Ave
Consistent Design with Neighborhood

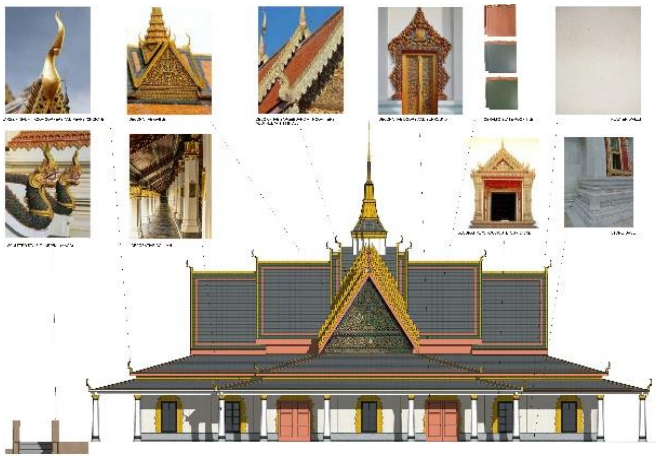
East Valley church - 2827 Flint Ave
Consistent Design with Neighborhood

[redacted]

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, afordable 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**

[redacted]

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	Classroom 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	A/V	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	Bulsness Area	150 SF	3
210	MECH.	63 SF	Mechanical Equipment Room	300 SF	1
213	MEETING ROOM	233 SF	Bulsness Area	150 SF	2
217	KITCHEN	476 SF	Kitchen	200 SF	3
		5935 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
Grand total		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	3952 SF	Assembly Concentrated	5 SF	791
		3952 SF			791
Grand total		4847 SF			795

Courtyard Occupant Load

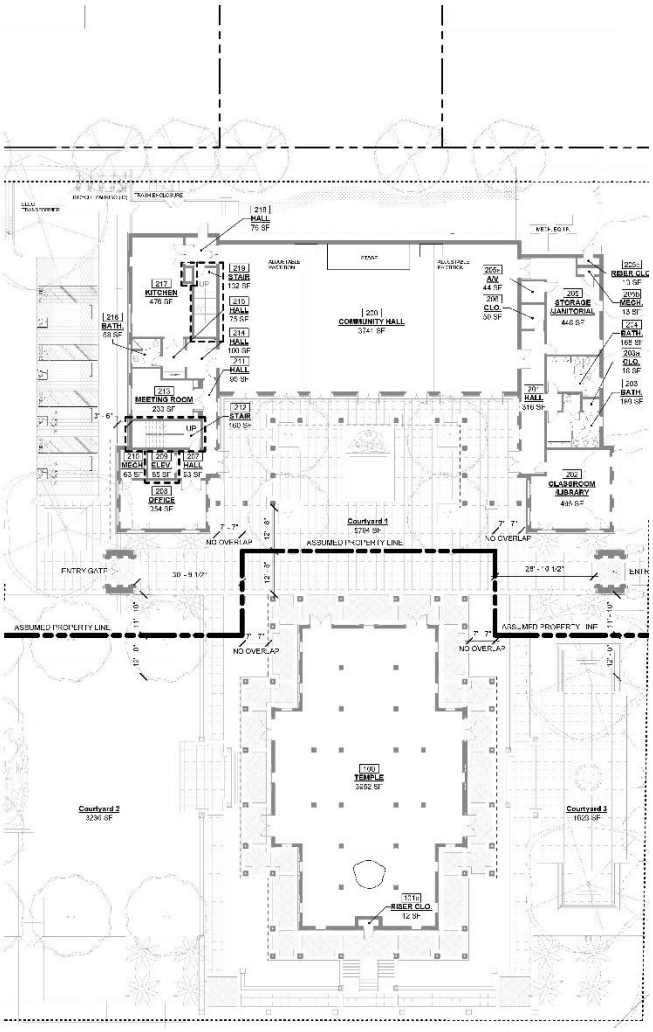
Number	Name	Area	Occupancy	Occupant Factor	Occupant Load
01	Courtyard 1	5794 SF	Assembly Concentrated	5 SF	1159
02	Courtyard 2	3236 SF	Assembly Concentrated	5 SF	648
03	Courtyard 3	1623 SF	Assembly Concentrated	5 SF	325
					2132

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

NOTE: SEE G5.1 FOR EGRESS ANALYSIS

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

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



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 welbeing 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 propsed 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?

[redacted]

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 severly 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 RESIDENTAL 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.

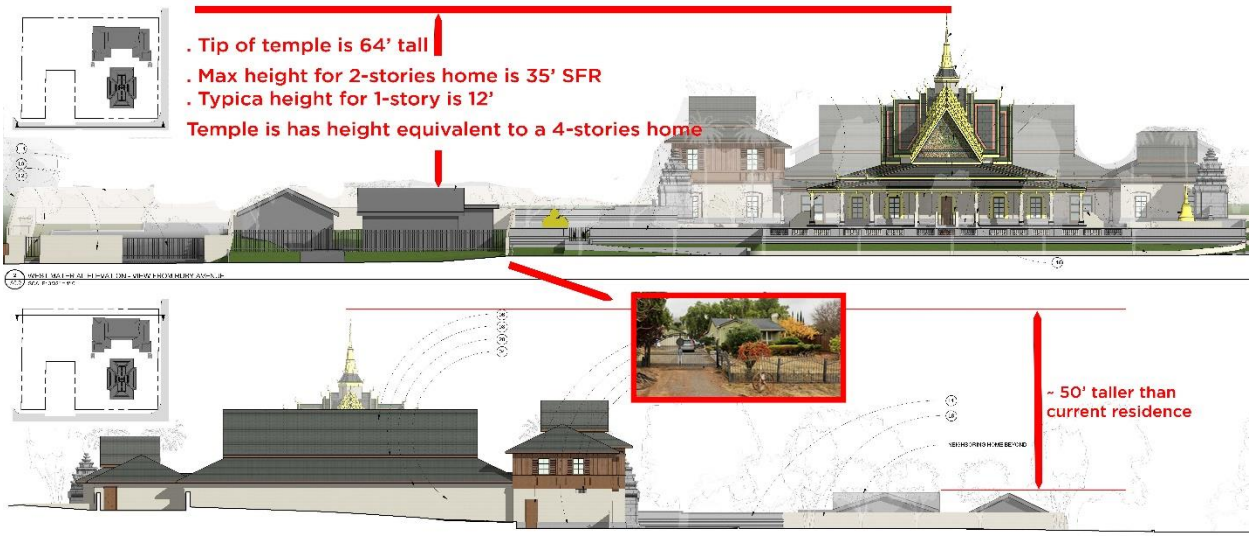


FIGURE 1 – Home directly impacted by MASSIVE Driveway, MASSIVE PARKING LOT, MASSIVE 65 feet Tall Building on 3 Sides

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

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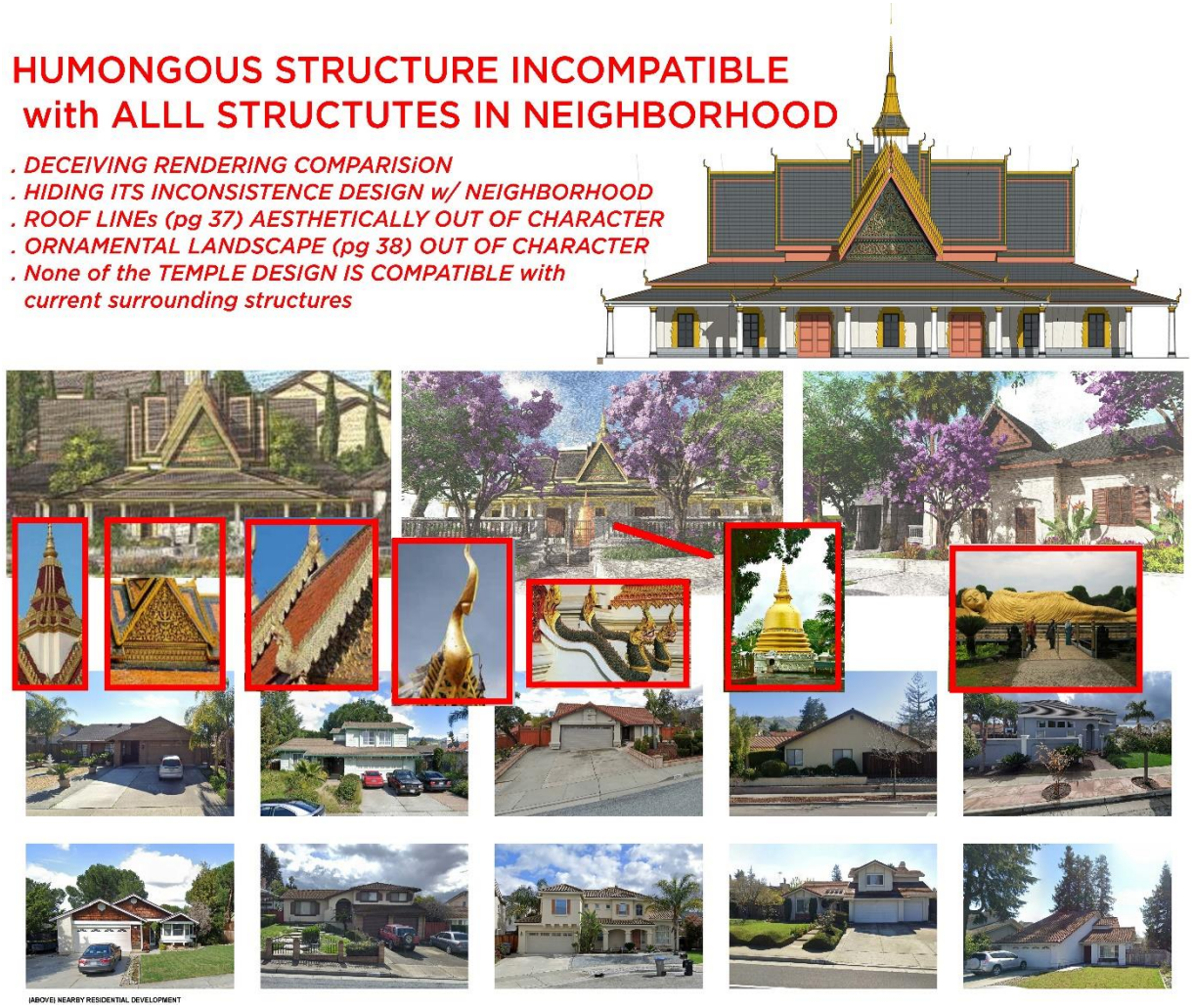

FIGURE 3 – 100% INCOMPATIBLE DESIGN COMPARED EXISTING NEIGHBORHOOD

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 **sincerelly consider the voices of the residents**, visit the site, considered yourself a resident ajacent 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.