

## RECOMMENDED FINDINGS OF FACT

PLN2014-00063

2015 Laura Avenue

**Chien-Wang Chiang – Ming Dang Temple (Applicant/Property Owner)**

The Board of Zoning Adjustments hereby approves the Conditional Use Permit for assembly use to allow the Ming Dang Center, a religious institution/prayer center, at 2015 Laura Avenue, and finds the project categorically exempt from CEQA subject to the following findings:

The Board of Zoning Adjustments hereby approves the Conditional Use Permit, subject to the following findings:

- 1. The proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located.**

The Zoning Code allows for Assembly Uses in the RS Residential Single-Family District subject to a conditional use permit issued by the Board of Zoning Adjustments (Zoning Code Sections 2-506.B.2). A conditional use permit is discretionary and the Board of Zoning Adjustments will determine if the proposed use would be compatible with the existing and proposed uses in the general vicinity. The proposed religious institution/prayer center use is in accord with the objectives of this Code, which are to improve the design and aesthetic quality of existing development and to foster convenient, harmonious, and workable relationships among land uses, subject to the conditions of approval. The conditions of approval will maintain the character of the area and prevent significant impacts to the adjacent residential uses. Thus, the proposed Ming Dang Center (Center) would be subject to certain limitations to avoid adverse effects on adjacent uses and properties, and would be required to operate in an orderly manner with specific requirements for parking, noise, litter pick-up, hours of assembly use, and use of the property.

- 2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.**

The property is designated as Low Density Residential in the City's General Plan Land Use Map. Low Density Residential is "intended for detached single family homes and is characterized by lots of 5,000 to 10,000 square feet" (General Plan page 3-11). The property is also in the Davis Corridor residential neighborhood where the General Plan states that "additional opportunities for [n]eighborhood-serving commercial uses, services, parks, and other amenities should be pursued

in this area” (General Plan page 3-22) therefore, the proposed religious institution/prayer center use will be consistent with the City of San Leandro General Plan for this land use designation. In addition, the following General Plan policies would apply:

**Policy 1.04 Front Yards** – Encourage the attractive treatment of front yards and other areas in residential neighborhoods that are visible from the street. Establish limits on the paving of front yard areas.

**Policy 1.07 Fences** – Require that any fencing in residential neighborhoods meets high aesthetic and safety standards. Residential fencing should not obstruct vehicle sight lines, should be compatible with the architectural design of nearby structures and should make a positive contribution to the character of the neighborhood.

**Policy 1.11 Encroachment of Incompatible Uses** – Protect residential neighborhoods from the encroachment of incompatible non-residential uses and disruptive traffic, to the extent possible. Zoning and design review should ensure that compatibility issues are fully addressed when non-residential development is proposed near or within residential areas.

**Policy 2.05 Alterations, Additions, and Infill** – Ensure that alterations, additions and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.

The proposed use will not be materially detrimental to public health, safety or welfare of persons working in or adjacent to the area; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City because the property and its use would be subject to the conditions of approval.

3. **The proposed use will comply with the provisions of this Code, including any specific condition required for the proposed use in the district in which it would be located.**

Assembly Uses are conditionally permitted use in the RS Residential Single-Family District. A use permit application is discretionary and the Board of Zoning Adjustments will determine if the proposed use is compatible with the existing and proposed uses in the general vicinity. The Board of Zoning Adjustments, in considering the conditional use application, will require specific conditions of approval (i.e., orderly use of the property, site maintenance, adherence to proposed plans) to ensure the proposed use will be compatible with the existing site improvements and immediate residential neighborhood.

4. **The proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities which cannot be mitigated.**

The proposed use will not create major traffic impacts during the week, the primary impact will be on weekends during the limited hours of the Center. The existing property is adequately served by streets, utilities and other public facilities without detriment to the immediate area. The proposal will not significantly affect the public utilities and facilities already serving the existing immediate area as it involves re-use of an existing building and site. The property has adequate off-street parking for the proposed religious institution/prayer center.

**California Environmental Quality Act Categorical Exemption Findings**

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 (a) as it is an Existing Facility that involves no expansion; interior and exterior alterations; and is not located in an environmentally sensitive area.