

**City of Piedmont
COUNCIL AGENDA REPORT**

DATE: November 15, 2004

FROM: Kate Black, City Planner

SUBJECT: **Conditional Use Permit for the Kehilla Community
Synagogue
1300 Grand Avenue**

RECOMMENDATION:

1. Approve the Planning Commission's recommendation of approval, subject to the following recommended conditions:
 - a. A 10 year term for the conditional use permit; and
 - b. Prior to the issuance of a building permit, the applicant shall submit a carpool procedure, subject to staff review, for times when the facility would be intensively used.

1. Adopt the Planning Commission's findings in the separate memorandum (Exhibit G) by reference.

APPLICATION SUMMARY:

The application proposes to locate a new synagogue in the building previously occupied by the Christian and Missionary Alliance church, which had two congregations sharing the space. The synagogue proposes religious activities including worship, ceremonies, education, bar/bat mitzvahs, weddings and funerals; occasional cultural events including lectures, benefits, performances and book readings; and occasional community events, including Piedmont elections and meetings. No changes to the building or site are proposed.

The specific proposed activities defined in the application in response to the application questions in bold, are as follows:

Current and/or Proposed Use: Religious activities and community center.

1. Religious activities, including workshops, ceremonies, education, bar/bat mitzvahs, weddings, and funerals.
2. Occasional cultural events, including lectures, benefits, performances, and book readings.
3. Occasional community events, including Piedmont elections and meetings.

Exterior and Interior Changes to be Made to Existing Structure: Not applicable.

Days and hours of operation: Monday through Thursday, 4:00 - 9:00 p.m.; Friday 4:00 - 10:00 p.m.; Saturday 9:00 a.m. - 10:00 p.m.; Sunday 9:00 a.m. - 5:00 p.m. Staff: hours vary

Number of on-site parking spaces: 18

Maximum number of people using business/organization at one time: 150

Type(s) of staff/personnel, number of each: 2 spiritual leaders, 4 administrative staff, and 1 custodian.

Potential Neighborhood Impacts from Business Related Activities: Deliveries and foot traffic will be minimal. Most activity will take place during retail off-peak hours. Street parking may be affected during Applicant's peak usage; however, on-site parking is expected to address most parking needs.

Projected busiest hours/days: Wednesday afternoon, Thursday afternoon, and Saturday morning.

Anticipated Gross Annual Revenue: Non-profit.

Describe How the Proposed Use Will Benefit Piedmont Residents: This will be the first synagogue in Piedmont's history, and the proposed use will benefit all residents who want to be part of a synagogue. Furthermore, all Piedmont residents will benefit from cultural and community events.

ADDITIONAL INFORMATION:

The applicants have submitted a supplemental letter that further describes the extent of their proposed use, including which occasions are more likely to have the most people using the property. It requests approval of the CUP for an initial term of 10 years.

The applicants also held a neighborhood meeting on October 28, 2004 to present their proposal to the neighborhood. A petition signed by 90 residents in support of the synagogue was submitted (Exhibit B, page 12).

The property owner of the multi-tenant building at 1345 Grand Avenue, across the street and down the block from the proposed synagogue, has offered a “gentleman’s agreement” to permit the synagogue the use of 20 parking spaces in their parking lot on weekends, and has submitted a letter to that effect (Exhibit D, page 27). However, it should be noted that this is an unofficial arrangement; formal approval of such shared space can only be made by amending the Conditional Use Permit of the property at 1345 Grand Avenue, which the property owner does not want to do.

A parking analysis, prepared by Dowling Associates, Transportation Engineers, was submitted on behalf of the applicants. A survey of parking within a 10 minute walk of the proposed synagogue was conducted on Saturday, October 15, 2004, between 8:30 a.m. to 2:30 p.m. It concludes that a minimum of 184 on-street parking spaces will be available during those hours. The report is attached as Exhibit C, page 19.

No signage is proposed as part of this application.

PLANNING COMMISSION ACTION:

At the Planning Commission hearing, several members of the Kehilla Community Synagogue, including some Piedmont residents, described how their synagogue currently operates, and expressed their desire to be the first synagogue in Piedmont. They stated that they had been in several rented locations over the years, and were very interested in purchasing a permanent location that would be convenient to their members. A traffic engineer presented the methodology of the parking study and its conclusions.

During their deliberations, the Planning Commission noted that there was little change between the current use as a church for two congregations with worship on Sundays, and the proposed use as a synagogue with worship on Saturdays, even though it was acknowledged that the synagogue was proposing to increase the congregation from 100 to 150 for certain functions, and that worship would occur on Saturdays, when several area businesses, such as Curves, would also be open. To ensure that parking impacts would be minimized, one Commissioner recommended that the synagogue work with their members to prepare a process for carpooling for times when there would be more intense use of the synagogue. The Commission clarified that although most activities of the synagogue would occur on weekday afternoons and evenings, and all day Saturday and Sunday, staff might be on the premises at other hours.

After reviewing all of the application materials and public testimony, the Commission concluded that the proposed synagogue was an appropriate use for the location and building, and voted unanimously to recommend approval of the application for a term of 10 years, provided that the applicant developed a carpool procedure, subject to staff review, for times when the facility would be intensively used.

PLANNING COMMISSION FINDINGS:

Due to the short time between the Monday Planning Commission meeting and the Wednesday mailing of this report, the meeting minutes were not yet available. A copy of the meeting minutes, along with a memorandum that provides the exact wording of the Planning Commission's findings for approval will be available in separate exhibits for the City Council meeting.

ZONING AND CODE COMPLIANCE:

The synagogue is proposed to be located in Zone A. According to Section 17.5 of the City Code: *"Zone A is established to regulate and control development in appropriate areas of single-family residential development in harmony with the character of existing and proposed development in the neighborhood and to assure the provision of light, air, privacy, and the maintenance of usable open space in amounts appropriate to the specific types and numbers of dwellings permitted."*

The permitted uses allowed in Zone A are: *"Single-family residences on a minimum lot size of 10,000 square feet, together with accessory structures located on the same lot or parcel of land, subject to the provisions of the City Charter, this, and other sections of the City Code."*

The conditional uses allowed in Zone A are: *"Church or private school previously existing as a conforming or nonconforming use subject to the provisions of the City Charter, this chapter and other sections of the City Code."*

Because the property was developed a number of years ago for the purpose of religious activities, it is a preexisting use, and thus, another religious institution may occupy the property. However, whenever a new institution is proposed that functions differently from the prior institution (with different numbers of staff and congregants, and different activities and days/hours of operation), a new conditional use permit is required.

Conditional uses which serve the residents of the City are those uses which residents would be expected to use on a regular basis. They do not include uses which would be expected to draw the major portion of their clientele from outside the City of Piedmont and the surrounding area. Section 17.24 of the City Code sets forth the procedures and approval criteria for conditional use permits:

Procedure. In accordance with Section 17.24.4 of the City Code, after reviewing all of the application information and testimony provided at the hearing, the Planning Commission will make a recommendation to the City Council that the permit be approved or denied. The Commission may recommend modifications to the permit or conditions of approval as necessary to preserve the health, safety, general welfare, beauty, and tranquility of the

City, and may recommend a specific expiration date of the permit. If no date is specified, the term shall be one year, pursuant to Section 17.24.7 (b).

Determination. In accordance with Section 17.24.5 of the City Code, the Commission shall make its determinations on the individual merit of each application without following or establishing precedent. The primary basis for approval or denial shall be the general good of the City.

CITY COUNCIL ACTION REQUIRED:

According to Piedmont City Code Section 17.24.8, the City Council shall hold a hearing to consider the recommendation of the Planning Commission and any further evidence regarding the application and either approve or disapprove the Conditional Use Permit request.

To approve the application for a conditional use permit the City Council must make findings to support all of the standards:

- (a) The use is of benefit to Piedmont residents because;
- (b) The use will be properly related to other land uses and transportation and service facilities in the vicinity because;
- (c) Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity because;
- (d) The use will not be contrary to the standards established for the zone in which it is to be located because;
- (e) The use will not contribute to a substantial increase in the amount of noise or traffic in the surrounding area because;
- (f) The use is compatible with the General Plan and will not adversely affect the character of the surrounding neighborhoods or tend to adversely affect the property values of homes in the surrounding neighborhoods because;
- (g) Adequate provision for driveways to and from the property has been made; facilities for ingress and egress from secondary streets instead of arterials, where possible, have been made; provision for parking in compliance with this Chapter 17 has been made, together with sufficient agreements to enforce the carrying out of such plans as may be required by the Council; and

- (h) The plans conform to all other laws and regulations of the City, provided, however, that the Council shall have the right to require front, rear, and side yard setbacks greater than those otherwise provided in the laws and regulations of the City if the Council finds that such larger front, rear, and side yard areas are necessary to provide for the health, safety, and general welfare of the residents of Piedmont in accordance with its zoning laws.

CLEANWATER CONSIDERATIONS

The proposed project will not create *or replace* more than 5,000 square feet of impervious surfaces and will not result in any significant changes to water runoff at the site. Implementation of stormwater treatment Best Management Practices (BMPs) as well as the Bay Area Stormwater Management Agencies Association's *Start at the Source* criteria for stormwater quality protection is not necessary.

CEQA COMPLIANCE

The proposed project is Categorical Exempt from the provisions of the California Environmental Quality Act pursuant to Article 19, Sections 15301 and 15323.

PERMIT STREAMLINING ACT:

This application was submitted on October 8, 2004, and deemed complete on November 7, 2004. Under the Permit Streamlining Act, the City Council must either approve or disapprove the application by the January 3, 2005 City Council meeting.

Date Report Prepared: Wednesday, November 10, 2004

EXHIBITS IN PACKET:

Exhibit A, page 7	Application Materials
Exhibit B, page 12	Petition in Support
Exhibit C, page 19	Dowling Associates Parking Analysis
Exhibit D, page 27	Letter from Patrick Ellwood
Exhibit E, page 28	Neighborhood Comments and Letters
Exhibit F, separate	Plans and Photographs

EXHIBITS IN LATER PACKET:

Exhibit G,	Planning Commission Findings
Exhibit H,	Planning Commission Meeting Minutes