



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
MARCH 12, 2009

1911 Russell Street - Berkeley Thai Temple

Use Permit #07-10000040/#08-70000019 to modify the existing Religious Assembly use to: 1) expand on-site food sales from three times per year on special occasions only to weekly; 2) demolish two structures; 3) construct four structures; 4) create an 8 space parking lot; 5) merge three parcels into one; and 6) erect a 6' high landscaped wall. (R-2A, GPowell)

I. Application Basics

A. Zoning Permits Required for Use Permit #07-10000040/08-70000019:

- Use Permit, per BMC Chapter 23B.56, to modify Use Permit #A2054;
- Administrative Use Permit, per BMC Section 23D.04.020.C, to exceed the District height limit; and
- Administrative Use Permit, per BMC Section 23D.08.060.A.2, to erect unenclosed accessory structures.

B. CEQA Determination: Exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines.

C. Applicant: Guy Supawit, on the behalf of Wat Mongkolratanaram, 1911 Russell Street, Berkeley.

D. Web Documents: All prior staff reports and all planning submittals are available online at: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=19144>

II. Background

On February 12, 2009, the ZAB held a hearing, requested that staff revise several conditions and approved the use permit. The ZAB modified several conditions at the meeting to include the removal of two conditions and minor edits to clarify four others, as noted below:

Deletions (numbering from February 12, 2009 report):

#32 ~~The use of the Buddha Garden and related parking spaces shall be limited to 8:00 a.m. to 9:00 p.m. daily. Hours of operation refer to arrival of the first patron and departure of the last patron. Any change in the hours of operation shall be approved by the Zoning Adjustments Board or designee. Hours of operation are subject to review and amendment by the Zoning Adjustments Board as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City standards or policies.~~

#34 ~~Any food consumption to occur Monday through Saturday shall only be for the resident monks and for no more than 10 guests.~~

Minor Edits (numbering from February 12, 2009 report):

#35 No food that is to be sold shall be prepared onsite before 8:00 AM.

#37 No activities related to food sales service, preparation or clean up shall occur behind 1913 or 1915 Russell Street.

#38 No food that is to be sold consumption shall be allowed may be consumed within the Russell Street properties.

#45 ~~The Food sales service shall be limited to 10:00 a.m. to 1:00 p.m. Sunday and the last diner shall be gone by 2:00 PM. Hours of operation refer to arrival of the first patron and departure of the last patron. Any change in the hours of operation shall be subject to the approval of the Zoning Adjustments Board. Hours of operation are subject to review and amendment by the Zoning Adjustments Board as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City standards or policies.~~

III. CEQA Determination

The February 12, 2009 staff report listed two Sections of CEQA as a basis to find this project exempt. Upon further review of the CEQA Guidelines, the findings were revised to omit 15301, to instead rely solely on 15061(b)(3).

The attached Findings and Conditions reflect the revisions noted above.

Attachments:

1. Findings and Conditions
2. Recent Correspondence

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