

## Letter of Support (for Wat Khmer Kampuchea Krom)

Bophal Phen [REDACTED]

Mon 3/13/2023 1:00 PM

To: Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; alex.atienza@sanjoseca.gov <alex.atienza@sanjoseca.gov>; Leslee Guardino [REDACTED]; Maribel Montanez <[REDACTED]>; Reymundo Espinoza <[REDACTED]>

📎 1 attachments (45 KB)

Wat Khmer Kampuchea Krom 13Mar23.pdf;

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Dear Mayor Mahan and City Councils,

I am writing to show my strong support for the Khmer Kampuchea Krom's Buddhist Temple project. For the past 23+ years, I have been working at Gardner Health Services, providing mental health services to many Cambodian refugees fleeing war, genocide, and persecution. These Cambodians (who have been traumatized by their past) are in need of healing at the present. As a Mental Health Therapist, I have been providing mental health counseling, case management, and rehabilitation services. And I have learned that many of my Cambodian clients are Buddhists, and they long to have a place where they can find a peace of mind. For those who have been displaced from homes, there is no better place than a temple. A temple is a place that captures their hearts and souls, that gives them a peace of mind, and that helps them heal from their traumatic past.

I can relate with these Cambodians very well. The reason being that I am a Mental Health Therapist who fled war, genocide, and persecution like them. I am a survivor of the Killing Fields that took place in Cambodia. I lived through years of war, survived the genocidal regime, endured hardships in refugee camps, and was finally resettled in the United States. Please see the attachment for more details.

Thank you very much.

**Bophal Phen,** [REDACTED]  
**Mental Health Therapist-II & Lead**  
Gardner Health Services  
Specialty Behavioral Health / Ethnic-Specific Adults Program

[REDACTED]

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March 13, 2023

San Jose City Council

Dear Mayor and City Councils,

I am writing to voice my strong support for the approval of the project for the Wat Khmer Kampuchea Krom, a Cambodian Buddhist Temple to serve the local Khmer Krom community in San Jose. I am Cambodian and have been working at Gardner Health Services (as a Mental Health Therapist) for over 23 years now. As a survivor of war, genocide, and refugee experiences, I have seen fellow Cambodians suffering from unimaginable atrocities and traumas.

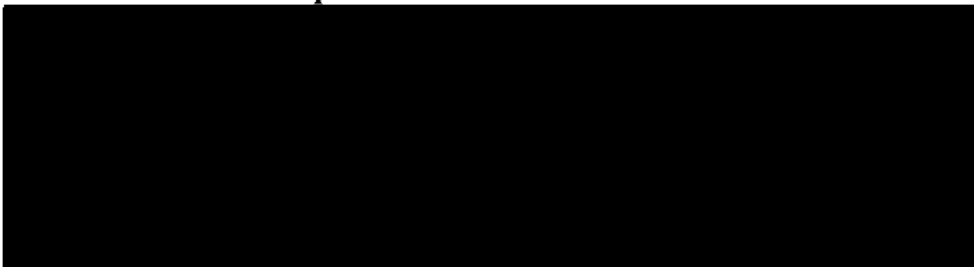
Gardner Health Services (Gardner) is a community-based organization committed to providing high quality, comprehensive medical, mental healthcare, and advocacy services that are affordable, respectful, age-appropriate, and culturally and linguistically specific. Gardner started in 1967, serving the Mexican farm workers in the Alviso community, and then expanding services to the City of San Jose. In the 1970's, Gardner started to provide mental health services to residents in the County of Santa Clara. In the late 1990's, Gardner expanded services to serve the Asian Pacific youths from the Filipino, Vietnamese, and Cambodian communities. In 1999, I was hired by Gardner to provide mental health services to Cambodian adults, older adults, and their families. Since then, I have been providing mental health services to Cambodians who had been traumatized by their past and displaced from their homes. Throughout these past 23 years, I have been working with Cambodian refugees and survivors of the Khmer Rouge (a brutal and genocidal regime that was responsible for the Killing Fields of millions of innocent Cambodians). For these traumatized and displaced Cambodians, a Temple is a sacred place that gives them a peace of mind and helps them heal from their traumas.

At Gardner, we are committed to serving the San Jose Community. This small Khmer Krom community of about 100 people is working to heal themselves from the terrible traumas they experienced and survived. Khmer Krom people are the indigenous Cambodians of the Mekong Delta. The Wat Khmer Kampuchea Krom Temple is a critical tool to help them in their healing process, especially for the elders of the community.

We respectfully request that you approve this proposed Temple in D8 without any delay or deferral. Thank you very much.

Sincerely,

  
**Bophal Phen, LCSW & LAADC**  
**Mental Health Therapist-II & Lead**



## Support for the Proposed Template at 2740 Ruby Avenue

Roddy Son <[REDACTED]>

Mon 3/20/2023 11:20 AM

To: Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; alex.atienza@sanjoseca.gov <alex.atienza@sanjoseca.gov>

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Dear Honorable Mayor and members of the City Council

My name is Roddy Son and I was born and raised in San Jose. I'm 37 years old and now live in Elk Grove.

I strongly support the proposed Temple because the old Temple been a place for my family to stay connected or re-connect with extend family, friends of the community, and others of the Buddhist religion. It's also brought a wealth of knowledge, experience, and understanding which I would have never received through traditional schooling. In elementary, my family moved to Stockton, but we continued to make our way to the San Jose Temple for religious ceremonies and events. As a child, the 2 hour drives to San Jose brought excitement and joy to me knowing that I would see familiar faces and could participate in sacred events. As a adult, I have 2 kids and our family continues to drive to San Jose to participate in the Temple events. Our community is growing with every generation and the ability to keep our cultural heritage continues to fade in this technological age, the Temple has been a great resource to assist in creating these educational experiences.

The Temple brings a sense of unity and belonging as well as education to the younger generations of the beliefs of the Buddhist religion. For these reasons, I urge you to please vote YES for the Temple.

Sincerely,  
Roddy Son

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## FW: Support for Proposed Temple in D 8

City Clerk <city.clerk@sanjoseca.gov>

Thu 3/23/2023 8:21 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** THEN TIA <[REDACTED]>

**Sent:** Wednesday, March 22, 2023 7:18 PM

**To:** Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; devdavis@sanjoseca.gov; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>

**Cc:** alex.atienza@sanjoseca.gov; City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Support for Proposed Temple in D 8

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March 21th, 2023

Dear Honorable Mayor and City Council Members,

Blessing to you all,

My name's Tia Then, the Buddhist Monk.

I submit this letter in strong support of the Proposed Project Wat Khmer Kampuchea-Krom.

My origin's Khmer-Krom from Kampuchea-Krom known as South Vietnam, Khmer-Krom is one of the indigenous peoples living along The Mekong Delta. Practicing Theravada Buddhism.

As well as many people, I have learned and practiced the teaching of the Buddha and experienced that Buddhist Temple is a place of peace for all mankind and has always been a place of quiet introspection and serenity. The Buddhist Temple did not cause harm or disturbing to its neighbours, it's also a residence of the monks. Traditionally, the Buddhist Temple always honours its surrounding neighbours and continues to work in harmony with them. The Buddhist Temples do not and never serve or allow to have the alcohol to be drunk in its place.

I strongly believe that the Khmer Kampuchea-Krom Temple Project will contribute as part of the cultural diversity to the community. With highest respect, I hope Hon. Mayor and City Council Members will vote for the approval of The Proposed Project Wat Khmer Kampuchea-Krom.

Thank you for your consideration.

Sincerely yours,

Tia Then

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## FW: Support for the Proposed Temple in D 8

City Clerk <city.clerk@sanjoseca.gov>

Thu 3/23/2023 11:50 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Brahmacitto Den [REDACTED]

**Sent:** Thursday, March 23, 2023 11:22 AM

**To:** alex.atienza@sanjoseca.gov; Batra, Arjun <arjun.batra@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>

**Subject:** Support for the Proposed Temple in D 8

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[External Email]

Dear Honorable Mayor and members of the City Council,

my name is Sa Duol Son, I am a Buddhist monk have been living in San Jose, a few miles apart from the proposed temple's location.

I respectfully present this letter to request your approval of the Wat Khmer Kampuchea Krom Temple at 2740 Ruby Avenue.

we, the Khmer Kampuchea Krom, an indigenous group in the Southern part of Vietnam, for us, the temple is a school for moral conduct, the center of our mother's language, culture, custom, etc

the temple is a very necessary and important place for Buddhist monks to perform the Sangha Order compatible with the training rules properly, such as giving the higher ordination to the youths in the summer season, propagating the Buddha's teachings, conducting our Buddhist followers in meditation, observing moral precepts leading to tranquility of mind, peace, and wisdom.

every summer, we open the school teaching the Khmer language, training our youths in moral conduct, and giving short-term ordination, many of our people, youths come to experience monastic life. indeed, the temple is meant a lot to our community.

so, we hope you will support the project by voting to approve it without any delays.

thank you for your consideration.

sincerely

Sa Duol Son

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## FW: Khmer Kampuchea Krom Temple SUPPORT

City Clerk <city.clerk@sanjoseca.gov>

Thu 3/23/2023 12:10 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Nancy Keo <[REDACTED]>

**Sent:** Thursday, March 23, 2023 12:03 PM

**To:** Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>; alex.atienza@sanjoseca.gov

**Subject:** Khmer Kampuchea Krom Temple SUPPORT

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Dear Mayor and San Jose City Council Members,

My name is Nancy Keo, President of the [REDACTED] Association and a San Jose resident for over 30 years.

A Cambodian Refugee, survivor of the Khmer Genocide. My mother lost her eldest son escaping the Khmer Rouge soldiers in the darkest of the nights. She looked back in devastation and heartbreak as she left her eldest son's lifeless body behind in the leaves, while 9 months pregnant, and carrying my other brother in her arms. My mother grieving, fearing, walked day and night through rivers, jungles, land mines, crawling through lifeless bodies to find help and my father. She struggled, she survived and never gave up on hope and freedom. She has nightmares from time to time thinking of the history our Cambodian people went through, the battles she faced, the war torn country and families left behind.

My mother like many older generations of Khmer Refugees, survivors of the Khmer Rouge Genocide finds peace and comfort at our Khmer Temple. They pray in peace and quiet for healing and for those who passed. Our Khmer Temple is a sacred place of worship. It's a religious place for those who are mentally desperate to find joy and hope.

We will never forget that our culture was nearly wiped out, erased from history. Cambodian books, temples, language, history, and entire culture were nearly vanished.

There are about 15,000 Cambodians in the Bay Area, with about 6,000 in San Jose. Assuming the majority of those are Buddhists, much less would be temple-attending Buddhists. In all, perhaps we are talking about 50 to 100 people visiting the temple on a regular basis.

This temple will preserve a remnant culture nearly wiped out by the Khmer Rouge Genocide. We hope this temple will become a cultural heritage, and be among a half dozen places in the world dedicated to preserving, supporting, and disseminating the virtues of compassion and tolerance.

Yes, there will be cars in the neighborhood. Yes, the temple would be surrounded by housing. Yes, this is not the first nor only neighborhood in San Jose with a place of worship surrounded by housing.

My friend lives in the Five Wounds area, and there are a half a dozen places of worship there. I live in the West Evergreen neighborhood, and there are four places of worship surrounded by housing. If we want fairness, then we should spread out places of worship throughout the city. If we live in a just society, then we should allow the building of this temple.

Denying this permit would only send one and only one message, that the rich and connected can have their way as they have the resources to fight so no affordable housing would be located in their district; they can locate gas-polluting stations and traffic-congested businesses in nearby poor neighborhoods, while they enjoy the services of those businesses and go home to their nice, quiet neighborhoods.

Khmer Kampuchea Krom is a Buddhist temple, dedicated to spreading compassion and tolerance.

May compassion enter the hearts of those who oppose this temple; may you not be an instrument of the Khmer Rouge regime in spreading intolerance, making Evergreen a killing field in snuffing out the remnants of a culture. May this council be compassionate and place fairness before narrow-mindedness. May we live up to our promise and be just in approving the building of this temple.

May we live up to our promise for racial equity.

I thank you for your time and consideration. I pray that our culture, our religion, and our Khmer people receive your support.

Have a wonderful day.  
Nancy Keo

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## FW: MARCH 28TH AGENDA: Item 10.4 - Buddhist Temple - Wat Khmer Kampuchea Krom

City Clerk <city.clerk@sanjoseca.gov>

Thu 3/23/2023 3:24 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Erik Schoennauer [REDACTED]

**Sent:** Thursday, March 23, 2023 1:36 PM

**To:** Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>

**Subject:** MARCH 28TH AGENDA: Item 10.4 - Buddhist Temple - Wat Khmer Kampuchea Krom

[External Email]

Dear Mayor, Vice Mayor, and Councilmembers:

We are excited to present to you the Wat Khmer Kampuchea Krom (Buddhist Temple) in the Evergreen District. The project conforms to all City zoning and design standards, thus **the Planning Staff and the Planning Commission recommend approval of the project.**

Below are the key features of the project that we hope you will consider.

- 1) **Promote Cultural Diversity & Awareness:** The project includes authentic architectural design with ornate features and landscaping consistent with community traditions back in Vietnam and Cambodia. This will create a space for worship, history, language, and culture of the Khmer Krom community, adding to the cultural diversity of Evergreen and San Jose.
- 2) **Responding to Neighbor Input:** During extensive community engagement, the neighbors requested the elimination of the underground garage, an overall reduction of the total square footage, adding a sound wall, and conducting an EIR. The project agreed to all of these requests. Now, the parking is all surface, the at-grade square footage is reduced by 24%, a sound wall is proposed, and a Full EIR and Transportation Demand Management plan are completed.
- 3) **The Project Scale Is Comparable to Surrounding Neighborhood:** As can be seen in the rendered neighborhood view below, the temple buildings are comparable in height and scale to the surrounding neighborhood. Yes, there are spires and some architectural features that protrude higher (like a steeple on any church), but the main roof heights and massing fit into the scale of the neighborhood. In addition, there are generous setbacks with lush landscaping that will be a pleasant addition to the neighborhood.
- 4) **Places of Worship Are Typically In Residential Neighborhoods:** In every neighborhood of San Jose there are places of worship embedded intimately into residential neighborhoods. This has been the typical land use pattern for more than 150 years. Below are some well-known examples of neighborhood-based churches. There are dozens and dozens of other examples throughout our city. Places of worship are appropriate in residential neighborhoods. The *Envision 2040 General Plan* says that Private Community Gathering Facilities are supported in *Residential Neighborhood* areas.

For all of the reasons above, we hope that you find the project worthy of your support.

Thank you for your consideration. Please email or call if you have questions.

Best Regards,

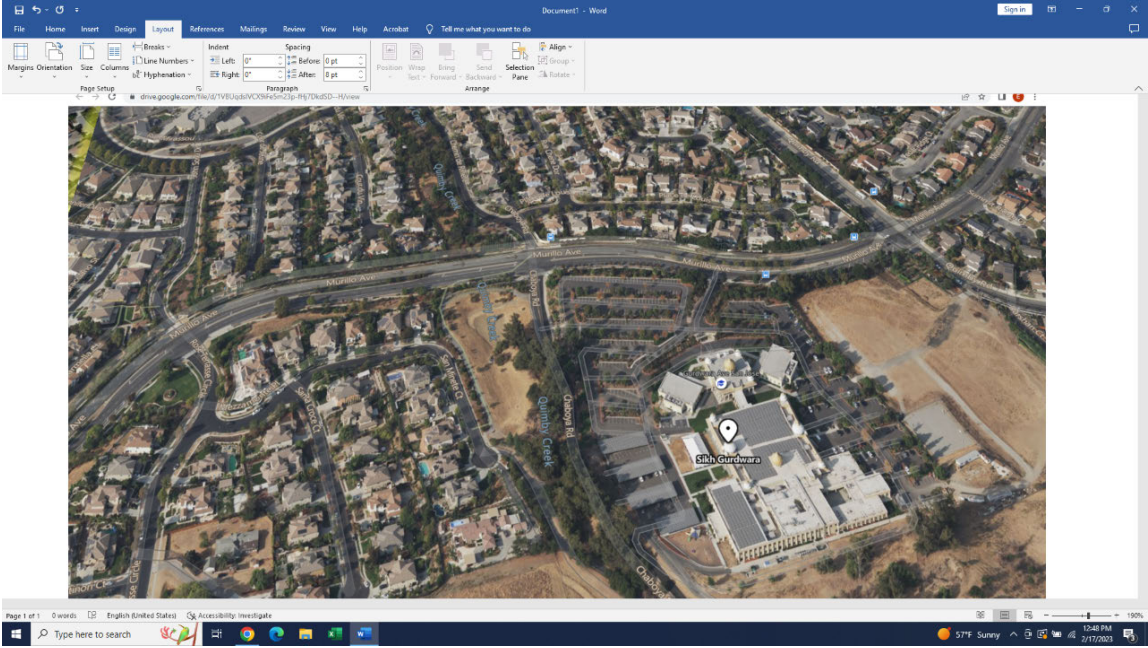
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PROPOSED Buddhist Temple - Wat Khmer Kampuchea Krom



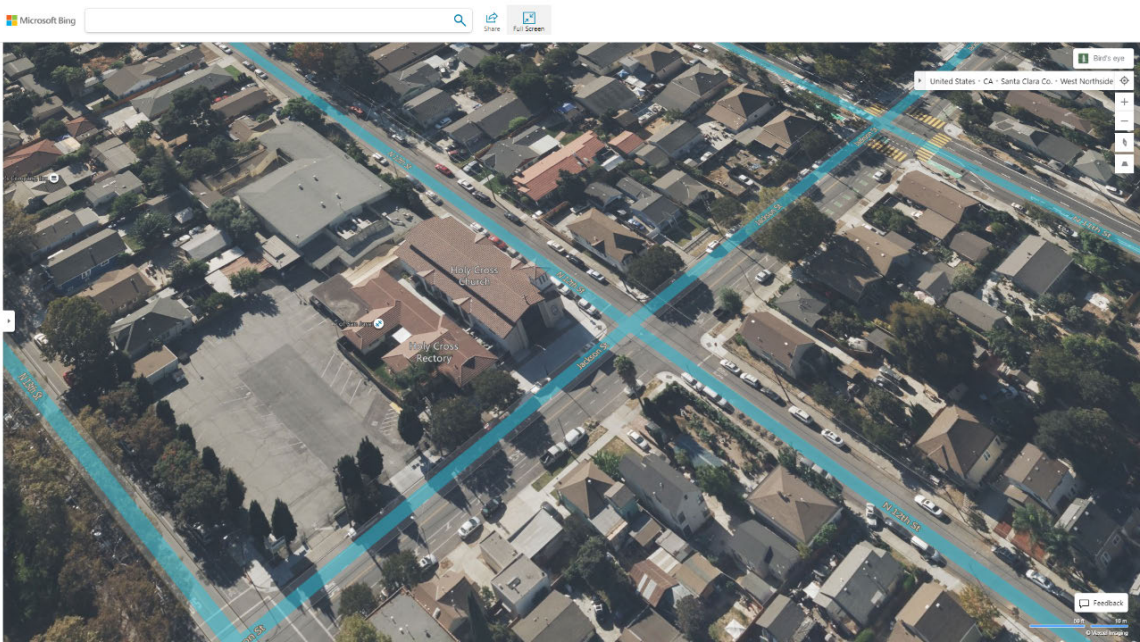


Sikh Gurdwara San Jose

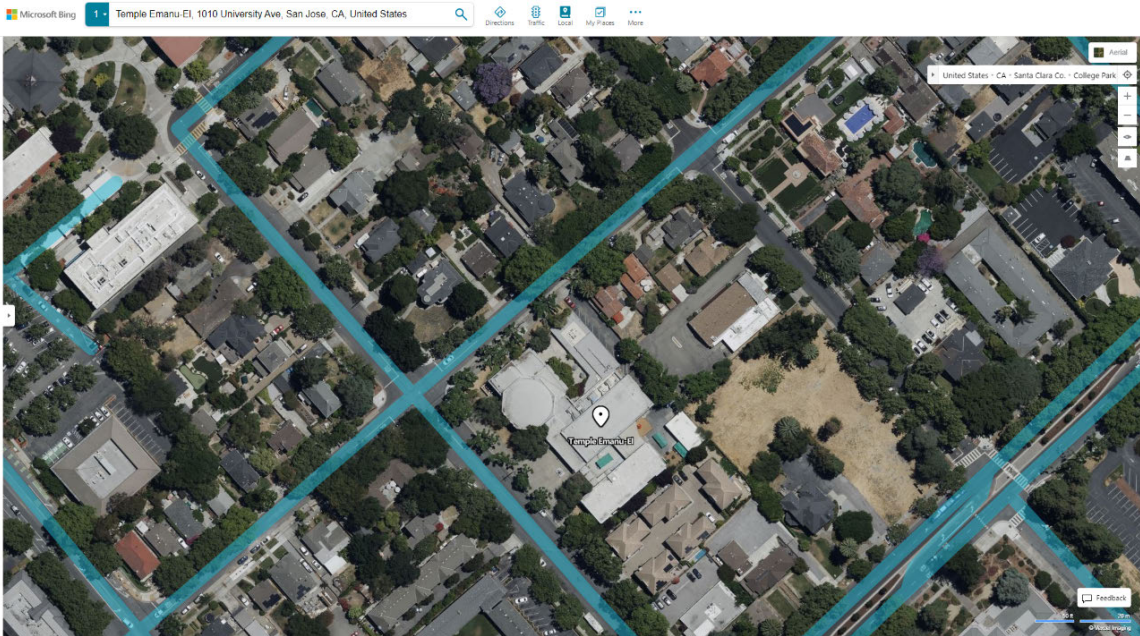


Holy Cross Catholic Church

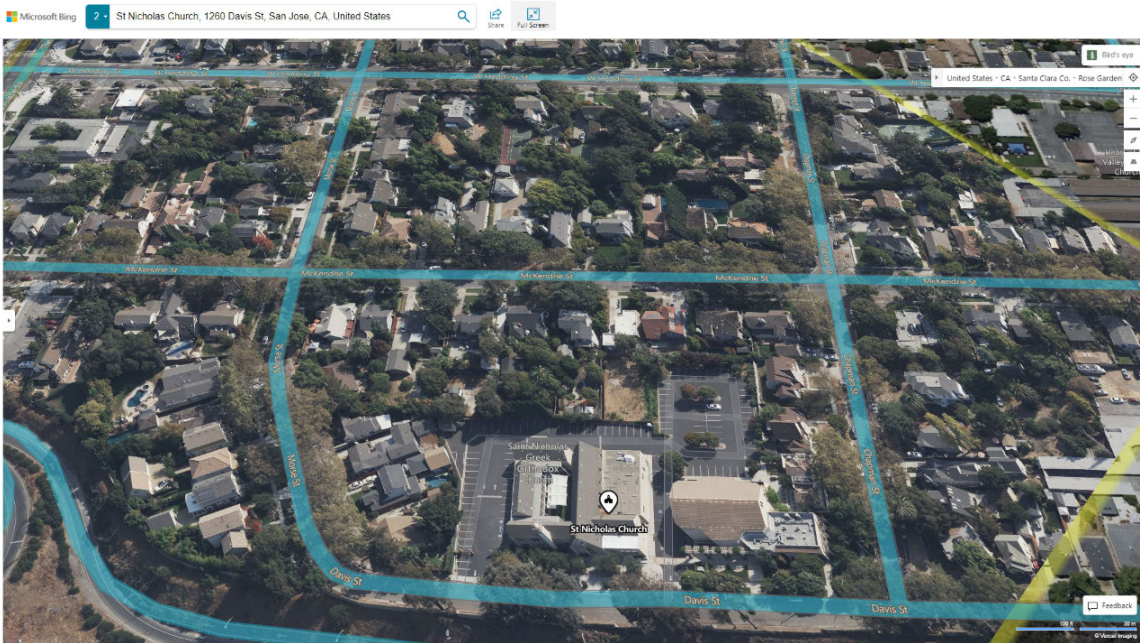




Jewish Temple Emanu-El



St. Nicholas Greek Orthodox Church





# FW: Meeting Agenda, March 28, 2023 :10.4-23-444 Wat Kampuchea Krom Temple

City Clerk <city.clerk@sanjoseca.gov>

Fri 3/24/2023 1:59 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Karina Liao <[REDACTED]>

**Sent:** Friday, March 24, 2023 1:07 PM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Meeting Agenda, March 28, 2023 :10.4-23-444 Wat Kampuchea Krom Temple

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Dear Councilmembers and Mayor Mahan,

I'm a resident of the [REDACTED] where the proposed temple is located and I'm writing to oppose the Watt Kampuchea Khmer Krom Temple project. I urge you to deny the rezoning and SUP application based on several grounds as articulated below.

## 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.

**2. The buildings' architectural design and color schemes are not inline with surrounding neighborhood architectural characters.**

The proposed buildings, especially the temple, have unique characteristics in terms of size and design that are non-conforming with surrounding residences which have ranch style design and neutral color scheme. The temple roof is much higher than nearby houses (8 ft. taller) and has gilded, unique accessories lining the roof throughout. The temple's gilded doors and windows, as well as the 65 ft. towering gilded steeple and large gilded steeple' base are also out of character in design and color. Ref : San Jose GP 2040 : CD-4.4, LU-11.7, LU-10.8, VN-1.12, VN-1-12

**3. This project and its intended purposes will have negative impacts on nearby communities' residential living environment.**

The facilities in themselves are designed to accommodate a really large number of people. The temple and the hall buildings have more than 1000+ occupant loads. The three courtyards, covered by pavers, can accommodate another thousand ( Ref: Page 8/29, SP20-024 4th submittal, Architecture Sheets). Applicant's statement that they only have a couple hundred Cambodian Krom families living in the greater Bay Area is questionable. In an interview (9/28/2022) with Californiaglobe.com founder, Ken Kurson, Lyna Lam/applicant gave a much bigger number, 6,000 people. During the Planning Commissioners hearing last month, Comm. Barocio asked how the Planning Dept. came up with max. 300 visitors, since the number was 500 visitors in the Pre-application. Planning staff answered that they take whatever number provided by the applicant. How do residents have a vote of confidence if the numbers provided are vastly different? The size of the potential crowd dictates how big the potential problems, such as noise, parking, and traffic, could arise down the road, and what plan should be implemented to mitigate them.

Applicant's plan to place outdoor amplified sound systems in the courtyards clearly shows an intention to use them on a regular basis, it is absolutely unacceptable. A PQP is allowed to have noise as high as 71 dBA, which is a stadium crowd level. A sound wall has limited benefits because sound travels in waves not in straight lines. It can and does go over the wall. The sound wall will be built only on two sides, along Pin Oak Ct. and Sweetleaf neighbors properties. Additionally, they have many holidays. Cambodian holidays are celebrated in addition to Buddhism. There are, at minimum, 20/year. 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 way those holidays are celebrated is not particularly quiet either, because most involve outdoor chanting, singing, dancing, using amplified sound systems and onsite vendors. Following is an example, a celebration at a similar temple in Stockton. Link: <https://www.youtube.com/watch?v=FI4qS Szy40> The temple in Stockton is located next to a Pick-n Pull facility, a commercial/residential or mixed use zone. It has plenty of parking and hundreds of feet clearance from the next residences.

Temple operational hours, as early as 6 am and as late as midnight, are more consistent with a facility located in a commercial/mixed use area. The intensity, the frequency of these activities and the noise level are grossly unsuitable for residential R1-5 areas.

Sixty eight parking spots are greatly insufficient since it's based on temple sq. ft only. The hall, which is twice as big, will be used, most possibly, at the same time during special events and weekends. We can not rely on temple administration to follow through with parking arrangements every single time when there is a special event, it's unrealistic. Additionally, San Jose Code Enforcement dept. is known for its unreliability. Two violations happened at the current temple (66 Sunset Ct) are a prime example. It turns out major renovations at the current temple are illegally done and they encroach on public street by putting metal gates at the end of the Sunset Ct., preventing neighbors and others from using the street. They even put a no trespassing/tow away sign next to the illegal gate. Their neighbors reported the violations in Jan & April of 2018, as of February 15, 2023 the cases are still open. Nothing happens, there are no consequences whatsoever. FYI, they asked the Planning Dept. back in 2013 if they could build the gate.

Case no. 201812934 - Major building violations

Case no. 201810963 - Illegal gate installation

Site location on an accident prone intersection creates traffic problems and safety hazards. Cars line up to enter one narrow entrance/exit would block the intersection, creating traffic jams/stacking. The roundabout, planned at the intersection, may create more headache when there is a special event going on. I'm also a no fan of the idea that taxpayers pay 75% and the applicant pays 25% for the roundabout/traffic improvement measures, we should not subsidize a billionaire's private project.

Above mentioned reasons in point 3 described how this project will have negative impacts on my neighborhood's residential living environment. Ref. San Jose GP 2040: VN-1.11, LU 9.8

In conclusion, I can understand the applicant's good intentions, but this site is not the right fit for her intended purposes. I strongly urge the City to encourage applicant to relocate this project to an alternate larger, better site, on the outskirts of the neighborhood. By doing so, the temple will be able to do what they want to do, and achieve future expansion that is unhindered by generating negative neighborhood impacts.

I respectfully request San Jose City Council to deny this rezoning and SUP application.

Thank you for your consideration of my neighborhood concerns.

Sincerely,  
Karina Liao

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## FW: Item 10.4 on 3/28/23 Council Agenda

City Clerk <city.clerk@sanjoseca.gov>

Fri 3/24/2023 3:27 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Michele Lew <[REDACTED]>

**Sent:** Friday, March 24, 2023 3:21 PM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Item 10.4 on 3/28/23 Council Agenda

[External Email]

Dear Honorable Mayor and City Councilmembers,

I respectfully request your approval of the project for the Wat Khmer Kampuchea Krom, a Cambodian Buddhist Temple designed to serve the local Khmer Krom population.

As you may know, the Cambodian people suffered a horrific genocide that killed approximately two million people under the leadership of Pol Pot and the Khmer Rouge from 1975 to 1979. Some of the Cambodian refugees came to California after fleeing the regime, and they have made San Jose their home.

At The Health Trust, we strive for everyone in Silicon Valley to be as healthy as possible. The Wat Khmer Kampuchea Krom Temple is an important site and community to support local residents' health and well-being, especially for elders who survived unspeakable trauma in their home country.

We hope you will support the project by voting to approve it without any delays. Thank you for your consideration.

Sincerely,

Michele Lew

**Michele Lew**

CEO

The Health Trust | [healthtrust.org](https://healthtrust.org)

3180 Newberry Dr., Suite 200, San Jose, CA 95118



**HEALTHTrust**

*Because everyone's health matters.*



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**Fwd: Comment Letter; March 28, 2023 Council Meeting, Agenda Item 10.4; C20-012, SP20-024 & ER20-147; Proposed Project at 2740 Ruby Avenue**

Janet Holt <[REDACTED]>

Mon 3/27/2023 1:01 PM

To: City Clerk <city.clerk@sanjoseca.gov>

 1 attachments (172 KB)

Comment Ltr\_3 28 23 Council Mtg\_Agenda Item 10.4\_2740 Ruby Ave Project.pdf;

[External Email]

Dear City Clerk's office,

Please submit this letter to agenda item 10.4 Land Use for City Council meeting dated 2-28-23

Thank you

March 26, 2023

Honorable Mayor and Councilmembers  
City of San Jose  
200 East Santa Clara Street, 3rd Floor  
San Jose, CA 95113

**Re: Council Hearing on C20-012, SP20-024 & ER20-147  
Proposed Project at 2740 Ruby Avenue, San Jose  
March 28, 2023, Meeting, Agenda Item 10.4**

Honorable Mayor and Councilmembers:

My family lives next door to the proposed project at 2740 Ruby Avenue. The proposed project's sole driveway will run the length of the south side of my family's home and fully surround the Tran family home at [REDACTED]. I, and many of my neighbors who live next door to the proposed project, have submitted many of the same reasonable comments. Yet, neither the applicants nor the Planning Department have incorporated these into the proposed project's plans or permit.

My continuing appeal, for the health, safety, and peace for all those concerned, including for next door neighbors who will be most impacted, is that the following conditions be incorporated into the proposed project's Special Use Permit (SUP).

- 1. Restrict hours of operation to 9 am to 9 pm.** If the Council agrees with the Mayor's March 24 memo that hours of operation should be from 9 am to 10 pm, these hours should include time for set up and cleanup activities. As drafted, the SUP's project description at page 3 includes hours from 6 am to 12 am. This must be corrected so that applicants and community members share the same expectations and understanding.
- 2. Clarify that only 300 visitors, inclusive of all types of staff who will support events, is the maximum number of visitors allowed at any one time.** The 300-visitor limit would exclude the 8 residents who live on site. In the draft SUP, the applicants try to increase the maximum number of people authorized on-site by carving out event support staff. Failure to be clear about the number of visitors who may be on-site at any one time could cause the number of people on-site to reach 350 people or more. For other SUPs that the City has approved in the past, the City has clearly articulated the number of people who can be on site at any one time. The City should continue this practice so that applicants and other community



members can be clear about the maximum number of visitors to the site and so the SUP, if violated, can be enforced.

**3. Allow the applicant to keep an on-site smoking area in their courtyard.** Section 4 of the Mayor's memo recommends removal of the applicant's designated smoking area. However, what neighbors who advocated this were seeking was a smoking ban at the site. Removing the designated smoking area does not accomplish this. Please restore the smoking area so that smokers are encouraged to use a convenient and welcoming courtyard location. This will help keep smokers and discarded cigarette butts off public sidewalks and streets.

**4. Do not allow outdoor sound amplification.** Per the SUP, the applicant would be allowed to have outdoor sound amplification during special events and holidays. However, the SUP does not limit the number of special events and holidays the applicant may hold per year. There could be many monthly events with outdoor sound amplification. The Council should eliminate outdoor sound amplification or, at least, limit sound amplification to 12 days per year.

**5. Require an 8-foot sound walls.** A difference in grade exists between the proposed project and surrounding homes, including the Tran family home that the proposed project will surround. To account for this grade difference, and because the proposed project will be a commercial use, the installed sound walls should be 8 feet tall.

**6. Require that the applicant's security cameras be mounted and placed so they do not record video or images of neighbors' (back)yards or windows.** Neighbors' backyards are fenced in, and we have an expectation of privacy. Neighbors' windows, including their bedroom and bathroom windows, face applicants' proposed project. Applicants' buildings are proposed to be taller than neighboring uses, and cameras placed at these taller buildings could capture images and video of neighbors' backyards and windows. Applicants should be restricted from recording neighbors' (back)yards and windows, and this restriction included in the SUP.

**7. Restrict garbage and recycling collection to one time per week.** Garbage and recycling collection in our neighborhood occurs before 7 am every Thursday. Garbage and recycling collection is very loud. Applicants' garbage and recycling is proposed to in their on-site parking lot and within 15 feet of the Tran family home. This means that these large and noisy vehicles will travel the length of my family's southern boundary once a week and then pick up, empty, and drop several bins. If applicants require more frequent garbage and recycling collection, then this element of their proposed project should be redesigned so garbage and recycling service occurs on the public street to minimize impacts on neighbors.

**8. Specify in the SUP that vending on public sidewalks is not allowed.** Some religious assemblies routinely use the public sidewalks to vend food and goods to patrons as they enter and exit their sites. This blocks sidewalks and causes impacts on our streets, particularly if cars park illegally to purchase what is being sold. Allowing these activities on public sidewalks will reduce the health and safety for all concerned. Please include this restriction in the SUP.

**9. Support the Mayor's recommendation actions 1.a. and 2.** In directing staff to explore traffic calming near the project, staff should be directed to include exploring installation of radar speed display signs on Ruby Avenue and lighted crosswalks at the Ruby and Norwood Ave intersection. Staff should further be directed to return to Council with an update on their progress and/or recommendations within 6 months' time.

Thank you for considering my comments.

Sincerely,

Reuben Castillo

Attached as pdf document

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March 26, 2023

Honorable Mayor and Councilmembers  
City of San Jose  
200 East Santa Clara Street, 3rd Floor  
San Jose, CA 95113

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March 28, 2023, Meeting, Agenda Item 10.4**

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Thank you for considering my comments.

Sincerely,

Reuben Castillo

[REDACTED]

**"Council Meeting Agenda Item#10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24".**

Tony Loeb &lt;[REDACTED]&gt;

Mon 3/27/2023 2:33 PM

To: City Clerk &lt;city.clerk@sanjoseca.gov&gt;

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To Whom It May Concern:

No, I don't live in the immediate vicinity of 2740 Ruby Ave, although I drive through it several times a week. I appreciate the character of this neighborhood: peaceful, quiet, and definitely residential. The people of this neighborhood have worked long and hard to create their environment.

I can only imagine what would happen to the neighborhood where I live, not far away from Ruby, if an organization suddenly wanted to build a facility like this. I can imagine the traffic running through our quiet streets, with noise and congestion, with events causing noise levels totally unusual for the environment in which we chose to live for its tranquility.

Yes, selfishly, I fear that one of these re-zonings will spur others to attempt the same. With SB-9 and the horrendous homeless situation and its proposed solutions, everything is on the table.

I am sure there are other geographic areas that would be far better suited to a temple like the Wat Khmer Kampuchea Krom one proposed.

Very sincerely,

Tony Loeb

Pleasant Knoll

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## Religious Land Use Protections for Buddhist Temple Project; March 28, 2023 City Council Meeting: Agenda Item 10.4

Moulton, Karen <[REDACTED]>

Mon 3/27/2023 3:15 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Frimann, Nora <nora.frimann@sanjoseca.gov>; Blackwell, David <[REDACTED]>

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[External Email]

Dear Mayor and City Council Members,

Please see attached correspondence from David Blackwell regarding tomorrow night's City Council hearing - Agenda Item 10.4

Thank you.

**Karen E. Moulton**

Legal Secretary

Allen Matkins Leck Gamble Mallory & Natsis LLP

[REDACTED]

[REDACTED] (main)

[REDACTED] (fax)

[REDACTED]

**Allen Matkins**

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# Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Telephone: [REDACTED] | Facsimile: [REDACTED]  
www.allenmatkins.com

David H. Blackwell

E-mail: [REDACTED]

Direct Dial: [REDACTED] File Number: 375919.00004/4861-2444-2199.3

## **Via Electronic Mail**

March 27, 2023

Mayor Matt Mahan and City Council Members  
City of San Jose  
200 E. Santa Clara St.  
San Jose, Ca 95113

city.clerk@sanjoseca.gov

**Re: Religious Land Use Protections for Buddhist Temple Project  
March 28, 2023 City Council Meeting: Agenda Item 10.4**

Dear Mayor Mahan and City Council Members:

This firm represents the Wat Khmer Kampuchea Krom Buddhist Temple (“Buddhist Temple”), which submitted an application for a rezoning and a Special Use Permit (“Approvals”) for a temple project at 2740 Ruby Avenue (“Property”) on July 15, 2020 (“Project”). The purpose of this correspondence is to advise the City that the Religious Land Use and Institutionalized Persons Act (“RLUIPA” or “Act”), a federal law, protects the Buddhist Temple’s religious exercise, including the use and development of real property, and limits the City’s discretion to deny the Approvals or to make development of the Project infeasible. (42 USC § 2000cc.)

The Buddhist Temple seeks the Approvals to rezone the Property to a Public/Quasi-Public District, which allows religious assembly uses subject to issuance of a Special Use Permit (“SUP”). On February 22, 2023, the San Jose Planning Commission reviewed and recommended to the City Council that the City Council approve the Approvals at its March 28, 2023 hearing.

As you know, the City typically retains a certain level of discretion when making required findings, based on evidence in the record, to approve or deny discretionary approvals, including a SUP or rezoning. But as explained below, RLUIPA limits that discretion and provides the grounds for a federal lawsuit if the Approvals are denied.

## **I. RLUIPA OVERVIEW**

Congress enacted RLUIPA in 2000 “to protect the free exercise of religion guaranteed by the First Amendment from governmental regulation.” (*Guru Nanak Sikh Soc’y of Yuba City v. Cnty. of Sutter* (9th Cir. 2006) 456 F.3d 978, 985.) “In explaining the need for RLUIPA, Senators Hatch and

Mayor Matt Mahan and City Council Members

March 27, 2023

Page 2

Kennedy, sponsors of the bill, noted, ‘Churches in general, and new, small, or unfamiliar churches in particular, are frequently discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. ... Often, discrimination lurks behind such vague and universally applicable reasons as traffic, aesthetics, or ‘not consistent with the city’s land use plan.’” (*Id.* at 987, fn 9.)

The Senators further explained that for a religious institution, having “a place of worship ... is at the very core of the free exercise of religion ... [and that] [c]hurches and synagogues cannot function without a physical space adequate to their needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes.” (*Int’l Church of the Foursquare Gospel v. City of San Leandro* (9th Cir. 2011) 673 F.3d 1059, 1069.)

RLUIPA prohibits cities from implementing land use regulations, including discretionary permits, that impose a substantial burden on religious exercise, unless a city demonstrates that the imposition of the land use regulation furthers a compelling governmental interest and is the least restrictive means of furthering that compelling interest. (42 USC § 2000cc(a)(1); *Guru Nanak*, 456 F.3d at 986-87.)

California courts have held that denying a religious organization a land use permit may constitute a substantial burden. (*Guru Nanak*, 456 F.3d at 993; *New Harvest Christian Fellowship v. City of Salinas* (9th Cir. 2022) 29 F.4th 596, 603, fn. 6; *Grace Church of North County v. City of San Diego* (2008) 555 F.Supp.2d 1126, 1136-1138, 1141.) Courts apply strict scrutiny when reviewing a city’s explanation of its “compelling interests” to justify the substantial burden. (*Cottonwood Christian Ctr. v. Cypress Redevelopment Agency* (C.D. Cal. 2002) 218 F.Supp.2d 1203, 1220; *Guru Nanak*, 456 F.3d at 993.) The prevailing party in a RLUIPA action may recover its attorneys’ fees (42 USC § 1988(b)), and the Department of Justice may also initiate litigation against local agencies for violating the Act.

## **II. RLUIPA GOVERNS THE APPROVALS**

The Buddhist Temple has received strong support from City Staff and the Planning Commission. Nevertheless, a group of vocal neighbors have persistently complained about the Project, with shifting demands and unsupported arguments. They clearly do not want the Buddhist Temple in their neighborhood, claiming about its aesthetics, religious practices, and neighborhood compatibility. They have sought to impose conditions that bear no nexus to the Project’s impacts and are instead vague, devoid of metrics or safeguards, and sufficiently flexible to provide a pretense for denying the Buddhist Temple of a SUP regardless of its location, design, or compliance with City laws.

California courts have held that using such ineffable standards to reject a discretionary permit imposes a substantial burden on religious exercise in violation of RLUIPA. (*Guru Nanak*,

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

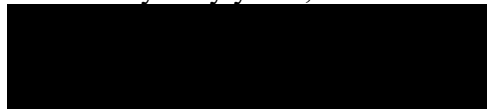
Mayor Matt Mahan and City Council Members  
March 27, 2023  
Page 3

456 F.3d at 991.) Further, “RLUIPA does not contemplate that local governments can use broad and discretionary land use rationales as leverage to select the precise parcel of land where a religious group can worship.” (*Id.* at 992, fn. 20.) Accordingly, adoption of the neighbors’ complaints would preclude the Project’s development at the Property or in virtually any residential area of the City, denying the Buddhist Temple a home in San Jose, imposing a substantial burden on its religious exercise, and violating RLUIPA. (*Int’l Church of the Foursquare Gospel v. City of San Leandro* (9<sup>th</sup> Cir. 2011) 673 F.3d 1059, 1067-70.)

It is clear that denying the Approvals would impose a substantial burden on the Buddhist Temple’s religious exercise. To justify denying the Approvals, the City would have to provide Project-specific, substantiated findings confirming that denying the Approvals furthers a compelling interest and is the least restrictive means of achieving that interest. Given the City’s prior religious use approvals in the neighborhood and R-1 District, applicable RLUIPA case law, and the strict scrutiny standard the City must surmount, the City would not be able to justify denying the Approvals under RLUIPA.

Thank you for your time and attention in this matter. We respectfully request that the Council follow the recommendations of Staff and the Planning Commission and approve the Project at this meeting.

Very truly yours,



David H. Blackwell

cc: Nora Frimann, City Attorney



## FW: Letters of support needed for the Temple

City Clerk <[REDACTED]>

Fri 3/24/2023 4:53 PM

To: Agendadesk <[REDACTED]>

---

**From:** Silver Son <[REDACTED]>

**Sent:** Friday, March 24, 2023 4:16 PM

**To:** Leslee Guardino <[REDACTED]>

Mahan, Matt <[REDACTED]>

Kamei, Rosemary

<[REDACTED]> Jimenez, Sergio <[REDACTED]>

Cohen, David <[REDACTED]>

Doan, Bien <[REDACTED]>

Batra, Arjun <[REDACTED]>

Candelas, Domingo

<[REDACTED]> Davis, Dev <[REDACTED]>

Ortiz, Peter <[REDACTED]>

Torres, Omar

<[REDACTED]> Foley, Pam <[REDACTED]>

**Cc:** City Clerk <[REDACTED]>

Khmer Krom US <[REDACTED]>

**Subject:** Re: Letters of support needed for the Temple

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Hi All,

The letter expressing my support for the temple please see the attached file.

Best regards,

Silver Son

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Regards,

Silver Son

[E-mail:](#) [REDACTED]  
[REDACTED]

On Mar 7, 2566 BE, at 12:58 PM, Leslee Guardino <[REDACTED]> wrote:

Hi all, as we near our hearing on 3/28, it will be very important that everyone write to the Mayor and City Council in support of the Temple. These letters will be part of the public record and are very important to show the Council that there is broad support for the project.

1. Email your letter as soon as possible. See the email list below.
2. Subject line: Support for the Proposed Temple at 2740 Ruby Avenue.
3. If you live in San Jose, say so in your letter, if you don't, you do not need to say where you live.

Sample email:

Date

Subject: Support for the Temple at 2740 Ruby Ave

Dear Honorable Mayor and members of the City Council,

My name is XXXX. I've lived in San Jose/Evergreen for X years.

I strongly support the proposed Temple (state 2-3 reasons why, give your personal story of what the Temple means to you and your family)

I urge you to please vote YES for the Temple.

Sincerely,

NAME

Email the letter to:

[REDACTED]

CC:

[REDACTED]

--

Leslee Guardino  
Principal

[REDACTED]

From: SILVER SON

March 24, 2023

Subject: Support for Proposed Temple at address:  
**2740 Ruby Ave**  
**San Jose, CA 95148**

Dear Honorable Mayor and City Councilmembers,

I respectfully request your approval of the project for the Wat Khmer Kampuchea Krom, a Cambodian Buddhist Temple which will serve the local Khmer Krom population.

Background of Khmer Kampuchea Krom people are Khmer citizens who are originally born and have been living in the territory of Khmer Kampuchea Krom (known as the southern lowlands of Cambodia), which is now located in the Southern Vietnam.

Most of the Khmer Krom live in the southern lowlands region of historical Cambodia, which covered an area of 89,000 square kilometers (34,363 sq miles) around present-day Ho Chi Minh City and the Mekong Delta, which used to be the southeasternmost territory of the Khmer Empire until its incorporation into Vietnam under the ...

Khmer Krom or Southern Khmer is spoken by the indigenous Khmer population of the Mekong Delta, formerly controlled by the Khmer Empire but part of Vietnam since 1698. The Khmers are persecuted by the Vietnamese government for using their native language and, since the 1950s they forced to take Vietnamese names.

The French colonial government gave Kampuchea Krom to Vietnam.

The Khmer-Krom people are the Indigenous Peoples of the Mekong Delta in southern Vietnam (Kampuchea Krom). On the June 4, 1949, Kampuchea Krom was transferred to Vietnam by the French colonial government without the consent of the Indigenous Khmer-Krom Natives.

Rationale for support the temple: The temple is a place of peace, happiness, and inspiration. It is the house of the Buddha and the place where his most sacred ordinances are performed.

Temples are the only places where some priesthood ordinances are authorized to be performed. These sacred ceremonies lift and inspire participants as they make commitments to follow the teachings. Receiving temple ordinances and keeping covenants bind families together forever.

The fact is that in general, all the people who visit the temples are praying and thinking good things. The time they spend in the temple, their hearts are filled with devotion, and they are at their best behaviors; their thoughts are focused on the deity of their choice and in praying. It creates spiritual field of energy.

As you may know, the Cambodian people suffered a terrible genocide that killed approximately two million people under the leadership of Pol Pot from 1975 to 1979. Some of the Cambodian refugees came to California after fleeing the regime, and they had chosen San Jose their homeland.

We hope you will support the project by voting to approve it without any delays. Thank you for your consideration.

**Sincerely, Michele Lew is CEO of The Health Trust.**

Best regards,  
Silver Son

**FW: Council Meeting-3/28/2023- Agenda Item#10.4 - Rezoning & SUP - C20-12 & SP20-24 - Property : 2740 Ruby Ave.**

City Clerk <[REDACTED]>

Mon 3/27/2023 7:35 AM

To: Agendadesk <[REDACTED]>

---

**From:** Karina Liao <[REDACTED]>

**Sent:** Saturday, March 25, 2023 12:12 PM

**To:** City Clerk <[REDACTED]> Mahan, Matt <[REDACTED]> Candelas, Domingo <[REDACTED]>  
<[REDACTED]> District 6 <[REDACTED]> District 10 <[REDACTED]> Kamei, Rosemary <[REDACTED]>  
<[REDACTED]> Cohen, David <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
Foley, Pam <[REDACTED]> Torres, Omar <[REDACTED]> Ortiz, Peter <[REDACTED]> Doan, Bien <[REDACTED]>

**Subject:** Council Meeting-3/28/2023- Agenda Item#10.4 - Rezoning & SUP - C20-12 & SP20-24 - Property : 2740 Ruby Ave.

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[External Email]

Dear Councilmembers and Mayor Mahan,

I'm a resident of the Groesbeck Hill neighborhood where the proposed temple is located and I'm writing to oppose the Watt Kampuchea Khmer Krom Temple project. I urge you to deny the rezoning and SUP application based on several grounds as articulated below.

### **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.

## **2. The buildings' architectural design and color schemes are not inline with surrounding neighborhood architectural characters.**

The proposed buildings, especially the temple, have unique characteristics in terms of size and design that are non-conforming with surrounding residences which have ranch style design and neutral color scheme. The temple roof is much higher than nearby houses (8 ft. taller) and has gilded, unique accessories lining the roof throughout. The temple's gilded doors and windows, as well as the 65 ft. towering gilded steeple and large gilded steeple' base are also out of character in design and color. Ref : San Jose GP 2040 : CD-4.4, LU-11.7, LU-10.8, VN-1.12, VN-1-12

## **3. This project and its intended purposes will have negative impacts on nearby communities' residential living environment. Ref.: San Jose GP 2040: VN-1.11, LU 9.8**

The facilities in themselves are designed to accommodate a really large number of people. The temple and the hall buildings have more than 1000+ occupant loads. The three courtyards, covered by pavers, can accommodate another thousand ( Ref: Page 8/29, SP20-024 4th submittal, Architecture Sheets). Applicant's statement that they only have a couple hundred Cambodian Krom families living in the greater Bay Area is questionable. In 9/28/2022 interview with Californiaglobe.com founder, Ken Kurson, Lyna Lam/applicant gave a much bigger number, 6,000 people. During the Planning Commissioners hearing last month, Comm. Barocio asked how the Planning Dept. came up with max. 300 visitors, since the number was 500 visitors in the Pre-application. Planning staff answered that they take whatever number provided by the applicant. How do residents have a vote of confidence if the numbers provided are vastly different? The size of the potential crowd dictates how big the potential problems, such as noise, parking, and traffic, could arise down the road, and what plan should be implemented to mitigate them.

Applicant's plan to place outdoor amplified sound systems in the courtyards clearly shows an intention to use them on a regular basis, it is absolutely unacceptable. A PQP is allowed to have noise as high as 71 dBA, which is a stadium crowd level. A sound wall has limited benefits because sound travels in waves not in straight lines. It can and does go over the wall. The sound wall will be built only on two sides, along Pin Oak Ct. and Sweetleaf neighbors properties. Additionally, they have many holidays. Cambodian holidays are celebrated in addition to Buddhism. There are, at minimum, 20/year. 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 way those holidays are celebrated is not particularly quiet either, because most involve outdoor chanting, singing, dancing, using amplified sound systems and onsite vendors. Following is an example, a celebration at a similar temple in Stockton. Link: <https://www.youtube.com/watch?v=FI4qS Szy40> The temple in Stockton is located next to a Pick-n Pull facility, a commercial/residential or mixed use zone. It has plenty of parking and hundreds of feet clearance from the next residences.

Temple operational hours, as early as 6 am and as late as midnight, are more consistent with a facility located in a commercial/mixed use area. The intensity, the frequency of these activities and the noise level are grossly unsuitable for residential R1-5 areas.

Sixty eight parking spots are greatly insufficient since it's based on temple sq. ft only. The hall, which is twice as big, will be used, most possibly, at the same time during special events and weekends. We can not rely on temple administration

to follow through with parking arrangements every single time when there is a special event, it's unrealistic. Additionally, San Jose Code Enforcement dept. is known for its unreliability. Two violations happened at the current temple (66 Sunset Ct) are a prime example. It turns out major renovations at the current temple are illegally done and they encroach on public street by putting metal gates at the end of the Sunset Ct., preventing neighbors and others from using the street. They even put a parking restricted 24 hrs/tow away sign next to the illegal gate. Their neighbors reported the violations in Jan & April of 2018, as of February 15, 2023 the cases are still open. Nothing happens, there are no consequences whatsoever. FYI, they asked the Planning Dept. back in 2013 if they could build the gate.

Case no. 201812934 - Major building violations

Case no. 201810963 - Illegal gate installation

Site location on an accident prone intersection creates traffic problems and safety hazards. Cars line up to enter one narrow entrance/exit would block the intersection, creating traffic jams/stacking. The roundabout, planned at the intersection, may create more headache when there is a special event going on. I'm also a no fan of the idea that taxpayers pay 75% and the applicant pays 25% for the roundabout/traffic improvement measures, we should not subsidize a billionaire's private project.

Above mentioned reasons in point 3 describe how this project will have negative impacts on my neighborhood's residential living environment. Ref. San Jose GP 2040: VN-1.11, LU 9.8

In conclusion, I can understand the applicant's good intentions, but this site is not the right fit for her intended purposes. I strongly urge the City to encourage applicant to relocate this project to an alternate larger, better site, on the outskirts of the neighborhood. By doing so, the temple will be able to do what they want to do, and achieve future expansion that is unhindered by generating negative neighborhood impacts.

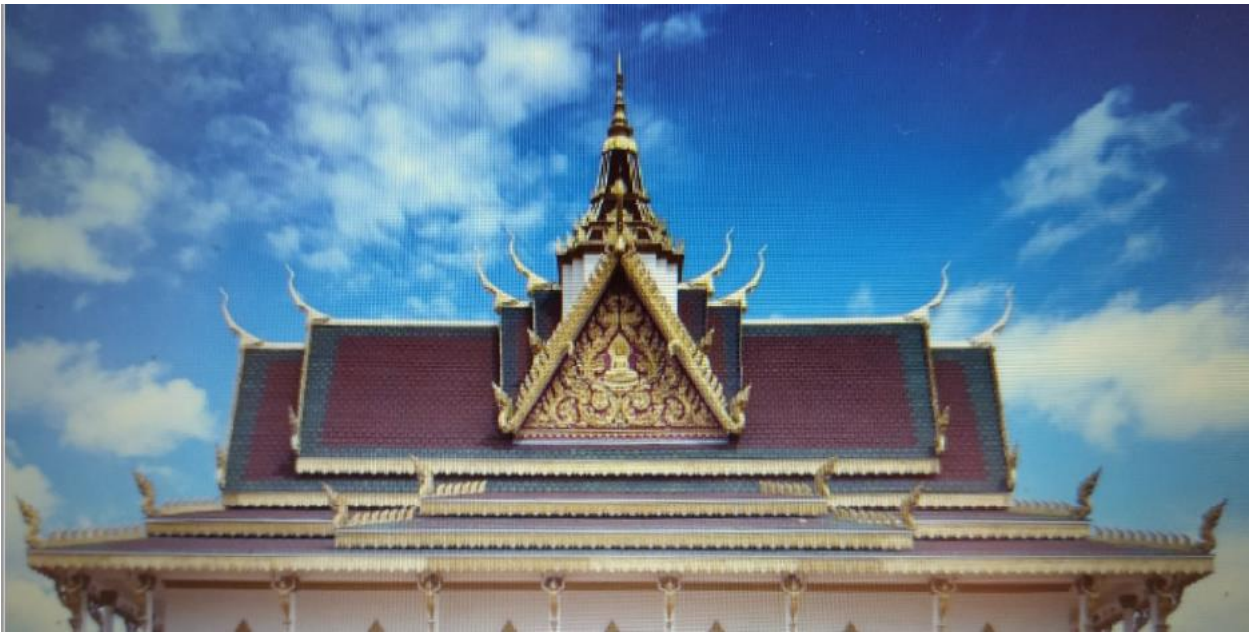
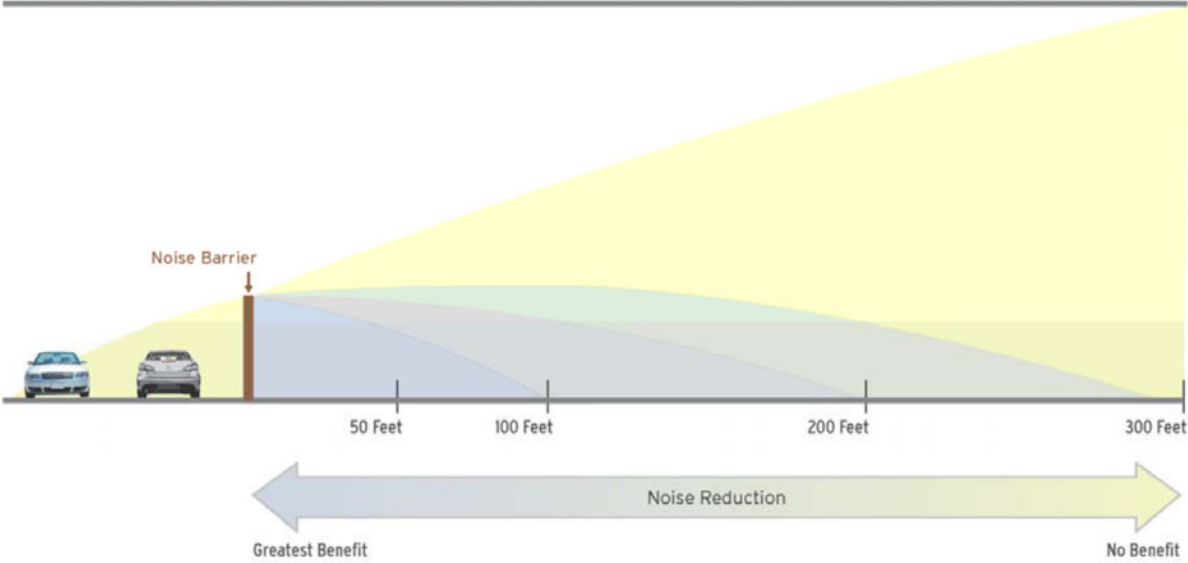
I respectfully request San Jose City Council to deny this rezoning and SUP application.

Thank you for your consideration of my neighborhood concerns.

Sincerely,  
Karina Liao

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Noise Barrier Effectiveness



# FW: Agenda item 10.4 March 28, 2023 Meeting Letter for District 8 Community Round Table

City Clerk <[REDACTED]>

Mon 3/27/2023 7:39 AM

To: Agendadesk <[REDACTED]>

---

**From:** D8CRT Secretary <[REDACTED]>

**Sent:** Sunday, March 26, 2023 3:14 PM

**To:** District2 <[REDACTED]> District 6 <[REDACTED]> District9 <[REDACTED]> District4 <[REDACTED]> District3 <[REDACTED]> District5 <[REDACTED]> District7 <[REDACTED]> District 10 <[REDACTED]> The Office of Mayor Matt Mahan <[REDACTED]> City Clerk <[REDACTED]>

**Subject:** Agenda item 10.4 March 28, 2023 Meeting Letter for District 8 Community Round Table

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[External Email]

Honorable Council Members,

Please find a letter from D8CRT President Pat Waite for the development project at 2740 Ruby Avenue that will be heard at 6pm March 28th during Council, agenda item 10.4

Thank you,



**District 8 Community Round Table**

Janet Holt-Secretary D8CRT

[REDACTED]

[REDACTED]

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## District 8 Community Round Table

March 19, 2023

Agenda Item 10.4 Land Use for Council Meeting March 28, 2023 @6pm

Planning Applications C20-012, SP20-024 & ER20-147 (Private gathering space church/religious assembly) Rezoning from R1-5 residential zoning to PQ/P and SUP to build a religious facility.

Honorable Councilmembers,

District 8 Community Round Table has met with residents regarding a proposed land-use project at 2740 Ruby Avenue. We have also facilitated meetings with both the developer and the residential community during the multi-year application process.

Residents overwhelmingly oppose the project due to the location, size, height, mass, extended hours, operational uses, safety, traffic, and noise concerns. The project is located in a well-established residential neighborhood and surrounds on three sides a single-family private home that is not a part of the project. Of particular concern is the rezoning of R-1-5 land from residential to a more intense land use of Public-Quasi/Public. Prior planners rejected anything more intense than 6 homes at the property. We are concerned the project does not meet aspects of the 2040 General Plan.

District 8 Community Round Table would like to ask the council and applicant to pause the application to find a more appropriate location consistent with the proposed uses. While we recognize this offer has been made and rejected in the past, we still believe it is the best solution for the applicant and community. The applicant will be able to build a project that allows them to expand their growing community and the land at 2740 Ruby can be built out for its intended residential uses.

Should the council dismiss our recommendation, we request you consider any and all additional conditions that could mitigate adverse effects and maintain characteristics of the neighborhood.

Sincerely,



Pat Waite

President

District 8 Community Round Table Steering Committee

### SUGGESTED CONDITIONS FOR TEMPLE AT 2740 RUBY DRIVE

- Clearly state on permit maximum allowable occupancy of 308 persons, inclusive of staff, vendors, etc. and that there is to be no future modification to increase occupancy.
- When parking lot is full; Place signs stating “Lot Full – Proceed to Offsite Lot” at Ruby & Norwood, Ruby & Quimby, Ruby & Tully.
- “No Temple Parking” signs or permit only parking to be placed on the following streets: Pin Oak Court, Sweetleaf Court, Ambum Drive, Mitton Drive, Americus Drive, and additionally to the first 10 homes on Norwood (both the east and west sides of Ruby). Signs to be paid for and maintained by applicant. All vendor parking to be located on-site.
- Reduce hours of operation to: 9AM-9PM
- Reduce large events to no more than three 3-day events per year.
- Eliminate outdoor amplification.
- Lighting intensity to be in character and consistent with Residential zoning
- Reduce height of buildings to a maximum of 35’ to blend into the character with R-1-5 Residential zoning.
- Add second driveway on Norwood Ave.
- Permanent radar speed indicators on Ruby between Quimby and Norwood and Tully and Norwood as well as downhill on Norwood (and or speedbumps).
- Eliminate outdoor smoking area or place at (courtyard 3) the farthest from any neighborhood residence.
- For any event over 100 people, there be an event compliance coordinator, a traffic control coordinate and security.
- Allow the “Meditation Gardens” be open to neighborhood residents once a week, with set hours.
- Create signage inside parking area: “Quiet Zone – Please Be Considerate of Our Neighbors
- No event operations may spill onto sidewalks or streets, i.e., pop up tents, etc.

## FW: Letter in Support of the Proposed Buddhist Temple

City Clerk <[REDACTED]>

Mon 3/27/2023 9:20 AM

To: Agendadesk <[REDACTED]>

---

**From:** [REDACTED] <[REDACTED]>

**Sent:** Monday, March 27, 2023 9:03 AM

**To:** Mahan, Matt <[REDACTED]> Kamei, Rosemary <[REDACTED]> Jimenez, Sergio

<[REDACTED]> Cohen, David <[REDACTED]> Doan, Bien <[REDACTED]> Batra, Arjun

<[REDACTED]> Candelas, Domingo <[REDACTED]> Davis, Dev <[REDACTED]> Ortiz,

Peter <[REDACTED]> Torres, Omar <[REDACTED]> Foley, Pam <[REDACTED]>

**Cc:** City Clerk <[REDACTED]> 'Sophaline Mao' <[REDACTED]>

**Subject:** Letter in Support of the Proposed Buddhist Temple

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[External Email]

March 27, 2023

Dear Honorable Mayor Mahan and Members of the City Council,

My name is Mony Nop, a Khmer American. I am writing in support of the proposed temple, and I hope you will too. This beautiful temple will be one-of-a-kind, unlike any other Buddhist temples built in the United States of America. With your approval, this temple will be another great example of diversity and inclusion for the city of San Jose, a temple that will be visited by many, and for sure, it will be a pride and joy for the neighbors and city for years to come.

As a refugee from Cambodia, this new temple will serve my family, friends, this community, and I in many ways. This temple will serve as a place to seek peace and solitude, an institution to worship, a place to learn and preserve our Khmer heritage and culture, a place to connect and belong, but most importantly, a place for our Khmer community to heal.

As refugees of a genocide, who has experienced so many adversities and disadvantages since we arrived in the U.S., there is no greater place for our community to gather, to practice and worship Buddhism, and to heal, than having our own temple to do so. Buddhism is the core of who we are, as 95% of us practice Buddhism. To us, this temple will be our home, away from home, in America. To my family, a temple has been the place of refuge, a place of peace, and the only place of worship for Buddhism.

Please note that a Buddhist temple, as a place for worship, does not allowed wedding ceremonies, parties and alcohol on site, as has been incorrectly mentioned before. In the words of Ceshe Kelsang Cyatso, a well-known spiritual leader, stated, "Whenever anyone, Buddhist or not, sees a temple or an image of Buddha, they receive blessings."

I ask that all of you vote in support of the proposed temple. Thank you for your time and consideration.

Respectfully submitted,

Mony Nop  
[REDACTED]

Community Leader/Realtor/Philanthropist



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## FW: ELNA Request for Lighted Flashing Crosswalk at Ruby Ave

City Clerk <[REDACTED]>

Mon 3/27/2023 10:14 AM

To: Agendadesk <[REDACTED]>

---

**From:** Evergreen Leadership <[REDACTED]>

**Sent:** Monday, March 27, 2023 9:46 AM

**To:** City Clerk <[REDACTED]>

**Subject:** Fwd: ELNA Request for Lighted Flashing Crosswalk at Ruby Ave

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[External Email]

Good morning, please add to public letters for City Council agenda item 10.4 Land Use for Development application at Ruby and Norwood Ave's San Jose

Honorable Mayor, Vice Mayor and Councilmembers,

Please see attached email requesting a crosswalk at Ruby Avenue and Cedardale Drive with attached studies to add to the conditions for the temple project at Ruby and Norwood in D8.

Thank you.

Regards,

Janet Holt-President

ELNA



**EVERGREEN LEADERSHIP**

Neighborhood Association



[Evergreen Leadership NA](#)

[Evergreen Monthly Newsletter](#)

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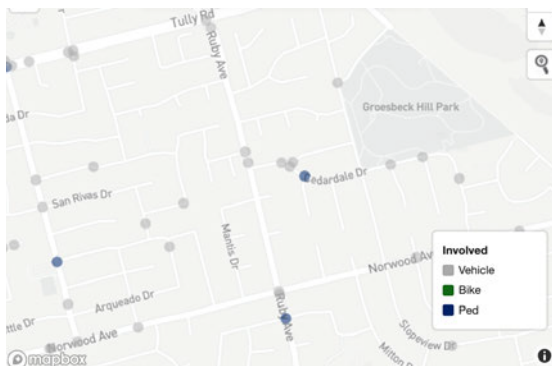
## Evergreen Neighborhood Walk Audit

On August 20, 2020, California Walks in partnership with the City of San Jose Department of Transportation facilitated a virtual walk assessment of the Evergreen neighborhood with the Evergreen Leadership Neighborhood Association. The walk assessment focused on Ruby Avenue between Tully Road and Norwood Avenue (top image), with additional comments on the neighborhoods surrounding Cedar Grove Elementary School (bottom image).

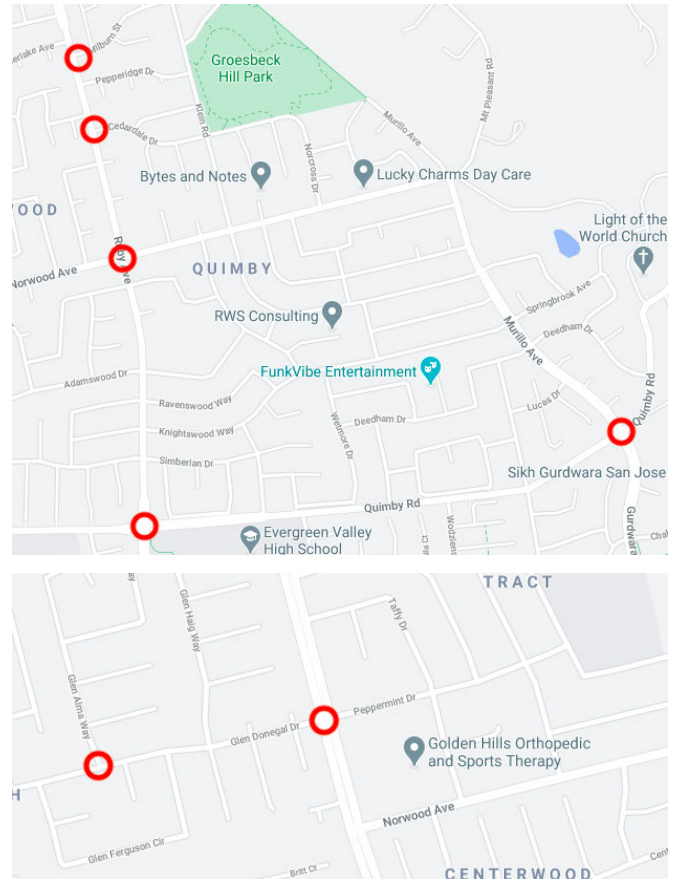
Ruby Avenue runs through a residential neighborhood, and is within one mile of Evergreen High School, Cedar Grove Elementary School, Norwood Creek Elementary School, and Groesbeck Hill Park. The Evergreen Leadership Neighborhood Association observed that the corridor is frequently used by pedestrians and bicyclists including families, older adults, people with disabilities, and Evergreen High School students. At the northeast corner of Ruby Ave and Norwood Ave, the City received a development application which includes a roundabout for the intersection. The Neighborhood Association responded positively to the proposed roundabout.

California Walks facilitated the virtual walk audit on Zoom using Google maps satellite view. Prior to the walk audit, California Walks staff walked the Ruby Avenue corridor to identify driver behavior and updated road design not captured in Google maps. Thirteen members of the Evergreen Neighborhood Association, seven Department of Transportation staff members, and two California Walks staff members attended the virtual audit.

## Vision Zero SJ Crash Data



On Ruby Avenue between Tully Road and Norwood Avenue, there were six non-fatal car crashes between 2014 - 2018. In surrounding neighborhoods, there were additional non-fatal car and pedestrian crashes.



## Neighborhood Concerns

The most common concern residents shared were:

- Driver behavior: Drivers along Ruby do not slow down or stop for pedestrians. At wide intersections along Ruby at Tully, Norwood, and Quimby, and at Quimby and Murillo, drivers will do donuts. During the in person site visit, California Walks staff noted skid marks along Ruby Ave from donuts.
- Speed: Drivers speed along Ruby Ave and in the Cedar Grove Elementary School zone along Peppermint Drive and Glen Donegal Drive. The lack of stop signs and signals at intersections along Ruby Ave and Peppermint Dr allow drivers to pick up speed. Ruby Ave does not have any stop signs or signals between Tully and Norwood.
- Lack of marked crosswalks: Along Ruby Ave, there are not safe places to cross the street at the intersections between Tully and Norwood. People will still cross at Cedardale Drive and other intersections to get to Groesbeck Hill Park.
- Low visibility: Because the area is hilly, there is a blind spot for drivers at Ruby Ave and Millburn Drive. At Ruby Ave and Quimby Ave, there is low visibility for drivers during sunset.

After the audit was complete, residents provided the following comments on the virtual format:

- This was a very clear format
- The format allowed for ample time to speak
- Good flexibility, we can visually be there and observe during COVID-19
- We can participate from the comfort of homes
- We were able to talk about different neighborhoods besides Ruby Ave that would have been too far away to walk to in person

The complete list of comments and concerns for the Evergreen neighborhood is below:

Location	Concern	Traffic Safety Request Category	Notes
Ruby Avenue and Cedardale	Road Design	Signage, Crosswalks	very wide street, stop signs are so far away, no one feels safe crossing the street; Drivers don't see people because there's no markings; slope of the street limits driver visibility; no safe place to cross Ruby between Tully and Norwood
Quimby and Murillo	Road Design	Roundabout	Donuts happening at night (Yerba Buena & Verona), Quimby and Murillo has stop signs and pedestrian crossmarks/foot traffic but drivers don't respect them. Needs physical barrier. officers aren't available to enforce during high demand times usually at night so physical deterrents would work better

Ruby Avenue and Quimby	Road Design, Visibility	Signage	Traffic signals need to be updated; near misses with pedestrians occur. At twilight, when sun is going down, lighting conditions make it difficult to see people crossing especially when turning
Ruby Avenue	Speed	Speed Reduction	Ruby is a speedway; see people running across the street because drivers won't stop
Ruby Ave and Cedardale Dr	Bicyclist Safety	Remove trash from bike lanes	illegal dumping that blocks the bike lanes makes it unsafe to use
Ruby Avenue	Older Adult Safety	Speed Reduction	elderly folks crossing even when the red lights are on
Ruby Ave. and Milburn St.	Road Design, Speed	Speed Reduction	there's a blind spot near milburn and ruby where the street bumps down that allows drivers to pick up speed. dangerous because the blind spot prevents you from seeing pedestrians
Peppermint Dr. and White Road	School Safety	Speed Reduction	A lot of people coming in from traffic light on White Road that are speeding 40 miles in an elementary school zone. Green lights all the way to school, crossing 2 or 3 intersections on White Rd through Peppermint where no stop signs are available
Peppermint Dr., Glen Donegal Dr.	Speed	Speed Reduction	Speeding through residential area
Glen Donegal Dr. and Glen Alma Way	Speed	Speed Reduction	Travel at high speed and not stopping for stop sign at T-intersection
Ruby Ave and Norwood Ave	Road Design	Signage	Crosswalk not clearly marked, drivers usually don't stop but slow down. There's a lot of confusion with street markings nad pedestrian activities. The signage doesn't clarify what behavior is safe for cars-- there's heavier traffic on Ruby vs. two lanes on Norwood
Ruby Ave and Norwood Ave	Speed	Roundabout	People speed thru, Ruby is like an intersection. People use roads to bypass White Road where traffic lights are, so they speed thru the streets. Pedestrians cross Norwood and Tully to get to the park but cars are speeding nearby



# Evergreen Neighborhood Association - Ruby Ave Walk Audit



**California Walks**

Stepping Up for Health, Equity, & Sustainability

# Project Team



**Miha Tomuta**

Community Programs Manager

**Nikita Sinha**

Walk San José Programs Manager

**Theresa Do**

Walk San José Community Outreach Assistant



**Cordell Bailey**

Traffic Safety Education Officer

**Jesse Mintz-Roth**

Vision Zero Program Manager



[visionzerosj.org](http://visionzerosj.org)

*A project of the City of San José's Department of Transportation, in partnership with California Walks, funded by the California Office of Traffic Safety through the National Highway Traffic Safety Administration.*

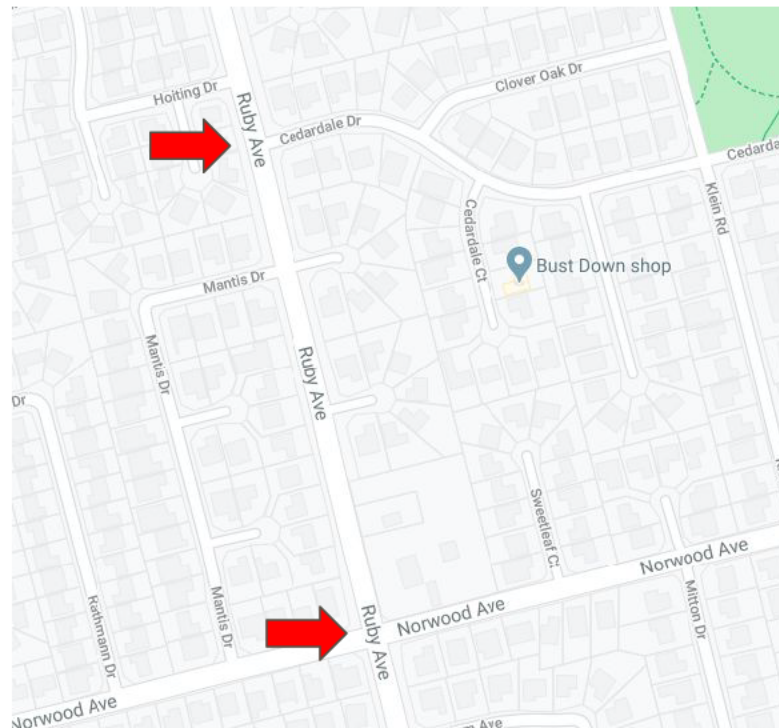
# Who we are



**California Walks** is the statewide voice for pedestrian safety & healthy, walkable communities for people of all ages & abilities.

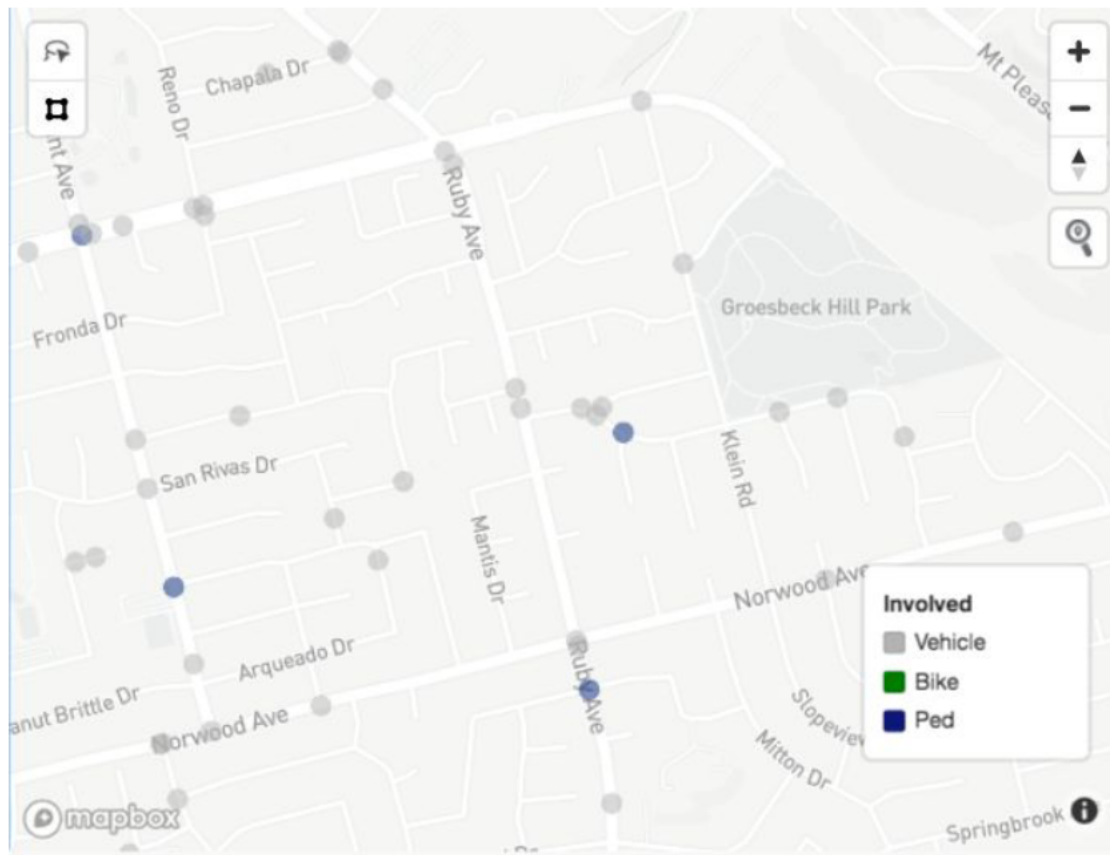
# Locations

- Ruby Ave and Cedardale Dr
  - Access to Groesbeck Hill Park
- Ruby Ave and Norwood Ave
  - San Jose development application



# Vision Zero Crash Data

- Non-fatal pedestrian and vehicle crashes along Ruby Ave



# Virtual Walk Audit

- Google Maps (Streetview)
  - Note any differences in the street that Google Maps has not captured
  - Ex: painted crosswalks on the South and West sides of Norwood, skid marks

# Walking Conditions

- Are there safe places to cross the street?  
How far between them?
- Does traffic move at a speed that feels safe while walking and crossing?
- Do drivers yield to people crossing the street? Are drivers aware of their surroundings?





March 23, 2023

Ref: City Council Agenda Item 10.4 23-444 C-20-012 & SP20-024 Conventional Rezoning and Special Use Permit on Certain Real Property Located at 2740 Ruby Ave – To Be Heard at 6 p.m.

Honorable Councilmembers,

I am writing today from the Evergreen Leadership Neighborhood Association. ELNA area represents the neighborhoods of the proposed project. The purpose of our organization is to consider and act on issues that affect the livability and quality of the neighborhood. We have been aware of the application for a regional/national religious facility through the years as some neighbors have voiced concerns.

Discussions of adverse conditions that may occur should the project be built are, traffic, congestion, safety, and noise. A major issue is traffic and safety on Ruby Avenue and Norwood Avenue during the many large planned events. In 2020 ELNA completed a study with California Walks in partnership with the City of San Jose's Department of Transportation for Ruby Avenue due to the speeding, donuts, low visibility, and many accidents occurring regularly at intersection of Ruby and Norwood. This is the very intersection the project is planned for. Many pedestrians use this route daily and when trying to cross Ruby become concerned for their own safety. Crossing Ruby and Norwood is a popular route to Groesbeck Hill Park, the elementary and highschool within half a mile.

While we share these concerns, we are not taking a position for or against the project. Instead we hope you look at the project from a land use aspect and make your determination accordingly. Should the project be approved, we highly suggest adding conditions to protect the neighborhood from traffic safety issues, parking issues, and excessive noise. Our board member Patricia Mendoza has penned a letter regarding traffic safety and improvements suggested by the results of the study. (attached). Please review her letter with the applicant to ensure these safeguards are incorporated in the project.

Sincerely,

Janet Holt – President – Evergreen Leadership Neighborhood Association

# Temple Project - Ruby and Norwood

Inbox



**Evergreen Leadership Neighborhood Association**

7:32 AM (5  
hours ago)

to Jonathan.perez, me

Hello Jonathan,

I hope you are well. Though this is very last minute, I wanted to see if you and CM can request to have DOT come through with a request to add a crosswalk our association has been advocating for as part of pedestrian safety, increase safe access to our neighborhood park, and add to the traffic calming efforts on Ruby. A crosswalk with flashing lights was requested a few years back and a Walk Study was conducted by California Walks in 2020 (the height of the pandemic). DOT agreed with their recommendation to install a crosswalk with flashers on Ruby and Cederdale Dr. The issue was lack of funding. Can you and CM please make a request to add this crosswalk now with the new development coming to that immediate area?

Background: In 2020, DOT and California Walks did a Ruby Ave Walk Audit and provided our association with a very thorough presentation of their findings. They agreed Ruby was not feasible and safe to cross in the long stretch between Tully Rd and Norwood to enable families with children, dog walkers, people with wheelchairs, and students walking to and from the local school's access to safely cross Ruby to reach Groesbeck Hill Park or their homes. Attached is the presentation made to us and their findings with improvements recommendations. However, DOT's final conclusion was a lack of funds to move forward with this project. They wanted to wait for the outcome of the development of the Temple to move forward, so I am hoping you and CM Candelas can help us make this happen.

Please feel free to reach out if you or the CM have questions.

Thank you!

Patricia Mendoza

**Board Member of the Evergreen Leadership Neighborhood Association**

## FW: Temple Site

City Clerk <[REDACTED]>

Mon 3/27/2023 7:36 AM

To: Agendadesk <[REDACTED]>

---

**From:** Charlotte Kimble <[REDACTED]>

**Sent:** Saturday, March 25, 2023 2:33 PM

**To:** Mahan, Matt <[REDACTED]> Doan, Bien <[REDACTED]> Jimenez, Sergio <[REDACTED]> Cohen, David <[REDACTED]> Candelas, Domingo <[REDACTED]> Davis, Dev <[REDACTED]> Ortiz, Peter <[REDACTED]> Torres, Omar <[REDACTED]> Foley, Pam <[REDACTED]> City Clerk <[REDACTED]>

**Cc:** Nancy Keo <[REDACTED]>

**Subject:** Temple Site

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[External Email]

Hello, my name is Charlotte Kimble and I am a member of the West Evergreen Neighborhood Association and the [REDACTED] School PTA. I am in support of the temple being built on Ruby Ave in District 8. The temple has the potential to raise awareness of the Cambodian culture and traditions, a place for parishioners and community to worship and a bridge between residents the members who will be attending the temple. I strongly urge you to reconsider your decision in favor of the being built temple.

Thank you,  
Charlotte Kimble

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**FW: March 28, 2023 Council Meeting, Agenda item: 10.4, Rezoning: 2740 Ruby. Ave.**

City Clerk <[REDACTED]>

Mon 3/27/2023 7:39 AM

To: Agendadesk <[REDACTED]>

---

**From:** Trong Dao Le <[REDACTED]>

**Sent:** Sunday, March 26, 2023 3:29 PM

**To:** City Clerk <[REDACTED]>

**Cc:** Candelas, Domingo <[REDACTED]>

**Subject:** March 28, 2023 Council Meeting, Agenda item: 10.4, Rezoning: 2740 Ruby. Ave.

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[External Email]

Hi,

The neighborhood was designed and zoned as SFH. This rezoning would create a precedent and will set a bad example for future development. There are many other places that fit the temple more than right in the middle of a busy intersection as well as next to schools.

Please consider denying this rezoning request.

Best regards,  
Dao Le.

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## FW: Proposed Temple in D8

City Clerk <[REDACTED]>

Mon 3/27/2023 7:39 AM

To: Agendadesk <[REDACTED]>

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**From:** Sokunthea Oum <[REDACTED]>

**Sent:** Sunday, March 26, 2023 9:12 PM

**To:** Mahan, Matt <[REDACTED]> Kamei, Rosemary <[REDACTED]> Jimenez, Sergio

<[REDACTED]> Cohen, David <[REDACTED]> Doan, Bien <[REDACTED]> Batra, Arjun

<[REDACTED]> Candelas, Domingo <[REDACTED]> Davis, Dev <[REDACTED]> Ortiz,

Peter <[REDACTED]> Torres, Omar <[REDACTED]>

Foley, Pam <[REDACTED]>

**Cc:** City Clerk <[REDACTED]>

**Subject:** Proposed Temple in D8

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[External Email]

Dear Honorable Mayor and City Council Members:

This letter serves as my heartfelt support for the Khmer Kampuchea Krom's Buddhist Temple. As a yoga and meditation teacher for the last 15 years, I have worked with many people of different ages and cultural backgrounds. One group of people I have been teaching for the last 7 years are elders who survived the Khmer Rouge who have little English capacity. The monthly workshop involves practicing yoga and meditation, sharing home cooked meals, and then going off into the center's garden to harvest seasonal fruits/vegetables. I see that these elders come alive when they get together. It is a moment for them to nourish and cherish to keep moving forward. For these elders they return to their small cramped apartment, and for some, they are alone or have no other family living nearby. For these elders having access to the center and such activities in their own language are beneficial for their health and help them thrive. A temple serves as a community center where such fruitful gatherings are held.

As a refugee myself who came to the US in 1979 after surviving the Khmer Rouge, I see having a familiar place to gather makes it feel like home. I remember my parents taking me to the local temple to see other Khmers on special holidays, which are not officially holidays in the US. It was a time to share food, listen to my own language being spoken, and see cultural tradition being lived.

As most of you may be very familiar with, "traditions or living expressions inherited from our ancestors and passed on to our descendants, such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts." Preservation of cultural heritage and identity is best supported by having a sacred place to host these activities.

I hope my sharing touches your innate understanding why it's important to have your support for this temple project.

Sincerely,  
Sokunthea Oum-Fite

Apologize for any misspells. Email is finely handcrafted with 2 thumbs with out of this world correction sensibility.

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## FW: Council Meeting Agenda Item#10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24

City Clerk <[REDACTED]>

Mon 3/27/2023 7:39 AM

To: Agendadesk <[REDACTED]>

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From: [REDACTED] <[REDACTED]>

Sent: Sunday, March 26, 2023 9:20 PM

To: City Clerk <[REDACTED]>

Subject: Council Meeting Agenda Item#10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24

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The attached photo shows the landmark home at 2740 Ruby before its 45-day escrow and demolition. We live [REDACTED] this proposed incompatible re-zoning nightmare.



1. Ten homes have fences bordering this proposed monstrosity. Nine additional homes are directly across the street. And it's astonishing that only one council member questioned that 2720 Ruby is encircled like a giant boa constrictor! It's **absurd** attempting to force-fit and encircle our good neighbor's R-1-5 home at 2720 Ruby with a re-zoned temple architecture. This makes the proposed temple completely incompatible with the Evergreen General Plan and all 19 neighboring R-1-5 homes (especially the encircled house).
2. The proposed **temple spire** is 8 stories (65 foot) and visible from over 3 miles! Our house will have a terribly **devaluating** view of an 8 story spire! This also sets precedence for cell towers or structures in the area.
3. As a caller stated in the last council meeting, "There are 6000 Cambodian refugees in San Jose that need a cultural place to meet". If only 10% of this population attends, 2740 Ruby is again an incompatible location. The overflow parking plan is **unacceptable** (curbside on neighboring streets and buses from Evergreen High parking).
4. A rotary will further amplify traffic problems (Buddha in the center might lack enough positive karma).

It's **not** too late to solve this problem created by previous administrators. Don't force a square peg into a round hole! A Cambodian temple is needed somewhere but 2740 Ruby is clearly an incompatible location. **Incompatibility yields future unforeseen problems! As all our neighbors agree, please vote NO on re-zoning & SUP - C20-12 & SP20-24.**

Prior and current council members for this project have reviewed an overwhelming number of costly studies/documents. The proposed 2740 Ruby temple could be a case study for new council members to recognize a **misfit** early into an evaluation as to re-direct the work to an appropriate location.

Steve Sawyer, Evergreen resident



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# FW: Council Meeting Agenda March 28th 2023, Item #10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24

City Clerk <[REDACTED]>

Mon 3/27/2023 7:39 AM

To: Agendadesk <[REDACTED]>

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**From:** Linda Ladwig <[REDACTED]>

**Sent:** Sunday, March 26, 2023 10:42 PM

**To:** City Clerk <[REDACTED]>

**Cc:** Kerm Ladwig <[REDACTED]>

**Subject:** Council Meeting Agenda March 28th 2023, Item #10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24

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To Mayor Mahan and

San Jose Council members Rosmary Kamel (District 1), Sergio Jimenez (District 2), Omar Torres (District 3), David Cohen (District 4), Peter Ortiz (District 5), Devora "Dev" Davis (District 6), Bien Doan (District 7) Domingo Candelas (District 8), Pat Foley (District 9) and Arjun Batra (District 10):

As a resident of our quiet Evergreen Neighborhood that has been pleading for your supports (District 8, Mayor, Commissioners, and now entire SJ City Council) for you to oppose the Rezoning and Special Use Permits for Residential Property located at 2740 Ruby Avenue, C20-12 & SP20-24.

**NO to REZONING**  
**NO to SPECIAL USE PERMIT**  
**NO to C20-012 & SP20-024.**

As part of this Evergreen neighborhood, We are against an INCOMPATIBLE Land Use Proposal that is also INCONSISTENT with the General Plan designation and policies for a Residential Neighborhood.

PLEASE KEEP THE R-1-5 ZONE TO BE CONSISTENT WITH THE ADJACENT RESIDENCES IN A RESIDENTIAL NEIGHBORHOOD. REZONING TO PUBLIC / QUASI-PUBLIC IS WRONG AND THERE WILL NOT BE ANY TURNING BACK ONCE IT IS APPROVED!

Your support to the Local Evergreen Neighborhood would be greatly appreciated.

Linda and Kerm Ladwig

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**FW: Council Meeting Agenda Item #10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24**

City Clerk <[REDACTED]>

Mon 3/27/2023 9:20 AM

To: Agendadesk <[REDACTED]>

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**From:** Scott Bulloch <[REDACTED]>

**Sent:** Monday, March 27, 2023 9:01 AM

**To:** City Clerk <[REDACTED]>

**Subject:** Council Meeting Agenda Item #10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24

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Hello,

I'm writing to formally OPPOSE the rezoning for the Norwood/Ruby temple project. This area is residential and should remain so. There are plenty of other plots of land that are more suitable in the general area that would allow the temple project ample room to expand.

Thank you and best regards,  
Scott Bulloch

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# FW: Council Meeting Agenda March 28th 2023, Item #10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24

City Clerk <[REDACTED]>

Mon 3/27/2023 9:40 AM

To: Agendadesk <[REDACTED]>

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**From:** Justin Ladwig <[REDACTED]>

**Sent:** Monday, March 27, 2023 9:37 AM

**To:** City Clerk <[REDACTED]>

**Subject:** Council Meeting Agenda March 28th 2023, Item #10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24

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To  
Mayor Mahan and

San Jose Council members  
Rosmary Kamel (District 1),  
Sergio Jimenez (District 2),  
Omar Torres (District 3),  
David Cohen (District 4),  
Peter Ortiz (District 5),  
Devora "Dev" Davis (District 6),  
Bien Doan (District 7)  
Domingo Candelas (District 8),  
Pat Foley (District 9)  
Arjun Batra (District 10):

I grew up in the Evergreen Neighborhood close to the proposed site for a future temple at 2740 Ruby Avenue. During the subsequent years after graduating from San Jose State, I moved out from my parents to several areas throughout Silicon Valley. Then eight years ago, I bought a home right down the street from where I grew up. WHY? Because of the characteristics of the neighborhood. The neighborhood is more subdued, and therefore, more comfortable and relaxing than that of the other places I've lived.

If you allow the rezoning or special use permit for the proposed temple, it will change the characteristics of the neighborhood- the reason that I and so many others have moved or stayed here to enjoy.

As part of this Evergreen neighborhood, I am strongly against an INCOMPATIBLE Land Use Proposal that is also INCONSISTENT with the General Plan designation and policies for a Residential Neighborhood.

PLEASE KEEP THE R-1-5 ZONE TO BE CONSISTENT WITH THE ADJACENT RESIDENCES IN A RESIDENTIAL NEIGHBORHOOD. REZONING TO PUBLIC / QUASI-PUBLIC IS WRONG AND THERE WILL NOT BE ANY TURNING BACK ONCE IT IS APPROVED!

Thank you,  
Justin Ladwig

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**FW: Council Meeting Agenda Item#10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24**

City Clerk <[REDACTED]>

Mon 3/27/2023 10:58 AM

To: Agendadesk <[REDACTED]>

-----Original Message-----

From: Joanna Wan <[REDACTED]>

Sent: Monday, March 27, 2023 10:51 AM

To: City Clerk <[REDACTED]>

Subject: Council Meeting Agenda Item#10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24

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Dear City Council,

I am writing to oppose the Rezoning & SUP - C20-12 & SP20-24 on Ruby and Norwood Ave.

This project is incompatible with the local neighborhood. The size and height of the buildings and adornments do not fit in with the existing neighborhood.

Traffic safety is a major concern.

Additionally the amount of events, number of people who will attend, hours and noise such as amplified sound is intended for a commercial operation and not appropriate in this quiet 1 lane street neighborhood with an existing house in the middle.

Attendees will come from all over the Bay Area and the temple will not serve its immediate local neighborhood and community as states. The interests of the local neighborhood should be better considered in this project rather than being sidelined by the developers.

This project is incompatible for this small lot. I strongly oppose this project and consideration to rezone.

Joanna Wan  
Community member

Sent from my iPhone

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**FW: "Council Meeting Agenda Item#10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24"**

City Clerk <[REDACTED]>

Mon 3/27/2023 11:57 AM

To: Agendadesk <[REDACTED]>

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**From:** Mazin Khurshid <[REDACTED]>

**Sent:** Monday, March 27, 2023 11:40 AM

**To:** City Clerk <[REDACTED]>

**Subject:** "Council Meeting Agenda Item#10.4 - Oppose Rezoning & SUP - C20-12 & SP20-24"

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Dear Mayor & Council Members.

My name is Mazin Khurshid, and I live on [REDACTED]  
away from the new proposed temple on Ruby Ave.

Below are my reason why the City Council should not approve the rezoning to PQP from Residential.

1. Not able to accommodate future growth. This can be seen at the current temple location. The temple themselves admit they have outgrown the current location. They are making the same mistake again, assuming their congregation will remain 300-500 families. Thus, it would better for them to find a location which has potential for growth, as the current location is only sufficient if the current congregation. If they refuse new people that want to be part of the congregation, it will cause legal issues, as they will be refusing the right to practice religion.
2. Initially they file a CUP, which was denied, thus applicant rezoning to PQP, why did the planning staff deny the original CUP and now have approved the rezoning to PQP. I One must wonder if the planning staff is receiving indirect benefits.
3. The Planning commissioner in the public planning call were not even aware that there is an existing residence, which will be surrounded by 3 sides by the structure. They thought it was part of the development. This shows to me that the planning commissioners are incompetent or receiving indirect financial benefits.
4. There is no legal recourse for surround neighbors if excessive noise or traffic as PQP zone allows 70db stadium level noise. One of the planning commissioners that approved the project, indicated that the temple claims they will limit the noise level to 51db, and if the noise is higher, neighbors can file complain Code Enforcement complain with the city. If land is rezoned to PQP the city will not see this as a violation as 70db is allowed for PQP zone.
5. The facility will be allowed to serve Alcohol, this plus 300 people is a recipe for disaster. None the other religious sites in the area are allowed to serve



alcohol, Why is the city making an exception to this temple, does it favor one religion over the other.

6. The temple will have an outdoor sound amplification system. The applicant claims that they will mitigate this using 6ft sound barrier, but sound does not limit itself to 6ft height, it travels in all directions, and any height.
7. Lastly this is a very ironic situation. The temple claimed that their people were taken advantage by powerful people in history. Yet, the new powerful people like billionaire backing this project are doing the same thing to our neighborhood. Please do not allow history to repeat, and these powerful rich people to take advantage of us.

Regards,

Mazin Khurshid

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