



Legislation Text

File #: 15-269, **Version:** 1

PLN2014-00063; Conditional Use Permit; for assembly use for the Ming Dang Center, a religious institution/prayer center, at 2015 Laura Avenue; Alameda County Assessor's Parcel Number 77A-655-144-1; Chien-Wang Chiang - Ming Dang Temple (applicant/property owner); RS Single-Family District.

SUMMARY AND RECOMMENDATION

The proposal is for assembly use to allow the Ming Dang Center (Center), a religious institution/prayer center, at 2015 Laura Avenue. Section 1-304 of the Zoning Code defines facilities for religious worship and incidental religious education as Assembly Uses. Since the property is zoned RS Residential Single-Family District, the San Leandro Zoning Code Section 2-506.B.2 stipulates that Assembly Uses in the RS zoning district require approval of a Conditional Use Permit.

The proposed exterior renovations of new paint, canopy, landscaping, and fencing at the site are designed to integrate into the surrounding neighborhood context, and is not likely to have impacts on neighboring properties. With the implementation of the recommended Conditions of Approval, the applicant/property owner will operate and maintain the Center in an orderly manner, without significant detriment or burden to the immediate area, as it relates to the proposed use. Staff recommends that the Board of Zoning Adjustments A) adopt the California Environmental Quality Act categorical exemption, B) adopt the recommended Findings of Fact, and C) approve Conditional Use Permit PLN2014-00063 subject to the attached recommended Conditions of Approval.

APPLICANT'S SUPPORTING STATEMENT

See attached statement.

RELATIONSHIP TO SURROUNDING AREA AND BACKGROUND

The subject property is located in the middle of the block on Laura Avenue near Melcher Street and encompasses an area of approximately 16,598 square feet (0.38 acre). The site contains an existing one-story building that is approximately 5,890 square feet, built in 1955. The building has been vacant for a number of years and was previously used as an office, bakery, market, and unpermitted laundry.

The property falls within the Davis West neighborhood, near Interstate 880 and Davis Street. Surrounding properties include single-family homes and are similarly zoned RS Residential Single-Family District. Nearby uses along Davis Street include Westgate, Costco, and a Shell gas station.

DETAILS OF PROPOSAL

The applicant is proposing a religious institution/prayer (spiritual) center at 2015 Laura Avenue. The

use of the Center would include prayers, meditation, religious studies, discussions, lectures, classes, and meetings. The Center would generally be open on Saturdays and Sundays. Assembly use hours would be Saturday from 7:00 p.m. to 9:30 p.m. and Sunday from 10:00 a.m. to 1:00 p.m., with approximately 10 to 25 members in attendance. After prayers services, lunch or dinner prepared by Center's staff or members would be served to the members in the dining room. The Center would be staffed by two full time staff/caretakers that will live at the facility. The proposed floor plan of the Center includes two bedrooms, each with a private bathroom for the caretakers.

The Center will not hold any kid's activities, daycare, or weddings. However, on certain holidays or special dates, such as Chinese Lunar New Year, Mid-Autumn Moon Festival, or the Center's anniversary there would be additional visitors to the Center. There would be no more than 45 occupants in the entire building at any one time or during any of the Center's events.

The project proposal includes interior and exterior improvements to the site. The existing parking lot would be restriped with a total of 21 parking spaces after the removal of the existing storage sheds at the site. The existing iron fence and gate at the front of the property would be removed and new landscaping would be added along the front of the property and near the building. New wood fencing would be added along the side property lines. The exterior of the building would be refreshed with new cement plaster and stucco, paint on the stone veneer, new canopy, and new windows and doors. A new trash and recycle enclosure would be added to the rear of the lot. Inside, tenant improvements would include a prayer/meditation area, library, classroom, offices, conference room, restrooms, lockers, storage, kitchen, and bedrooms with bathrooms for the two live-in caretakers.

STAFF ANALYSIS

The Zoning Code defines Assembly Uses as meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in Section 1-304 of the Zoning Code). This classification includes union halls, social clubs, fraternal organizations, and youth centers. The proposed religious institution/prayer center is in accordance with the objectives of the Zoning Code, which are to foster convenient, harmonious, and workable relationships among land uses.

The subject property is located within the RS Residential Single-Family District and nearby properties are also zoned as RS District. The surrounding area contains single-family homes built on lots that are approximately 5,000 square feet in size, which is the minimum lot size required in the RS District. The subject property is approximately 16,598 square feet, about three times larger than the nearby lots in the neighborhood.

The existing one-story building on the subject property, built in 1955 will not be expanded upon and will remain the existing size of approximately 5,890 square feet. Since the building would remain the same size, it would only be able to accommodate a small congregation/membership, as proposed by the Center. The occupancy of the space would not be exceeded since spaces such as the classroom and prayer/meditation room would not be used at the same time or concurrently. All of the activities associated with the Center will occur inside the building. The Center's anticipated meditation, prayers, and activities are low noise and would be contained inside the building. The proposed new landscaping for the site will enhance the property frontage and will help the Center fit in with surrounding residential landscaping on Laura Avenue and Melcher Street. Further, no outdoor

signage is proposed for the Center.

There would be adequate on-site parking for members and staff, provided by the proposed 21 parking spaces in the parking lot that is located next to the existing building. The proposed 21 on-site parking spaces at the subject property satisfy the Zoning Code parking requirement (Zoning Code Section 4-1704; Assembly Use requires one space per 50 square feet used for assembly purposes). The proposed use does not appear to be a high traffic or parking generator due to the limited nature of the Center and the low number of members on-site at any one time. Further, Engineering and Transportation Department staff has reviewed the circulation and parking layout for the site and has found it adequate.

The proposed use would be subject to certain limitations to avoid adverse effects on adjacent uses and properties. Recommended Conditions of Approval requirements for the proposed project include:

- The Center shall not be utilized to generate revenue by renting it out to outside non-members as a convention hall, special events center, or for other purposes.
- Any use of the Center as a homeless shelter, food distribution center, or other social service use shall require either approval of the Community Development Director or an amendment to this Conditional Use Permit.
- No more than two persons shall stay or live in the building as caretakers or staff.
- No commercial weekday childcare or private school activities shall occur on property.
- All landscaping improvements shall be maintained in a healthy, growing condition at all times.
- The property shall be well maintained and shall be kept free of litter, debris and weeds at all times and during construction. During the Center's operation hours and on certain holidays, special dates, and/or events the caretakers and/or staff shall patrol the property and perimeter of the property to pick up any trash or litter attributable to the Center and sweep street gutters.
- Center's members, staff, and caretakers shall be instructed by the applicant and/or property owner not to park on the street in front of nearby residences.
- All vehicle parking on the property shall be undertaken in a neat and orderly manner at all times.
- All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).

Moreover, the main purpose for a conditional use permit review is to ensure that the subject use will not have an adverse impact on a particular neighborhood. Such a review must determine whether the proposed use and the existing neighborhood are compatible. Staff has visited the site and surrounding neighborhood, reviewed the exhibits and description of the proposed religious institution/prayer center and believes that, with the recommended Conditions of Approval, the proposed use will be compatible with the existing residential uses along Laura Avenue and the immediate area. The Center will be required to operate in a well-ordered manner within the site and noise impacts will be minimal as the use will be subject to the City's noise ordinance. The recommended Conditions of Approval will maintain the character of the area, promote the acceptable reuse of the vacant building, and prevent impacts to the adjacent uses.

GENERAL PLAN CONFORMITY

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.

ENVIRONMENTAL REVIEW

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.

PUBLIC OUTREACH

A notice of the May 7, 2015 public hearing was sent to property owners and businesses within 500 feet of the subject property. A legal advertisement was published in the Daily Review and the property was posted with placards 10 days prior to the Board of Zoning Adjustments meeting. Further, the property owner conducted a neighborhood visit on October 12, 2014 and documented responses and comments from the neighbors (see attached 2015 Laura Ave Neighborhood Visit).

RECOMMENDATION

The use as proposed conforms both to the City Zoning Code and to the General Plan. Any planning issues associated with this application will be mitigated by the implementation of the proposed conditions of approval. Staff therefore recommends that the Board of Zoning Adjustments:

- A. Adopt the findings that this project is exempt under the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 (a) for Existing Facilities with no

expansion;

- B. Approve the attached Recommended Findings of Fact for a Conditional Use Permit for PLN2014-00063; and
- C. Approve Conditional Use Permit PLN2014-00063 subject to the Recommended Conditions of Approval.

ATTACHMENTS

Vicinity Map

Applicant's Supporting Statement

2015 Laura Ave Neighborhood Visit

Pictures

Recommended Findings of Fact

Recommended Conditions of Approval

Exhibit A - Title Sheet

Exhibit B - Existing Site Plan with Demolition

Exhibit C - Proposed Site Plan

Exhibit D - Demolition Plan & Proposed Floor Plan

Exhibit E - Exiting Plan & Occupant Load

Exhibit F - Existing Exterior Elevations

Exhibit G - Proposed Exterior Elevations

Exhibit H - Topographic Map

Exhibit I - Landscape Plan

Exhibit J - Planting Details & Schedule

Exhibit K - Irrigation Plan

Exhibit L - Irrigation Notes & Schedule