

Community Resolution Center

1968 San Pablo Avenue, Berkeley, CA 94702 - (510) 548-2377 - (510) 548-4051 (Fax) - www.ebcm.org

Permit Mediation Report

February 5, 2009

To: Berkeley Zoning Adjustments Board

FOR BOARD ACTION
February 12, 2009

Re: 1911 RUSSELL ST. (Thai Temple)

Mediated meetings were held January 10 & 29, and February 4, 2009 between:

APPLICANT	Manat Suksa-Ad (Head Abbot) 3 other representatives from the Temple
OREGON ST. NEIGHBORS	Carolyn Shoulders, 1923 Oregon St. Tim Gleason, 1924 Oregon St. Tom Rough, 1914 Oregon St.

(Not all parties met all three times. The neighbor group represented 16 households on Oregon St.)

The mediations over three sessions did not result in any significant mutual resolutions.

(1) The major issue for the neighbors has always been the special impact of food odor, noise, and parking on the residents of Oregon St. They live directly behind the Temple. They maintain that the basic way to reduce these impacts is to significantly reduce the frequency of feedings and the number of diners fed. The Temple says it cannot so reduce because the economic health of their programs necessitates the current levels of activity.

(2) The second way to reduce impact is at the level of food preparation and service. The Temple said it was moving all food preparation to inside the kitchen. It would install an odor absorption ventilation system and rubber matting to absorb the noise of pots and pans. The neighbors thought that the kitchen was too small for so much food preparation and that the work would spill outside. They also said they could not agree to the odor & noise solution until they knew that it would work. The neighbors also noted that kitchen windows were open during our recent warm spell, which did not bode well for their odor-noise prevention plans.

There was no agreement (nor near-agreement) on these two main issues above.

Further non-resolved issues include:	The gate on Oregon St. Neighbors want a fence. Neighbors want all eating to be enclosed indoors. No food preparation or eating within 50ft. of neighbor fences. Parking notification. Larger lettering, more specific message. Moving feeding system to an off-site location.
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The parties themselves can be expected to explain their positions in their own words at the public hearing.

A word about zoning-permit mediations. These result in resolutions only when both parties agree they want to avoid a ZAB decision and come to mutual agreement using mediation via our do-it-yourself option. Since 1985 it has resulted in resolution about 50% of the time. That means that 50% of the time it is up to the ZAB to resolve the issues.

Eric Reed was the recorder

Harriet Whitman Lee
Mediator

Victor Herbert
Mediator

Mediation

Facilitation

Training

Services that Encourage Effective Dialogue and Solutions