



# Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION  
APRIL 24, 2008

## 1911 Russell Street

Use Permit #07-1000040 to 1) construct a 16' by 24' Buddha Sanctuary and create four off-street parking spaces on a vacant, 5,232 square foot parcel abutting Oregon Street; 2) create 10 small accessory structures (tables and parasols) on a vacant, 5,792 square foot parcel abutting MLK, Jr. Way, as part of the existing Wat Mongkolratanaram, or Thai Temple, located at 1911 Russell Street. (R-2A, GPowell)

### I. Application Basics

#### A. Zoning Permits Required:

- Administrative Use Permit, per 23D.04.020.C, to exceed the District height limit (28' max, 44' proposed);
- Administrative Use Permit, per 23D.08.030.B, to allow accessory structures within the front half of a lot;
- Use Permit, per 23D.32.030, to construct a Religious Assembly Use; and
- Administrative Use Permit, per 23D.32.030, to allow accessory structures on a vacant parcel.

**B. CEQA Determination:** Categorically exempt pursuant to Section 15303(e) of the CEQA Guidelines ("New Construction of Small Structures").

#### C. Parties Involved:

- Applicant/Owner: Guy Supawit, on the behalf of Wat Mongkolratanaram, 1911 Russell Street, Berkeley CA

Figure 1a: Vicinity Map



Figure 1b: Existing Temple Properties

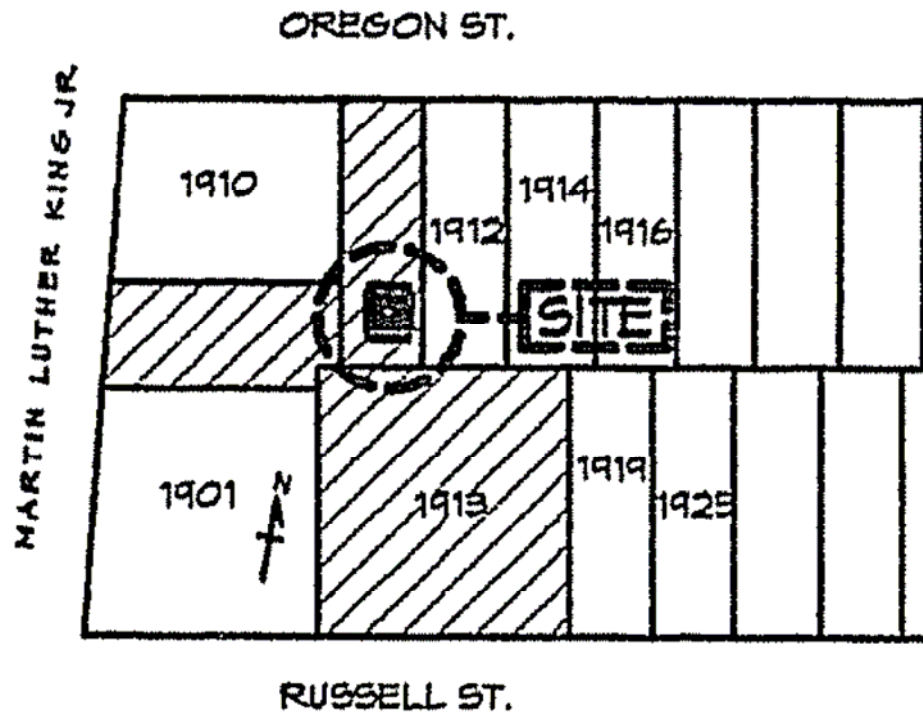
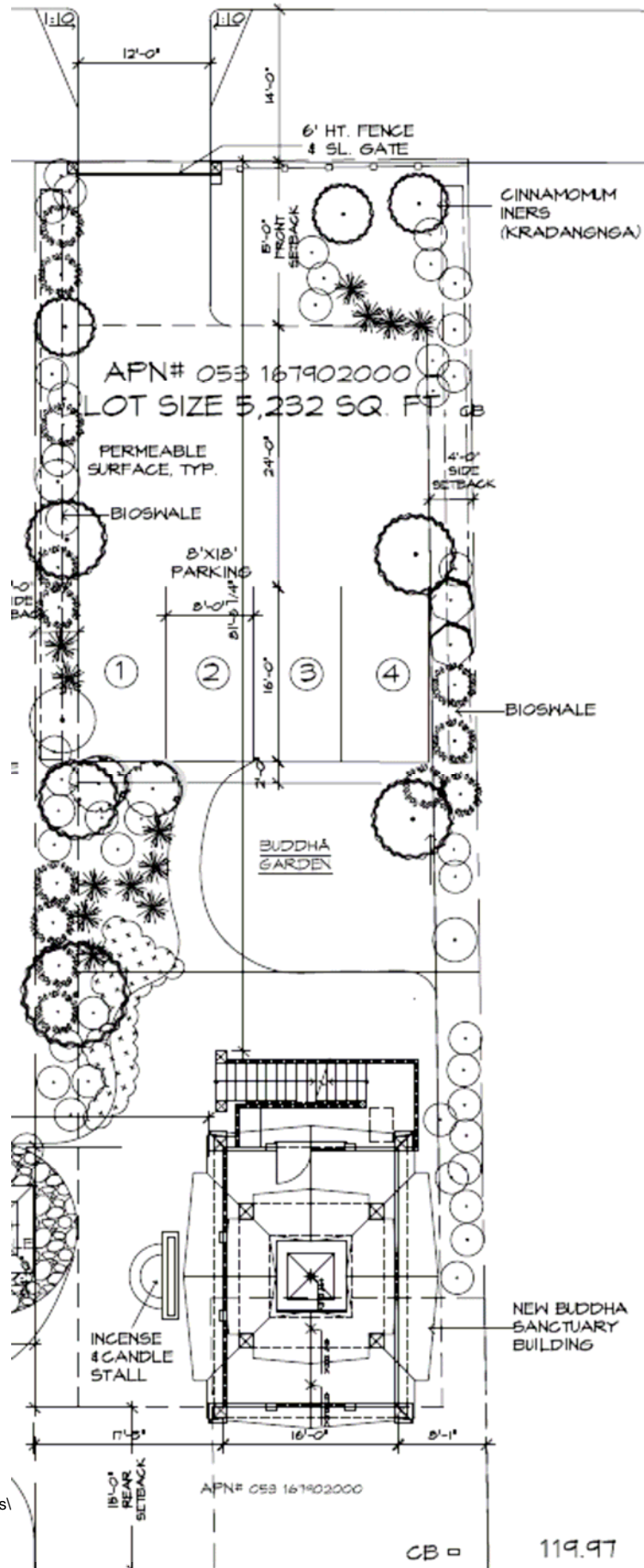


Figure 2: Site Plan – Oregon Street Parcel



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Parcels		Vacant	R-2A	Medium-density Residential
Surrounding Properties	North	1 and 2-family Residences	R-2A	Medium-density Residential
	South	Thai Temple	R-2A	Medium-density Residential
	East	1 and 2-family Residences	R-2A	Medium-density Residential
	West Southwest	1 and 2-family Residences South Branch, Berkeley Public Library	R-2A	Medium-density Residential

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
CEQA	Yes	The project satisfies the conditions of CEQA Guidelines Section 15303 for small accessory buildings.
Creeks	No	Derby Creek is 350' northwest of the site.
Historic Resources	No	No locally designated properties exist in the vicinity
Oak Trees	Yes	No Coast Live Oaks exist onsite.
RPP	No	The project site, and most of the surrounding neighborhoods do not participate in the City's Residential Preferred Parking program.
Seismic Hazards - Landslide - Alquist Priolo	No No	Site is not Mapped within a Landslide or Alquist-Priolo zone.
Green Building Score	No	

**Table 3: Project Chronology**

Date	Action
March 30, 2007	Application submitted
February 7, 2008	Application deemed complete
N/A	DRC/LPC hearing
April 7, 2008	CEQA deadline / PSA deadline
April 10, 2008	Public hearing notices mailed/posted
April 24, 2008	ZAB hearing

**Table 4: Development Standards**

Standard BMC Sections 23D.32.070		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.) -Oregon Street Parcel -MLK, Jr Way Parcel		5,232 5,792	N/A	5,000 Min
Gross Floor Area (sq. ft.) -Oregon Street Parcel -MLK, Jr Way Parcel		0 0	624 0	N/A
Building Height	Average	N/A	28'	28'
	Maximum	N/A	44'	N/A
	Stories	N/A	2	3
Building Setbacks	Oregon Street (Front)	N/A	81'	15'
	West	N/A	17'	4'
	East	N/A	8'	4'
	South	N/A	15'	15'
Lot Coverage (Max)		N/A	13%	40%
Parking	Automobile	0	4	0
	Bicycle	N/A	N/A	N/A

## II. Project Setting

### A. Neighborhood/Area Description:

The development pattern of the area surrounding the project site is mostly residential; a majority of the buildings along MLK, Jr. Way are two stories and contain 2-3 dwellings; the abutting and confronting properties contain two-story buildings while the properties to the east are generally single-story, one and two-family residences. In addition, many of the parcels in the area contain two-story dwellings within the rear yard. The Berkeley Zen Center was established at 1931 Russell Street in 1979.

The Wat Mongkolratanaram<sup>1</sup>, or Berkeley Thai Temple, was established in 1978, and today includes three structures located along Russell Street (1911 Russell houses the Berkeley Thai Temple<sup>2</sup>, 1913 Russell Street contains two dwellings to provide housing for the resident and visiting monks and 1915 Russell Street contains a dwelling used by the on-site cook with 8 parking spaces located near the sidewalk). The Temple provides meditation, food services and events particular to Thai Culture; a general description of the events and schedule may be found in Attachment 2. The hours of operation established in the 1993 Use Permit limit the use to 8:00 AM to 9:00 PM daily.

<sup>1</sup> From Wikipedia: 'Strictly speaking a Wat is a Buddhist sacred precinct with monks' quarters, the temple proper, an edifice housing a large image of Buddha, and a structure for lessons.'

<sup>2</sup> In 1993 the ZAB approved a Use Permit to legalize the conversion of the former 3-unit building into a Religious Assembly Use. This approval also recognized a joint-use parking agreement for 32 parking spaces at 2747 Adeline Street, opposite the Any Mountain store on Shattuck Avenue.

**B. Site Conditions:**

The parcels abutting Oregon Street and MLK, Jr. Way are currently vacant.

**III. Project Description**

The project involves the following improvements to the vacant parcels:

- 1) A 16' by 24' sanctuary to contain three Buddha statues on a raised platform within an ornamented, 44' total height, structure located to the rear of the Oregon Street parcel;
- 2) 10 tables (three with parasols, maximum height 10'-2") would be located within a new Buddha garden on the MLK, Jr Way parcel;
- 3) Approximately 1,460 square feet of permeable paving on the Oregon Street parcel to accommodate four off-street parking spaces, with a 12' drive aisle to connect to Oregon Street; and
- 4) The balance of each site will be landscaped.

The Buddha garden surrounding the sanctuary will act as a retreat area for meditation practice and classes and would provide a processional path to the Buddha sanctuary. No other activities are planned on either parcel. The four parking spaces are intended to provide parking for staff and visitors. The Monthop<sup>3</sup> would be 16' from the eastern property line and over 50' from the closest residence.

**IV. Community Discussion**

**A. Neighbor/Community Concerns:**

Prior to application submittal, the neighbors and owners of abutting and confronting properties were contacted by the applicant. No comments regarding the project resulted from this effort. On April 10, 2008, the City released a public hearing notice to 223 individual addresses.

On April 18, 2008, a comment letter signed by 24 neighbors was received that asked for a redesign of the project to relocate the parking to the MLK, Jr Parcel, require the use of permeable surfaces for all parking areas, limit the height of the sanctuary to 28', request a neighborhood meeting to review the proposal and to limit the hours of the use at the 1911-1915 Russell property during the weekends (please refer to Attachment 4).

**B. Committee Review:**

No advisory committee review is required.

---

<sup>3</sup> The Monthrop is the central spire that extends above the main part of the structure from 28' above grade by 16'.

## V. Issues and Analysis

### A. Key Issues:

1. Use/Height: A much smaller and less-ornate Buddha Sanctuary currently exists to the south of the site on the 1911 Russell Street parcel; this sanctuary would be removed upon completion of the new building. The new sanctuary would continue to only be open to guests of the Thai Temple as part of the religious services and thus is not open to the general public. The proposed structure is not intended to expand the number of guests, rather it is intended to provide a permanent and more appropriate sanctuary to conform with the typical design and size of a Buddha Sanctuary.

The structure requires an exception to the District height limit to allow the Monthop to reach 44'. According to the applicant, the Monthop is an essential and defining element in Thai temple architecture. This height exception is consistent with other City approvals for similar structures within Residential Districts.

2. Shadows: Existing vegetation and residences affect the amount of natural light available in the area. Due to the location of the structure to the rear of the site and the small profile, significant shadow impacts to any adjacent dwelling are not anticipated.
3. Tables/Parasols: The tables/parasols are subject to Section 23D.32.030, which requires an administrative use permit to allow accessory structures on a vacant parcel. If these features were proposed on a site with a main building, no discretionary review would be required. Per the applicant, the tables/parasols, as part of the Buddha garden, are intended for the passive use of guests of the Thai Temple for meditation.
4. Parking: The parking plan was presented to the City's Traffic Engineer and found to comply with City standards regarding parking spaces and access. In addition, the drive aisle, landscape planters and setback from the street comply with the development standards for off-street parking found in Section 23D.12.080 of the Zoning Ordinance. The parking area is subject to the City's National Pollution Discharge Elimination System permit which requires specific measures to limit run-off (please refer to condition of approval #12).

### B. General and Area Plan Consistency:

General Plan Policy Analysis: The 2002 General Plan contains several policies applicable to the project, including the following:

- Policy LU-1 Community Character: Maintain the character of Berkeley as a special, diverse, unique place to live and work.
- Policy LU-13 Basic Goods and Services: Ensure that neighborhoods are well served by commercial districts and community services and facilities, such as parks, schools, child-care facilities and religious institutions.

- Policy UD-24 Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
- Policy UD-31 Views: Construction should avoid blocking significant views, especially ones toward the Bay, the hills, and significant landmarks such as the Campanile, Golden Gate Bridge, and Alcatraz Island. Whenever possible, new buildings should enhance a vista or punctuate or clarify the urban pattern.
- Policy UD-32 Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: Many residential neighborhoods in Berkeley include not only dwellings, but also religious organizations such as the existing and proposed use. The proposed sanctuary contributes to the diversity of uses and architectural styles and contrasts found throughout Berkeley. Based on Staff's observations of other similar organizations in this area, the proposed project reflects a similar scale (height) and continues the unique style contrasts found in other neighborhoods in Berkeley.

## VI. Recommendation

Based on the project's consistency with the Zoning Ordinance and General Plan, as well as its minimal impact on surrounding properties, Staff recommends that the Zoning Adjustments Board:

- A. APPROVE Use Permit #07-1000040 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions (see Attachment 1).

### Attachments:

1. Findings and Conditions
2. Applicant Statement and Project Plans, dated April 18, 2008
3. Notice of Public Hearing
4. Correspondence Received

**Staff Planner:** Greg Powell, [gpowell@ci.berkeley.ca.us](mailto:gpowell@ci.berkeley.ca.us), (510) 981-7414