



# 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  
JUNE 26, 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

**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		
	South	Thai Temple South Branch, Berkeley Public Library		
	East	1 and 2-family Residences		
	West	1 and 2-family Residences		

**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
June 21, 2008	1 <sup>st</sup> Mediation Session, South Berkeley Library, 10 A.M.
June 26, 2008	ZAB hearing (Continued)

**Table 4: Development Standards**

Standard		Existing	Proposed Total	Permitted/ Required
BMC Sections 23D.32.070				
Lot Area (sq. ft.)				
-Oregon Street Parcel		5,232	No Change	5,000 Min
-MLK, Jr Way Parcel		5,792		
Gross Floor Area (sq. ft.)				
-Oregon Street Parcel		0	624	N/A
-MLK, Jr Way Parcel		0	0	N/A
Dwellings				
-Oregon Street Parcel		0	No Change	3 (max)
-MLK, Jr Way Parcel		0		3 (max)
Building Height	Average	N/A	28'	28'
	Maximum	N/A	44'	N/A
	Stories	N/A	2	3
Building Setbacks	Oregon Street	N/A	81'	15'
	West	N/A	17'	4'
	East	N/A	8'	4'
	South	N/A	15'	15'
Lot Coverage		N/A	13%	40%
Parking	Automobile	0	4	0
	Bicycle	N/A	N/A	N/A

**II. April 24, 2008 ZAB Meeting**

Regarding the proposed project, the ZAB received testimony from some speakers that the plan should be changed to relocate the parking to the MLK, Jr Way parcel and to limit the height of the sanctuary to 28'. In addition, the ZAB received testimony from several speakers that the Thai Temple was a positive component of the neighborhood; however, several speakers informed the ZAB that the events held on Sundays attracted a significant number of visitors which introduced noise, parking and congestion impacts to the neighborhood.

The ZAB continued the hearing to June 26 and recommended that the applicant meet with interested parties in mediation. Berkeley Dispute Resolution Service (BDRS) contacted the applicant in early May to establish procedures for mediation and to arrange a meeting place and time. On June 4, 2008 the first mediation session was set for June 14, but later moved to June 21. While the total number of sessions is currently unknown, Staff believes that at least three may be needed. An update from BDRS will be provided to the ZAB on June 26 to note the progress made at the first mediation session and to provide an expected timeline.

The ZAB also asked that staff review the existing operation and land use entitlements to provide an update to the ZAB. This information follows in Section III.

### III. Use Permit History

The Wat Mongkolratanaram, or Berkeley Thai Temple, was established in 1978, and today includes three structures located along Russell Street (1911 Russell houses the Berkeley Thai Temple, 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.

1) The Use Permit history:

On April 12, 1993, the ZAB approved Use Permit #A2054 to allow the establishment of a 'house of worship at 1911 Russell Street and associated uses in the three units at 1913-15 Russell Street; to provide 32 parking spaces jointly with the Berkeley Bowl at 2777 Shattuck Avenue'. Condition #6 of this approval limited on site food sales to special events occurring no more than three times per year, not to exceed a total of six days a year.

On September 12, 1994, the ZAB approved Use Permit #2230 to demolish a garage at 1915 Russell Street to allow eight off-street parking spaces and to modify Use Permit #A2054 to remove a condition prohibiting parking at 1915 Russell Street.

On January 13, 1997, the ZAB approved Use Permit #96-1000020 to allow a 694 square foot addition to the rear of the existing three-story structure at 1911 Russell Street.

On March 30, 2007, the City received an application involving the following improvements to the vacant parcels:

- 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;
- 10 tables (three with parasols, maximum height 10'-2") would be located within a new landscaped Buddha garden on the MLK, Jr Way parcel;
- 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.

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.

- 2) Existing Operation: Based on testimony provided at the hearing, the frequency of events exceeds what was allowed by Use Permit #A2054. Staff met with the representatives of the Thai Temple on June 6 to review the existing approvals and believes that the applicant will review their existing operation and overall mission during the mediation process to develop a plan to proceed with a modified application to accommodate the Sunday activities. Staff expects this revised application to be submitted at the conclusion of the mediation process.

### VI. Recommendation

Staff recommends that the Zoning Adjustments Board continue the hearing to August 14, 2008.

**Attachments:**

1. Use Permit #A2054
2. Use Permit #2230
3. Use Permit #96-1000020

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