



Planning & Transportation Commission

Staff Report (ID # 8981)

Report Type: Action Items **Meeting Date:** 4/11/2018

Summary Title: 305 N. California Avenue First Baptist Church Community Center CUP

Title: PUBLIC HEARING / QUASI-JUDICIAL. 305 N California Avenue [17PLN-00446]: Recommendation to the City Council on a Request for a Conditional Use Permit to Allow a Community Center Use at the First Baptist Church. Environmental Assessment: Exempt Per Sections 15301 and 15323 of the CEQA Guidelines. Zone District: R-1(10000) (Single Family Residential). For more information contact project planner Graham Owen at fbccapplication@cityofpaloalto.org.

From: Hillary Gitelman

Recommendation

Staff recommends the Planning and Transportation Commission (PTC) take the following action(s):

1. Recommend the City Council find the proposed project exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15301 and 15323 of the CEQA Guidelines; and
2. Recommend approval of the proposed Conditional Use Permit to the City Council based on findings and subject to conditions of approval.

Background

The First Baptist Church was established at this location in the late 1940s. Over the intervening decades residents report that the church held weekly worship services, as well as other life cycle events, such as weddings. Residents and the current pastor have reported a decline in the church's congregation in more recent years. At the same time, residents report an increase of other events and activities. The New Mozart School, a for-profit organization, held music classes at the subject site for several years, but is now conducting its business on El Camino Real, following a code enforcement effort to abate the use. A non-profit organization, iSing, offers music education for girls in grades 1 through 12. There are psychotherapist offices

providing mental health care to teens and adults. The City is also aware of a variety of other uses and singular and regular events, such as Tuesday Night Tango, offices of the Peninsula Peace and Justice Center, and weekly dinners of the Peninsula Macrobiotic Community, among others, that have occurred on the site.

The applicant reports, and this notion is supported by others in the faith-based community, that these activities are an extension of a contemporary church use today. Residents, however, see these activities as more akin to a commercial operation disrupting the peace and quiet enjoyment of their residential neighborhood. From the City staff's perspective, there is recognition that there may be a need to revisit the Municipal Code's church definition in the future, but much of the recent activity occurring at the subject site does not comport with what is presently defined as a church in the Municipal Code. Other religious institutions are following this application and have concerns about how the outcome may affect their current operations.

Staff's approach to this application has been to balance these varied interests. This approach focusses on the First Baptist Church, its site conditions, history, and neighborhood setting, which are unique to this church and not precedent-setting for other religious organizations in the city. Many of the activities taking place at the church do benefit the community by providing ancillary mental health services, encouraging and building confidence in young people, and providing a place for secular public gathering. However, it is also clear that an unregulated approach toward managing these and other uses negatively impact nearby residents, create safety concerns for bicyclists, and contribute to motorist frustration. Accordingly, last year, the City issued a notice of violation to the church (as property owner) and other secular tenants located on the property that, in accordance with the Municipal Code, these uses did not meet the definition of a church and, therefore, were not permitted land uses. This action caused many tenants to leave the subject property and served as the impetus for the First Baptist Church to file an application for a community center. A community center requires a conditional use permit, which is a discretionary application that could allow some of the existing services and uses to continue. Staff is aware that some residents do not favor this approach and have argued that a community center is not appropriate at this location and that no activity beyond the church use should be allowed. The commission may also hear from many users of the facility who have benefited from these programs and would like to see them continue.

Discussion

A church is defined in the Municipal Code as "a use providing facilities for regular organized religious worship and religious education incidental thereto, but excluding a private educational facility. A property tax exemption obtained pursuant to Section 3(f) of Article XIII of the Constitution of the State of California and Section 206 of the Revenue and Taxation Code of the State of California, or successor legislation, constitutes prima facie evidence that such use is a church as defined in this section".

Community center is defined as *“a place, structure, area, or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community”*.

To address the land use activity that does not fall within the city’s church definition, the applicant seeks a conditional use permit to classify and permit these other uses and activities as meeting the community center definition. The applicant’s request is included in Attachment D, and includes maximum hours of operation of 9:00 AM to 10:00 PM, Sunday through Thursday, and 9:00 AM to 11:00 PM, Friday and Saturday, and a maximum attendance for daily group activities of 50 people, exclusive of special events.

The purpose of a conditional use permit, per the zoning code, is to provide for uses and accessory uses that are necessary or desirable for the development of the community or region but cannot readily be classified as permitted uses in individual districts by reason of uniqueness of size, scope, or possible effect on public facilities or surrounding uses.

A conditional use permit is a discretionary application. It may be approved, conditionally approved or denied based on required findings. These findings include the following:

Neither the director, nor the city council on appeal, shall grant a conditional use permit, unless it is found that the granting of the application will:

- (1) Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;
- (2) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

Typically, the Director of Planning and Community Environment reviews these applications administratively and issues a decision that can be appealed to the PTC for a recommendation and final action by the City Council. However, in accordance with the Municipal Code (18.40.170), the Director may defer action on any application as they deem appropriate. Given the amount of public interest and strong feelings from those interested in this project, the Director has opted to defer this project to the City Council. The PTC will conduct a public hearing and forward a recommendation to the Council.

The First Baptist Church is located at the northeast corner of Bryant Street and North California Avenue in the Old Palo Alto neighborhood. The neighborhood is residential in character, with many lots in the surrounding area exceeding 10,000 SF of lot area. The church is located on a lot with 37,067 square feet of lot area and is located adjacent to two two-story single family residences and a daycare center. The church was constructed in phases, with the sanctuary constructed in 1948, and the fellowship hall wing constructed in 1953.

The church consists of a 2,000 SF sanctuary and a 1,900 SF fellowship hall, and these two buildings are connected by a 5,300 SF two-story hyphen with supporting office and meeting space. The church, based on municipal regulations, is a legally non-complying facility as the main church building lacks a conditional use permit as well as the required number of parking spaces. (8 spaces are provided, whereas a church of this size would require 71 spaces if constructed today) This noncomplying facility designation simply means that the church was established before the zoning code required churches to obtain a conditional use permit or comply with minimum on-site parking requirements.¹ The church use may continue and is not regulated by the subject conditional use permit application to establish a community center. However, the operation and use of the community center may be affected by church operations. For instance, as discussed later in this report, to address concerns related to parking or intensity of use, the hours of operation for a community center use could be limited such that it does not overlap with any organized religious worship or religious education.

The site is accessed from North California Avenue and has a one-way drive aisle and parking lot abutting the eastern property line. The drive aisle leads to the rear of the site, and then makes a 90-degree turn towards Bryant Street, which is the point of exit. The drive aisle also provides access to a land-locked parcel formerly owned by the church that is now used by a day care center, which has three parking spaces and, by way of an easement, uses the church's driveway for access. The church and owner of the land locked parcel have an agreement that the church may use these three parking spaces when the day care center is not open. (typical day care center hours are Monday-Friday, 7:30 AM – 5:30 PM)

Today, based on current code, the church would require 71 parking spaces, which is based on a ratio of 1 person for every 4 person capacity (occupancy). For open gathering spaces without fixed seating, the Building Code provides for 1 occupant for every 7 square feet. The sanctuary is approximately 2,000 square feet, thus providing a maximum of 285 occupants. However, in 1953, the owner received approval of a use permit and variance to construct the fellowship hall. No additional parking was required at that time because the fellowship hall was ancillary and supportive of the church and its congregants would use one or the other buildings, but not both at the same time.

Because the church was established before parking was required and the only expansion that occurred was the ancillary fellowship hall, no on-site parking was ever required. Since then, however, the codes have changed and now the site is noncomplying for 63 parking spaces. Provided there is no intensification of use, no additional parking is required. One measure of intensification relates to the occupancy allowances for the church, and more specifically, the sanctuary. If the church does not exceed those limits as they existed when the church became noncomplying, no additional parking will be required. Similarly, if the community center use, if approved, does not exceed those occupancy limits and does not occur at the same time of religious worship or religious education, staff concludes no additional parking should be

¹ A use permit was granted in 1953 to allow construction of the later fellowship hall wing, along with a variance from the 35 foot rear yard setback.

required for the community center. Included in this report as Attachment C is a chronology of parking information, requirements, dates and relevant code sections. For information purposes, staff has concluded that the maximum occupancy limit of the sanctuary is 285 persons.

For background, and relevant to the discussion, the City is in the process of implementing its Pedestrian and Bicycle Master Plan. A neighborhood traffic safety and bicycle boulevard project is underway on several local streets to reduce vehicle speeds and prioritize pedestrian and bicycle safety. Intersection improvements, including a roundabout, new crosswalks, and red curbs are planned at the adjacent Bryant Street and North California Avenue. This phase of the plan, however, was recently put on hold and it is unclear at this time when implementation of these intersection improvements will commence. Nonetheless, residents are concerned about how these future improvements, combined with the past or planned activity at the community center, would exacerbate traffic and parking problems in the area.

Analysis²

Residents over the past several years have complained of excessive noise, traffic, parking congestion, safety concerns, lack of adequate site management, and poor city enforcement, among other concerns, associated with the First Baptist Church. This section expands on these topics and illustrates how the proposed conditions are intended to address these concerns. It is expected that through public testimony and PTC and Council deliberation, these conditions will be adjusted to achieve an appropriate balance, and rely on an expectation that some amount of community center activity is desirable at this location.

Land Uses Defined and Permitted

One of the challenges residents experience is the unpredictability of events, the lateness and frequency at which the events occur, and the perceived lack of appreciation for the expected standards that reflect the residential neighborhood in which the church is located. As noted earlier, this conditional use permit does not regulate the church. Religious worship and religious education may continue as it has in the past.

The use permit, as proposed, does define the types of community center events that can occur on-site. Specifically, Condition 1 in the draft record of land use action (Attachment C) provides that meetings and events sponsored or used by non-profit organizations; rehearsals, programs and performances by non-profit musical groups; and, ancillary counseling and psychotherapy uses, may be permitted. This condition would prohibit for-profit entities from using the facilities, and reflects the desire to keep commercial land uses out of this residential neighborhood while also promoting events that benefit the broader community. This list also includes psychotherapy uses as ancillary uses to the community center, but Condition 3 limits

² The information provided in this section is based on analysis prepared by the report author prior to the public hearing. Planning and Transportation Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to take an alternative action from the recommended action.

the number of therapists at one time on the premises to no more than three individuals. Other conditions described below add further standards regulating the frequency and operation of these events.

Duration, Time and Intensity of Community Center Events

Condition 2 limits the hours of operation to 10:00am through 7:30pm seven days a week, but includes an exception for psychotherapy offices which, because of the low intensity of the use, may begin at 9:00am. A complete closure requirement ensures no one affiliated with any community event may be on the premises past 8:00pm. Condition 10 limits the occupancy of all community events at any given time to fifty (50) people.

Community Event Related Noise

Several conditions are recommended to address noise. There is a long history of complaints about noise, which is exacerbated by various tenants opening windows and doors during performances or events. The windows are opened, principally, in the fellowship hall and portions of the building hyphen abutting two adjacent residential neighbors. The open windows provide ventilation because the fellowship hall lacks a heating, ventilation and air condition system (HVAC) system. Conditions 8 and 9 address this concern by requiring the windows and doors to remain closed during community center events. These conditions also require non-operable double pane windows to be installed where double pane windows do not presently exist. Finally, there is a requirement that an HVAC system be installed. These conditions relate to the fellowship hall and building hyphen; the property owner is given until August 1st to implement these changes.

Other noise-related conditions prohibit amplified music, require compliance with the city's noise ordinance, and prevent community center events from occurring outdoors (Conditions 6 and 7, respectively). These conditions, combined with limits on occupancy and hours of operation are expected to reduce noise-related disturbances.

Event Coordinator / Neighborhood Contact

One complaint made by several neighbors is that some of the events lack on-site management, and that this exacerbates the issues related to pick-up/drop off and parking. Furthermore, the lack of management also prevents momentary nuisances, such as noise, from being handled in a timely fashion. Conditions 4 and 5 address this issue by requiring the property owner to establish a dedicated phone line that will be answered by someone either affiliated with the property owner or the community center event taking place. This point of contact would be responsible for ensuring that any neighbor complaints are responded to immediately. The property owner would also be required to notify the neighbors of the point of contact information within sixty days of the approval of the use permit.

Pick Up / Drop Off and Loading

The noncomplying on-site parking condition does cause spill-over onto neighboring streets when events and activities exceed the parking lot's capacity. Additionally, the existing drive aisle is narrow; parents picking up and dropping off children often forgo driving onto the site

and instead load directly from the street curb. Staff has received several comments regarding this loading activity and concerns about safety for cyclists on North California Avenue. Both North California Avenue and Bryant Street in the vicinity of the site are designated Safe Routes to School paths and are used by students at Jordan Middle School and Palo Alto High School in particular. While requiring such loading activity to occur on-site may be a best practice, some neighbors have indicated such an option would only exacerbate other nuisance issues, such as noise and may result in additional motorist and cyclist conflicts on Bryant Street. As a temporary measure to address this issue, the City's Transportation Division has installed signage outside of the church to prohibit stopping during school commute hours. Staff recommends with Condition 13 of this CUP that the loading/no-stopping signage and striping be extended onto the Bryant Street frontage of the site. Additionally, staff recommends a schedule of staggered pick-up and drop-off times to prevent sudden surges of vehicle traffic and queueing near the site. Additionally, for all community center tenants with regular events, Condition 14 requires a traffic management plan be reviewed and approved by the Planning Director.

Special Events

Staff acknowledges that there may be some types of events, such as occasional musical performances, where a higher attendance or extended hours of operation may be desired by tenants and, if properly regulated, not detrimental to the neighborhood. Condition 15 is intended to allow for these types of special events with a Temporary Use Permit (TUP). Any event requesting a TUP would be required to file an application with the Planning Department at least 45 days prior to the event. Staff recommends that a maximum of six such TUP applications may be filed each calendar year, with no more than two such applications in a given month. Neighborhood notification would be required prior to these larger events.

Enforcement

A common concern raised among the neighbors is that enforcement of any conditional use permit on the site, should one be approved, may be difficult given the history of prior violations. Condition 17 reaffirms that a violation of any of these conditions is subject to citations as set forth in the administrative penalty schedule. Such penalties include escalating fines for repeat violations, including a second fine equal to 150% of the original fine and third and subsequent fines equal to 200%. Additionally, Condition 16 affirms the Director's authority to make changes to the conditions of approval at a noticed public hearing if they are not adequately protecting the surrounding neighborhood.

Environmental Review

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the project is exempt from CEQA per Section 15301 and 15323 of the CEQA Guidelines. The project involves a change in use at an existing

facility and involves no physical expansion of the church structure, and therefore is eligible for a Class 1 (Existing Facilities) exemption. Additionally, the project involves regulation of the normal operation of an existing facility for public gatherings, and there is a history of the facility being used in a similar fashion for more than three years. As a result, the project is eligible for a Class 23 (Normal Operations of Facilities for Public Gatherings).

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Palo Alto Weekly* on 03/30/2018, which is 14 days in advance of the meeting. Postcard mailing occurred on 03/28/2018, which is 12 days in advance of the meeting.

Public Comments

Staff, the PTC, and the City Council have received many public comments on the application from neighbors, church tenants, and congregants. Generally, most comments regarding the proposed community center use express concerns about parking, bicycle and pedestrian safety on and near the site, and noise emanating from the fellowship hall. Some supportive comments express support for the church's application for a community center, while other supportive comments express reservations over the need for such an application. The public comments received as of the writing of this report are included in Attachment G.

Staff has met with the interested parties on several occasions in order to gather feedback on the application and explain the use permit process. A community meeting attended by approximately 50 people was held by staff at the Jordan Middle School on March 7, 2018. The church hosted a meeting with church staff, congregants, and tenants which was attended by staff on March 14, 2018. Additionally, a meeting organized by residents was attended by staff on March 23, 2018.

Alternative Actions

In addition to the recommended action, the Planning and Transportation Commission may:

1. Recommend approval of the project with modified findings or conditions;
2. Continue the project to a date (un)certain; or
3. Recommend project denial based on revised findings.

Report Author & Contact Information

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Attachments:

- Attachment A: Draft Record of Land Use Action (DOCX)
- Attachment B: Location Map (PDF)
- Attachment C: Chronology of City Requirements and Site Planning (DOCX)
- Attachment D: FBC Application Materials (PDF)
- Attachment E: Emailed Public Comments (PDF)
- Attachment F: Mailed Public Comments (PDF)

Attachment A

Draft

ACTION NO. 2018-_____

RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR 305 N. CALIFORNIA AVENUE: CONDITIONAL USE PERMIT (17PLN-00446)

On XXXXXX, 20XX, the Council of the City of Palo Alto approved the Conditional Use Permit application for a community center at the First Baptist Church located in the R1(10,000) Zoning District, making the following findings, determination and declarations:

SECTION 1. Background. The City Council of the City of Palo Alto (“City Council”) finds, determines, and declares as follows:

- A. An application for a conditional use permit to allow a community center on the site was submitted on November 14, 2017.
- B. Planning Staff referred the application to the Planning and Transportation Commission (Commission) for a recommendation to the City Council.
- C. The Commission reviewed and recommended approval of the Project on April 11, 2018. The Commission’s recommendations are contained in CMR #XXXX and the associated attachments.

SECTION 2. Environmental Review. The proposed project has been determined to be Categorically Exempt per section 15301 (Existing Facilities) and 15323 (Normal Operations of Facilities for Public Gatherings) of the California Environmental Quality Act Guidelines.

SECTION 3. Conditional Use Permit Findings

Conditional Use Permit approval is based on the findings indicated under PAMC Section 18.76.010:

1. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.*

The proposed Community Center use is a conditionally permitted use in the R1(10,000) zoning district. The church building that would contain the community center use is located at the corner of N. California Avenue and Bryant Street, and is surrounded by low-density single family dwellings. The current and previous uses of the church have created concerns among many neighbors about nuisance issues, including noise, vehicle circulation and queuing, passenger loading, and parking spill-over onto neighboring blocks. The conditions of approval for the project seeks to address these issues by limiting the hours of operation, the number, frequency, and type of events, and enforcing ongoing performance standards for events of a certain size. These performance standards include the requirement to have a designated point of contact for all events that can troubleshoot issues and handle complaints in a timely manner, and the requirement that new windows and HVAC be installed in the fellowship hall in order to mitigate sound. With adherence to these conditions of approval, the use will not be conducted in a manner that will be injurious to property or improvements in the vicinity or be detrimental to the public health, safety,

Attachment A

and general welfare, or convenience.

- 2. The proposed use will be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance.*

The subject site is designated Single Family in the Comprehensive Plan. The subject property is zoned R1(10,000) This zoning allows Community Centers as a conditionally permitted use. The CUP allows the City to review the proposed use at this location to assure that it maintains operations that are compatible with the zoning district and other existing neighborhood uses. With adherence to conditions of approval, the use will be located and conducted in a manner consistent with the Comprehensive Plan and Municipal Code, including the Noise and Zoning Ordinances.

SECTION 4. Conditions of Approval.

1. **COMMUNITY CENTER EVENTS.** For purposes of this use permit, any use, activity, event or similar function located on the subject property that is not directly related to organized religious worship or religious education shall constitute a community center event. Only the following community center events shall be permitted on the subject property, subject to the conditions specified in this use permit:
 - a. Meetings and events sponsored or used by non-profit organizations
 - b. Rehearsals, programs and performances by non-profit musical groups
 - c. Ancillary counseling and psychotherapy offices
2. **HOURS OF OPERATION.** Community center events shall not occur at the same time and shall be separated by at least fifteen (15) minutes from any organized religious worship or religious education. Community center events shall only occur between 10:00am and 7:30pm seven days a week, except that ancillary counseling and psychotherapy may occur as early as 9:00am and regardless of any organized religious worship or religious education. All individuals attending or affiliated with any community center event shall vacate the premises no later than 8:00pm nightly.
3. **COUNSELING AND PSYCHOTHERAPY OFFICES.** A maximum of three individual counselors or psychotherapists shall be permitted at any time as an ancillary use to the church and community center.
4. **POINT OF CONTACT.** The property owner is responsible for establishing and maintaining a dedicated phone line that shall be answered by someone affiliated with the church or other entity using the premises for any community center event purposes who will immediately respond to in-person complaints and complaints made by phone for any concerns related to noise, parking, or other neighborhood disturbances. This contact information shall be provided in any community event advertising, websites, and any neighborhood notification. The point of contact shall be located on-site at all times there is a community center event. A point of contact is not required for ancillary counseling or psychotherapy related uses.
5. **NEIGHBORHOOD NOTIFICATION.** Within sixty (60) days of this approval, the property owner

Attachment A

shall prepare and distribute a notice to neighbors within 600 feet of the subject property advising occupants of the point of contact information in the above condition and to provide a copy of these conditions of approval. A new notice shall be mailed within five (5) days, in a manner consistent with this condition, for any change to the dedicated point of contact phone number.

6. **AMPLIFIED MUSIC.** Amplified music is prohibited during community center events.
7. **NOISE.** All community center events shall comply with the City's noise ordinance, Palo Alto Municipal Code Chapter 9.10. All community center events shall occur indoors.
8. **WINDOWS.** Prior to August 1, 2018, the property owner shall replace all windows in the fellowship hall with non-operable double paned windows. Existing operable double pane windows may remain provided the windows remain closed during any community center event.
9. **HVAC.** Prior to August 1, 2018, the property owner shall install an appropriately sized heating, ventilation and air conditioning system for the fellowship hall.
10. **OCCUPANCY.** The maximum number of people attending or affiliated with any community center event, except for counseling and psychotherapy uses, collectively, at any time, shall not exceed 50 persons.
11. **PARKING.** All parking spaces on the subject property shall be made available for people affiliated with community center events.
12. **DROP OFF AND PICK UP.** The property owner and community center event point of contact shall ensure community center event attendees and affiliates do not block or otherwise impede the free movement of bicyclists, pedestrians, and motorists traveling on the public right of way and shall ensure motorists associated with the community center event are not parking or stopping in areas where such action is prohibited. Community center events greater than 32 persons shall be staggered from any other event by 15 minutes to allow sufficient time between events and to facilitate access at drop off and pick up locations.
13. **CURB SITE LOADING ZONES.** A five (5) minute passenger drop off and pick up loading zone shall be established at the street frontage adjacent to the subject property along California Avenue and Bryant Street and signs installed at appropriate locations posting the following restrictions, subject to approval from the City's Chief Transportation Official:
 - Passenger Loading and Unloading Monday through Friday 10am through 8:00pm, except during no stopping times.
 - During the school year, no stopping Monday, Tuesday and Thursday from 3:00pm through 4:00pm; Wednesday from 1:30pm to 4:15pm; and Friday 12:30pm – 4:00pm.
 - Street parking permitted all other times

The property owner shall pay for street signs and curb painting as required by this condition.

Attachment A

14. **TRAFFIC MANAGEMENT PLAN.** Tenants with regular or reoccurring community center events shall prepare a traffic management plan for review and approval by the Director of Planning and Community Environment. The plan shall document the tenant's compliance with the applicable traffic, parking and loading-related conditions; efforts the tenant will take to inform event attendees and participants of these regulations through program registration, websites, emails or other media; promote carpooling; and, other efforts to promote the quiet enjoyment of the surrounding residential tenants and property owners.
15. **SPECIAL EVENTS.** In addition to community center events authorized by these conditions of approval, applications for up to six (6) temporary use permits may be filed each calendar year to allow for community center events that exceed the permitted hours of operation or occupancy limitations set forth in these conditions. Such applications must be filed with the Planning and Community Environment Department no less than 45 days prior to the event. No more than two (2) temporary use permit applications shall be granted during the same month. The Director's determination to approve, conditionally approve, or deny the application shall be based upon Palo Alto Municipal Code Section 18.42.050.
16. **COMPLIANCE WITH CONDITIONS OF APPROVAL.** The applicant shall at all times be in compliance with the conditions of approval and documentation describing the community center's operation. If community center operations result in unanticipated impacts that negatively impact the general welfare, the Director of Planning and Community Environment may impose additional conditions to mitigate those impacts. Any changes by the Director to this approval or imposition of new or modified conditions shall be in writing and subject to the city's appeal procedures for conditional use permits.
17. **ENFORCEMENT.** Any violation of the conditions of approval may be assessed fines set forth in the administrative penalty schedule.
18. **APPLICATION FEES.** Within sixty (60) days of approval, the property owner shall pay the City of Palo Alto application fees for the processing of this conditional use permit, unless a fee waiver has been authorized in writing in compliance with the City's municipal fee schedule.
19. **EFFECTIVE DATE.** These conditions shall become effective immediately upon approval by the City Council. Any existing community event tenant shall have sixty (60) days from the date of approval to demonstrate compliance with all applicable conditions of approval.
20. **INDEMNITY:** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
21. **USE AND OCCUPANCY PERMIT.** A valid Use and Occupancy permit issued by the Building

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Department is required for the Community Center use.

SECTION 5. Term of Approval.

Conditional Use Permit Approval. In the event the actual change in use is not commenced within twelve months of the date of council approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.77.090

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Director of Planning and
Community Environment

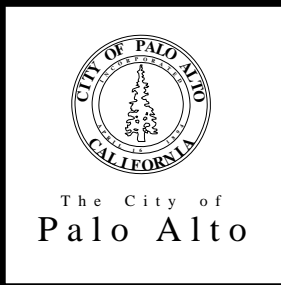
APPROVED AS TO FORM:

Senior Asst. City Attorney



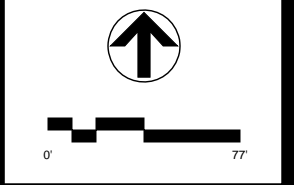
Legend

- Building Roof Outline
- Underlying Lot Line
- Easement
- Lot Dimensions
- Zone District Labels
- Tree
- First Baptist Church Site



First Baptist Church
 305 N California Avenue

This map is a product of the City of Palo Alto GIS



Attachment C – Chronology of City Requirements and Site Planning

Site Access and On-site Parking

The site is accessed via a curb cut on North California Avenue that leads to a one-way drive aisle and parking lot abutting the eastern property line. The drive aisle leads to the rear of the site, and then makes a 90-degree turn towards Bryant Street, which is the point of exit. The parking lot and drive aisle also provide access and parking for a land-locked parcel at 311 California Avenue (previously addressed as 2185 Bryant Street), which contains a day care facility. The subject site contains eight parking spaces, one of which is reserved for the pastor and the other for a psychologist who rents an office in the church building. Three additional spaces are provided on the adjacent day care site, which was previously controlled by the church but is now separately owned. The church has a license agreement with the day care center governing the shared use of the parking spaces on the day care site which allows the church to use the day care spaces when the day care is closed. This brings the total number of spaces that could be associated with the community center use to eleven.

Existing Parking Non-compliance

The church was constructed in 1948, which is prior to the City's adoption of off-street parking requirements for such uses. Ordinance 1324, which was adopted by Council in 1951, established churches as a conditionally permitted use. Ordinance 1382, adopted by Council on February 11, 1952, amended the zoning ordinance to require a conditional use permit for churches located on sites of less than 40,000 sf of lot area and, additionally, to require 1 parking space for each five (5) seats which may potentially be provided in the main room of a church. The fellowship hall was constructed in 1953, and the City Council approved a Use Permit for the hall subject to the current vehicular egress pattern and a Variance to the 35-foot rear yard setback that was required at the time. The fellowship hall was intended to serve as an ancillary room to be used at a separate time from the sanctuary, and accordingly, no additional parking was required or provided with the construction of the fellowship hall.

Chapter 18.52 of the Municipal Code provides the parking and loading requirements for various land uses. A community center use requires a minimum of 1 parking space for "every 4-person capacity", which is based on the occupancy load as determined by the Building Code. Seating for the sanctuary for the church was previously arranged in pews, which provided seating for approximately 386 people. The pews have since been removed, and the sanctuary now contains movable chairs that can fit different arrangements. The sanctuary is approximately 2,000 square feet in floor area, yielding a maximum occupancy of approximately 285 people. Should a church with a sanctuary capacity of 285 people be proposed under the current provisions of the Municipal Code, a total of 71 spaces would be required.

Chapter 18.52.040 of the Municipal Code provides that for any change of occupancy that would increase the number of required parking spaces, the additional parking shall be required only for such addition, enlargement, or change, and not for the entire building or use. As a result, if the community center use does not present an increase in the occupancy of the building relative to the church use, the new use would be consistent with the zoning code's provisions

for parking. The draft conditions include an occupancy restriction that ensures the community center use does not cause the building to exceed the current occupancy limit.

Received

MAR 19 2018

Department of Planning
& Community Environment

March 15, 2018

Graham Owen
Associate Planner
Planning and Community Development
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301

Subject: 305 N. California Avenue: Conditional Use Permit Application
Some history of 349 North California Avenue and the PACCC Day Care

Hi Graham,

I'm including some copies of historical documents from the church that talk about:

- The property at 349 North California Avenue, which the church used to own
- The history with the day care center located at the back of the church property

349 California Avenue

The church owned this property from 1960 until 1980 when it was sold to the current owners, Laura Seitel and Loy Martin. Between 1960 and 1980, in all the records of the church, this property was referred to as the "Clausen Cottage" after Jens Clausen, a long time church member and renowned Danish botanist. During the church's ownership, the property was used for classrooms and as a youth center for the church's young people. In the late seventies, the church council debated how to best use the property and asked the City of Palo Alto for permission to raze the structure and put in additional parking. The request was denied. (See page 25 of *A Brief History of the First Baptist Church of Palo Alto*.)

In the February 28, 1978 minutes of the church Executive Board, under Mission, the members discussed "Cottage use." The board listed the following action options for the property: create a multi-purpose parking lot; lease it for City programs, or perhaps sell.

In the June 26, 1978 minutes, then-Pastor Bjornson reported on meeting with the City Planning Director Naphthalia Knox and the City Building Inspector Stan Nowicki, who said at that time that the church did not require any special use permits for their activities. The church's Long Range Planning Committee came up with nine possibilities for use of the cottage property. Of those nine ideas, Building Inspector Nowicki favored renovation as a residence for church staff or for sale; a parkinglot/volleyball court; or a playground picnic area.

In the November 30, 1978 minutes, the Long Range Planning Committee recommended the parking lot option. It was also stated in those minutes that "it is more than likely that the church would regret our having sold the Clausen Cottage property at this time than our having kept it."

In the March 27, 1979 minutes, it was reported that "under present city regulations, if we were to use the property for parking, it would have to remain in parking and could not be sold for housing [*at a later date*]. Almost any change in the use of the property would require hearings." The neighbor next door to 349 North California, a Mrs. Rimerman, expressed interest in purchasing part of the property, and the board was going to look into creating a set of plans for a parking lot using less than the full lot.

In the June 26, 1979 minutes, the board reviewed three alternate plans to use the lot for parking, providing from 23 to 36 additional parking spaces. It was said that the city may not allow the lot to be divided up.

In the October 21, 1979 minutes, Mike Golick, a church member and local realtor, reported that the City will not allow housing to be demolished. He recommended that the church retain the property.

In November 1979, the board voted to put the property up for sale, asking price \$110,000. And it was sold to the current owners in 1980.

311 North California Avenue

This is the Palo Alto Community Child Care (PACCC) day care center located at the back of the property, at the end of the church driveway and adjacent to the Brunicardi property at 2183 Bryant Street.

The day care center rented the property for a few years, and then purchased 75% of it in 1998. The church still used it on the weekends and the day care center used it during the week. In August 2006, the day care center took full possession of the property.

A Deed of Trust, dated December 23, 1998 (pages included with this letter) specifies on page 5: "Beginning at a point on the Northwesterly sideline of North California Avenue, a 60-foot right-of-way, said point being 248.35 feet distant, Northwesterly from the intersection of this Northwesterly sideline of North California Avenue and the Northeasterly sideline of Bryant Street (a 60 foot right of way; said point of reference also being the Southeastern center of Lot 6, Block 5, and said point also being, the "true point of beginning" for the purposes of the following description..."

This quoted passage is basically specifying the property lines and allowed ingress/egress to the PACCC property. It does not specify parking. Although I think their parking spaces are located within those specified property lines.

I believe that the use of the parking spaces in front of the day care property is part of their purchase, as it is defined in the Deed of Trust specification. The church has a verbal agreement with PACCC that they are only to use those parking spaces, and not any of the spaces along the side of the Fellowship Hall of the church.

I hope this information is of some help.

Sincerely,

A handwritten signature in black ink that reads "Betsy Anderson". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Betsy Anderson
Administrator, First Baptist Church

A BRIEF HISTORY

of the

First Baptist Church
of
Palo Alto

June 18, 1893

to

June 18, 1993

Foreword

celebrates its one-hundredth year of 1993. We celebrate a worthy past, a history deserving our best. The beautiful worship center of the First Baptist Church has existed to But existence is never enough for Institutions and people must have themselves as being of importance must be a felt linkage to whatever god of the universe. The reason it has done something more than most Baptist has survived is because it captured people's imagination and that people have found new life, it for the world in which they live pass on to the future.

Dr. Charles F. Syverson,
or

BUILDINGS AND REFURBISHMENT

The fellowship of our church continues to be an active and vital presence in the community up to the present time. Changes have been made in some areas according to the needs of the membership and the neighborhood.

Our buildings have served us and the neighborhood very well. The Annex served as additional classrooms and a meeting place for the International Play Group until 1976; later it was rented to Palo Alto Community Child Care which is still operating a child care center there. The Clausen cottage at 349 No. California Avenue, purchased in 1960, was used for classrooms until the late '70's. At that time the Youth Group renovated it and used it as a Youth Center. The Church requested the city of Palo Alto to allow the cottage to be razed in order to build a parking lot, but it was not permitted. The property was sold in 1980. A fence and landscaping along the driveway now separate it from the church.

The house at 3626 Louis Road was purchased in 1982 as a home for the Pastor and his family.

Beginning in 1983, a major refurbishing of the main church building was undertaken with Kitty Baggott as chairperson of the Refurbishing Committee. Lucille Hargrove chaired the committee working on redecorating the Education and Office building. Later, Lillian Bolton chaired the Sanctuary Refurbishing Committee. The Education and Office wing was done first so as not to interrupt the whole church at once. It was carpeted throughout and all rooms, including the Fellowship Hall, were painted. Vertical blinds were installed on all windows except in the parlor, which was updated with new draperies. New floor covering was installed in the kitchen and rest rooms.

The sanctuary was re-designed, enlarging the choir and pulpit area with recesses on each side of the

MINUTES OF THE EXECUTIVE BOARD^{ll}

FEB. 28, 1978.

Present: Fred Hillier, Walter Hart, Jin Chin, Joe Anderson, Jeff Frantz, Muriel Self, Earl Knechtel, Mary Granholm, *Thelma Parodi* Carolyn Paine.

The meeting was called to order at 7:30. There was a time of sharing following which Jeff led in prayer.

The minutes of the Jan. 25 meeting were approved as corrected.

I. UNFINISHED BUSINESS

A. Annex. A letter has been received from the Palo Alto Zoning Administration--prompted by the action of a church neighbor--indicating that there is a problem in our allowing use of the Annex as a respite center. The letter has been referred to Lucille Gold of the Palo Alto Community Child Care Agency, which is seeking use of the Annex as a respite center.

Following discussion of this matter, the Board voted to proceed to explore with the Palo Alto Community Child Care Agency means by which we as a church may accomplish establishment of the respite center by incorporating this service into our church program.

B. Communication. It was suggested that the various church boards make available minutes of their monthly meetings by placing a number of copies in the narthex. Another proposal was that the highlights of the board minutes be excerpted for insertion in the Spire as a standing department. It was suggested that BJ might be willing to contact Florence Way in this regard.

C. Long Range Planning Commission. Membership is incomplete. Persons to represent the Trustees and Board of Christian Education have yet to be named.

D. Pictorial Directory. No chairman has been secured.

E. Special Funds Chairman. The name of B. Jenks has been suggested.

II. NEW BUSINESS

Reports:

Trustees. Two meetings, Jan. 31. and Feb. 8, have been held since the last Executive Board meeting.

• Joe Anderson suggested that when the ~~church~~ directory is redone, the business phones of the trustees be listed.

• Relda Poffenroth, Joe Anderson and Earl Knechtel have check-signing responsibility.

• The church has a deposit box at the South Palo Alto Branch of the Bank of America.

• Exterior trim painting continues.

• Warren Young in consultation with a lighting expert has proposed a plan for improving the lighting of the choir loft. It is possible this project may be financed as a memorial gift.

• A workday has been discussed but not scheduled. There is at present a shortage of skilled workers in specialized areas among the membership.

• A group called Community Committee for International Students has been given permission to use the Annex one morning a week.

Treasurer. Earl Knechtel reported total receipts for January at \$9,508.95 and total disbursements of \$8,351.05.

Diaconate. Walter Hart reported that the board is seeking someone to carry responsibility for preparing the meal for the Father-Son banquet April 28. He is suggesting that the event be referred to as "Men of the Church" banquet.

• Faith and Life Series will be held March 12, March 19, April 2, April 9.

• At the request of the Board of Mission, the Sept. fellowship offering will go to the Scandinavian Seaman's Mission.

of church affects

- All-church picnic will be June 18 at Foothill Park with Sandy Young in charge of arrangements.
- Patio Hours will be held following worship June 25 through Sept. 3, with each board responsible for hosting three Sundays.
- Choir appreciation night will be June 1.
- The board espouses BJ's goals for the ^{year} ~~1965~~ noted in the Executive Board minutes for Jan. 25) and feels that ~~working~~ toward realizing them is the responsibility of each individual member.
- A Plan of Organization of the Diaconate has been set up with most leadership responsibilities assigned

Education. Seekers may be using funds to secure speakers for their class.

- The board discussed both churchwide goals and goals within the board for the coming year.
- Darlene Krause and Thelma Parodi will be attending the Planning for the Summer Conference in Berkeley March 5.

Mission. Lois Ville has agreed to be contact person for American Baptists Responsibility to Domestic and World Hunger.

- B. Jenks is contact person for World Mission Support Committee of the South Coastal Program Board.
- Feb. 16 Family Night Program, a slide/talk presented by Alaskan missionaries Bill and Joan Dotson was well attended and well received.
- Cottage use was discussed. The board listed the following action options:
 1. multi-purpose parking lot
 2. lease for city programs
 3. perhaps sell
- All-church retreat. The board suggest the topic "How to be an evangelical people but in our own style."
- Elmer Poffenroth, Ernie Parodi and Guy Pfaender are dealing with the wheelchair-pushing responsibility at the Veterans' Hospital.

MINUTES OF THE EXECUTIVE BOARD

August 15, 1978

Present: Fred Hillier, B. J., Jin Chin, Joe Anderson, Earl Knechtel, Muriel Self, Thelma Parodi, Carolyn Paine.

The meeting was called to order at 7:45. BJ led in prayer. The minutes of the June 26 meeting were accepted as submitted.

Unfinished Business

- A. Pictorial Directory. "B" Foster is considering chairmanship of this project.
- B. Retreat. Muriel reported that all arrangements are complete except for meeting Dr. Stanley MacNair to discuss program and theme development.

Muriel also noted that members of the Long Range Planning Committee are giving careful consideration to various alternatives that have been identified on use of the cottage. No single recommendation will be made until after the retreat. Comments from the Board on disposition of the cottage underscored two considerations:

- a. how much income would be realized from sale of property.
- b. parking is a basic condition for growth--we would lose substantial off-street parking were we to sell property.

- C. Follow-up from Quarterly Business Meeting.
Visitation. A group will be forming at a meeting on August 24 to initiate calling on newcomers, shut-ins and members who've not been attending.
- E. Renewal by Objectives emphasis. Plans to get underway in October.
- F. Discipling Groups to commence following retreat.
- G. Baptist Camp Advance Plans and Calendar
 - 1. Goal of \$5,500 adopted at Quarterly Business Meeting.
 - 2. Campaign to be initiated at Sept. 14 Family Night program.
 - 3. Sept. 24 Pledge Sunday for Camp Advance.

New Business

- A. Reports
 - 1. Mission. Jin Chin reported that sponsors of the conference "Property Rights and Human Rights: Housing 1978" to be held in our church Nov. 11 are pleased to have us co-sponsor the event.
Sept. 9, afternoon and evening, Menlo Park First Baptist Church is sponsoring a mission workshop for the South Coastal area.
 - 2. Trustees. Financial campaign this fall will follow plan of last year's campaign. There is a question as to whether we are really challenging our givers.
 - 3. Treasurer Fellowship offering for August goes to VCCSCC with 10% to the Fellowship Fund.
 - 4. Education. Thelma reported that the winterizing of the Sierra Pines cabin "adopted" by our church is not complete. BJ will check into plans for completion of the project.

Summer program, "Miracles and Mysteries" was a success and the board would like to try another such event next summer.

Annex Church School rooms need cleaning.

Thelma suggested that the Executive Board consider bringing before the

	PEO	COI
Keep & Use "as is"	Property value still there We are getting some use from it Will have it if future need arises We get parking space from it It's a buffer between neighbor & us Stove is used occasionally for "overflow" cooking Land value may be appreciating Perhaps could be used for storage of clothing, furniture for the needy (by a charitable group)	Maintenance is required It's almost an eyesore "Repair", if not "renovation" needed Land & bldg. do cost us even "as Structure is deteriorating & depreciat ing
Renovate & use for our program	Basic structure exists; would cost less to renovate than to build new It's a house, without institutional ambience Might be used by "outside" groups All of "keep & use as is" (except ^{2nd} + last) Proximity, convenient meeting place for us	Currently there are no directions or plans that would require cottage. Bldg. is basically a "house" not par- ticularly conducive to group meetings Past experience with plans for using cottage have not produced parti- cularly effective results. If it is renovated for a particular group, church must decide if that group will be responsible for main- tenance & scheduling its use Cost & bother of renovating

June 1977 estimates for renovating -
\$10,000 to \$12,000

PRO

CON

Renovate & use for staff housing

Basic structure is there. Fixing it less expensive than buying new

Too small for average family

Convenient

Often staff desires more privacy

Protection against vandalism

Might save us money (reduce cash outlay for staff)

Probably would lose tax exemption

Property value still there

Cost ^{and bother} of renovating (garage required?)

Would have it if future need arises

Cost of maintenance

It's a buffer between neighbor & us

Might cause problems in hiring or firing

Land value may be appreciating

Maybe could use stove for "overflow"

Might still have some parking space

Renovate & use for "community" program

Property value still there

Neighbors not particularly amenable to this idea

Land value may be appreciating

Cost ^{and bother} of renovating & of maintenance (latter might be paid for by the program)

Some parking space

Maybe could use stove for "overflow"

Might make possible a worthwhile service program in the name of Christ

Program would be largely out of our control

Some programs work better in a home atmosphere

Renovations plan might have to be determined by the type of program. Do we develop a program because we have the cottage?

May have a problem of city's OK

We have the annex

June 1977 estimates for renovating - \$10,000 to \$12,000

PRO

CON

Renovate &
rent as a
dwelling

Will have the property if future
need arises

Land value may be appreciating

Would furnish income

Might be "low income" housing
which would benefit a needy
person or family

Have to maintain it

All the problems of a landlord

Would lose tax exemption

House is small, suitable for couple
or maybe with one small child

Cost of renovating & building car shelter

Sell
"as is"

Cash proceeds could be invested
to provide annual income
($\$60,000 @ 7\% = \$4,200$)

Probably never would be able to re-
purchase it (or other nearby property)
if ever needed

Would lose parking space

Neighbors would be right next door

renovate
first

Would sell for higher price

Once it is decided to renovate
there are many avenues open such
as using for church purposes,
rental, sale; it does not have
to be sold when work is done if
we find a better use for the
property

High cost of renovating

Problems of renovating - getting bids,
working with contractor, meeting
codes, etc.

Prospective purchaser might prefer to
fix it to his tastes

PRO

CON

Landscaped parking lot

Gets rid of "white elephant" house
 Brings parking area closer to city standard
 More convenient parking for more of us (marketing studies indicate nearby parking essential. "I had to park a block from the church!") St. Marks vs 1st Meth.
 Better appearance than now
 Less maintenance expense
 Buffer between neighbor and us

Neighbors probably would appreciate our having more off street parking

We would still have the land in case of future need

Area might be used for activities, e.g. mission faire

Might also be used for neighborhood recreation as well as recreation area for us
 This could be a contribution from us to the area

Possibly more problems with kids

Cost - recent estimate \$14-15,000
 More with recreation equipment

Compare with income if property sold % funds invested - or even if house rented.

Do we need such additional income? Would it reduce our need as Christian church members to be good stewards?

Would not have the building & its kitchen

Landscaped only-prayer garden, bbq, play area etc.

Much more attractive than at present

Good alternative for some meetings

Might encourage more bbq's & other outside church family activities

Cost - initially and for maintenance

Not much apparent need for these kinds of facilities

Seems like a nice but expensive luxury

What is the best use of this property by a church of Jesus Christ that is trying to be God's people, doing his will, proclaiming Him - at Bryant & California in Palo Alto?

MINUTES OF SPECIAL MEETING OF THE EXECUTIVE BOARD

March 19, 1979

Present: BJ, Fred Hillier, Wendell Starr, Earl Kuechtel, Muriel Self, Mary Granholm, Joe Anderson, June Lee, Carolyn Paine

The meeting was called to order at 7:50. BJ led in prayers.

The purpose of the meeting was to consider the future of the cottage property. Several representatives of various boards brought views of their members.

Deacons. The Board felt that if the parking lot option were adopted, the plan should include appropriate landscaping and provisions for other uses e.g. recreation. The Board was not firm in its feelings about the parking lot option and felt options should be kept open.

Trustees. The board had questioned whether income from sale of the property was actually needed. It was felt that the church needed to maintain a buffer between the church and neighbors. If the property were to be used as a parking lot with provision for recreation, the board saw the recreational area as being on the church side of the property. The board did not wish the cottage to be renovated, nor rented, nor used as staff housing because of its unsound condition.

BJ read a letter from Trustee Pearl Abbott expressing a strong opinion that the cottage be sold for housing.

Mission. June Lee reported that the board had not reached a consensus.

Moderator Fred Hillier spoke in favor of selling the cottage as housing, but expressed concern over its condition as described by the Trustees.

The possibility of offering the neighbor one-half the property and using the other half as a parking facility was suggested and added to the alternatives as seen by the Executive Board.

Alternatives on future of the cottage as defined by the Executive Board:

1. Landscaped parking lot--need to find out if this use precludes sale of property for housing in the future.
2. Tear down house and use area for recreation, garden, play yard.
3. Tear down house, use half of area for parking, half for play area.
4. Tear down house, use half as parking, sell half to neighbor--need to find out if neighbor is interested.
5. Keep cottage as is with minimal maintenance--need to find out value of the lot with and without the house - now and possible future value.
6. Sell as is.

The Long Range Planning Committee will check into the questions on the various alternatives and will bring this information to the next Executive Board meeting March 27, 1979.

The meeting was adjourned at 9:40.

Carolyn Paine
Church Clerk

MINUTES OF THE EXECUTIVE BOARD
March 27, 1979

Present: Fred Hillier, BJ, B. Jenks, Goodwin Chin, Muriel Self, Earl Knechtel, Howard Foster, Wendell Starr, Jeff Frantz, Carolyn Paine.

The meeting was called to order at 7:45. Jeff led in prayer.

The minutes of the February 27 meeting were approved as submitted.

Unfinished Business

- A. Use of the Annex. Two groups are interested--Mid-Peninsula Support Network for office space, the Palo Alto Child Care Center for a day care facility. The former agency has the prior claim. However, this group might also consider use of rooms in the main building, leaving open the possibility of day care in the annex. BJ will be looking into questions of taxation in relation to these uses of church property.
- B. Future of the Cottage. Muriel Self reported on follow-up questions that had been raised on various options being considered. Under present city regulations, if we were to use the property for parking, it would have to remain in parking and could not be sold for housing. Almost any change in the use of the property would require hearings. Mrs. Rimerman, whose property is adjacent to the cottage property, has expressed interest in purchase of part of the lot. The Board moved that a set of plans for a parking facility, using less than the full lot, be drawn up and discussed with Mrs. Rimerman to determine what a feasible and mutually agreeable plan might be. The motion was carried. Muriel will report on this matter at the next meeting of the Board. It was suggested that a status report on cottage discussions be presented at the quarterly business meeting on April 22.
- C. Long Range Planning Committee. Representative for the Board of Christian Education will be Bob Smithson.
- D. All-church banquet. A mid-January date-in conjunction with the Annual Meeting - was agreed to by the Diaconate.
- E. All-church Picnic shifted to June 24.
- F. Directory of Church officers nearly complete.
- G. Appointees to Executive Board. Special Funds Chairperson B. Jenks has been appointed to the Board. Other suggestions were a representative of young adult age group--Ollie Johnson's name was suggested--and Publicity Chairperson, yet to be named.
- H. Diaconate has agreed to use of Fellowship Offering in June for American Baptist Churches of the South.

New Business

A. Reports

1. Senior Minister's report.
 - a. BJ outlined progress on Pictorial Directory. The Board voted to look into the plan offered by Cimini Graphic first, with Redwood Studios as a second choice.
 - b. A Baptist Camp Sunday, stressing schedule and opportunities for service, was suggested for a possible April date.
 - c. A letter to be sent to non-attending members--which has been authorized by the Diaconate--was shared.
 - d. Small group potluck dinners are taking place on a slow-paced schedule.
2. Special Funds Chairperson B. Jenks shared her concerns about the organization of the Memorial Book and will look into what might be involved

both "in house" and outside responsibilities.

Nominating Committee. Still seeking a chairperson for the Board of Christian Education.

Long Range Planning Committee.

- 1) Cottage. The Board reviewed three alternative plans drawn up by Knut Koester, for usage of this lot for parking; the plans provided from 23 to 36 additional spaces. Other factors to be considered: the city may not allow us to divide the lot; if the lot is converted to parking, we probably will not be able to sell the lot later. A special meeting of the Executive Board and the Long Range Planning Committee is planned for July 9, at 7:30 to discuss the cottage. If this date proves unworkable, September 17 is set as an alternative date.
- 2) Retreat. The theme is "Reaching Out." Several leaders have been considered--representing varying approaches. The suggestion was made that perhaps keynote speakers could be engaged with follow-up discussion and coordination being organized by our people.
- b. Quarterly Business Meeting. The date is July 17 (Tuesday) at 7:30. The agenda was discussed and an item concerning CCSCC dropped, since it was being taken up at this evening's meeting. Board chairmen were urged to encourage attendance at this July 17 meeting through their board contacts.
- c. Request from Council of Churches of Santa Clara County. The Council's work will be highlighted by representatives of the Council through special presentations in each of the member churches, in the hope of making a positive effect on the Council's budget. It was suggested that in our church, the presentation might be made within the context of adult education, in conjunction with the Board of Mission.

B. Senior Minister's Report

1. BJ suggested a need to follow up on special emphasis Sundays, such as Seminary Sunday, to keep awareness high.
2. Family Night Programs are planned, though speakers not all confirmed, through May.
3. Executive Board meeting dates: July 24 and August 28.

The meeting was adjourned at 10:00 p.m.

Carolyn Paine
Church Clerk

MINUTES OF SPECIAL MEETING OF THE EXECUTIVE BOARD AND THE LONG RANGE PLANNING COMMITTEE

September 17, 1979

Present: Fred Hillier, BJ, Earl Knechtel, B. Jenks, Hugh Satterlee, David Johnson, Ollie Johnson, Mary Granholm, Don Granholm, Merle Africa, Wendell Starr, Muriel Self, Dorothy Aker, Carolyn Paine

The meeting was called to order at 8:10 p.m. BJ led the group in prayer.

The group discussed the several options for the future of the cottage which had been prepared earlier in the year by the Long Range Planning Committee. Particular attention was given to the future financial situation of the church in terms of giving potential and the prospect of calling a new pastor in several years time.

Among considerations discussed were:

1. The church is presently drawing on Special Funds at the rate of \$1,000 per month; this cannot continue indefinitely.
2. Property values continue to rise rapidly.
3. The cottage as is is a blight on the neighborhood.
4. There are many drawbacks to the church's becoming a landlord should the cottage be renovated and rented.
5. Housing in this area is in extremely short supply.
6. If the property were converted into a parking-lot, the land very likely could not be returned to a building lot in the future.
7. Building a parking lot would involve a considerable outlay of money.
8. If the church itself were to be sold in the future, parking in line with city ordinances would be required in all likelihood.
9. Present high interest rates on bonds favor sale of the property and investment of money realized.
10. Selling would bring a very close neighbor and cut down on parking being used now.

Nothing approaching consensus was achieved. It was felt that the various proposals and their advantages and disadvantages be brought to the membership at the next quarterly business meeting, October 21. Prior to that time, material will appear in the Spire sharing the concerns and quandry of the group in trying to reach a united recommendation--and inviting "position paragraphs" from persons who have already formed firm opinions on the future of the cottage.

The following are options currently under consideration:

1. Parking lot--various plans including sale of a portion of the property to our neighbor.
2. Sell as is.
3. Keep as is.
4. Renovate and rent.

The meeting was adjourned at 10:10 p.m.

Carolyn Paine
Church Clerk

EXECUTIVE BOARD AGENDA FOR SEPTEMBER 25, 1979 at 7:30 P.M.

- I. Sharing and prayer time.
- II. Minutes
- III. Unfinished Business
 - A. Sierra Pines Cabin - no progress
 - B. Pictorial Directory - expected first part of October
 - C. Use of Annex update - PACC has secured a \$10,000 grant and are encouraged by developments; so they believe they may be able to be in operation by the first of 1980.
 - D. Retreat:
 1. How to handle expenses: honoraria and camp expense not met by registration fees.
 2. Followup - Long Range Planning Commission plus immediate groups, etc.
 3. Six priority items - to be distributed to you and to boards for affirmation.
 4. Other
 - E. Cottage - methodology of informational report at Quarterly Business Meeting.
 - F. Boat People Refugees; status of thinking as of now.
 - G. Other
- IV. New Business
 - A. Reports
 1. Mission
 2. Christian Education
 3. ABW
 4. Special Funds
 5. Trustees (including update on Financial campaign plans)
 6. Treasurer's Report
 7. Diaconate
 8. Executive Board
 - a. Committee reports
 - Pastoral Relations
 - Publicity
 - Nominating Committee
 - Long Range Planning
 - Other
 - b. Church Covenant Discussion - item from Retreat
 - c. Quarterly Business Meeting - October 21 at 12:30 p.m.
 - Reports due October 1 or as soon as possible thereafter.
 - Agenda
 - Name delegates to convention of ABCW at Santa Rosa (4)
 - Cottage information (main item)
 - Nominating Committee report - election
 - Reports
 - Possible consideration of Covenant dependent upon discussion above.
 - B. Associate Minister's Report
 - C. Senior Minister's Report
 - D. Other items
- V. Adjourn

MINUTES OF THE QUARTERLY BUSINESS MEETING
October 21, 1979

The meeting was called to order by Fred Hillier, Moderator, at 12:45 p.m. A quorum was present.

Minutes of the July 17 Quarterly Business Meeting were approved as submitted.

Main purpose of the meeting was to discuss the use of the Clausen Cottage property. Several position papers are included with the written reports. Each writer commented on his paper.

Muriel Self, Chairman of Long Range Planning Committee reviewed the history of the study and various alternatives. Development of the property into a parking lot was the recommendation of the Committee.

Fred Hillier reported that the Executive Board had held two meetings concerning the property.

Mike Golick reported that the City will not allow housing to be demolished. His recommendation is to retain the property and develop housing for an assistant pastor, caretaker cottage, or for future equity for exchange for pastor's home in another neighborhood.

Fred Hillier recommends that we sell property "as is" soon. Proceeds could be invested in bonds to bring income for current expenses. Principal would be available later to help new pastor with housing.

Hugh Satterlee's position was presented by Ron Tuttle. He recommends developing property now as housing and then trading or selling it later for housing for pastor. Alternative would be to sell property "as is" and use money as down payment on another property.

Much discussion followed. A straw vote indicated 17 wished to sell "as is"; 18 wished to retain and renovate; 5 are undecided.

REPORTS FROM BOARDS

The following made comments or additions to their written reports:

Treasurer, Earl Knechtel - Both pledges and expenditures are about \$2,000 behind to date. October statement will be less optimistic.

Special Funds, Ron Fredlund - Some stock will have to be sold to provide funds for budget.

Trustees - Ron Tuttle - Panic bolt has been installed on front door of sanctuary.

Diaconate - Wendell Starr - The church will discuss and possibly develop a church covenant. There will be an emphasis on small groups within the church this year.

Recommendation: That the Church grant to Randall Hornibrook a license for Christian Ministry for three years. Motion seconded and carried.

MINUTES - EXECUTIVE BOARD MEETING - October 23, 1979

1. Minutes of September meeting were approved.

2. Unfinished business -

Report Items -

- A. Sierra Pines cabin - The cost of renovation is placed at \$1,800 per cabin. So far, we have contributed \$600. The roof/wall joint is in poor shape. Bill Jones says this should be re-worked and roof rebuilt. Hugh Satterlee, Milt Jones and Bill Jones will meet Thursday and report an agenda for fixing.
- B. Pictorial Directory - This is late. It is being sent to us by air.
- C. Use of Annex - Still dependent upon PACG securing necessary funds from Foundations.

Followup of Quarterly Meeting -

A. Cottage Questions

- a. Pearl Abbott will look into capital gains question.
- b. Possibility of running this thru Palo Alto Housing Corp. as suggested by Ron Tuttle. Mike Golick will check on advantages.
- c. Need to set deadline. Decided on pledge Sunday (November 18) for all information to be in. Then three additional weeks are required.
- d. BJ suggests the formation of an Ad Hoc Committee composed of Muriel Self, Joe Anderson, Hugh Satterlee, Bill Abbott, Mike Golick, Dave Johnson and Fred Hillier to report to November 27th meeting of Executive Board. Fred will chair the committee. Muriel Self will be the convenor. This was moved, seconded and passed. First meeting will be on 28th, 29th, or 31st of October.

B. Covenant

- a. Randy - A covenant is a celebration of our appreciation of the gifts of God. He is leading the Young Adults in the development of a covenant. Then it will be opened up for discussion in Thursday evening meetings in late January. Details of how this is to be done must be discussed both in Diaconate and in Board of Education. Both of these boards shall designate people who want to be involved in the Covenant.

C. License for the Ministry to Randy Hornibrook

- a. The license certificate will be presented on November 25th. This will coincide with the celebration of the 30th anniversary of BJ's ordination. Dorothy Morris, as publicity chairperson, will prepare a suitable news release with picture (black and white). She needs a negative.

D. Boat People Project

- a. The DePanghers do have a family.
- b. We do not know the extent of the church's responsibility.
- c. Motion - "The Board of Mission is authorized to investigate a boat people project and may commit the sponsorship of the church if it is feasible." Seconded and passed.

E. Retreat Goals and Objectives

- a. These must be kept fresh in our minds. Diaconate has responsibility for five of the six. Board of Education has one.
- b. The three small group meetings which have been started, can provide a focus. The Sunday evening group under BJ is working on priority one, which combines our emphasis on spiritual needs and getting to know each other better. Jeff's two groups will also be working in this area.

UNANIMOUS RECOMMENDATION TO EXECUTIVE BOARD FOR CHURCH ACTION ON THE COTTAGE

MOVED:

The by-laws of the First Baptist Church of Palo Alto are amended as follows:

Add to section 22:

The net proceeds of the sale of the Clausen Cottage are to be invested in short term instruments such as Treasury Notes or Treasury Bills or other instruments of equivalent yield and safety, except that a portion of the proceeds may be held in the form of a short term mortgage to the buyer of the property secured by the property. The principal is intended to be available only for use in aiding a new pastor to purchase a residence if the person wishes to do so. Income from said principal may be used to finance church programs if other income is not sufficient to do so.

The Trustees of the First Baptist Church are authorized and directed to sell the Clausen Cottage adjacent to the church on California Avenue with the following conditions:

1. If they are unable to make a sale which they believe to be sufficiently advantageous to the church, they may return to the church for further instructions.
2. It is understood that the property will be listed at approximately \$110,000.
3. Subject to a cash down payment of 10 - 20% of the sale price, they may accept a mortgage for the balance under the following conditions:
 - a. The borrower must be able to demonstrate a credit standing equivalent to that required by banks doing business in Palo Alto.
 - b. Interest must be within 1% of the current rate for first mortgages.
 - c. The balance must be paid completely within 18 to 24 months of issuance of note and deed of trust (mortgage). Should buyer pay off the outstanding balance prior to the expiration of the full term of the mortgage, the prepayment penalty shall be six months interest.
4. The sale must be completed within 90 days of signing of the purchase agreement.

Ad Hoc Committee on the Cottage,

Bill Abbott
 Joe Anderson
 Al Chang
 Mike Colick
 Fred Hillier (Chairman)
 Dave Johnson
 Hugh Satterlee
 Maribel Self

June also reported that Donna Reddy is the new Director of the North County Friendly Visiting Service.

Clausen Cottage. In a November 19 meeting of the Ad Hoc Committee on the Cottage-- which is composed of proponents of both sides of the Cottage question--that Committee voted unanimously to recommend to the Executive Committee certain specific actions. The Executive Board, in turn, voted unanimously to recommend to the entire church body these same actions, for consideration at a special meeting of the church.

On motion by Howard Foster, seconded by June Lee, the following is unanimously recommended for church action:

The by-laws of the First Baptist Church of Palo Alto are amended as follows:

Add to Section 22:

The net proceeds of the sale of the Clausen Cottage are to be invested in short-term instruments such as Treasury Notes or Treasury Bills or other instruments of equivalent yield and safety, except that a portion of the proceeds may be held in the form of a short term mortgage to the buyer of the property secured by the property. The principal is intended to be available only for use in aiding a new pastor to purchase a residence if the person wishes to do so. Income from said principal may be used to finance church programs if other income is not sufficient to do so.

The Trustees of the First Baptist Church are authorized and directed to sell the Clausen Cottage adjacent to the church on California Avenue with the following conditions:

1. If they are unable to make a sale which they believe to be sufficiently advantageous to the church, they may return to the church for further instructions.
2. It is understood that the property will be listed at approximately \$110,000.
3. Subject to a cash down payment of 10 - 20% of the sale price, they may accept a mortgage for the balance, under the following conditions:
 - a. The borrower must be able to demonstrate a credit standing equivalent to that required by banks doing business in Palo Alto.
 - b. Interest must be within 1% of the current rate for first mortgages.
 - c. The balance must be paid completely within 18 to 24 months of issuance of note and deed of trust (mortgage). Should buyer pay off the outstanding balance prior to the expiration of the full term of the mortgage, the prepayment penalty shall be six months interest
4. The sale must be completed within 90 days of signing of the purchase agreement.

Special Meeting. It was recommended that the special meeting be called for January 6, after church.

Covenant Study and Proposal. After discussion, the following schedule was accepted by consensus:

From 1979

ANNUAL REPORT

EXECUTIVE BOARD

The Executive Board attempts to represent the entire church membership in overseeing and coordinating the work of the four boards and several other committees. I am pleased to report that these boards and committees have been functioning very well this past year, as you can judge from their reports on the following pages.

We have become quite concerned about the trend in the church's financial situation. The church has been drawing upon Special Funds (bequests and memorial funds) at the rate of \$1,000 per month in recent months, and the liquid funds are quickly being depleted. The basic reason is that the total level of pledges have remained about the same the last few years rather than being increased with inflation. We now need to work very hard on returning the church to a sound financial position without sacrificing our mission outreach. We can do this if we all resolve to become better stewards, contributing the first share to God's work of all cost-of-living increases in our personal incomes.

Financial reality also seems to indicate that we eventually will need to become a one-minister church. To prepare for this day, we are assigning the 1980 Long Range Planning Committee the task of studying our future staffing needs regarding paid or volunteer lay leadership.

The question of "what to do with the cottage" occupied much of our time this past year, as in many previous years. We are gratified that this process has finally led to a firm recommendation (in conjunction with the Ad Hoc Committee on the cottage), namely, to sell the cottage now, retain the principal for future pastor housing, and use the interest for current program needs. The membership will be acting on this recommendation at the Budget Meeting on January 13.

As authorized at a Special Business Meeting on June 17, 1979, we still hope to enter into a lease arrangement with the Palo Alto Community Child Care Agency for use of our Annex as a day care center for infants and toddlers. We will be testifying in support of this project at a use permit hearing to be held by the City on January 28.

We have been working with the Board of Mission on a tentative plan for church sponsorship of a Vietnamese "Boat People" family. You will be hearing more about this in the coming months.

Our Long Range Planning Committee devoted numerous hours to planning an outstanding all-church retreat, held at Camp Castanoan in September. This was a memorable and renewing experience for all who could attend, and we still are working hard on implementing the priorities developed there.

As one follow-up on this retreat, working with the Diaconate Board, we are overseeing the development of a church covenant, with as widespread participation in this process as possible. We plan to make this the main item of discussion at the April Quarterly Business Meeting.

I personally am very grateful to our outstanding ministers - BJ, Jeff and Randy - as well as the wonderful lay people on our Executive Board. Thank you for your dedication, wisdom, and continual good spirit throughout the past year.

LONG RANGE PLANNING COMMITTEE

report on disposition of CLAUSEN COTTAGE

The Long Range Planning Committee voted that the Executive Board be provided copies of our "Pro/Con Findings" on use of the Clausen Cottage

and

recommends the parking lot option.

November 30, 1978

We do not know what the future holds, whether an increase in church attendance requiring additional facilities at California & Bryant or Christian commitment nuturing and expressing itself in less structured ways, such as Church in the Home.

In the future, it is more likely that the church would regret our having sold the Clausen Cottage property at this time than our having kept it.

It is probable that our Special Funds will be augmented from time to time by gifts and legacies.

March 6, 2018

Jonathan Lait
Assistant Director
Planning and Community Development
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301

Copy: Graham Owen, Hillary Gitelman

Subject: Owner Designation for First Baptist Church of Palo Alto

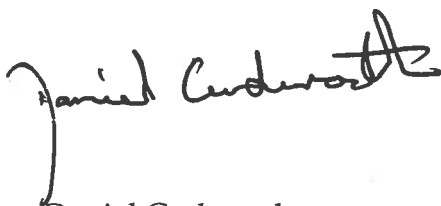
Dear Mr. Lait,

As Pastor of the church and presiding Moderator of the Church Council, we the undersigned declare that either or both of us can sign on behalf of and representing the First Baptist Church of Palo Alto, located at 305 North California Avenue, Palo Alto, CA 94301.

Sincerely,

A handwritten signature in black ink, appearing to read "Randle R. Mixon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Randle R. (Rick) Mixon, Ph.D.
Pastor, First Baptist Church

A handwritten signature in black ink, appearing to read "Daniel Cudworth". The signature is cursive and somewhat stylized, with a large initial 'D'.

Daniel Cudworth
First Baptist Church Moderator

March 2, 2018

Graham Owen
Associate Planner
Planning and Community Development
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301

Received

MAR 5 2018

Department of Planning
& Community Environment

Copy: Jonathan Lait, Hillary Gitelman

Subject: 305 N. California Avenue: Conditional Use Permit Application

Dear Mr. Owen,

As a continuation of our application for a conditional use permit to be designated as a community center, we offer the following additional information:

The Building

The First Baptist Church building is made up of three wings: the **Fellowship Hall** (on the right as you face the church from California Avenue); the **Sanctuary Wing** (on the left as you face the church from California Avenue); and the **Office Wing**, which connects the two.

The **Fellowship Hall** itself is a large room (1870 square feet) with windows on the East side along the driveway. The room's capacity is 160 for dining and 260 for assembly. Immediately off the Fellowship Hall is a kitchen (351 square feet). Across the hall is a small bathroom (42 square feet).

The **Sanctuary** is 2000 square feet with windows on both sides. The room's capacity is 300–350.

The **Office Wing** contains several rooms. The First Floor contains the Library (170.5 square feet); the Nursery (292 square feet); the Associate Pastor's office (181.5 square feet); and the Youth Room (544.5 square feet). The South side of the hallway contains the Community Office (154 square feet); the Administrator's Office (191 square feet); the Women's Restroom (137 square feet); a small kitchen (67.5 square feet); the Parlor (535 square feet). On the Second Floor, the Study and Room 1 are occupied by iSing; Room 2A is occupied by psychiatrist Joellen Werne; Room 2B is vacant; Room 3 was previously occupied by the Peninsula Peace and Justice Center, vacated in June 2017; Rooms 4, 5, 6, 7, 8, and 9 were formerly occupied by the New Mozart School of Music (all of these rooms

are empty, except for Room 6, which they retain for storage). The square footage of the Second Floor rooms is shown on the enclosed building drawing.

Partners

The church currently houses two permanent partners:

- **iSing Silicon Valley**, a non-profit 501c choir for young girls in the community, has been sponsored by the church for over five years. They are in the **Sanctuary** and **Fellowship Hall**. Class hours are 4 PM to 8:30 PM Monday through Thursday. Class size varies: from 12 to 40 people. iSing uses two rooms upstairs in the Office Wing for office and storage. They are only present during their class time.
- **Joellen Werne, M.D.** Dr. Werne is a clinical psychiatrist long associated with the Palo Alto community and has seen five or six patients a day at the church for several years. Many of her patients bike or walk to see her. Dr. Werne occupies **Room 202A** upstairs in the Office Wing. Her established office hours are 9 AM to 5 PM.

Partners at the church once a week are:

- **Maryam Tafreshi (Children's Persian Language** class, Fridays, 6 to 8 PM and **Children's Persian Art and Music**, Saturdays, 9 AM to Noon). Five children under the age of 5. **Youth Room**
- **Sirvan Manhoobi (Persian String Instrument** class, Mondays 6 to 9 PM, **Library**). One on one teaching. Two or three students maximum
- **Apple Circle Women's Choir, Fellowship Hall**, two hours Mondays at Noon. 20 people.

NOTE: Before the original evaluation for land use by the City of Palo Alto, the church had more partners. **The New Mozart School of Music** left at the start of 2018. Their rooms upstairs in the Office Wing, except for one still used for storage, have all been vacated. **Jill Cooper**, the therapist who saw at-risk youth a few hours a day and formerly occupied Room 202B, has left. Many of Jill Cooper's clients were from the neighborhood and could walk or bike here—now they have to drive or be driven to the new location. The **Peninsula Peace & Justice Center** (formerly in Room 203) has left. The **Peninsula Macrobiotic Community** weekly dinner left in April 2017; they have not been at the church since then. The **Palo Alto Philharmonic**, **Tuesday Night Tango**, **Tango Argentina**, and **Stanford International Folk Dancers** have all left.

Land Use/Activities

The First Baptist Church strives to offer activities for both the church community and the surrounding neighborhood that reflect our church mission: to support education, to serve those in need, and to offer events that enhance the City of Palo Alto and the wider community.

The **Fellowship Hall** is a room that is still rented for special occasions (weddings, birthday parties, and some dancing events). Some private tango lessons are held in the hall (one teacher/one student: two people) at various times when the hall is available. The church of course uses the hall for occasional brunches after church. The hall is used for meals, meetings, and iSing classes.

The **Parlor** is used for meetings, such as church council one evening a month; church mission meeting once a month in the afternoon (two hours tops); Huntington's Support Group, two evening hours once a month; Community Gospel Choir, two evening hours once a month; First Baptist Church choir, two evening hours once a week.

The **Sanctuary** is used for retreats and concerts as well as church service, weddings and memorial services.

Hours of Operation

Hours of operation are 9 AM to 10 PM (Sunday through Thursday) and 9 AM to 11 PM (Friday and Saturday). These hours are parameters; there are not any activities before or after these hours.

I hope this provides you with the additional information you need.

Sincerely,

A handwritten signature in black ink, appearing to read "Randle R. Mixon", with a long horizontal flourish extending to the right.

Randle R. (Rick) Mixon, Ph.D.
Pastor, First Baptist Church



We are enclosing the following:

1. Floor plan of the Sanctuary Wing (first floor and second floor behind the Sanctuary).
2. Floor plan of the Office Wing (first and second floors).
3. Fellowship Hall Wing (first floor; there is no second floor).
4. List of rooms and square footage.

SQUARE FOOTAGE DIMENSIONS OF THE CHURCH

OFFICE WING (First Floor):

Parlor:	523.6
Small Kitchen:	67.5
Community and Admin offices:	341.25
Pastor Mixon's office:	374
Youth Room:	544.5
Pastor Stevens' office:	181.5
Nursery:	292
Library:	170.5
TOTAL:	2494.85

OFFICE WING (Second Floor):

Study:	234
Room 1:	365
Room 2A:	391
Room 2B:	397.75
Room 3:	374
Room 4:	128
Room 5:	272 (double room)
Room 6:	132
Room 7:	136
Room 8:	272 (double room)
Room 9:	133
TOTAL:	2834.75

Received

MAR 5 2018

Department of Planning
& Community Environment

FELLOWSHIP HALL

Fellowship Hall:	1870.2
Stage Area:	507
Kitchen:	348

TOTAL: 2725.2

SANCTUARY WING (First Floor)

Narthex:	900
Sanctuary:	2000
Choir Room:	494.2
Flower Room:	63.6

TOTAL: 3457.8

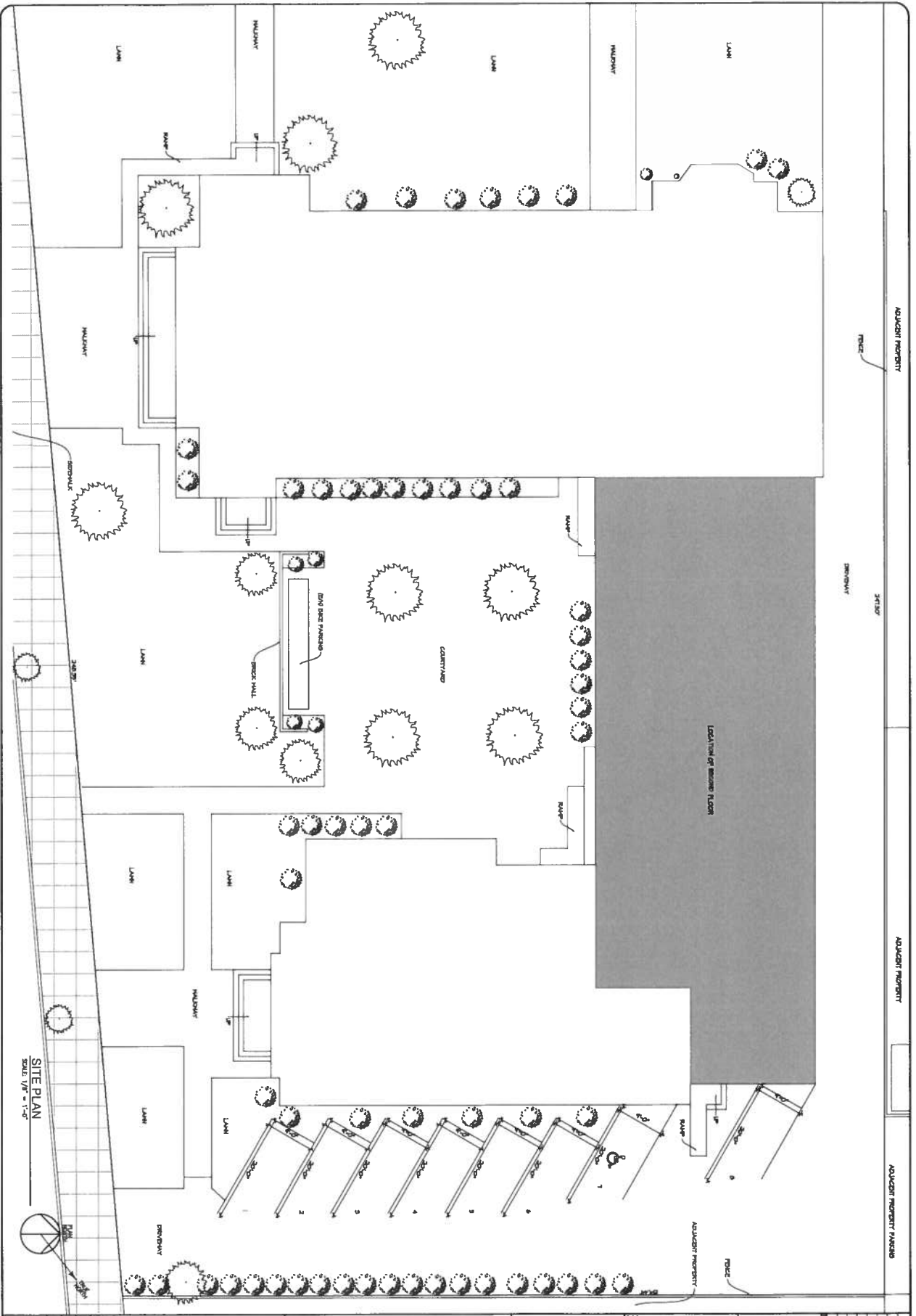
SANCTUARY WING (Second Floor)

Storage & Archival (Bryant Street side):	494.2
Storage & Archival (by Organ Chambers):	129.7
Organ Chambers:	155.4

TOTAL: 779.33

We are enclosing the following:

1. Site Plan taken from the New Mozart School of Music's Conditional Use Permit application showing the entire church property and the second floor.
2. Second Floor Room drawing that includes Rooms 2A, 2B and 3. (The Second Floor room drawing in item 1 did not include these three rooms.)
3. Overall drawing of both floors of the church building showing general layout. (See item 2 for current specifics of Second Floor.)
4. Square footage summary of each room in the church.



SITE PLAN
SCALE 1/8" = 1'-0"

A1

DATE: 4/13/2017
DRAWN BY: RW
JOB#:

SITE PLAN

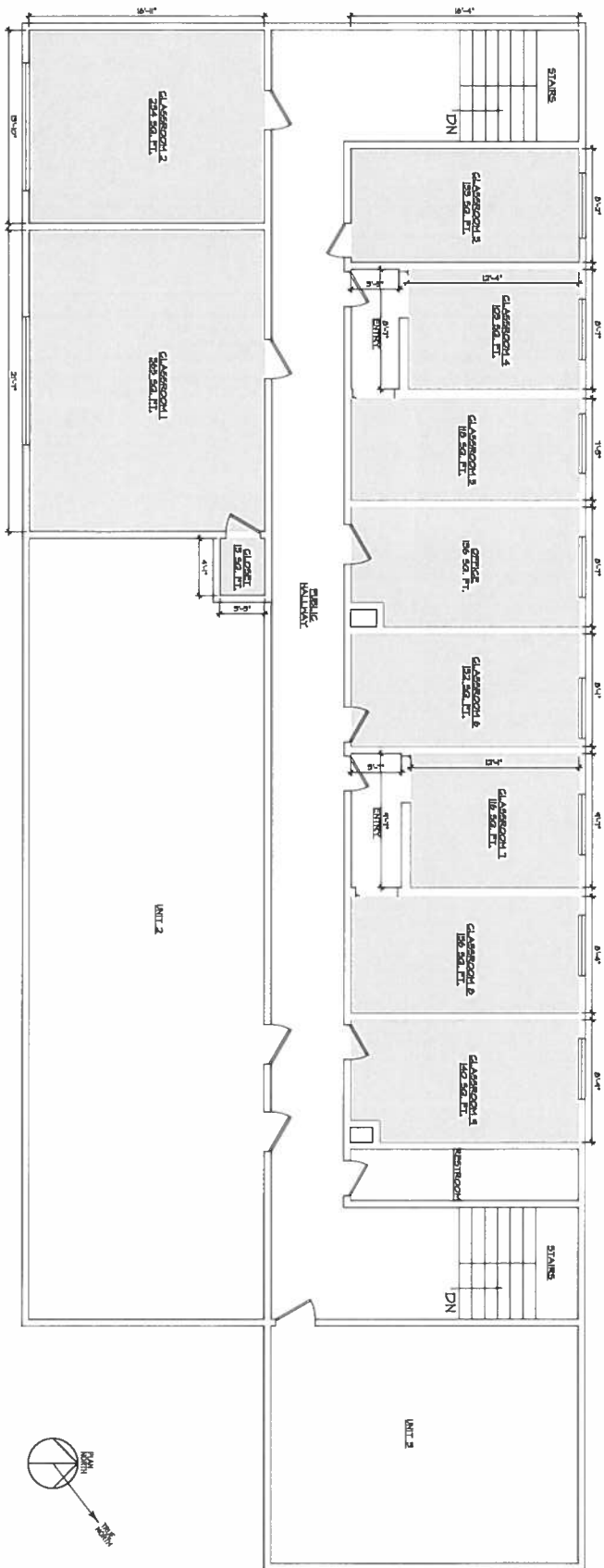
170 PARNASSUS AVE
**NEW MOZART
SCHOOL OF MUSIC**
170 PARNASSUS AVE
SAN FRANCISCO, CA 94117

DRAWINGS ARE
HALF SCALE
AND NOT FOR
CONSTRUCTION
WHEN SHOWN
ON 14X17 OR
NOT WET SIGNED
AND DATED



**M. CHARLES
PERRY &
ASSOCIATES**
231 W. 41ST AVE.
SAN ANTONIO, CA 94203
(415) 435-2800

NO.	REVISIONS
1	DATE



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

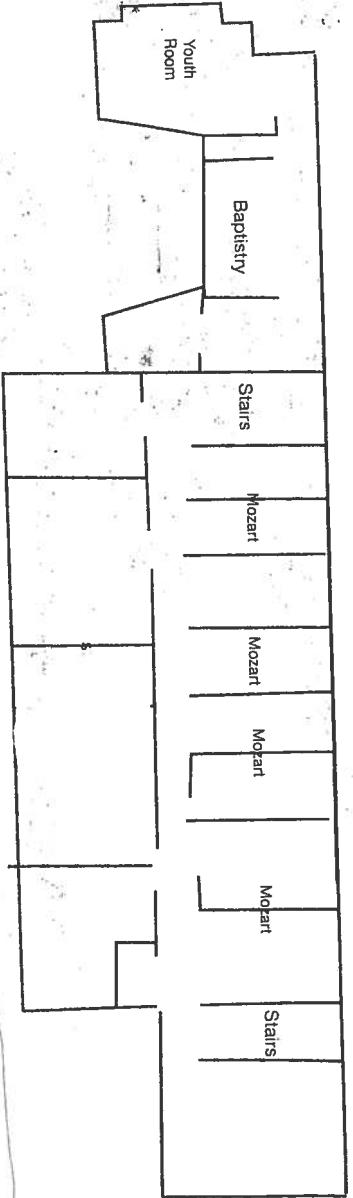
Room	Area (SQ. FT.)
CLASSROOM 1	282
CLASSROOM 2	282
CLASSROOM 3	152
CLASSROOM 4	152
CLASSROOM 5	152
CLASSROOM 6	152
CLASSROOM 7	152
CLASSROOM 8	152
CLASSROOM 9	152
CLINET	152
Office	135
Rehearsal	135
Total	1525

NOTES
1. ALL DIMENSIONS SHALL BE USED FOR ALL PROPOSED WORK.

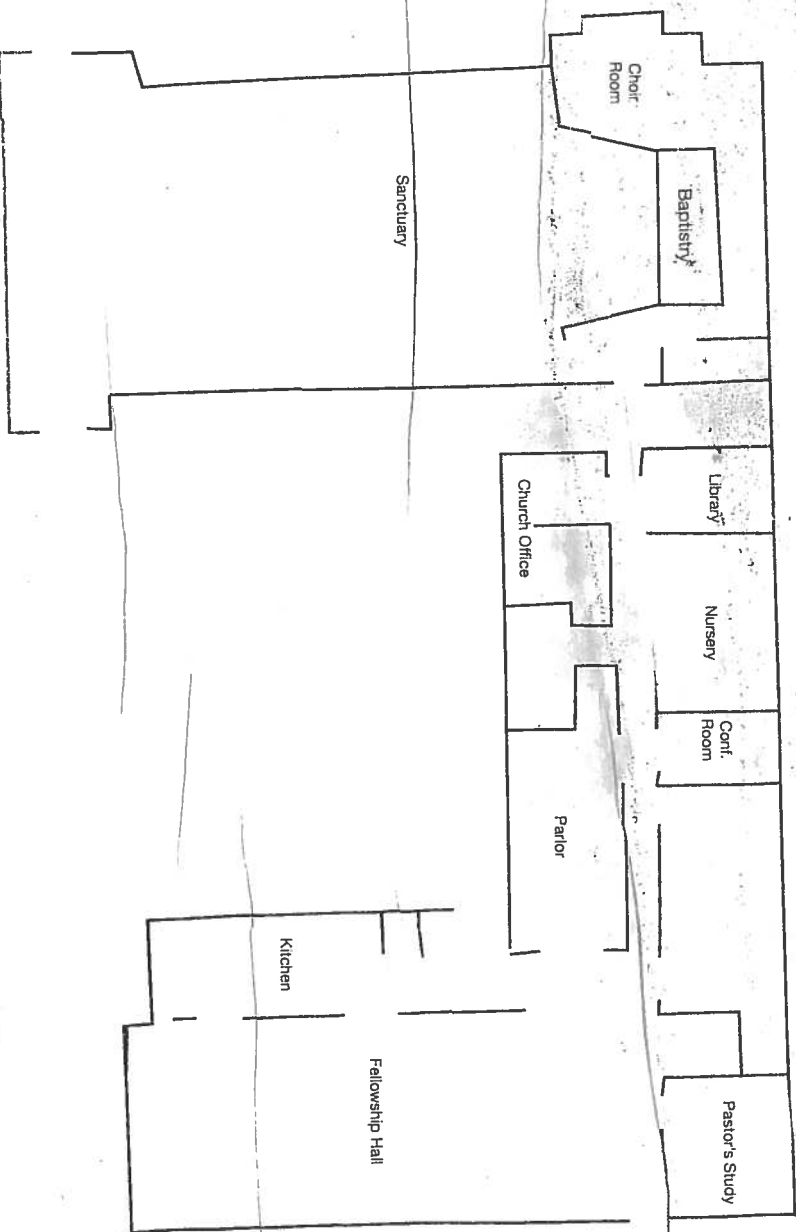
<p>DATE: 01/31/17 DRAWN BY: RW JOB#: A2</p>	<p>SECOND FLOOR PLAN</p>	<p>170 PARNASSUS AVE NEW MOZART SCHOOL OF MUSIC 170 PARNASSUS AVE SAN FRANCISCO, CA 94117</p>	<p>DRAWINGS ARE HALF SCALE AND NOT FOR CONSTRUCTION WHEN SHOWN ON T1X17 OR NOT WET SIGNED AND DATED</p>		<p>W. CHARLES PERRY & ASSOCIATES 231 W. 41ST AVE. SAN ANTONIO, CA 94403 505.551.5548</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISIONS	DATE									
NO.	REVISIONS	DATE																

FIRST BAPTIST CHURCH OF PALO ALTO

SECOND FLOOR



FIRST FLOOR



January 18, 2019

Jonathan Lait
Assistant Director
Planning and Community Development
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301

Received
JAN 19 2018
JAN 19 2018
Department of Planning
& Community Environment
& Community Environment

Copy: **Graham Owen**, Hillary Gitelman

Subject: 305 N. California Avenue: Conditional Use Permit Application

Dear Mr. Lait,

As a continuation of our application for a conditional use permit to establish a community center at our church's location, we offer the following additional information:

- Land use includes a Fellowship Hall for meetings, performances, meals and dance events; a large meeting room (Parlor); classroom space for various classes, activities, community counseling and support services; the Sanctuary for retreats and concerts, as well as church service, weddings, and memorial services.
- Hours of operation will be 9 AM to 10 PM (Sunday through Thursday) and 9 AM to 11 PM (Friday and Saturday). These hours are parameters; there should not be activities before or after these hours, and there may not be continuous use every day during these hours.
- The maximum number of attendees for each daily group activity is 50, usually less than that. This attendance figure does not include special events, such as weddings, funerals, piano or vocal recitals, concerts, dances, church retreats, or church services. Maximum seating capacity in the Sanctuary is 300; in the Fellowship Hall, maximum seating capacity is 160 for dining, 260 for assembly.
- Site plan, floor plan, and location of proposed land are enclosed.

I hope this provides you with the additional information you need.

Sincerely,



Randle R. (Rick) Mixon, Ph.D.
Pastor, First Baptist Church

FIRST BAPTIST CHURCH

Received

NOV 14 2017

Department of Planning
& Community Environment

November 10, 2017

Hillary Gitelman, Director
Department of Planning and Community Environment
250 Hamilton Avenue, Fifth Floor
Palo Alto, CA 94301

Dear Hillary:

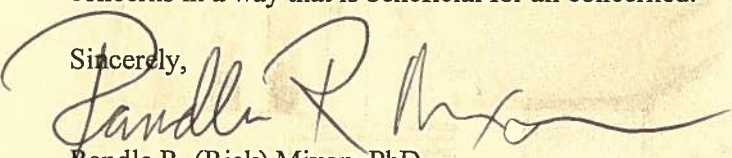
As directed by the Palo Alto Department of Planning and Community Environment, we are submitting an application for a Conditional Use Permit as a Community Center. We are submitting this application under protest. Our "project" is to continue to be the First Baptist Church of Palo Alto, as we have been for the past 125 years, 70 years in our current location at 305 North California Avenue. As we've tried to make clear, the activities of every group and organization that lives in our space are consistent with the church's mission to serve the city, something that has always been central to our mission. In an effort to be more clear, these activities do now include and have always included the provision of "religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community." You are already aware of the partners who have shared our space. A list was delivered to the Code Enforcement Officer, James Stephens on June 16, 2017.

We reject the claim that "our efforts to be a good neighbor have fallen short." As we have said repeatedly, we have never been privy to the bulk of the alleged complaints against us and so have never had the opportunity to address them directly. As I shared with you, when you toured our facility, when neighbors have come to us directly with their concerns, we have made every effort to come to a fair and reasonable resolution, with a good measure of success.

We always want to be a good neighbor and have already begun to address some of the concerns that we have heard about indirectly. Both the iSing Silicon Valley Girlchoir and New Mozart School of Music have been working directly with their parents and students to mitigate traffic and parking issues. The City has now created a "loading zone" in front of the church's Fellowship Hall which should also help. The church has gotten bids (of approximately \$21,000) to install a new HVAC system in the Hall which will enable us to keep the windows and doors closed. This would greatly reduce noise concerns. With the assistance of one of those neighbors who brought his concern directly to the church, we have installed double paned windows on the second floor all along the back driveway in the rooms occupied by the New Mozart School. Those windows have now been bolted shut.

We hope this application and the above examples will help the city see that we do want to resolve these concerns in a way that is beneficial for all concerned.

Sincerely,



Randle R. (Rick) Nixon, PhD
Pastor, First Baptist Church
305 North California Avenue
Palo Alto, CA

cc James Keene, Jonathan Lait

November 10, 2017

To: The Palo Alto Department of Planning and Community Environment

From: The First Baptist Church of Palo Alto

Re: Fees for a Conditional Use Permit as a Community Center

We respectfully request that the city waive the fees for this application because:

- We are a small congregation with limited resources.
- We have already experienced loss of revenue because of the city's actions against us.
- Addressing the concerns that we believe our neighbors have will be costly.
- We are filing this application under duress.

We are submitting this application for a Conditional Use Permit at the direction of the Palo Alto Department of Planning and Community Environment and we are submitting it under protest.

Thank you for your consideration.

Overall

We value our neighborhood and our neighbors and we very much want to be a good neighbor. We are aware of the concerns of some of our neighbors. We share those concerns. Consideration of appropriate partners to share our space regularly has included size of the group along with noise, parking, and traffic that will be generated. Given what we have heard from our concerned neighbors, we are quite willing to give additional consideration to those concerns in scheduling further use of the building.

We also value all the partners who share our space with us. We believe they reflect the mission of the church and are of great benefit to the city. We work closely with our partners to accommodate their use of the church facility. We have guidelines for use of the facility, which we do all that we can to enforce. When we have difficulties with partners that we cannot resolve, we do not renew leases or contracts. We can cite several instances in which we moved programs and activities out of the building because they were not a good fit. We have limited space we can make available to partners as well as limited hours, so we consider carefully whether an activity or organization is compatible with those limitations and with our neighborhood.

Noise

The primary concerns about noise seem to come from use of the church's Fellowship Hall, Patio, and lawn. Currently, these areas are primarily used by iSing Silicon Valley Girlchoir several late afternoons/early evenings a week on a regular, ongoing basis. In addition, there are occasional events – dances, parties, receptions, meals, meetings, retreats, etc. – both during the day and in the evening.

Because we recognize that our neighbors have concerns about noise, we have already gotten estimates for air-conditioning the Hall so the windows and doors can be kept closed when noise-generating activities are going on. We are also open to considering the installation of double-paned windows, if that will help.

On the second floor of our Educational Wing, where the New Mozart School operated, we worked with our near neighbor on Bryant Street to resolve noise concerns. We installed air-conditioning in those rooms and he paid for double-paned windows. When we had difficulties with the teachers adhering to our expectation that the windows in these rooms would be kept closed during lessons, we bolted the windows shut. So we have a track record of working with willing neighbors who come to us directly with their concerns to address those concerns.

While we believe that noise generated by iSing is, for the most part reasonable and expectable for groups of children learning and playing, the directors of the program are open to considering modifying their activities to lessen the noise.

The grounds of the church building have a rich and long legacy of being the “playground” of the neighborhood. It seems to us that most of the activities on the church grounds are reasonable and acceptable. However, if neighbors have concerns about noise that exceeds that and will share those concerns with us, we are willing to work with them to address those concerns.

Parking

The city allowed this building to be built in 1947 with the current amount of parking. We can only assume that the city considered street parking to be adequate for a congregation of 600 to 700 members at that time and subsequently. This parking arrangement was affirmed in 1953 when the congregation completed its original design by adding the Fellowship Hall. In the early 1970s, when the church owned the property at 349 North California Avenue, we were denied permission by the city to turn that lot into additional parking.

In 2016/17, when the city re-paved and re-stripped North California Avenue, along with many of our neighbors, we raised concerns about the loss of parking. We were told at the time by Josh Mello, Chief Transportation Official, that there was plenty of parking within 2 blocks of the church. This was after the city had done an on-site inspection of parking and traffic at our site. If this is true, we can certainly work with our partners to encourage their participants to park appropriately and legally and walk to the church building.

One drastic idea that has had some discussion is the possibility of turning part or all of our lawn into diagonal street parking to accommodate additional cars. However, it is our strong belief that parking is rarely a problem around the church. The vast majority of the time, there is plenty of street parking available. Of course, there are occasional events and activities which draw larger crowds and use much of the available parking around the church.

Traffic

While it is probably true that there has been an increase in traffic in the neighborhood, we do not believe that we are the sole cause or that it is a dramatic increase. It’s our experience that most drivers on both Bryant and North California navigate those streets with reasonable speed and respect for traffic rules, especially given a general awareness that these are major bicycle routes. It is true that there are scofflaws who do not obey

the rules or drive appropriately. Of course, this could be observed on any street in the city at a given time.

We recognize that when both the New Mozart School and iSing were beginning classes soon after school got out, there were times of congestion as parents dropped off and picked up their children. This congestion would be significantly compounded when the phalanx of students from Jordan Middle School poured down North California Avenue after school. Again, it is our observation that this convergence took about 15 minutes, after which traffic patterns went back to “normal.” Now that New Mozart School has left the building, iSing has adjusted its hours, and the city has created a drop off zone in front of the church, these incidences of congestion are rare and traffic flows much better.

We continue to believe that the creation of a traffic circle at the corner of North California and Bryant is a bad idea. While there may be data to demonstrate that, generally, traffic circles are “traffic calming” in areas with high volume bicycle traffic, we believe that this does not account for the way the middle school students come pouring down North California 3 and 4 abreast. That, coupled with the tendency of many cyclists to ignore the rules of the road (especially blowing through stop signs) will make a traffic circle at this particular intersection a hazard rather than a help.

In regard to parking and traffic generally, iSing, our largest partner, has worked diligently to alter patterns around the church during their classes and activities. They have sent notices to their parents outlining the difficulties and instructing their parents to obey the traffic and parking rules. They have even posted their staff curbside to direct their parents and insure they are following the rules. In addition to trying to help enforce the rules, they have also encouraged their students to walk, cycle, or carpool to lessen traffic and the need for parking/idling.

Bicycle Safety

We do wonder what might be done, especially at Jordan Middle School, to help the student cyclists learn and obey the rules pertaining to bicycles on public streets. Can the city find ways to work with the school as well as parents and students to help them understand the risks to themselves and the problems they cause in the neighborhood when they disregard the “rules of the road”?

Police Presence

More than one person has suggested that some well-placed and timely policing of the neighborhood, including the issuance of citations, would help motorists and cyclists

understand how important it is for them to obey traffic and parking rules. In addition, those tickets might add to the city coffers to help cover the cost of such policing.

Owen, Graham

From: Carol Heermance <cheermance@gmail.com>
Sent: Wednesday, April 04, 2018 8:55 AM
To: Owen, Graham
Subject: conditional use permit for the First Baptist Church

The Planning Commission for the City of Palo Alto
FBC application for a Conditional Use Permit

Since 1981 we have lived at 208 N California Avenue, down the street from the First Baptist Church, and in recent years we have enjoyed seeing an increase in the various activities that take place at the church. This is a great use of the building that would otherwise be unused during the week. We know that some neighbors are upset by the additional traffic, however, we do not agree with their assessment. We find it refreshing to see children and adults using this building for so many wonderful activities. The traffic on our street has increased over the years, as it has all over the city, but we do not find this bothersome, it just reflects today's world. Using the FBC as a community center is a plus for our neighborhood!

We disagree with the residents that object to using the FBC as a "community center" and totally support the city giving the First Baptist Church a Conditional Use Permit.

Thank you for your attention to this matter.

Richard and Carol Heermance
208 N California Ave
Palo Alto, CA 9430

Owen, Graham

From: Sarah Burgess <sburgrval@aol.com>
Sent: Tuesday, April 03, 2018 2:46 AM
To: Owen, Graham
Cc: Lait, Jonathan; ronwilensky@yahoo.com
Subject: Re: Status of FBC Response to Notice of Incomplete & Timing of Meeting Announcement Postcard

I understand the distinction, Graham. However, since a CUP may only be granted for a use or purpose which is permitted by the provisions of the title, (section (b)(1)) a determination that the use is necessary or desirable is needed before proceedings to the findings stage. And the local community center space currently readily available is fundamental to that determination.

Sarah Burgess

Sent from my iPhone

On Apr 2, 2018, at 11:12 PM, Owen, Graham <Graham.Owen@CityofPaloAlto.org> wrote:

Hi Sarah,

Thanks for your message. To your point about the findings, the "necessary or desirable" clause that you've mentioned is actually in the Purpose section and not the Findings section in PAMC [18.76.010](#). I wanted to alert you to this because it while might seem like an irrelevant distinction it is important when it comes to processing and making decisions on CUPs. The findings to grant a CUP are the following:

(c) Findings

Neither the director, nor the city council on appeal, shall grant a conditional use permit, unless it is found that the granting of the application will:

- (1) Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;
- (2) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

Let me know if you have any questions.

Best,
Graham

From: sburgrval@aol.com [<mailto:sburgrval@aol.com>]
Sent: Thursday, March 29, 2018 11:03 PM
To: Owen, Graham
Cc: Lait, Jonathan
Subject: Re: Status of FBC Response to Notice of Incomplete & Timing of Meeting Announcement Postcard

I wanted to follow up on our meeting and give you some of the documentation I have of the readily available community center space in Palo Alto. As I said, I think this goes to the heart of the "necessary

or desirable" finding for a CUP per Section 18.76.010 of the Palo Alto Municipal Code.

Attached are the fee schedules for the Cubberley Community Center, which you will see gives a substantial discount to non-profits and is commensurate with the fees charged by FBC. Also in this document you will find calendars for the large music classrooms at Cubberley and all the rooms at Lucy Stern - you can see the rooms are readily available.* Just to pick one, Cubberley H-1, you will see that it was available all afternoon long on Mondays, Tuesday, Thursdays and Fridays throughout February. This is just one of the 15 classrooms, 2 gyms, and 2 dance studios available for lease there, either by the day or by long term lease. Even the calendars for Lucie Stern, which appear full, show substantial available spaces throughout the day. Each of these centers have ample parking, are located away from residents so that noise would not be an issue, and have staff in attendance to address any issues which might arise. Additionally, these centers are run by Palo Alto tax dollars, and need rental income for their support.

Most of the small grassroots and other organizations could easily find space here for rent. It appears with some manipulation of their schedule, iSing could also be accommodated. There is no "need" for additional community center space in our city.

At the community meeting, a few residents who live within a few blocks of FBC spoke to their appreciation of the location. I do not believe individual resident convenience would rise to the level of making a community center at the FBC necessary or desirable, however, we should note that Jordan Middle School, within a few blocks of FBC, also rents out space. Their fees are also commensurate with those charged by FBC. <https://www.pausd.org/facility-rental/schedule-charges-2017-18> Additionally, they have space for summer camps, complete with auditoriums, which could hold the hundreds of children which iSing brought to FBC for several weeks last summer (and I believe plans to bring again)

FBC's request for community center status cannot meet the first finding, of such space being necessary or desirable with so much available, inexpensive community center space already in existence and going idle in our city.

Sarah Burgess

*my home scanner would not accommodate the two sided document, so some pages of the calendar are missing, however sufficient exists to show the available space.

Owen, Graham

From: Bonnie Flanagan <bonnie.m.flanagan@gmail.com>
Sent: Monday, April 02, 2018 11:13 AM
To: Lait, Jonathan; Owen, Graham
Cc: Gitelman, Hillary
Subject: First Baptist Church CUP application
Attachments: Video.MOV; Video_1.MOV

Jonathan and Graham:

I wanted to let you know about an event on Wednesday night since loud noise was an issue that came up during our recent meeting.

I think you said that during the CUP process the church didn't have to comply with ensuring this type of situation doesn't occur, but it's another example of how important it will be to have a site manager when events are at the church.

It was a large event that filled FBC's main sanctuary. Though loud music, it was the cheering & wahoos after songs that echoed all over the neighborhood. The door & all windows were opened & the noise went beyond the time I was videoing.

The evening before Easter there was lovely music in the sanctuary & yet the door & all windows were closed.

I hope the videos/picture are helpful in understand the challenge at hand.

Thank you,

Bonnie
Sent from my iPhone

3/31 Saturday night - music practice probably for Easter Service



Owen, Graham

From: Ronald Wilensky <ronwilensky@yahoo.com>
Sent: Sunday, April 01, 2018 7:01 PM
To: Owen, Graham; Lait, Jonathan
Subject: Re: FBCPA CUP Comments....one additional comment about bike riders on Bryant Street
Attachments: City of Palo Alto Statement on Roundabouts.2018-03-30.pdf

Dear Graham and Jonathan,

In a statement issued by the City of Palo Alto on 30 March 2018 is an interesting data point about the Bryant Street Bicycle Boulevard. I've attached a copy of that statement and highlighted the last sentence, which states

"For example, more than 216,000 bikers currently ride annually on the shared lane along Bryant Street, which has incorporated similar traffic calming elements to reduce motor speeds and make biking safer."

To put 216,000 riders into perspective, consider for the sake of simplicity that the rides happen 365-days per year with almost all occurring in a 10-hour period during the day. That averages 59 riders per hour or about one per minute. I suspect a lot of those rides will pass through the Bryant Street/North California Ave, the corner at which the FBCPA is located. That's a lot of bike rides. And I'd guess that the peak ridership will result in a much higher rate when students are going to and from school.

This adds some texture to my comments below about bike safety: Bryant Street has a lot of bicycle traffic so bike-lane safety must be a very important factor in your deliberations about the appropriateness of a community center at Bryant Street and North California Avenue.

Best regards,
Ron

On Monday, March 26, 2018, 10:56:48 AM PDT, Ronald Wilensky <ronwilensky@yahoo.com> wrote:

Dear Graham and Jonathan,

Further to our conversation on March 23rd, I thought it would be useful to reiterate some of the key points we discussed concerning the First Baptist Church of Palo Alto (FBCPA) CUP application for a community center at its site.

1. The FBCPA location is the wrong place for a community center whether operated by FPBCA or any other entity. There is not enough parking. The site is at the intersection of two major bike lanes (Bryant Street and North California) and a soon-to-be-constructed traffic roundabout at Bryant & North California that will constrict and merge automobile and bicycle traffic in front of the church. The two bike lanes are on the path to Jordan Middle School, Palo Alto High School, and Castilleja School. Traffic/parking in

these bike lanes by people going to and from this proposed community center pose a danger to bicyclists.

Furthermore, there is no apparent need for additional community center space. There are at least 100,000 square feet of space at the three existing community centers in Palo Alto. It is my understanding that one or more of these can handle, with some schedule adjustments, the large non-church group currently operating at the church. There would be no problem finding room at these centers for other activities involving only a few people. It is also my understanding that the rental fees at the City's community centers are equal to or less than those charged by the church.

In addition, there is vacant space at the new and under-utilized Cooley Landing Education Center that has 3900 square feet of available area, capacity of up to 150 people, and a large on-site parking lot.

It is also the City of Palo Alto's Program C1.13.1 in its Comprehensive Plan to "determine the potential for City shared use of PAUSD facilities" for community center activities when the schools are not using them. These facilities at already busy locations would greatly enlarge the space available for community center activities. Rental fees would also provide much-needed additional income to the school district.

2. If the Planning Department finds it is advisable to recommend granting a CUP to allow secular activities at FBCPA, there are many good reasons to impose operational restrictions that minimize the adverse impact of these activities on the neighborhood and bike-lane safety.

The most important reason is that FBCPA is in a uniquely inappropriate location for a community center. Of the approximately 35 houses of worship in Palo Alto, 33 are either located on major thoroughfares or in business districts or have adequate parking. The other two (FBCPA and a small church on Channing Avenue) have only very limited on-site parking. Of those two only FBCPA is located at the intersection of two major bike lanes, at a corner where a traffic roundabout is to be installed, and on two busy routes to three large schools. And finally, FBCPA is embedded tightly in the neighborhood with its property very close to neighboring houses.

3. In the March 15th, 2018 issue of the Palo Alto Daily News, FBCPA's pastor said "It isn't that we had to rent the space to keep operating. It really is more that we have a wonderful space we can make available for cheap rent to organizations and activities that make this place a better place to live." The question to ask is "better place to live" for whom? Certainly not the many neighbors of the church and bicyclists on North California and Bryant who are adversely impacted by the secular community center activities at the FBCPA location. The "better place to live" criterion must be applied fairly not only to users of the proposed community center but also to those neighbors and bicyclists.

Best regards,
Ron Wilensky

Owen, Graham

From: Laura Seitel <lseitel@mac.com>
Sent: Monday, March 26, 2018 9:41 PM
To: Gitelman, Hillary; Lait, Jonathan; Owen, Graham
Subject: First Baptist Church CUP

Dear Hillary, Jonathan and Graham,

Loy and I thank you very much for meeting and corresponding with us and our neighbors for many weeks now to help us understand the intricacies of the First Baptist Church's CUP application to become a community center. We and our neighbors are not in any way convinced that this contributes to the welfare of our city or that it can be done without significantly compromising the safety, peace and tranquillity of our neighborhood. Our neighbor, Ron Wilensky, has elaborated these points in his most recent email to you that we fully endorse.

We hope that Ron's arguments, and the many others made by neighbors of the church over the past months, will persuade you to recommend denying the church's application for a CUP. As you know, the First Baptist Church is unique among churches in the city in not being subject to any CUP for its church activities. This gives it wide latitude to decide what activities are appropriate to a church and when they can be engaged in. The church can thus impose upon its neighborhood - its safety and tranquillity - much more than other churches, even without the CUP it currently seeks. To add to this institution's ability to disturb and endanger the neighborhood, particularly given the beliefs and behaviors of its leaders during the last decade, would make an already heavy burden even heavier for the church's neighbors and seem an unjust allocation of suffering.

We profoundly hope that it will not come to this, but If you are not persuaded by the arguments of the church's neighbors opposing its CUP application, then we would like to indicate some types of conditions that might help to mitigate the church's negative impact on the neighborhood. They are as follows:

- 1) Permitted tenants: Individuals and small groups engaged in quiet activities.
- 2) Hours of operation: 10 A.M. to 3 P.M. on weekdays; 6:30 P.M. to 8 P.M. one weekday evening (excepting Friday) per week in the sanctuary or office portion of the church (this excludes evening use of Fellowship Hall). This schedule minimizes the chance of church traffic overlapping with car and bicycle commuters in the morning; with students riding home from schools in the mid-afternoon; and with traffic during the late-afternoon/evening commute. It would also preserve the peace of our residential neighborhood during weekends and most evenings.
- 3) Numbers of occupants: apart from church staff, no more than 7 occupants involved in a group activity (no simultaneous groups). No more than 7 additional occupants in the office portion of the church (this includes the renters of individual church offices and whomever they invite to join them on a particular day). This would limit the number of cars entering, leaving and/or parking in the church neighborhood for church purposes to a maximum of 14 at any one time. There should be a fifteen minute gap between the time one group leaves and the next group arrives.
- 4) The CUP will require the installation of air-conditioning and double-paned windows in Fellowship Hall.
- 5) All doors and windows of all parts of the church will be closed when interior spaces are used. Amplified sound, musical practice or performance will be restricted to the sanctuary.
- 6) Once per quarter, the church will be permitted to use any part of its property for an event with up to 75 participants (for example, for a concert or a lecture) that ends by 9 P.M.
- 7) Enforcement:
 - A list of all tenants of the church and the hours of their occupancy will be published on the church's website and updated weekly.

- A monitor hired by the church and approved by the city will be on site and available to calls from neighbors during all hours of tenant occupancy. The telephone number of the monitor will be published on the church website and updated weekly or daily, if necessary. If the monitor does not answer the phone and/or the tenants do not comply with the conditions of the CUP, both the church and the tenants will incur significant monetary penalties with no grace periods or warnings. After two infractions, the tenant involved will no longer be able to rent space at the church.

- Video monitors will be installed, if allowed by law, to document numbers and times of people entering and leaving the church.

Thank you for your consideration of our views concerning the CUP application of the First Baptist Church. Please let us know if we can clarify them or help in any other way with your deliberations as they proceed.

Kind regards,

Laura and Loy

Owen, Graham

From: Ronald Wilensky <ronwilensky@yahoo.com>
Sent: Monday, March 26, 2018 10:57 AM
To: Owen, Graham; Lait, Jonathan
Subject: FBCPA CUP Comments

Dear Graham and Jonathan,

Further to our conversation on March 23rd, I thought it would be useful to reiterate some of the key points we discussed concerning the First Baptist Church of Palo Alto (FBCPA) CUP application for a community center at its site.

1. The FBCPA location is the wrong place for a community center whether operated by FPBCA or any other entity. There is not enough parking. The site is at the intersection of two major bike lanes (Bryant Street and North California) and a soon-to-be-constructed traffic roundabout at Bryant & North California that will constrict and merge automobile and bicycle traffic in front of the church. The two bike lanes are on the path to Jordan Middle School, Palo Alto High School, and Castilleja School. Traffic/parking in these bike lanes by people going to and from this proposed community center pose a danger to bicyclists.

Furthermore, there is no apparent need for additional community center space. There are at least 100,000 square feet of space at the three existing community centers in Palo Alto. It is my understanding that one of more of these can handle, with some schedule adjustments, the large non-church group currently operating at the church. There would be no problem finding room at these centers for other activities involving only a few people. It is also my understanding that the rental fees at the City's community centers are equal to or less than those charged by the church.

In addition, there is vacant space at the new and under-utilized Cooley Landing Education Center that has 3900 square feet of available area, capacity of up to 150 people, and a large on-site parking lot.

It is also the City of Palo Alto's Program C1.13.1 in its Comprehensive Plan to "determine the potential for City shared use of PAUSD facilities" for community center activities when the schools are not using them. These facilities at already busy locations would greatly enlarge the space available for community center activities. Rental fees would also provide much-needed additional income to the school district.

2. If the Planning Department finds it is advisable to recommend granting a CUP to allow secular activities at FBCPA, there are many good reasons to impose operational restrictions that minimize the adverse impact of these activities on the neighborhood and bike-lane safety.

The most important reason is that FBCPA is in a uniquely inappropriate location for a community center. Of the approximately 35 houses of worship in Palo Alto, 33 are

either located on major thoroughfares or in business districts or have adequate parking. The other two (FBCPA and a small church on Channing Avenue) have only very limited on-site parking. Of those two only FBCPA is located at the intersection of two major bike lanes, at a corner where a traffic roundabout is to be installed, and on two busy routes to three large schools. And finally, FBCPA is embedded tightly in the neighborhood with its property very close to neighboring houses.

3. In the March 15th, 2018 issue of the Palo Alto Daily News, FBCPA's pastor said "It isn't that we had to rent the space to keep operating. It really is more that we have a wonderful space we can make available for cheap rent to organizations and activities that make this place a better place to live." The question to ask is "better place to live" for whom? Certainly not the many neighbors of the church and bicyclists on North California and Bryant who are adversely impacted by the secular community center activities at the FBCPA location. The "better place to live" criterion must be applied fairly not only to users of the proposed community center but also to those neighbors and bicyclists.

Best regards,
Ron Wilensky

Owen, Graham

From: Rick Block <rickblock@gmail.com>
Sent: Saturday, March 24, 2018 10:00 PM
To: Gitelman, Hillary; Lait, Jonathan; Owen, Graham
Subject: First Baptist Church CUP Request

Dear Ms. Gitelman, Mr. Lait, and Mr. Owen,

My wife, Susan and I, own the home at 292 N. California Avenue, directly across the intersection from the First Baptist Church. I am writing to express our concern about the application of the church for a conditional use permit that would allow the conversion of the facility to a community center.

While we are not opposed in principle to that change in classification, we are deeply worried about the problems of safety, parking, and noise that would result from granting the application on the terms proposed.

Unlike the tenants who would occupy the premises and the hundreds of persons who would come and go each week in order to use it, we and our neighbors would be directly and adversely affected by having so many persons and activities taking place there each week.

We are particularly disturbed at the prospect of so many activities and cars coming, parking, and going on weekday evenings and weekends. Of all institutions, a church should be sensitive to the detrimental impact of noise and traffic on the days of rest of their Christian, Jewish and Moslem neighbors.

If the church is given permission to become a community center, it is imperative that there be clear and enforced limits on the hours, activities, and numbers of persons, cars and activities that may take place there, and that such limits be considerably more restrictive than the applicant proposes.

Respectfully,

Richard and Susan Block

Owen, Graham

From: Laura Seitel <lseitel@mac.com>
Sent: Thursday, March 22, 2018 3:24 PM
To: Owen, Graham
Cc: Gitelman, Hillary; Lait, Jonathan
Subject: Video of activity in FBC Fellowship Hall

Attachment available until Apr 21, 2018

Hi Graham,

In advance of our meeting tomorrow, I wanted to send this video of a weekend nighttime event in Fellowship Hall. (It's about 10 PM when I'm taking the video.) I hope you'll play it at full volume. It's a rather subdued and sparsely attended event compared to many others that occur regularly at the site. Often the room is packed, music blaring, with people spilling out onto the sidewalk and lawn until late at night.

Thanks - and see you soon,

Laura

Click to Download

IMG_3360.m4v
46.3 MB

Owen, Graham

From: Bonnie Flanagan <bonnie.m.flanagan@gmail.com>
Sent: Monday, March 19, 2018 2:59 PM
To: Gitelman, Hillary
Cc: Lait, Jonathan; Owen, Graham; Gaines, Chantal; Mello, Joshua
Subject: Re: FBC CUP

Hillary:

Thank you for your email & response.

I want to clarify that I'm not oppose to the roundabout though I know other neighbors are. My former neighbor (corner Bryant & California Ave) took a petition around the neighborhood about 8 years ago (that I signed) to have a roundabout at that corner as it's a corner that accidents have occurred & she was very concerned about safety for the students biking to/from school. Her concern was before FBC's increasing activity with large groups utilizing the church. The City turned down the request saying it was not needed. I asked Josh Mello at a Bryant Street bike plan meeting why it was turned down & now planned. He told me it was a different department.

My earlier email may have led you to a different conclusion on my part. What I was trying to convey & what is very concerning to me is how a roundabout can be at that corner with parking spaces being removed (we've been told varying numbers between 10-20) for the Bryant Street bike plan AND a CUP approved for hundreds of folks participating without adequate parking. The church has 8 spaces all assigned & street parking will be even less available with the bike plan. I doubt that the three huge buses in the picture I sent could even go around the roundabout. That area just can't take large buses & large amounts of people on a regular basis & dozens of cars parked on surrounding blocks.

At other community centers or churches handling large groups, there is parking whereas FBC basically has none for attendees. Examples being: Cubberley, Lucie Stern, St. Mark's, First Congregational & First Presbyterian.

I hope that clarifies what I meant by having a community center, roundabout & bike path converge in that area as the City decides what can/can't be at FBC.

Thanks again,

Bonnie
Sent from my iPhone

On Mar 16, 2018, at 2:33 PM, Gitelman, Hillary <Hillary.Gitelman@CityofPaloAlto.org> wrote:

Dear Ms. Flanagan,

Thank you for these comments. I'm sorry you couldn't make it to our meeting last week. We heard from other people who are concerned about traffic safety and who described bicycle and automobiles colliding in the vicinity of First Baptist Church, as well as cars making U-turns in the area.

It is precisely for this reason that the City is planning to implement a roundabout at this location. Studies have shown that roundabouts are safer than stop signs or signal-controlled intersections, with a 75% reduction in injury crashes. In conjunction with other planned traffic calming measures they may also discourage "cut-through" regional traffic as overall speeds along neighborhood serving local streets are reduced. The roundabout at this location will also include additional street lighting, landscaping and signage and is intended to decrease points of conflicts between cars and bikes, and help lots of elementary, middle, and high school students stay safe on their way to school.

The next steps in our planning process for the First Baptist Church is to develop a draft Conditional Use Permit (CUP) for review by the Planning & Transportation Commission, which we think will occur at their meeting on April 11. It would be great if you could attend that meeting or send us your specific comments on our draft, which will be disseminated around April 5th. We are working hard to acknowledge and address traffic concerns associated with proposed uses at the church, including looking at the allowable size and timing of events.

Thanks again,

Hillary

<image001.jpg>

Hillary Gitelman | Planning Director | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2321 | E: hillary.gitelman@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Bonnie Flanagan [<mailto:bonnie.m.flanagan@gmail.com>]
Sent: Tuesday, March 13, 2018 11:17 AM
To: Council, City; Keene, James; Gitelman, Hillary; Lait, Jonathan; Owen, Graham
Subject: FBC CUP

Dear Mayor Kniss and City Council:

I was unable to make the meeting at Jordan Middle School on March 7th regarding First Baptist Church's request to become a Community Center, but I've been reading comments in both the Palo Alto Online & the PA Daily Post. Many are concerned with traffic & safety issues which was the focus of my February 1st letter to the Council.

My concerned for the safety of our children riding bikes in this area continues. The situation at Ross Road regarding safety for bikers/cars will be mirrored when the California Avenue/Bryant roundabout & Bryant Street bike path is completed.

Since my earlier letter there has been an accident on Bryant, a situation that sadly the neighborhood had expected to see happen, though hoped would not. One car had just picked up children from the daycare. The car had two small girls in the back seat where the impact occurred & airbags went off! The car that hit them zipped around CA Ave down Bryant. I was

told, though I don't know for sure, that the car causing the accident was a parent picking up students from the church. To my knowledge nobody came over to help from the church & yet the back door closest to the accident was opened; students came out to look, but no adult. VERY scared little girls. I've included pictures below.

If a community center, roundabout & bike path converge in that area it's difficult to believe more accidents won't occur — as they say "it's an accident waiting to happen."

Please carefully consider what can be at FBC that does not impact child/bike safety & traffic.

Thank you,

Below are a few pictures:

1) accident on Bryant; car coming out of daycare hit by car coming down Bryant

<image002.jpg>

<image003.jpg>

<image004.jpg>

2) 3 large buses returning iSing students to FBC; a Thursday when students are biking home

<image005.jpg>

<image006.jpg>

<image007.jpg>

Owen, Graham

From: sburgval@aol.com
Sent: Tuesday, March 20, 2018 4:16 PM
To: Owen, Graham
Cc: ronwilensky@yahoo.com; loymartin@icloud.com; Lait, Jonathan
Subject: Re: First Baptist Church - Neighborhood Meeting

Hi, Graham. I have read over the sections you site below, and I am not seeing a provision for grandfathering in a new, non-conforming use. Here is what I see.

1. A non-conforming use may only be replaced by a conforming use, unless the new use would be permitted under the most recent zoning classification (obviously not the case) or the change or replacement does not increase the extent of the nonconformity. Obviously, the change is severe and increases the extent of the nonconformity, that is what our entire conversation is about.

18.70.030 Nonconforming use - Change.

(a) Except as provided in subsection (b), a nonconforming use shall not be changed to or replaced by any use except a conforming use.

(b) A nonconforming use may be changed to or replaced by another nonconforming use which would have been permitted under the most recent zoning classification of the property under which the nonconforming use was a conforming use and which is of no higher occupancy rating than the existing nonconforming use as defined by Title 16 subject to the following limitations:

(1) The change or replacement shall not increase the extent of the nonconformity, or the nature of the activity, or the site area or floor area occupied by the nonconforming use on the site, except as may be provided by Section 18.70.020(b)

With regard to section 18.52, the site provides,

18.52.030 Basic Parking Regulations

(a) Applicability

The regulations of this chapter apply to all parking areas in all districts established by this title.

(b) Parking Required

Off-street parking, loading and bicycle facilities shall be provided for any new building constructed and for any new use established, for any addition or enlargement of an existing building or use, and for any change in the occupancy of any building or the manner in which any use is conducted that would result in additional spaces being required, subject to the provisions of this chapter.

Now, I certainly understand that we cannot be claiming the church needs to bring it's property up to parking conformity for church use - that would both be unfair and clearly against the code. But since the entire nature of what we are discussing involved a *change in the non-conforming use*, and will be a *new use established* I do not see anything allowing a grandfathered use of the number of parking spaces.

Could you please let me know what exactly you are following to reach this conclusion? Am I missing a code provision? Since the previous application for CUP by Mozart came under a different standard, I am especially curious about this.

Thanks so much,

Sarah Burgess

-----Original Message-----

From: Owen, Graham <Graham.Owen@CityofPaloAlto.org>

To: Sarah <sburgval@aol.com>

Cc: ronwilensky <ronwilensky@yahoo.com>; loymartin <loymartin@icloud.com>; Lait, Jonathan

<Jonathan.Lait@CityofPaloAlto.org>

Sent: Tue, Feb 13, 2018 1:56 pm

Subject: RE: First Baptist Church - Neighborhood Meeting

Hi Sarah,

Sounds good. The applicable code provisions are 18.52 (Parking and Loading Requirements) and 18.70 (Nonconforming Uses and Noncomplying Facilities). In this instance, a community center use has the same parking requirement as the church (1 space for each four person capacity), so the question becomes what size, frequency, and types of events do and do not increase the degree of noncompliance. This is similar to situations where you have a retail building with a 1:200 sf parking ratio that converts to a personal service use, which has the same requirement. If the site is legally nonconforming for the parking to begin with, the change in use would not require the provision of additional parking.

Best,
Graham

From: Sarah [mailto:sburgival@aol.com]

Sent: Tuesday, February 13, 2018 1:26 PM

To: Owen, Graham

Cc: ronwilensky@yahoo.com; loymartin@icloud.com; Lait, Jonathan

Subject: Re: First Baptist Church - Neighborhood Meeting

Thank you, and we will get back with a date, hopefully later today.

Thank you for explaining the parking. I understand that the church use is considered legally nonconforming for parking, but the link I am not making is how that carries over to a different use. Is there a code section on that? The analysis provided with Mozart led me to believe that an application for a different use requires parking compliance for that use, as it would for other code requirements...

Sarah

On Feb 13, 2018, at 1:03 PM, Owen, Graham <Graham.Owen@CityofPaloAlto.org> wrote:

Hi Sarah,

Understood, is there a date that would work for the three of you the week of Feb 26 or March 5? A lot of folks will be gone for the long weekend on the 2nd and 5th for President's Day weekend, but beyond that let me know what could work.

Regarding the parking, the zoning code currently requires 1 space for every four seats or four person capacity (building code occupancy), based on maximum use of all facilities at the same time. Our understanding based on archived plans is that there are 30 pews in the sanctuary, each 14 feet in length. Per the building code, this type of pew seating yields one occupant for each 18 inches of seating length. This results in 280 occupants for the sanctuary pews. The choir area has 34 individual seats, so add 34 additional occupants, and the total of 314 occupants, or 79 required spaces. The church was built prior to the adoption of on-site parking requirements in the zoning code, so it is considered legally nonconforming for parking.

Best,
Graham

From: Sarah [mailto:sburgrval@aol.com]
Sent: Monday, February 12, 2018 7:23 PM
To: Owen, Graham
Cc: ronwilensky@yahoo.com; loymartin@icloud.com; Lait, Jonathan
Subject: Re: First Baptist Church - Neighborhood Meeting

Graham, thank you so much for this.

Regarding the meeting, unfortunately, neither Ron or I are available that date, nor is The date good for Loy. We could certainly hold the meeting with the other neighbors, but in terms of organization and keeping on track, it might be better to have us there. Are other dates available, or could we possibly have a few choices?

Secondly, is it possible for you to explain the basis for the "grandfathered in" parking spaces? The previous application for CUP by Mozart did not have any of these as their basis so we are trying to understand where they come from,

Again, thank you.

Sarah

On Feb 12, 2018, at 9:45 AM, Owen, Graham <Graham.Owen@CityofPaloAlto.org> wrote:

Hi Sarah,

Please see my responses below in red.

Best,
Graham

From: sburgrval@aol.com [mailto:sburgrval@aol.com]
Sent: Thursday, February 01, 2018 5:54 PM
To: Owen, Graham; ronwilensky@yahoo.com; loymartin@icloud.com
Cc: Lait, Jonathan
Subject: Re: First Baptist Church - Neighborhood Meeting

Thank you, Graham. I was just in the process of preparing an email to you. May I ask a few questions that would pertain to the date of the meeting with the neighbors?

1. The timeline: You had mentioned that you had to give a response to Pastor Mixon by 2/18, based upon the date of his supplemental information. Is that still the end date we need to operate under? I would note, the church still has not posted the signage required for the CUP - Am I right in assuming that must be out for a certain period of time before the city responds? **We're hoping for everyone's sake to move this application forward, so we'd like to have the community meeting this month. We've been in contact with Jordan Middle School and are targeting a meeting at the school on the 27th, stay tuned for more details. We will formally respond to the resubmitted application materials by 2/18. Thanks for letting me know about the sign again, I've followed up with Pastor Mixon to get the sign up on the property. The sign isn't a code requirement, but is standard practice for these types of applications.**

2. You had indicated you would have some additional information to give us about the standard which will be applied for parking, ie, you were looking into whether there would be some leeway "grandfathered" in. Do you have that information? It would be helpful

to the neighbors to have that prior to meeting so that we can evaluate it based upon the impact to the neighborhood; We are still looking into this parking question and the grandfathering situation, but our current understanding is that the church use is grandfathered for 71 spaces (79 required for the church, minus the 8 provided on-site). The minimum parking requirement for a community center use and a church use are the same (1 space for each 4 person capacity), so without additional spaces available on the site this 71 space nonconformity is the baseline.

3. You were going to look into whether a Transportation Management Plan would be necessary/helpful for this application. Do you have a response to that yet? A few additional questions which have been raised by the neighbors were whether the change of use would require conforming with any present building codes and whether there would be insurance requirements by the city that would accompany any "community center" designation; Transportation Demand Management (TDM) plans are typically required for large office projects in order to shift auto trips to public transit, so I'm not sure how helpful one would be in this instance. Regardless, we are looking into the parking and circulation issues, which are highly germane to the application. From a building code standpoint, if the community center use is approved with this CUP it would trigger the need to obtain a use and occupancy (U&O) permit from the Building Division. This permit would likely require inspections to determine what, if any, code issues need to be rectified. Could you elaborate on your insurance question, Planning doesn't typically regulate insurance.

4. Will you have any additional information about the listed tenants and the requested hours of use? As I had indicated, it is hard for the neighbors to evaluate any potential compromise when the information has not met the requirements; Right now all we have is the supplemental information that we sent out. If we don't receive anything else we will need to move forward with the information we have on file. Having said that, we have seen the Weekly article regarding the current uses, so we'll be asking for an updated list.

5. Another procedural issue raised by one of the residents: The church is a corporation, with a board of directors and an agent for service of process. Does Mr. Mixon have the authority to sign this SUP request? We require applicants/property owners to certify that they are authorized to act on behalf of their respective entities.

And finally, in answer to your question, we earnestly want a neighborhood meeting with you, however in evaluating the number of people, we are worried none of our homes have the capacity. Can we meeting in the evening at city hall? We are targeting a meeting at Jordan Middle School on February 27th. We will send out notifications shortly, so stay tuned for more information.

As soon as we have the timeline, we will be able to come up with a date to run by you. Answers to the additional questions I have listed, however will make the meeting more efficacious.

Thank you,

Sarah Burgess

-----Original Message-----

From: Owen, Graham <Graham.Owen@CityofPaloAlto.org>

To: Sarah Burgess <sburgrval@aol.com>; Ronald Wilensky <ronwilensky@yahoo.com>;

Loy Martin <loymartin@icloud.com>

Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>
Sent: Thu, Feb 1, 2018 4:39 pm
Subject: First Baptist Church - Neighborhood Meeting

Hi Sarah, Ron, and Loy,

Thanks again for meeting with Jon and me last week. As a follow up to our discussion, we think it would highly beneficial to meet with the larger neighborhood to hear their concerns and discuss the City's process for this CUP application. Would one of you be willing to organize and host a neighborhood meeting in the next few weeks? If so we would be happy to attend. Separately we will also be reaching out to Pastor Mixon to see if his tenants and congregants would like to host their own discussion.

Best,
Graham

<image001.png>

Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

Owen, Graham

From: Loy Martin <loymartin@icloud.com>
Sent: Monday, March 19, 2018 1:19 PM
To: Gitelman, Hillary; Owen, Graham
Subject: Re: Wish to meet

Hillary and Graham,

It looks like hectic schedules and short time will preclude the kind of casual chat I had in mind. We will all get to talk with you on Friday and, in any case, I wasn't suggesting that I come in and speak in behalf of the neighbors or present a "position."

So here is a brief account of the modest "door of opportunity" that I felt had opened a bit last week. Maybe you saw it the same way. In the article by Kevin Kelly, Rick Mixon was quoted as saying that the rents derived from the tenants of FBC are not necessary to the financial survival of the church. This is, I think, an important change. I think it allows your team to fashion a solution that solely addresses the limited question of what uses are appropriate for this particular site, not the larger abstract questions about whether it's the proper role of city government to save churches or what the relationship should be between "church and state." These are the kinds of issues that are bound to come up in a full bombastic debate before the city council. I think it's in everyone's interest to avoid that if we can, to keep our solutions within the smaller frame of one street corner in Palo Alto rather than the large frame of political generalization.

In short, would it be possible for you to fashion a solution in which the church is allowed to rent its spaces to small groups doing quiet things during limited hours? If FBC's financial survival doesn't depend on rental income such tenants should be enough to support the kinds of maintenance that Rick Mixon mentions in the Kelly article. I know my formulation is abstract. I don't know enough about your process to suggest how the CUP might be framed in detail or how enforcement would work. But for the question of what I mean by "quiet things" I think we need only look to the eloquent presentation made by JoEllen Werne at the Jordan School meeting. Her work sounds unquestionably valuable to the community and it requires the kind of spaces the church can provide. It doesn't assemble a great number of people at one time so it avoids the problems of parking and traffic and it's quiet. Moreover, unlike some of the other tenants, Dr. Werne makes a persuasive case for her work requiring below market rental rates. Laura, my wife, has, at times, mentioned to me an impressive list of the types of uses, from Yoga classes to grief counseling groups, that would fit comfortably into my category of small groups doing quiet things. Couldn't these activities be allowed at FBC while the dancing and singing and oratorical tenants find more appropriate sites?

Hillary, when I spoke with you last fall, you said that other churches in Palo Alto were concerned that, if the city placed use restrictions on FBC, that would open the door to new restrictions placed on all the city's churches—a kind of domino theory. I think that might, indeed, be a danger if the debate over FBC becomes generalized in public debate before the city council. The history of court decisions emanating from the First Amendment "establishment clause" and even the California Constitution do point in that direction. I think it's in everyone's interest to keep our resolution small and soft and local.

I wish we had had the leisure to talk this out in a more conversational exploratory way but I understand that the real world imposes its constraints and we need to make do with the means we have. If you should want to talk more about these ideas, either in your office or on the phone, I'm available.

Best regards,

Loy

On Mar 19, 2018, at 8:33 AM, Gitelman, Hillary <Hillary.Gitelman@CityofPaloAlto.org> wrote:

Good morning Loy,

I'd be happy to talk, but I would ask that you start your conversation with Graham; he can set up a time to talk and bring me in as needed. We are all striving to "gently" resolve things!

Hillary

<image001.jpg>

Hillary Gitelman | Planning Director | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2321 | E: hillary.gitelman@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Loy Martin [<mailto:loymartin@icloud.com>]

Sent: Friday, March 16, 2018 10:13 PM

To: Gitelman, Hillary

Subject: Wish to meet

Dear Hillary,

Today I read Kevin Kelly's article about the First Baptist Church controversy. It contained some material that gave me a couple of new ideas about how the matter might be gently resolved. Would it be possible for me to come speak to you at your office for a few minutes early next week? I could do that pretty much any time Monday, Tuesday or Wednesday and on short notice. I'll understand completely if you'd rather not.

Regards,

Loy

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www.loymartinfurniture.com

Owen, Graham

From: Owen, Graham
Sent: Thursday, March 15, 2018 5:08 PM
To: Jerome Spector
Subject: RE: First Baptist Church request

Hi Jerry,

Thanks for sending these suggestions along, I received your message this time. We're still working on the CUP but these recommendations are certainly helpful and much appreciated.

Best,
Graham



Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Jerome Spector [<mailto:jerryss01@gmail.com>]
Sent: Wednesday, March 14, 2018 10:37 PM
To: Owen, Graham
Subject: First Baptist Church request

March 14, 2018

Mr. Graham Owen
Graham.owen@cityofpaloalto.org

Dear Mr. Graham,

Thank you for hosting the meeting at Jordon Middle School re the use permit for the church at California & Bryant. I decided to write this email as my wife and I will be out of the country during the meeting in April and the City Council meeting in May. As a member of the Board of Directors of Avenidas, I understand the need for community activity the issue as expressed during the meeting is what can be done in a area where homes are in very close proximity and in an area that has one of the highest, if not the highest bike usage areas in Palo Alto.

I truly enjoyed the presentation of the I sing director, mother and participants. As I also stated in my later comment, I sing appears to be the only group has taken active steps to attempt to be good neighbors. The neighbor who spoke about having a radio in his home all day long and into the night, I think actually describes the noise issue. The traffic problems, possible and actual accidents is a serious problem. So, given all this, is there a compromise.? I would like to suggest some.

All areas in which there are musical groups or dancing be held in rooms that have air conditioning, double insulated windows, and importantly acoustic tiles to assist in absorbing the sounds. The restrictions should also state that all doors and windows be kept closed while the concerts, practice are on.

Groups that by there nature have very loud noise, such as rock bands, not be allowed as part of the use permit.

Understanding the once an event is over, it takes time for people to leave, visit outside, clean up and disposal of bottles etc. This extends the "noise time". Thus the time be limited to the event ends no later than 9pm M-F and 10pm on Saturday & Sunday.

The occupancy permit limits the use in any week to the members of the church plus 250 persons associated with other organizations.

Private offices shall be available for psychologists, therapists, MDs etc. As I had also stated this would bring revenue to the church and be a "quiet activity".

At any time, there is an event that 75 or more people, a monitor shall be present while people arrive to direct parking and someone shall be available until the event has concluded including evenings. Those people should be provided with a "church cell phone" and the neighbors have that phone number. The phone will be given to the person during the event.

Traffic control, periodic enforcement by the police of both cars and bikes could "train" people. My children are now grown adults. They went to Walter Hayes, the Jordon, and then Paly. Unfortunately, I had more than one ticket and therefor required appearance with my sons who were given bike tickets for running a stop sign or violating other traffic rules. I have not seen any tickets being issued for bikes or for cars going to fast, parking illegally, etc. Last week I had a first. At the corner of Bryant and California, as I came to stop. Three young boys, I would guess 10. Stood in front of my car, started doing jumping jacks to block me from driving. When I got out of the car, they ran away.

I know that other neighbors will write as well. Good luck in developing a plan that is reasonable for the area. Then one of the major issues will be how can it be enforced? Will the police help with safety issues, blocking driveways of neighbors etc.

Thank you for your consideration in these matters. I have copied Liz Ness, a long-time neighbor, since as stated earlier, my wife and I will be out of town at the next meeting and at the city council meeting.

Respectfully Submitted

Jerome Spector
2332 South Court
Palo Alto, Ca.

jerryss01@gmail.com

Owen, Graham

From: Bonnie Flanagan <bonnie.m.flanagan@gmail.com>
Sent: Tuesday, March 13, 2018 11:17 AM
To: Council, City; Keene, James; Gitelman, Hillary; Lait, Jonathan; Owen, Graham
Subject: FBC CUP

Dear Mayor Kniss and City Council:

I was unable to make the meeting at Jordan Middle School on March 7th regarding First Baptist Church's request to become a Community Center, but I've been reading comments in both the Palo Alto Online & the PA Daily Post. Many are concerned with traffic & safety issues which was the focus of my February 1st letter to the Council.

My concerned for the safety of our children riding bikes in this area continues. The situation at Ross Road regarding safety for bikers/cars will be mirrored when the California Avenue/Bryant roundabout & Bryant Street bike path is completed.

Since my earlier letter there has been an accident on Bryant, a situation that sadly the neighborhood had expected to see happen, though hoped would not. One car had just picked up children from the daycare. The car had two small girls in the back seat where the impact occurred & airbags went off! The car that hit them zipped around CA Ave down Bryant. I was told, though I don't know for sure, that the car causing the accident was a parent picking up students from the church. To my knowledge nobody came over to help from the church & yet the back door closest to the accident was opened; students came out to look, but no adult. VERY scared little girls. I've included pictures below.

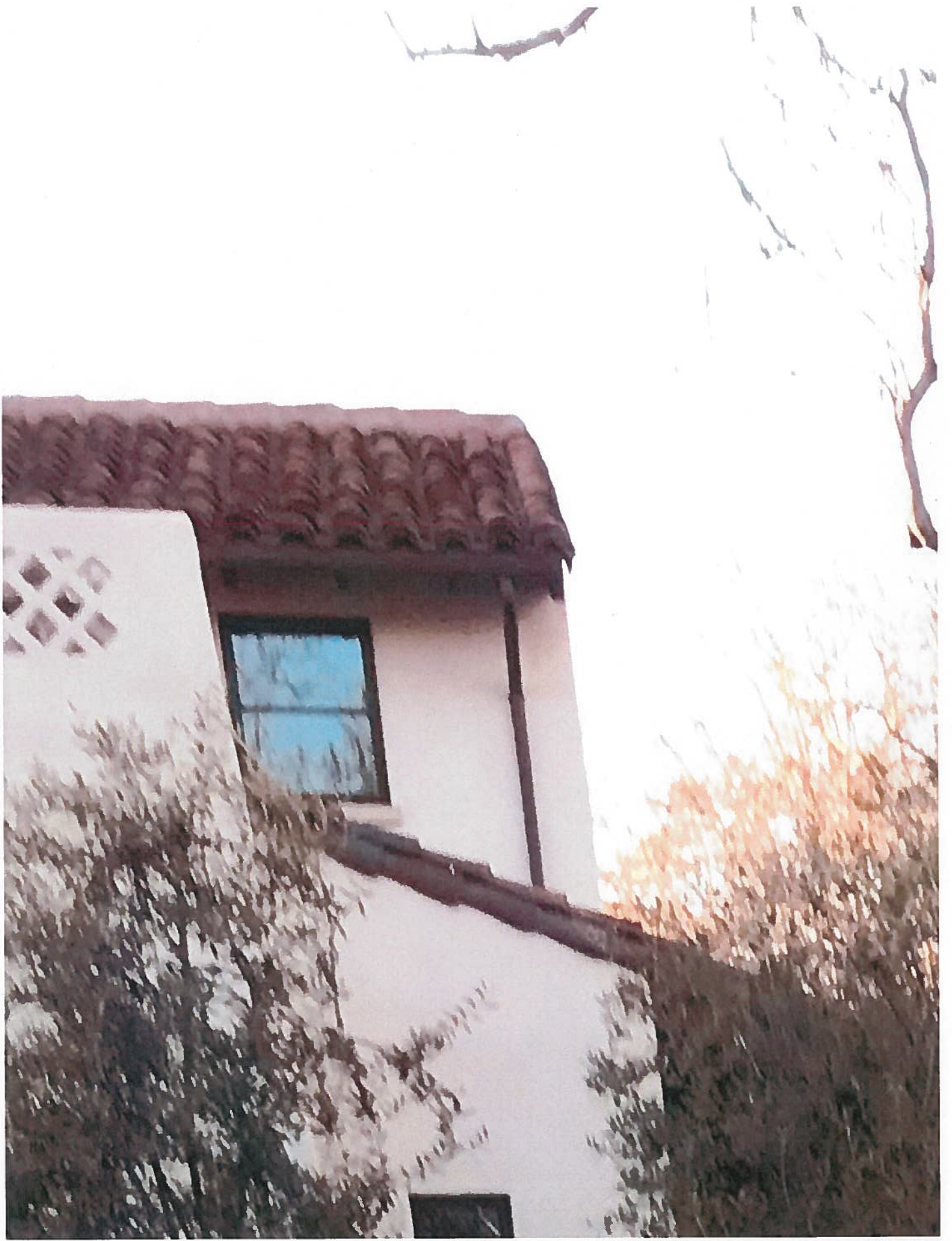
If a community center, roundabout & bike path converge in that area it's difficult to believe more accidents won't occur — as they say "it's an accident waiting to happen."

Please carefully consider what can be at FBC that does not impact child/bike safety & traffic.

Thank you,

Below are a few pictures:

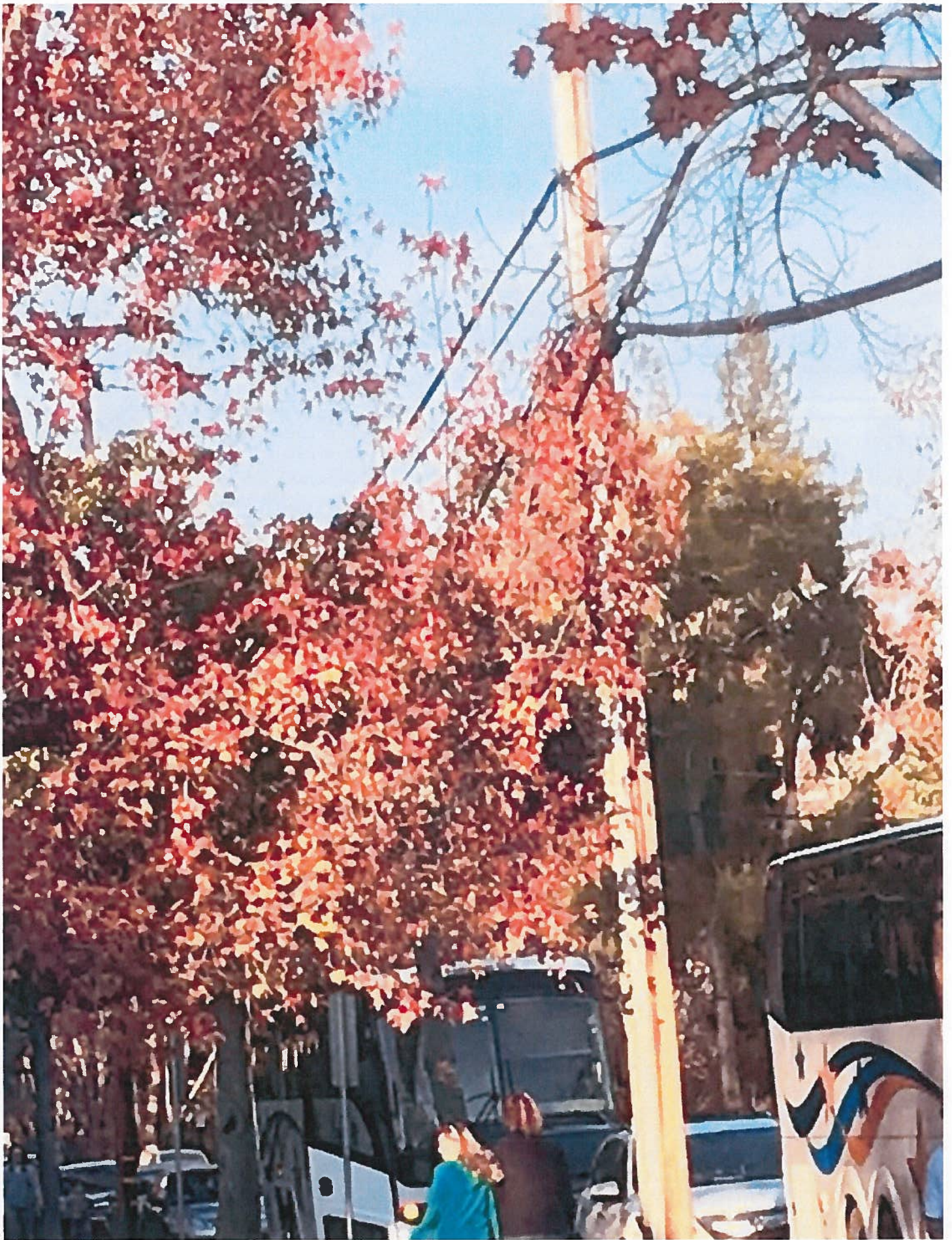
1) accident on Bryant; car coming out of daycare hit by car coming down Bryant



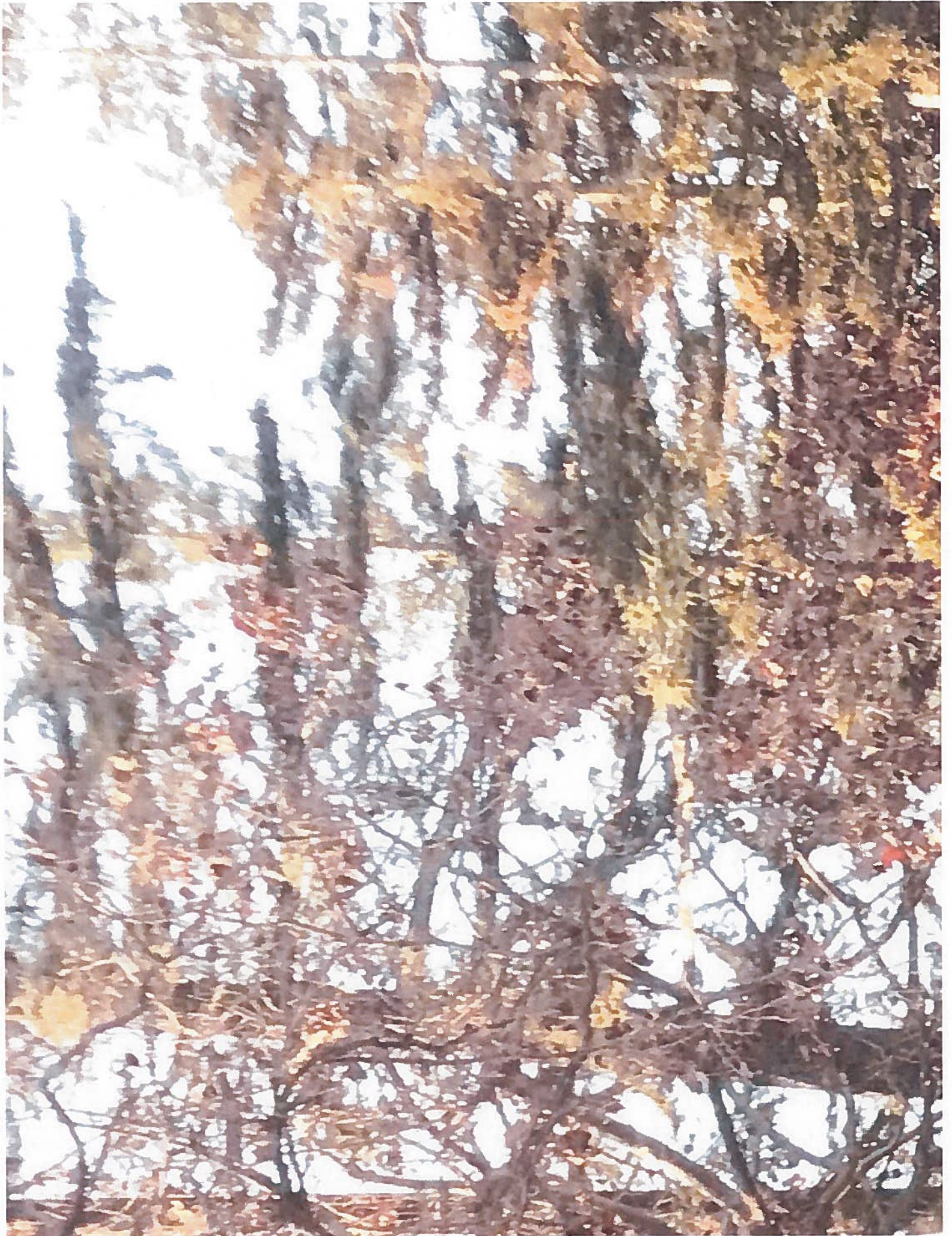




2) 3 large buses returning iSing students to FBC; a Thursday when students are biking home







Owen, Graham

From: Sharleen Fiddaman <sf@sharleenfiddaman.com>
Sent: Tuesday, March 13, 2018 8:29 AM
To: Owen, Graham
Subject: FBC - community center issue

To: City Council and Committee Heads:

I attended the Discussion meeting on Wed. 3/7 but did not speak on the mic. I would like my comments recorded.

I found it irresponsible of the City to only notify residents within 600' of the church about this meeting! As such the meeting had a very poor turnout. I only learned about it from a friend living near the church. I did email the neighbors on my block and was surprised that they had no idea of this issue of the First Baptist Church requesting a permit to operate as a Community Center. *All* residents bordering North California Ave. will be affected by increased traffic and thus becoming a safety hazard.

Since the City restriped N. Calif. Ave. is it more dangerous for cars and bikes! That was a poor idea. The kids biking home afterschool from Jordan is the only influx of bicycles enmass, and they pay no heed to the bike lane, still riding 4-abreast and into the street...just like they did before. Now cars are forced to drive down the middle of the street or into the bike lane when there is an opposing car. The intersection at Webster is the most dangerous as the STOP lines are misaligned and could cause a head-on if observed. Fortunately there is little traffic on N. Calif. currently since we are a quiet residential street. If there is a community center operating daily from 9 am to 10-11+ pm. that will be dangerous and noisy for all residents along the street!

The church is located in a residential neighborhood and is not suited to an influx of activities! It only provides 5 parking spaces which is totally inadequate, resulting in a flood of cars daily parking in neighborhood streets causing problems: an inconvenience to the homeowners by blocking their driveways and not allowing space for their own vehicles; tossing homeowners recycle bins into the parking strip so they can park at the curb, parking in the bike lane blocking it for bicyclists, and causing accidents such as the one broadsiding a car with day-care children.

We do not need another community center! especially one so close to homes. Cubberley and Lucie Stern have lots of parking available, as do some other churches in Palo Alto which could handle the overflow.

The roundabout at Bryant and N. Calif. is also a bad unnecessary plan – please abort that! It will make the parking problem worse as it removes 8 curbside spaces. And it will be ugly. Roundabouts do not fit in residential neighborhood streets. The one on Coleridge and Webster was removed, thankfully. One day as I was going around it a cyclist sped through nearly hitting my car. I think they are dangerous. A 4-way stop is far safer for everyone with excellent visibility.

At the meeting is was said that conditions would be attached to the permit and then there would be code enforcement...very doubtful! People are not on duty for the long days of operation of a community center. For the past ten years I have periodically and repeatedly called code enforcement about things not right in the neighborhood...setbacks, fences, etc. Nothing was ever addressed. I mentioned this to a council member and it was admitted there was not the manpower to enforce rules. A new person would have to be hired at a big expense.

Our neighborhood is calm and quiet with little traffic and few bicyclists except at rush hours. We co-existed with the church and its regular church events for many years, but more recently the activities there are loud and continuous. I have sympathy for all the adjacent neighbors! They have the right to enjoy their home environments in peace.

A new solution must be found. Through friends I've learned that other churches are available to many of these objectionable activities currently taking place at FBC; the groups just don't like the extra expense. Maybe someone would subsidize them. I had a suggestion that FBC solicit business groups for quiet retreats/conferences where attendees would travel by Cal-Train and walk to the church, thus no traffic or parking issue. And restaurants are nearby for lunches. Put on thinking caps to preserve our tranquil neighborhood! NO community center! Come and observe!

Sharleen Fiddaman
Webster Street at N. California Ave.
Palo Alto



Virus-free. www.avast.com

Owen, Graham

From: David Brunicardi <david.brunicardi@gmail.com>
Sent: Saturday, March 10, 2018 1:56 PM
To: Owen, Graham
Subject: FBC c.u.p. meeting

Hi Mr. Owen,

My name is David Brunicardi and my family and I live adjacent to the First Baptist Church. I am sorry to have missed the town hall meeting you held regarding the Conditional Use Permit application by the FBC. My 9 year old and I were holding down the fort last week while my wife was away.

I have good neighborly relations with Pastor Rick at the FBC but have also had numerous conflicts with the for-profit music school that used to, or still does, rent the second floor. Please know that I truly do want the church to succeed and have always gone to Rick directly when there were problems. That said, I think he is asking for bit much in the church's c.u.p. application.

I would love to share some of the materials I put together about the noise violations, the uniqueness of the R-1 FBC, and the history of businesses at the church. Would you be available to meet during the week sometime?

All best,
David Brunicardi

Owen, Graham

From: Mahendra Ranchod <mahen.ranchod@gmail.com>
Sent: Friday, March 09, 2018 9:31 PM
To: Owen, Graham
Subject: First Baptist Church, North California Avenue

Dear Mr. Owen,

I attended the meeting at Jordan Middle School on Wednesday evening but did not speak because of time constraints, and because I felt I had nothing new to add to the conversation. However, I have had time for reflection, and I now feel it necessary to add my voice to the neighbors' concerns about the First Baptist Church.

I accept that some of the music and dance groups who use the church provide a useful service to the community. However, the comments made at the meeting by some of the tenants have to be taken in context: Most of the participants live in other parts of town and have no idea of the impact they have on our neighborhood. Each participant sees the issue through the narrow lens of its group, without realizing that they are just one of many groups. They come to the church for an hour or two or three, sing and dance, and participate in activities of *their* choice. After they are done, they leave our neighborhood for the quiet of their neighborhoods and for the tranquility of their homes.

But what about us?

We have no control over the activities at the church. We are passive participants, victims of whatever sounds they impose on us. A planned afternoon tea on the patio or an evening with friends can be ruined by sounds we cannot control, music that is not of our choosing, a decibel level we cannot adjust. We retreat into our homes but cannot keep out the sound. What is music to their ears is noise to us. Imagine how this feels when it happens day after day after day, each day unpredictable, each day delivering a new barrage of noise. It is enough to make one feel distraught.

I fully understand why the church has to supplement its income, and why it has had to shift its primary focus from saving souls to being a landlord. My neighbors and I do not object to the use of space at the church for non-religious activities, but we do care about the type of activity, how much noise that activity generates, how many participants there are at any one time, and the time of the day and night when these activities are permitted to occur.

Like every other resident of our neighborhood, the church has to respect its boundaries. It cannot be disrespectful to its neighbors, it cannot undo the fabric of our

neighborhood, and it should not be allowed to create disruptive and unsafe traffic conditions.

Sincerely,

Mahendra Ranchod

Owen, Graham

From: Loy Martin <loymartin@icloud.com>
Sent: Friday, March 09, 2018 5:10 PM
To: Owen, Graham
Cc: Gitelman, Hillary; Lait, Jonathan
Subject: FBC

Graham,

Laura reminded me this afternoon that, when she met with you last Wednesday morning, you mentioned the possibility of trying to mitigate traffic and parking problems around the First Baptist Church by routing pick-up traffic through the church driveway where its parking spaces are now located. We would very strongly ask you not to consider that possibility. I can't imagine a more disastrous measure for us. It would place all of the commotion of entering and exiting cars only a few feet from our back deck and our family room where we spend most of our time. And the idling cars would produce substantial quantities of carbon monoxide for us to breathe. Moreover, all of those cars would need to exit the church driveway on the Bryant Street side. That exit is easily the most dangerous point on the church property. Vision is very difficult coming out from behind the church there. In fact there has been one serious accident there within the past few weeks—a vehicle to vehicle collision with air bags deployed and disabling damage to both vehicles. It is fortunate that, this time, bicycles were not involved since Bryant Street, as you know, is often crowded with bicyclists. Perhaps if you came by and looked for yourself you would see what I mean.

I had not remembered that you had made this suggestion. I know your deliberations are a structured process that takes some time but, if you could assure us that traffic will not be redirected through this driveway, we would be deeply relieved.

Best regards,

Loy

Loy D. Martin
349 North California Avenue
Palo Alto, CA. 94301
Phone: (650) 325-3416
loymartin@icloud.com
www.loymartinfurniture.com

Owen, Graham

From: Angie Evans <angiebevans@gmail.com>
Sent: Thursday, March 08, 2018 2:31 PM
To: FBC Application
Subject: Supporting Use Permit for First Baptist Church

Hi,

I wasn't able to attend last night's community input session but I was hoping to still share my opinion on this. I live 1 mile from the church and drive and ride my bike past it frequently. I also work in the non-profit sector and organize community events on a regular basis. I understand there is neighborhood frustration about the increasing traffic and noise from community events taking place there. Although I empathize with neighbor complaints, I worry about this space being lost because of a few frustrated people. The groups that rent space there are incredible assets to our community and we need to see them as that. Palo Alto isn't known just as a wealthy suburb with Stanford. People want to live here because of groups and activities like those at the church and if we continue to lose them we should be most concerned about how the community will change. Cities are only communities because of people and character in them. Let's not lose that!

Please let me know what the next step is and if I'm contacting the correct person about this.

Best,
Angie Evans
Palo Alto Resident

Owen, Graham

From: brian.t.lewis@gmail.com on behalf of Brian Lewis <btlewis@btlewis.com>
Sent: Tuesday, March 06, 2018 6:04 PM
To: FBC Application
Subject: Comments on the First Baptist Church, 305 N California Ave, CUP application

I live at 275 N California Ave just one house away and about 200 feet from the First Baptist Church. While I'm not against any of the activities or groups at the church, I am very concerned about the increased traffic and parking congestion that a community center will bring.

Even with the events that take place there currently, parking is often difficult on California Ave. We no longer park in front of our house. Driving down California Ave past the church to get home is a problem when an event takes place at the church: the cars dropping off or picking up people, turning around, and double-parking congest the street. It is especially hazardous for bicyclists riding down California Avenue. California is a popular bike path because it connects between Jordan Middle School, Middlefield, the bike/pedestrian underpass at the California Caltrans station, and Palo Alto High School. This bike-car traffic problem will only get worse when the roundabout and road narrowing is done at California Ave and Bryant Street. A community center at the church will make an already unsafe situation truly hazardous.

The church has almost no parking. It only has six parking places, one of which is reserved for handicapped drivers. Having a community center in the middle of our residential R-1 neighborhood with its limited (and soon to be more limited) parking just won't work.

I like the idea of another community center, and I admire what groups like iSing do, but a community center needs to be somewhere else with reasonable parking.

--

Brian Lewis
275 N California Ave
Palo Alto, CA 94301
408-421-3101

Owen, Graham

From: joellen werne <joellenwerne@gmail.com>
Sent: Monday, March 05, 2018 9:43 PM
To: FBC Application
Cc: Rick Mixon
Subject: In support of FBC application as a Community Center.

Dear Graham,

I have already sent you an e-mail regarding how much I enjoy being a tenant at First Baptist Church and my sense that its potential designation as a Community Center would be a good fit for its expressed values and practices, and a real asset to the community.

In addition, I would like to remind you that the City previously approved our tenancy. We checked with the City and met all the requirements asked of us before occupying the suite. My husband John Smolowe, M.D. and I applied to the City six years ago to subdivide a large FBC office into 2 psychotherapy offices with waiting rooms. We received a permit. On our plan, titled "Offices at First Baptist Church" the architect, Judith Wasserman, clearly stated under project information, "occupancy group B (office) and zone R1" Relying on this permit, we spent a substantial sum for the remodel. We also spent some \$1900 on handicap improvements elsewhere in the building as required - and inspected - by the City as a condition of the permit. Since we were approved by the City, I feel we have some ethical, if not legal, right to stay in the office.

I have recently heard that the building "is not zoned for medical uses," which would include psychotherapy because the city makes no distinction between medical and psychotherapy use. I offer that, during the permit process, I saw the City of Palo Alto distinguish between medical and therapist offices. The City mandated as a condition of our permit that we could not renovate to use the 2 offices for medical services (e.g. sinks, examining tables), only for psychotherapy. It would thus seem that Planning and Building already have, at minimum, an informal protocol for allowing psychotherapy uses but not medical uses. Could this informal practice be continued of the proposed Community Center? Alternatively, could this informal practice be formalized into written code?

I would like, as well, to address the very real concern about traffic and parking issues as it pertains to my practice. I see mostly individuals; so, usually, only one car per patient visit is required. A number of my patients, moreover, walk to the session or ride their bikes. And a couple of folks come via commuter train. Therefore, I believe that my "footprint" is very small.

Again, thank you for your consideration.

Sincerely,

Joellen

Joellen Werne, M.D., Psychiatry

Please note: I am changing my email address to joellenwerne@gmail.com. Thanks.

Owen, Graham

From: joellen werne <joellenwerne@gmail.com>
Sent: Sunday, March 04, 2018 6:01 PM
To: FBC Application
Cc: Rick Mixon
Subject: Conditional Use Permit Application for FBC

Dear Graham

I am a psychiatrist, Yale and Stanford trained. I would like to speak to my experience as a tenant at First Baptist Church and to my support of the Church's application for a conditional use permit and designation as a community center.

I have been in private practice in this area for 42 years, as well as a member of the (voluntary) clinical faculty at Stanford's Department of Psychiatry and Behavioral Sciences as an Adjunct Clinical Associate Professor, now emerita, but still teaching psychiatry residents.

Unlike many of my psychiatrist colleagues in this area, the majority of my practice is insurance patients - that is, the only fee they pay me is a copay - insurance covers the rest of my contracted rate. This enables me to work with a much broader range of clientele within the community, most of whom cannot afford the several hundred dollars a session most cash-only psychiatrists charge.

In the fall of 2011 I answered an ad from the first Baptist Church for a space that had been vacated by the non-profit grief counseling organization Kara, applied for a permit from the city to reconfigure the space, and have been working there since February 2012. I'd had an office in Palo Alto for 28 years, and one in Menlo Park for 8 - both of them very pleasant ones within small office buildings. But First Baptist was another experience entirely, I soon discovered.

My patients have a comfortable private waiting area where they may, if they wish, spend time either before or after a session, but here, also, a courtyard with a labyrinth meant for traversing, and a couple of tables and benches inviting one to sit awhile; and a Sanctuary whose doors are almost always open to the public. Inside the rectory where my office is located, the 1st floor bulletin boards contain not only flyers and notices of church related activities but also of outreach projects geared to serve the wider community. At one end of the first floor hallway is a table with baskets and a place for clothing donations to the needy, and, at times, all manner of packaged and canned goods to be collected for the occasional food drives. The sign above the Sanctuary welcomes refugees and immigrants. Inside, gay, lesbian and transgender folk are invited to feel at home. In this time of extreme political, racial and religious divide, the Church's message is loud and clear: ALL are welcome.

This spirit of community and commonality has added, I have realized, something unique and even healing to my patients' therapy experience. To many of those with whom I work - who struggle with depression, anxiety, alienation - this environment feels like a safe haven, and some take advantage of its welcoming openness to meditate in the Sanctuary or sit quietly in the courtyard. Even the sound of children singing at choir practice, which we can sometimes hear through the windows of my second floor office, contributes to a sense of well-being: It is a reminder, they say,

that in spite of their struggles and pain, life offers the possibility of growth, joy and connection to one another.

For me, this office space is a perfect fit, and is, in addition, a way to serve the community in which I work. I hope that a conditional use permit will both help the Church meet its financial needs to sustain itself, and give our neighbors the opportunity to nourish both body and spirit through the activities available with its designation as a community center.

Thank you for your consideration.

Sincerely,

Joellen

Joellen Werne, M.D.

Please note: I am changing my email address to joellenwerne@gmail.com. Thanks.

Owen, Graham

From: john s smolowe <johnsmolowe@gmail.com>
Sent: Sunday, March 04, 2018 1:31 PM
To: FBC Application
Cc: rick mixon; joellen werne
Subject: FBC

Hi Graham -

I am writing in support of the FBC application for a conditional use permit, and in support of music education and psychotherapy as allowed uses.

Yes, there is little onsite parking, but I understand the Church is quite willing to monitor the situation and advise both tenants and visitors in order to minimize traffic impact. Churches traditionally operate in residential neighborhoods, not just in business neighborhoods. The traffic from church use and community center use will still be well under the use of a typical Catholic church with multiple services every day.

Regarding particular uses, I believe the Pastor should be given responsibility for choosing tenants and activities consistent with the Church mission.

I note music education and psychotherapy as 2 uses challenged by the inspector.

Music is a traditional church activity. Music education in Protestant churches dates back to Martin Luther, who wrote that the teaching of singing, and of the instruments required to support singing, was crucial to the Church mission.

Counseling is also traditional in churches. The pastor can choose if he wishes to do the counseling himself or delegate it to tenant professionals. I understand that psychotherapy and medicine are not explicitly named as uses for community centers. Still, both medical and mental health services are already offered at the community centers.

I note that the conditional use permit of 1992 for St. Marks Episcopal Church specifically allowed "community counseling and support services."

I call your attention to the description of Cubberley Community Center on the City of Palo Alto website: "The Cubberley Community Center is also home to organizations that provide many services to the community in areas of: Education, **Health**, Child Care, Arts, Dance, and Music instruction."

A quick google search of "Cubberley tenants" leads me to

<https://www.paloaltoonline.com/news/2016/09/27/avenidas-heads-list-of-new-cubberley-tenants>

which describes "Cardiac Therapy" at Cubberley. I also find on google a link to "Heart Fit for Life" (perhaps the same program) at Cubberley

<http://heartfitforlife.org/>

which provides "cardiac rehabilitation," at which "specially trained cardiac nurses supervise..and take blood pressure."

Rehabilitation medicine would certainly seem to be a medical use of the community center.

A search of Alcoholics Anonymous, reveals several meetings a week at Lucie Stern and Mitchell Park Community Centers.

<https://aasanjose.org/meetings/palo-alto-group>

A church community center might reasonably have a slightly different emphasis than a secular community center. Indeed, the services offered might well be *expected* to include counseling and mental health as these are traditionally and commonly offered by churches and synagogues. I note, for example, in the link just above, that weekly A.A. meetings are currently held at 8 different Palo Alto churches. If Pastor Mixon wishes to continue offering mental health services, I believe he is the person best suited to choose which formats of service - individual, group, class - would best serve the community, the space, the mission of the Church, and the parking limitations.

Also, the individual and couples counseling that have been offered at FBC bring one car at a time and thus burden parking less than the groups and classes allowed elsewhere, which bring multiple cars at once.

Thanks,

John

John S. Smolowe, M.D.

Owen, Graham

From: Carol Holsinger <pcusa@holsingerharps.com>
Sent: Saturday, March 03, 2018 4:01 PM
To: FBC Application
Subject: First Baptist Church

Dear City of Palo Alto,

As a member of Covenant Presbyterian Church in Palo Alto, I write to share my opinion about the city's actions towards First Baptist Church of Palo Alto.

I do not understand why there are new requirements for an institution that has been in its current location, doing the same work it has always done, for the last 70 years. Every church seeks to serve the community in which it is located and First Baptist Church is no exception.

Please remove these additional requirements that you have placed upon First Baptist Church so that it can get on with the business of being the church and serving the community rather than having to spend limited energy on complying with unnecessary regulatory activities.

Sincerely,

Carol Holsinger

Owen, Graham

From: Charles Clark <ccclark38@gmail.com>
Sent: Friday, February 23, 2018 8:59 AM
To: FBC Application
Cc: Admin Account
Subject: FBCPA conditional use permit

Attention: Graham Owen, Planner

Dear Sir,

My name is Charles C. Clark Jr.. I am an active, regular attending member of the First Baptist Church of Palo Alto writing in response to a letter from Mr. Jonathan Lait, dated last December 18, titled: "Neighbors and Tenants of the First Baptist Church of Palo Alto" soliciting comments regarding a conditional use permit for the church property. I am not to be confused with my father, Charles C. Clark Sr., who also wrote a similar response letter, dated February 7.

I support the Community Center concept. By offering below-market rental space to community oriented non-profits, I believe FBCPA has added value to the surrounding neighborhood and Palo Alto as a whole in the past and will continue to do so in the future under the new Community Center concept. Many of these non-profit organizations would not be able to afford to locate and serve in Palo Alto otherwise. I understand the parking and traffic concerns affecting the immediate neighbors and hope these issues can be negotiated. Ultimately, I also believe an active and vibrant community center makes any extra traffic worthwhile to the neighborhood as a whole.

I'd also like to express my concern whether an official designation as a community center would impact our status as a religious organization. Both in terms of tax status and identity. I now live in Redwood City, but grew up in Palo Alto as a member. My church identity is important to me.

Thank you for this opportunity to submit my comments regarding the FBCPA Community Center conditional use permit.

Charles C. Clark Jr.

75 Perry St., Apt. #116

Redwood City, Calif., 94063

Member: FBCPA

Owen, Graham

From: Owen, Graham
Sent: Thursday, February 22, 2018 4:48 PM
To: Gaines, Chantal; David Brunicardi
Cc: Gitelman, Hillary; Lait, Jonathan
Subject: RE: First Baptist Church C.U.P.

Hi David,

I'm sorry to hear about the noise, we are looking at this issue as well. Just FYI we are going to be holding a community meeting on the First Baptist Church CUP on March 7th at 6:30pm at Jordan Middle School. As an adjacent resident I think it would be particularly valuable if you were able to attend to discuss the issues related to the church and the application currently on file. We will be sending notifications early next week in the mail, but I wanted to give you a heads up early.

Thanks,
Graham



Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Gaines, Chantal
Sent: Thursday, February 22, 2018 4:31 PM
To: David Brunicardi
Cc: Owen, Graham
Subject: RE: First Baptist Church C.U.P.

Hi Mr. Brunicardi,

Thank you for your message. The City Manager asked me to follow up with you to let you know that the planner processing the First Baptist Church conditional use permit (CUP) application, Graham Owen (copied here), has been forwarded your email. They are looking at the parking and circulation issues related to the various uses at the church and the adjacent right-of-way improvements at N California Ave and Bryant Street. As a component of the CUP process, they will need to analyze the existing and requested community center uses and see what size, frequency, and intensity of events could be acceptable and meet the CUP findings for approval that you referenced below. No decision has been made yet, and staff is hoping to gather neighbor feedback on the proposal before moving forward to a decision point. Staff is also hoping to hold a community meeting in the next few weeks to gather additional feedback, and if you would like to be added to any future invite list, Graham can certainly add your name.

Also, I wanted to let you know that staff has set up a website for the application, which includes the materials submitted by the church and the latest updates: https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp

Please follow up with Graham if you have any questions.

Best,
Chantal C. G.



Chantal C. Gaines | Assistant to the City Manager
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2572 | E: Chantal.Gaines@cityofpaloalto.org

From: David Brunicardi [<mailto:david.brunicardi@gmail.com>]
Sent: Tuesday, February 20, 2018 4:45 PM
To: Council, City <city.council@cityofpaloalto.org>
Cc: Keene, James <James.Keene@CityofPaloAlto.org>
Subject: First Baptist Church C.U.P.

Dear Councilmen and Councilwomen,

As I write this email I am finding it difficult to concentrate because of the grating cacophony of a very loud English horn rehearsal underway a mere 12' from my property. There is no one from the church available to ask the person to close the window or move to another part of the facility. This is exactly where the function of usage and space at the First Baptist Church breaks down. This is what has the neighbors furious.

I do want the church to succeed and hope that it finds appropriate tenants, but the neighbors must also be thought of as well when the Council reviews the application for a Conditional Use Permit. This is an R-1 entity in an R-1 neighborhood. The church has minuscule setbacks from it's neighbors and it is not a modern facility with soundproofing and sequestered rooms where loud occurrences go unnoticed.

In the application the FBC is asking for hours where activities will be able to operate until 11:00 at night. My family and I will be under extreme duress if this is allowed to happen in the many small classroom adjacent to my property.

I have video recordings of the latest sound violation and nearly one hundred others. Should any or all of you like to meet to review them please let me know.

All best,
David Brunicardi

Owen, Graham

From: Steve Ketchpel <steve.ketchpel@gmail.com>
Sent: Wednesday, February 21, 2018 9:06 PM
To: FBC Application
Subject: In support of Community Center at 305 N. California Ave.

Dear Mr. Lait,

I hope that Palo Alto will approve the application by Pastor Rick Mixon and First Baptist Church to be recognized as a community center.

My belief is that, at its heart, a church *is* a community center. The definition that you provide ("a building used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.") fits what a church aims to be, and what, I think, First Baptist Church achieves. On its face, the (more than) weekly religious services are open to the public, and need to be open to the public. The provision of additional services to the community show the vibrancy of a church community; preventing the use of their space for these purposes would negatively impact both the church congregation and the community.

This evening, I was attending a meeting including faith and religious leaders at the church, with the explicit purpose of making our community stronger and safer. While i was there, the sanctuary was open for prayers and meditation, and a girls' chorus was using other rooms for rehearsal. It was a space that was alive with connection and possibility. As our society faces fewer venues for interacting face-to-face with others, we should encourage and treasure those that do.

- Steven Ketchpel
Member of First Congregational Church of Palo Alto
Resident of Belmont, CA

Owen, Graham

From: Gaines, Chantal
Sent: Friday, February 16, 2018 2:34 PM
To: John McGilvray; Ron Wilensky
Cc: Owen, Graham; Gitelman, Hillary
Subject: RE: CUP for the First Baptist Church at 305 N. California

Hello Mr. McGilvray,

Thank you for your message. The City Manager asked me to follow up with you to let you know that the planner processing the First Baptist Church conditional use permit (CUP) application, Graham Owen (copied here), has been forwarded your email. They are looking at the parking and circulation issues related to the various uses at the church and the adjacent right-of-way improvements at N California Ave and Bryant Street. As a component of the CUP process, they will need to analyze the existing and requested community center uses and see what size, frequency, and intensity of events could be acceptable and meet the CUP findings for approval that you referenced below. No decision has been made yet, and staff is hoping to gather neighbor feedback on the proposal before moving forward to a decision point. Staff is also hoping to hold a community meeting in the next few weeks to gather additional feedback, and if you would like to be added to any future invite list, Graham can certainly add your name.

Also, I wanted to let you know that staff has set up a website for the application, which includes the materials submitted by the church and the latest updates: https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp

Please follow up with Graham if you have any questions.

Best,
Chantal C. G.



Chantal C. Gaines | Assistant to the City Manager
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2572 | E: Chantal.Gaines@cityofpaloalto.org

From: John McGilvray [<mailto:jdmcg@pacbell.net>]
Sent: Friday, February 16, 2018 1:18 PM
To: Council, City <city.council@cityofpaloalto.org>; Ron Wilensky <ronwilensky@yahoo.com>
Subject: CUP for the First Baptist Church at 305 N. California

Dear City Council --

My wife and I have lived on South Court for 47 years, and until the last few years, there have been no problems with traffic or parking for traditional First Baptist Church activities. However, as the church started renting space to paying tenants, traffic and parking have become major safety, property access and street usage issues. Residents have difficulty parking on the street, drivers waiting for people using the church's tenant's

services block driveways and street corners, and bicycle and general traffic flow on California Avenue becomes unnecessarily difficult and dangerous.

The church's proposal to receive a Conditional Use Permit (CUP) to continue its currently unauthorized operations, and be designated as a "community center" with longer hours and more noise and traffic, makes an existing problem much worse. With only eight on-site parking spaces, almost all people using the church for purposes other than religious worship will use the street for parking. Students going to and from Jordan will be endangered by drivers double parked, opening doors without checking for traffic, and blocking sight lines at crosswalks and intersections. When you add the planned traffic circle at Bryant and California, matters become even worse. Other churches may have "community center" status in R-1 districts, but all have significantly more off-street parking.

Although we sympathize with the church's desire to generate revenue with its unused space, expanding the permitted functions beyond religious services and activities via a CUP allowing its designation as a "community center," will have a dramatic negative impact on the quality of life in our quiet residential district.

There is no criticism intended for the Baptist Church's desire to continue or expand its use of facilities for non-religious functions. The proposed musical and professional services are a desirable and worthwhile contribution to the benefit of the Palo Alto community. But that is a totally separate issue from the impact such functions have on the church's neighbors and the safety issues it raises for traffic on California Avenue.

Please do not risk the safety and quality of life for the local residents by approving a CUP for non-religious activities at the Baptist Church.

John McGilvray
2300 South Court
Palo Alto, CA 94301

Owen, Graham

From: Bill Whitmer <bill.whitmer@yahoo.com>
Sent: Thursday, February 15, 2018 5:48 PM
To: Owen, Graham
Subject: Re: RE: First Baptist Church Permit Application

Graham,

Thanks for your note. Please add me to your future invite list

Thanks

Bill

On Thursday, February 15, 2018, 5:20:29 PM PST, Owen, Graham <Graham.Owen@CityofPaloAlto.org> wrote:

Hi Bill,

Thank you for your message regarding the First Baptist Church CUP application. No decision has been made yet, and we are hoping to gather neighbor feedback on the proposal before moving forward to a decision point. We are also hoping to hold a community meeting in the next few weeks to gather additional feedback, and if you would like to be added to any future invite list I'd be happy to do so. Also, I wanted to let you know that we have set up a website for the application, which includes the materials submitted by the church and the latest updates: https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp

Let me know if you have any questions.

Best,
Graham

From: Bill Whitmer [<mailto:bill.whitmer@yahoo.com>]
Sent: Tuesday, February 13, 2018 12:30 PM
To: Council, City; Gitelman, Hillary; Keene, James
Subject: First Baptist Church Permit Application

Dear Council Members,

We urge you to approve the application of First Baptist Church for a conditional use permit to operate as a community center. The church has provided space for many organizations which improve service to the broad Palo Alto community and should be encouraged to continue to do so. We've lived about a block from the church for forty years and have felt that they have consistently operated in an appropriate and considerate fashion. While occasional minor traffic issues occur, they have never, in our opinion, been an inconvenience worth attention. Noise has never been an issue.

We believe the conclusions presented by SaveResidentialNeighborhoods@gmail.com misrepresent the situation.

We find the apparent rise of NIMBYism in our community a serious potential threat to the character of the community we joined many years ago. Please do what you can to preserve the character of our wonderful community by supporting community service organizations who are so important to our vitality.

Respectfully,

Jan and Bill Whitmer

Owen, Graham

From: Owen, Graham
Sent: Thursday, February 15, 2018 5:29 PM
To: Debbie Nichols
Subject: RE: CUP Request by the Baptist Church in Old Palo Alto

Hello Ms. Nichols,

Thank you for your message regarding the First Baptist Church CUP application. We are definitely looking at the parking and circulation issues related to the various uses at the church and the adjacent right-of-way improvements at N California Ave and Bryant Street. As a component of the CUP process, we will need to analyze the existing and requested community center uses and see what size, frequency, and intensity of events could be acceptable should it move forward. No decision has been made yet, and we are hoping to gather neighbor feedback on the proposal before moving forward to a decision point. We are also hoping to hold a community meeting in the next few weeks to gather additional feedback, and if you would like to be added to any future invite list I'd be happy to do so. Also, I wanted to let you know that we have set up a website for the application, which includes the materials submitted by the church and the latest updates: https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp

Let me know if you have any questions.

Best,
Graham

Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

-----Original Message-----

From: Debbie Nichols [<mailto:debbiegailnichols@gmail.com>]
Sent: Wednesday, February 14, 2018 10:00 PM
To: Council, City; Gitelman, Hillary; Keene, James; Lait, Jonathan; Owen, Graham
Subject: CUP Request by the Baptist Church in Old Palo Alto

Dear Mayor Kniss and City Council,

The Baptist Church in Old Palo Alto has submitted a CUP request to become a community center. I am opposed to the idea.

The church, located at the corner of North California and Bryant, is on a bike boulevard heavily used by Jordan Middle School students. It is such a busy and dangerous corner that the Transportation Department is scheduled to build a roundabout at that intersection in a few months. Allowing the church to become a community center on a bike boulevard will exacerbate the dangerous road conditions for cyclists, pedestrians and cars on that busy corner. The

church has only 8 parking spaces on their property. A community center should have a spacious parking lot. As a result, community center visitors will park in the bike boulevard lanes, forcing cyclists to ride in the middle of the street. Cars will be pulling in and out of the bike lanes creating dangerous biking conditions, especially for all the young middle school children bicycling home from school each day.

The church is essentially operating as a commercial building in a residential R-1 neighborhood. It has multiple "for profit" companies and organizations illegally housed at the church. There is no professional security officer or church official stationed at the church at night to monitor the multitude of evening activities. They are inconsiderate neighbors who heretofore have taken advantage of the goodwill of the residents and have defied city zoning regulations. And all the while, enjoying a very low property tax rate of approximately \$7500 per year.

I urged the City Council to deny the CUP request. Thank you.

Debbie Nichols
A resident of Old Palo Alto
February 14, 2018

Owen, Graham

From: Owen, Graham
Sent: Thursday, February 15, 2018 5:20 PM
To: Bill Whitmer
Subject: RE: First Baptist Church Permit Application

Hi Bill,

Thank you for your message regarding the First Baptist Church CUP application. No decision has been made yet, and we are hoping to gather neighbor feedback on the proposal before moving forward to a decision point. We are also hoping to hold a community meeting in the next few weeks to gather additional feedback, and if you would like to be added to any future invite list I'd be happy to do so. Also, I wanted to let you know that we have set up a website for the application, which includes the materials submitted by the church and the latest updates: https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp

Let me know if you have any questions.

Best,
Graham

From: Bill Whitmer [<mailto:bill.whitmer@yahoo.com>]
Sent: Tuesday, February 13, 2018 12:30 PM
To: Council, City; Gitelman, Hillary; Keene, James
Subject: First Baptist Church Permit Application

Dear Council Members,

We urge you to approve the application of First Baptist Church for a conditional use permit to operate as a community center. The church has provided space for many organizations which improve service to the broad Palo Alto community and should be encouraged to continue to do so. We've lived about a block from the church for forty years and have felt that they have consistently operated in an appropriate and considerate fashion. While occasional minor traffic issues occur, they have never, in our opinion, been an inconvenience worth attention. Noise has never been an issue.

We believe the conclusions presented by SaveResidentialNeighborhoods@gmail.com misrepresent the situation.

We find the apparent rise of NIMBYism in our community a serious potential threat to the character of the community we joined many years ago. Please do what you can to preserve the character of our wonderful community by supporting community service organizations who are so important to our vitality.

Respectfully,

Jan and Bill Whitmer

Owen, Graham

From: Tara D. Stein <tara@manzanitamgnt.com>
Sent: Wednesday, February 14, 2018 3:47 PM
To: FBC Application
Subject: FW: Comment re CUP for First Baptist Church at 305 N. California Ave.

From: Tara D. Stein
Sent: Wednesday, February 14, 2018 3:39 PM
To: 'fbapplication@cityofpaloalto.org' <fbapplication@cityofpaloalto.org>
Subject: Comment re CUP for First Baptist Church at 305 N. California Ave.

I do hope you approve the conditional use permit, so the Church can continue to serve the community as a center for providing "religious, fraternal, social and/or recreational programs." I reside during the week at a house across the street from the Church. Never have I, personally, had a problem finding parking on the street, nor have I been disturbed by the presence of the children and adults attending lessons or by parents dropping off or picking up their children. (I have lived near elementary schools in the past and always enjoyed hearing and seeing the young people.) I really don't quite understand why a few of our neighbors are complaining so much. I like the neighbors and suspect that in their hearts they wish they lived in a small, quiet village somewhere. Palo Alto, however, as the City well knows, is no longer a quiet little village, but in fact a busy (and getting busier) bona fide metropolis, where one can't expect to enjoy quiet during the day—and no traffic. (I admit, though, that I do sometimes complain about the noise level at night from the trains, planes, autos, sirens, occasional noise from the local stadiums and various electronic sounds, etc. , but that is all part of living in a City, isn't it?)

Anyway, I believe there is a great need for this community center and having such a center serves the community at large. Whereas, preventing the Church to operate as a community center would, it seems, only benefit a few neighbors.

Tara Stein

Owen, Graham

From: Sarah <sburgval@aol.com>
Sent: Tuesday, February 13, 2018 10:11 PM
To: Ronald Wilensky
Cc: Owen, Graham; loymartin@icloud.com; Lait, Jonathan
Subject: Re: First Baptist Church - Neighborhood Meeting...parking question

Ron, I think you are pointing out that the Church has applied for use that requires about 20 spaces more than they could be grandfathered. But I have an additional question. At the time they were grandfathered in this use, NITC was still a part of the church, with its attendant 3 additional spaces. And there was no requirement that a space be reserved for disabled parking. So wouldn't the number they are short be at least 4 more, for a total of 23?

Also, when the church was built, did it have a larger parking lot? I am remembering that the Annex was not a part of the 1940s church, but I could be mistaken...

Sarah

On Feb 13, 2018, at 3:28 PM, Ronald Wilensky <ronwilensky@yahoo.com> wrote:

Hi Graham,

To follow up on your helpful information, according to the church's January 18th letter the maximum capacities are 300 persons for the sanctuary and 260 persons for assembly in the fellowship hall. The total capacity is 560 persons not counting anyone in the office spaces located between the sanctuary and fellowship hall.

PAMC 18.52.040, Table 1, says that for a religious institution the 1 space-for-4-seats requirement is based on maximum use of all facilities with a reduction permitted by the Planning Dept. For "community" centers, the reduction as specified in a CUP cannot be more than 30%, which means there must be at least $0.7 \times 140 = 98$ spaces.

Am I interpreting these requirements correctly?

Best regards,
Ron

From: "Owen, Graham" <Graham.Owen@CityofPaloAlto.org>
To: Sarah <sburgval@aol.com>
Cc: "ronwilensky@yahoo.com" <ronwilensky@yahoo.com>; "loymartin@icloud.com" <loymartin@icloud.com>; "Lait, Jonathan" <Jonathan.Lait@CityofPaloAlto.org>
Sent: Tuesday, February 13, 2018 1:56 PM
Subject: RE: First Baptist Church - Neighborhood Meeting

Hi Sarah,

Sounds good. The applicable code provisions are [18.52 \(Parking and Loading Requirements\)](#) and [18.70 \(Nonconforming Uses and Noncomplying Facilities\)](#). In this instance, a community center use has the same parking requirement as the church (1 space for each four person capacity), so the question becomes what size, frequency, and types of events do and do not increase the degree of noncompliance. This is similar to situations where you have a retail building with a 1:200 sf parking ratio that converts to a personal service use, which has the same requirement. If the site is legally nonconforming for the parking to begin with, the change in use would not require the provision of additional parking.

Best,
Graham

From: Sarah [<mailto:sburgerval@aol.com>]
Sent: Tuesday, February 13, 2018 1:26 PM
To: Owen, Graham
Cc: ronwilensky@yahoo.com; loymartin@icloud.com; Lait, Jonathan
Subject: Re: First Baptist Church - Neighborhood Meeting

Thank you, and we will get back with a date, hopefully later today.

Thank you for explaining the parking. I understand that the church use is considered legally nonconforming for parking, but the link I am not making is how that carries over to a different use. Is there a code section on that? The analysis provided with Mozart led me to believe that an application for a different use requires parking compliance for that use, as it would for other code requirements...

Sarah

On Feb 13, 2018, at 1:03 PM, Owen, Graham <Graham.Owen@CityofPaloAlto.org> wrote:

Hi Sarah,

Understood, is there a date that would work for the three of you the week of Feb 26 or March 5? A lot of folks will be gone for the long weekend on the 2nd and 5th for President's Day weekend, but beyond that let me know what could work.

Regarding the parking, the zoning code currently requires 1 space for every four seats or four person capacity (building code occupancy), based on maximum use of all facilities at the same time. Our understanding based on archived plans is that there are 30 pews in the sanctuary, each 14 feet in length. Per the building code, this type of pew seating yields one occupant for each 18 inches of seating length. This results in 280 occupants for the sanctuary pews. The choir area has 34 individual seats, so add 34 additional occupants, and the total of 314 occupants, or 79 required spaces. The church was built prior to the adoption of on-site parking requirements in the zoning code, so it is considered legally nonconforming for parking.

Best,
Graham

From: Sarah [<mailto:sburgerval@aol.com>]
Sent: Monday, February 12, 2018 7:23 PM
To: Owen, Graham
Cc: ronwilensky@yahoo.com; loymartin@icloud.com; Lait, Jonathan
Subject: Re: First Baptist Church - Neighborhood Meeting

Graham, thank you so much for this.

Regarding the meeting, unfortunately, neither Ron or I are available that date, nor is The date good for Loy. We could certainly hold the meeting with the other neighbors, but in terms of organization and keeping on track, it might be better to have us there. Are other dates available, or could we possibly have a few choices?

Secondly, is it possible for you to explain the basis for the "grandfathered in" parking spaces? The previous application for CUP by Mozart did not have any of these as their basis so we are trying to understand where they come from,

Again, thank you.

Sarah

On Feb 12, 2018, at 9:45 AM, Owen, Graham
<Graham.Owen@CityofPaloAlto.org> wrote:

Hi Sarah,

Please see my responses below in red.

Best,
Graham

From: sburgerval@aol.com [<mailto:sburgerval@aol.com>]
Sent: Thursday, February 01, 2018 5:54 PM
To: Owen, Graham; ronwilensky@yahoo.com; loymartin@icloud.com
Cc: Lait, Jonathan
Subject: Re: First Baptist Church - Neighborhood Meeting

Thank you, Graham. I was just in the process of preparing an email to you. May I ask a few questions that would pertain to the date of the meeting with the neighbors?

1. The timeline: You had mentioned that you had to give a response to Pastor Mixon by 2/18, based upon the date of his supplemental information. Is that still the end date we need to operate under? I would note, the church still has not posted the signage required for the CUP - Am I right in assuming that must be out for a certain period of time before the city responds? We're hoping for everyone's sake to move this application forward, so we'd like to have the community meeting this month. We've been in contact with Jordan Middle School and are targeting a meeting at the school on the 27th, stay tuned for more details. We will formally respond to the resubmitted application materials by 2/18. Thanks for letting me know about the sign again, I've followed up with Pastor Mixon to get the sign up on the property. The sign isn't a code requirement, but is standard practice for these types of applications.

2. You had indicated you would have some additional information to give us about the standard which will be applied for parking, ie, you were looking into whether there would be some leeway "grandfathered" in. Do you have that information? It would be helpful to the neighbors to have that prior to meeting so that we can evaluate it based upon the impact to the neighborhood; We are

still looking into this parking question and the grandfathering situation, but our current understanding is that the church use is grandfathered for 71 spaces (79 required for the church, minus the 8 provided on-site). The minimum parking requirement for a community center use and a church use are the same (1 space for each 4 person capacity), so without additional spaces available on the site this 71 space nonconformity is the baseline.

3. You were going to look into whether a Transportation Management Plan would be necessary/helpful for this application. Do you have a response to that yet? A few additional questions which have been raised by the neighbors were whether the change of use would require conforming with any present building codes and whether there would be insurance requirements by the city that would accompany any "community center" designation; Transportation Demand Management (TDM) plans are typically required for large office projects in order to shift auto trips to public transit, so I'm not sure how helpful one would be in this instance. Regardless, we are looking into the parking and circulation issues, which are highly germane to the application. From a building code standpoint, if the community center use is approved with this CUP it would trigger the need to obtain a use and occupancy (U&O) permit from the Building Division. This permit would likely require inspections to determine what, if any, code issues need to be rectified. Could you elaborate on your insurance question, Planning doesn't typically regulate insurance.

4. Will you have any additional information about the listed tenants and the requested hours of use? As I had indicated, it is hard for the neighbors to evaluate any potential compromise when the information has not met the requirements; Right now all we have is the supplemental information that we sent out. If we don't receive anything else we will need to move forward with the information we have on file. Having said that, we have seen the Weekly article regarding the current uses, so we'll be asking for an updated list.

5. Another procedural issue raised by one of the residents: The church is a corporation, with a board of directors and an agent for service of process. Does Mr. Mixon have the authority to sign this SUP request? We require applicants/property owners to certify that they are authorized to act on behalf of their respective entities.

And finally, in answer to your question, we earnestly want a neighborhood meeting with you, however in evaluating the number of people, we are worried none of our homes have the capacity. Can we meeting in the evening at city hall? We are targeting a meeting at Jordan Middle School on February 27th. We will send out notifications shortly, so stay tuned for more information.

As soon as we have the timeline, we will be able to come up with a date to run by you. Answers to the additional questions I have listed, however will make the meeting more efficacious.

Thank you,

Sarah Burgess

-----Original Message-----

From: Owen, Graham <Graham.Owen@CityofPaloAlto.org>
To: Sarah Burgess <sburgerval@aol.com>; Ronald Wilensky <ronwilensky@yahoo.com>; Loy Martin <loymartin@icloud.com>
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>

Sent: Thu, Feb 1, 2018 4:39 pm
Subject: First Baptist Church - Neighborhood Meeting

Hi Sarah, Ron, and Loy,

Thanks again for meeting with Jon and me last week. As a follow up to our discussion, we think it would highly beneficial to meet with the larger neighborhood to hear their concerns and discuss the City's process for this CUP application. Would one of you be willing to organize and host a neighborhood meeting in the next few weeks? If so we would be happy to attend. Separately we will also be reaching out to Pastor Mixon to see if his tenants and congregants would like to host their own discussion.

Best,
Graham

<image001.png>

Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

Owen, Graham

From: Owen, Graham
Sent: Tuesday, February 13, 2018 11:41 AM
To: david.recht@gmail.com
Cc: Gitelman, Hillary; Lait, Jonathan
Subject: RE: Comment on Fwd: Comment on 17PLN-00015

Hello Mr. Recht,

Thank you for your message. I wanted to reach out and let you know that I am the planner who is processing the First Baptist Church conditional use permit application. We are definitely looking at the parking and circulation issues related to the various uses at the church and the adjacent right-of-way improvements at N California Ave and Bryant Street. As a component of the CUP process, we will need to analyze the existing and requested community center uses and see what size, frequency, and intensity of events could be acceptable and meet the CUP findings for approval that you referenced below. No decision has been made yet, and we are hoping to gather neighbor feedback on the proposal before moving forward to a decision point. We are also hoping to hold a community meeting in the next few weeks to gather additional feedback, and if you would like to be added to any future invite list I'd be happy to do so. Also, I wanted to let you know that we have set up a website for the application, which includes the materials submitted by the church and the latest updates: https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp

Let me know if you have any questions.

Best,
Graham



Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: David Recht [<mailto:david.recht@gmail.com>]
Sent: Tuesday, February 13, 2018 9:42 AM
To: Council, City
Cc: Sarah Burgess; Laura Seitel; Bonnie Flanagan
Subject: Comment on Fwd: Comment on 17PLN-00015

Dear Council:

I am forwarding an email I had previously sent to Claire Hodgkins of the Palo Alto Planning Commission relative to the activity at the First Baptist Church on North California Avenue.

I believe the points made in my email are still as valid today as they were then (please see my email below).

Additionally, I can only stress that the large flow of people, drop-offs, pick-ups, etc. continue on and, thus, continue to present a dangerous situation for children, and others, in this residential neighborhood. The church has almost no parking (I have not counted them myself but understand there are only 8-12 parking spaces to service the location. This necessarily means that all additional traffic from church bound uses (church or for-profit businesses at the church) is forced onto public residential streets that were not designed for this activity. The church itself was not designed for everyday use by dozens (hundreds?) of cars.

Making matters more dangerous is the recent "upgrade" of North California road striping for cars (no striping) and bicycles (one bike lane on each side of the street) and the fact that Bryant Street is the city's main bicycle thorough fare (with plans to emphasize biking even more in the future?). Because of these two factors and the fact that we have Bryant bicyclists merging with a large flow of Jordan Middle School bicyclists (think of typical 6th, 7th and 8th graders who do not pay enough attention to their bicycle riding and typically ignore bicycle rules), this intersection is a dangerous place.

The fact is I see a church that was never intended to be a community center (in the sense of weekday/everyday use) in an area that is extremely ill suited to handle large amounts of activity on an everyday basis. Surely there must be other locations much better suited to handling constant community activities than the location of the First Baptist Church (as an example, First Congregational on Louis has an ideal parking situation for handling large numbers of pickups and drop-offs).

Please consider returning the First Baptist Church to its intended use by denying a larger community center role and also removing the for profit businesses that involve large amounts of everyday activities. This will help lower the risk of life threatening accidents to the many bicycle youth that have to use this area and would also preserve the residential character of our neighborhood instead of creating a commercial center.

As a reminder the Palo Alto Municipal Code section 18.76.10 (c) relative to conditional use permits states that a permit shall NOT be granted if it is:

- "1. Detrimental or injurious to property or improvements in the vicinity and will be detrimental to the public health, safety, general welfare, or convenience.
2. Not conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning)."

Thank your for your consideration.

David Recht
david.recht@gmail.com
415-706-1521

=====

Photo sites:
davidrecht.net
www.instagram.com/david.recht/
<https://500px.com/drecht>
<https://www.flickr.com/photos/drecht/DavidRecht>
plus.google.com/+DavidRecht/photos
<http://drecht.zenfolio.com>

Begin forwarded message:

From: David Recht <david.recht@gmail.com>
Subject: Comment on 17PLN-00015
Date: February 10, 2017 at 4:41:02 PM PST
To: claire.hodgkins@cityofpaloalto.org

Hi Claire:

My wife and I live at 252 Washington, one house from Bryant street just north of California and very close to the Baptist Church.

We have been a bit unaware of the full extent of the proposal for a Conditional Use Permit at the church for the Mozart School of Music. However, the notice we received from the city in the mail prompted us to want to comment.

We have lived at our address for 29 years so we have experience with the church and have, over the many years, have been inconvenienced by church activities that fill the neighborhood with cars, etc. While it can be an imposition when either we or our guests are unable to park in front of or near our house, we have largely been accepting of this church activity as it was usually not a constant occurrence and, frankly, was often for a good cause.

However, hearing that there is an actual business (and maybe not just the only business) operating at the church a year or so ago and seeing the flood of cars, students, mothers and fathers doing drop offs and pick ups, we would like to oppose granting this conditional use permit. The mailer specifies only the number of classrooms but does not specify the possible number of students that would be on site at the church. We can only guess at the total number but even at 10-20 students per classroom that would manifest in 100 to 200 students, if not more. That could easily translate into 200-400 drop offs and pickups or the parking of between 50 and 100 cars in the neighborhood. This would add greatly to the congestion at an already busy intersection - an intersection that is also along one of Palo Alto's designated bike boulevards.

Parking issues are significant based on these projections (especially if other business are, in fact, operating at the church). But, maybe even more importantly, California Avenue is a major thorough fare for Jordan Middle School students on bike. To me the combination of an existing busy intersection, a major city bike boulevard and the student biking population presents a serious safety hazard to all involved - especially young middle school students who already demonstrate reckless biking traits.

In addition to the above, I also wonder why a church would be allowed to host an actual for profit business in an area that clearly was not intended to be a commercial area. This raises questions about zoning as well as the tax exempt status of the church.

Please do not allow this conditional use permit. We believe it goes against what we all cherish in Palo Alto which is peaceful and safe neighborhoods.

Best regards,

David Recht
david.recht@gmail.com
415-706-1521

=====

Photo sites:
davidrecht.net
plus.google.com/+DavidRecht/photos
<http://drecht.zenfolio.com>
<https://www.flickr.com/photos/drecht/DavidRecht>

Owen, Graham

From: Kou, Lydia
Sent: Monday, February 12, 2018 8:29 AM
To: Gitelman, Hillary
Cc: Owen, Graham; Lait, Jonathan; Gaines, Chantal; Keene, James
Subject: Re: First Baptist Church

Jim,

I sincerely hope the process will be transparent and a public hearing is conducted.

Kind regards,



Lydia Kou - Council Member
Contact Info: <https://goo.gl/BcgCQS>

From: Gitelman, Hillary
Sent: Monday, February 5, 2018 3:08 PM
To: tim.cain@att.net
Cc: Owen, Graham; Lait, Jonathan; Gaines, Chantal; Keene, James
Subject: First Baptist Church

Mr. Cain,

City Manager Jim Keene asked me to respond to your email from this weekend.

As you have no doubt heard, the Planning Department is processing an application from the First Baptist Church to legitimize "community center" uses via a Conditional Use Permit (CUP) process. No decisions have been made, however these processes do usually result in some kind of approval *with conditions* (hence the term "conditional" use permit). Conditions typically address the intensity of use and neighborhood impacts. In this case, this means we will be considering the timing and number/size of events that should be allowed at the facility, as well as parking, traffic, noise, and other neighborhood issues.

Graham Owen on our staff (copied here) is handling this matter for us and we welcome your input. Graham can also fill you in on the process and schedule, which will ultimately end up at the City Council for a decision, hopefully in June.

All the best,

Hillary

From: Tim Cain [<mailto:tim.cain@att.net>]
Sent: Sunday, February 04, 2018 11:05 AM
To: Council, City <city.council@cityofpaloalto.org>
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; Owen, Graham <Graham.Owen@CityofPaloAlto.org>
Subject: RE: Unsafe Traffic Hazard

Hello again, City Council Members,
Below is the text of the message I sent to James Keene at his email address and also the general city manager address back in August. I never got any response from him.
Thank you,
Tim Cain

Hello Mr. Keene,

I read your article from the Palo Alto Weekly Friday and found it quite alarming. I really feel like you and the council have missed the point of what is going on in and around the The Baptist Church on North California Ave. It really shouldn't matter how adorable the serenading of the council was or even how much the program benefits those members of the community, it should matter whether or not they are legally allowed to conduct business there and whether it is a safe environment to house these programs.

I have lived on South Court (just a few houses from the Church) for over 25 years. I have always enjoyed living by the church. Church services, weddings and choirs signing in the church have always been welcomed. I didn't even mind when they started to rent out space to the dancing groups in the evenings. However, over the years the number of people renting space appears to be 10 times what it was just a few years ago. For all of its vehicle intensive activities, it has exactly 10 parking spaces. Three spaces are reserved for the nursery school, 1 for the pastor and 1 for the doctor conducting business at the facility. **That leaves just 5 open spaces** (which accommodates fewer cars than my 1927 garage and driveway). I know for a fact that iSing on Wednesdays and Thursdays has 150 girls dropped off after school for lessons. Mozart School has said they have 30 students daily. I am not sure how many people are seeing the doctors there or taking part in other dancing/singing lessons or picking up toddlers from the preschool but that is way too many people to share 5 spaces. If you go by on a Wednesday or Thursday during the school year, there are parents double and triple parked. They park illegally on corners (blocking visibility of people trying to make a right or left hand turn onto North California from South Court) and some cars just stop right in the middle of North California to drop their children off and pick them up. You add the fact that Paly students are riding their bikes home from school on Bryant and Jordan kids on North California (both streets are designated bike routes), and it makes for a crazy situation with an accident waiting to happen. In a typical afternoon, you can spot numerous kids running back and forth across the street and kids on their bikes weaving in and out between cars. It is a scary sight for any parent and the fact that I witnessed a child just narrowly missed being hit by a car makes me sick to my stomach. In the meeting in the council chambers with the planning commission, Pastor Rick Mixon mentioned that he recognized that the lack of parking and the reckless driving/parking was a problem, but I don't believe he has ever done anything to try to address the safety. Is he more concerned

about the church finances than the safety of the children he serves? I find this a bit frightening. More concerning is the idea that this facility with 5 parking spaces could be a good space to be turned into a community center.

I hope that your comments were misquoted and that you will thoroughly investigate the situation. I believe that the zoning for the church is not the only issue and the safety of our children should take priority over all. I look forward to hearing back from you on this subject.

Thank you,
Tim Cain
2261 South Court
Palo Alto, Ca 94301
(650) 799-7203

Sent from [Mail](#) for Windows 10

From: [Tim Cain](#)
Sent: Sunday, February 4, 2018 10:48 AM
To: city.council@cityofpaloalto.org
Cc: jonathan.lait@cityofpaloalto.org; graham.owen@cityofpaloalto.org
Subject: Unsafe Traffic Hazard

Hello City Council Members,
Below is a letter I sent on Dec 22 to Graham and I got a reply from him on Jan 19 acknowledging it and attaching additional info on the CUP filed by the First Baptist Church. I want to make sure you all see it again, since the topic of community center status seems to be on the table and the parking situation seems not to have a solution. Please pay special attention to the safety issues and traffic burdens. I sent a message to Mayor Keene a few months ago and got no reply.
Thank you,
Tim Cain

Hello Mr. Owen,
Thank you for taking on the analysis of the recent CUP application filed by First Baptist Church.

I was born in 1960 in Midtown and have lived with my wife and kids for the past 26 years at 2261 South Court in an old Tudor 4 bedroom house built in the late 20s. We REALLY love the neighborhood life (that is why we moved here) of a quiet street that "T"s off at both ends and our 3 daughters have lived their whole lives at this address. This is why we exceeded our upper limit price, took on tougher jobs so we could afford it, and bought our house here in this neighborhood. There are just two houses between us and the church, and its changing use has had an enormous impact on our formerly quiet lifestyle.

We use North California as our connecting route whenever we leave our house (on bike or by car) because the Oregon Avenue frontage road intersections are too dangerous due to their confusing nature for non-residents who haven't figured out the stop sign-keep clear-wait here dance that is required to make the weight sensors work properly with the traffic signal system. On North California, the traffic at the church, which is exactly where South Court T's off, is also very dangerous, for different reasons. There is an almost non-stop flow of frantic cars dropping off and picking up one student each at the church's various tenant businesses. If you tally up all of the music classes being

held, you can multiply that times two to get the total number of trips by car to the curbs nearby, since there is virtually no parking on the church premises available to these businesses. North California has been striped to accommodate the huge volume of kids on their bikes coming and going from Jordan Middle school every day. The confluence of these middle schoolers in a hurry to get to school or back home, the now much narrower path for cars both ways, and the double parking drop-off realities of music student commutes make for an extremely high risk of life and limb at this location.

Additionally, the quiet calm atmosphere we paid a premium for when we moved to South Court has been replaced by all those cars who aren't frantically double parking for their drop offs. These "ahead of schedule" commuters know that South Court is the closest source of curb space to the classrooms their kids need to get to, so they turn in and find the closest unoccupied stretch of parking they can find. Since we live on this block, we have seen it evolve from a quiet community of kids and pets able to play in their front yards, to a busy flow of parking and leaving on an hourly basis. Can you imagine the number of 3 point turns that are made in each of our driveways just so all of these parkers can come and go from North California, instead of Oregon Ave? Can you imagine the difference this constant activity would have on the quality of life for a new family putting down roots on South Court? We have spent the past quarter century preserving and enjoying our classic Palo Alto lifestyle, which features a front yard meant for use and enjoyment, not just parking for a nearby business. This coming, going, backing up and parallel parking is clearly a big worry for a new family with small children or pets, and it will surely reduce the pool of potential buyers who want to live here when we are gone, and it will reduce the price those few would be willing to pay. What is our personal cost (in terms of resale value) that we must pay for the church's desire to take in businesses without even the slightest accommodation for the realities of the traffic dangers they bring?

Please protect our safety and quality of life.

Thank you,
Tim Cain
2261 South Court
(650) 799-7203 cell

Sent from [Mail](#) for Windows 10

From: [Ronald Wilensky](#)
Sent: Wednesday, December 20, 2017 3:19 PM
To: [Bonnie Flanagan](#); [Laura Seitel](#)
Cc: [Sarah](#); [Brunicardi David & Caryn](#); [Sheppard Barbara](#); [david recht](#); [tim cain](#); [margiecairn@rocketmail.com](#); [mahen ranchod](#); [Loy Martin](#); [Debbie Nichols](#); [Karen Ivey](#)
Subject: Re: Baptist Church & CUP....letter just received from City of PaloAlto

Please see attached letter. I assume most (if not all) of you have received it.

From: Debbie Nichols <debbiegailnichols@gmail.com>
To: Karen Ivey <karenivey@comcast.net>
Cc: Ronald Wilensky <ronwilensky@yahoo.com>; Laura Seitel <lseitel@mac.com>; Bonnie Flanagan <bonnie.m.flanagan@gmail.com>; Sarah <sburgval@aol.com>; Brunicardi David & Caryn <david.brunicardi@gmail.com>; Sheppard Barbara <barbshepp@gmail.com>; david recht <david.recht@gmail.com>; tim cain <tim.cain@att.net>; margiecairn@rocketmail.com; mahen ranchod <mahen.ranchod@gmail.com>; Loy Martin <loymartin@icloud.com>

Sent: Wednesday, December 20, 2017 8:02 AM
Subject: Re: Baptist Church & CUP

I will attend the meeting. Thanks for organizing it. Debbie Nichols

Sent from my iPad

On Dec 19, 2017, at 7:07 PM, Karen Ivey <karenivey@comcast.net> wrote:

I will plan to be there at 4 pm as well. Thank you, Karen Ivey

From: "Ronald Wilensky" <ronwilensky@yahoo.com>

To: "Laura Seitel" <lseitel@mac.com>

Cc: "Bonnie Flanagan" <bonnie.m.flanagan@gmail.com>, "Sarah" <sburgval@aol.com>, "Brunicardi David & Caryn" <david.brunicardi@gmail.com>, "Sheppard Barbara" <barbshepp@gmail.com>, "david recht" <david.recht@gmail.com>, "Nichols Debbie" <debbiegailnichols@gmail.com>, "ivey karen" <karenivey@comcast.net>, "tim cain" <tim.cain@att.net>, margiecain@rocketmail.com, "mahen ranchod" <mahen.ranchod@gmail.com>, "Loy Martin" <loymartin@icloud.com>

Sent: Tuesday, December 19, 2017 7:01:43 PM

Subject: Re: Baptist Church & CUP

See you on Jan12th at 4pm.

Sent from my iPhone

> On Dec 19, 2017, at 6:45 PM, Laura Seitel <lseitel@mac.com> wrote:

>

> Hi Bonnie,

>

> Thanks for all of this info. I like your agenda items for the meeting with Hillary, which I hope will happen after we neighbors gather on the 12th. I'm going to propose a start time of 4 PM but can be flexible if that doesn't work for anyone.

>

> Also, have you seen the CUP yet? I haven't been able to access it and I think the city is required to post it publicly. It won't make much sense to meet as neighbors if we don't know what we're facing with the church.

>

> I'm looking forward to seeing many of you on the 12th. So far, Bonnie, Sarah, Ron, Mahendra, my husband Loy and I will be at the meeting at my house at 349 North California Avenue. Please let me know if anyone else can come. All are welcome!

>

> Laura

>

> On Dec 19, 2017, at 6:05 PM, Bonnie Flanagan <bonnie.m.flanagan@gmail.com> wrote:

>

> All:

>

> I spoke to James Stephens this afternoon & he's proposed we have a meeting with he & Hillary Gitelman mid-late January to express our concerns. With the holiday break, we won't have a date until the 1st week of January, but I wanted to give you a heads-up.

>

> Evidently, my emails with pictures showing all the cars within 2-3 blocks of both iSing & Mozart

classes/events was of interest to Hillary.

>

> I'm hoping all of you are open to a meeting with them. Meanwhile, we can each work on a list of the major concerns/issues that are impacting our neighborhood.

>

> Two items I mentioned today (& will include on my list) are:

> 1) why is there not someone on site overseeing events & controlling issues when they occur - e.g. windows/doors open causing increased noise, illegal parking, dumped garbage bins

>

> 2) is a permit needed/required when a large event like the recent Iran concert fundraiser takes place

>

> Since the CUP has been filed & extensions will be permitted, due process required, etc this will go on for as long as the church can stretch this out.

>

> James said to contact him directly if you need/want more information. His email is:

<James.stephens@cityofpaloalto.org>

>

> Thanks,

>

> Bonnie

>

> Sent from my iPhone

>



CITY OF
PALO
ALTO

Hillary Gitelman | Director | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2321 | E: hillary.gitelman@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

Owen, Graham

From: Laura Seitel <lseitel@mac.com>
Sent: Sunday, February 11, 2018 9:21 PM
To: Council, City
Cc: Owen, Graham; Gitelman, Hillary; Lait, Jonathan
Subject: First Baptist Church: Please Deny CUP

Dear City Council Members,

I am writing to ask that you deny the First Baptist Church's CUP application for community center status. The church is in a location singularly unsuited for the level of activity this would permit at the site. Unlike other such institutions in Palo Alto, the First Baptist Church is separated from its nearest neighbors by a mere 13 feet on one side and 37 feet on the other (The 37-foot-space includes the church driveway and its eight parking spaces.) The level of noise, car traffic, foot traffic and parking congestion that has been the norm at the church for many years has turned a tranquil residential area into a commercial free-for-all and has profoundly disturbed the peace and tranquility of all citizens living nearby.

My husband and I bought our home next to the church in 1983. We carefully observed the level of activity at the church at that time and generally found it to behave in a way that respected the fact that it had close neighbors. Sunday mornings were, of course, busy with those attending services and a few other non-intrusive events were occasionally held during the week. But the neighborhood was relaxed and friendly and it remained possible to enjoy tranquility in our homes.

About a decade ago, this peaceable coexistence began to disintegrate: the church now operates an all-day, deep-into-the-night commercial enterprise. Church spaces have been rented to well over forty organizations which has resulted in a constant stream of car and foot traffic, parking congestion, loud noise and littering. Renters keep doors and windows of the church annex open during rock concerts, parties, dance and singing events, loud political meetings, etc. Often these events spill out of the annex to the church lawn and neighborhood sidewalks. Events start early in the morning and end after 11 PM at night. My husband and I regularly hear noisy cleanup from parties and performances, sometimes as late as 12:30 A.M. In addition, there is no one from the church monitoring these activities whom neighbors can contact.

Needless to say these events at the church have disturbed the peace of neighbors for many blocks around it. The wider Palo Alto community is also affected. Students bicycling to and from Jordan Middle School on North California Avenue and to and from Palo Alto High School on Bryant Street are endangered by the steady stream of cars brought into the neighborhood. This is particularly troubling since the city has designated Bryant Street a bicycle-friendly route and has recently created bicycle lanes along North California Avenue. On dark, rainy evenings, we often observe cars parked and double-parked for blocks near the church along with many other cars slowing in the darkness to spot a particular child or a parking space opening up.

Car movement and doors opening into the bicycle lane under conditions of low visibility are dangerous to cyclists and pedestrians trying to cross the street. The few newly-designated spots for short-term parking along the church curb are an ineffective band-aid for this problem. The parking regulations are not observed or enforced, the amount of traffic overwhelms their efficacy and residents of the neighborhood have even fewer places they can park.

In sum, the particular geography of the residential neighborhood surrounding the First Baptist Church makes it especially unsuitable for both its current out-of-compliance activities and the increase of activity that community center status would allow it. I hope you will vote to restore a reasonable level of tranquility and safety in our neighborhood by denying the church's CUP application.

Respectfully yours,

Laura Seitel

Loy D. Martin
170 Glenn Way, #11
San Carlos, CA 94070
loymartin@icloud.com
www.loymartinfurniture.com

Owen, Graham

From: Ron Wilensky <rwilensky@yahoo.com>
Sent: Thursday, February 08, 2018 4:47 PM
To: Owen, Graham; Lait, Jonathan
Cc: Sarah Burgess
Subject: First Baptist Church states in Daily Post article 2/8/2018 it is renting space to new tenants...
Attachments: PaloAltoPost.2018-02-08.pdf

Graham/Jonathan,

In today's article in the Daily Post states that "few new groups have begun renting space at the church, which Mixon describes as "some small activities."

Attached is a copy of the article with that text highlighted.

Did the Planning Department or any other City officials allow the church to rent to new tenants while the CUP application is in process?

Best regards,
Ron Wilensky

THURSDAY, Feb. 8, 2018

No. 1 in Palo Alto and the Mid-Peninsula

Daily

Post

Locally owned, independent

Church loses tenants in zoning dispute

BY ALLISON LEVITSKY
Daily Post Staff Writer

Several community groups that rented space at the First Baptist Church of Palo Alto have moved out since neighbors' noise, traffic and parking com-

plaints led the city to order their removal, the Rev. Rick Mixon told the Post yesterday.

The Palo Alto Philharmonic and several folk and tango dance groups have left, but all have expressed interest in

returning once the church obtains the proper permit. The New Mozart School of Music moved out last month and has set up shop in a much more expensive space in the College Terrace neighborhood. [See CHURCH, page 38]



FIRST BAPTIST CHURCH at 305 N. California Ave.

CHURCH

hood, at 2100 El Camino Real. The church could lose \$60,000 to \$70,000 in revenue this year from tenants having to pack up, Mixon said. First Baptist charges a base rate of \$2.19 per square foot, a dirt-cheap rate that allows nonprofit programs and community groups to afford to operate in Palo Alto. It also accounts for about \$110,000 to \$120,000, or one-third of the church's annual revenue.

The iSing Silicon Valley girls choir, which retired San Francisco 49ers quarterback Steve Young threw his support behind at a City Council meeting in August, is still operating at the church. Young's two daughters sing with the choir, which brings together girls age 5 to 18.

The church applied for a conditional use permit on Jan. 19. Mixon, who has served as senior pastor at the church since 2006, said the city hadn't told him when to expect a response.

"It's just all kind of in limbo," Mixon said.

The conditional use permit would allow each tenant — including the Peninsula Macrobiotic Community, the art and language toddler class Children of Bishah, and two therapists who work with adolescents — to forego the lengthy, expensive permitting process on their own.

Church hopes fees will be waived

The church requested a fee waiver for the conditional use permit application because it was submitted under duress and protest, Mixon said, but he hasn't received a response to that request. If the fee waiver is denied, the application could cost thousands of dollars.

A few new groups have also begun renting space at the church, which Mixon described only as "some small activities."

The city ordered the church's tenants to vacate their space on the grounds that the church, like most of the city, is in a single-family residential district.

Other churches supplement their revenue by renting space to community groups, but the city typically enforces the code upon receiving complaints.

The 100-member church, which is almost 70 years old, once had a congregation of 800. Neighbors say the dance groups create too much noise at their social events and parents dropping off and picking up students have worsened the neighborhood's traffic and street parking supply.

Some have pointed out that the new bike lane on the east side of North California Avenue wiped out much of the neighborhood's street parking. The church has been wrongly blamed for that loss of parking, neighbor Ron Wilensky said in August.

Owen, Graham

From: Ron Wilensky <rwilensky@yahoo.com>
Sent: Friday, February 09, 2018 10:22 PM
To: Lait, Jonathan
Cc: Owen, Graham; sburgrval@aol.com
Subject: Re: Revised attachment Re: First Baptist Church states in Daily Post article 2/8/2018 it is renting space to new tenants....

Jonathan,
Thank you for requesting follow-up to the statement in the Daily Post article in which the pastor says they are renting to new tenants.

Ron-

From: "Lait, Jonathan" <Jonathan.Lait@CityofPaloAlto.org>
To: "sburgrval@aol.com" <sburgrval@aol.com>
Cc: "rwilensky@yahoo.com" <rwilensky@yahoo.com>; "Owen, Graham" <Graham.Owen@CityofPaloAlto.org>
Sent: Friday, February 9, 2018 2:30 PM
Subject: Re: Revised attachment Re: First Baptist Church states in Daily Post article 2/8/2018 it is renting space to new tenants....

Thank you, Sarah.

On Feb 9, 2018, at 1:04 PM, "sburgrval@aol.com" <sburgrval@aol.com> wrote:

Hi, thanks for looking into this. There was a very large practice on either Sunday or Monday, someone took some photos and asked who the tenant was. They were told they were a new tenant, that the pastor had said it was ok for them to be there. They are a new chorus group, apparently unassociated with iSing or other tenants. They might, however, be the group who held the concert in December when people were parking on the sidewalk.

Regarding the number of people at events in the church on any given hour, I'd like to add that I walked by the church yesterday, and two iSing groups were practicing, doors open, in both the Annex and the sanctuary, as well as events going on in the classroom portion of the church. At least 70 girls in the Annex, I would guess 20 in the sanctuary, and unknown numbers getting private instruction in the rest of the building - my best guess would be over 100 participants at 5:50 at night. These were probably the groups arriving when the accident occurred at about 5:00, between a car trying to exit the driveway and a car dropping off iSing participants. Airbags deployed, police, firetrucks and paramedics all called. I do not know if there were any injuries but there were children in the car with the deployed airbags.

In furtherance of my question about the authority of Mr. Mixon to make a CUP application for the church, I am attaching a copy of the Statement of Information for the Domestic non-profit corporation, First Baptist Church of Palo Alto. Please let me know if you are able to access it - resending these PDF's can be tricky, in my experience.

Thank you,

Sarah Burgess

-----Original Message-----

From: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>

To: Ron Wilensky <rwilensky@yahoo.com>; Owen, Graham <Graham.Owen@CityofPaloAlto.org>

Cc: Sarah Burgess <sburgrval@aol.com>

Sent: Fri, Feb 9, 2018 11:51 am

Subject: RE: Revised attachment Re: First Baptist Church states in Daily Post article 2/8/2018 it is renting space to new tenants....

Hi Ron.

We saw the article but are unaware of any new tenants. Graham will follow up w/FBC.

From: Ron Wilensky [<mailto:rwilensky@yahoo.com>]

Sent: Thursday, February 08, 2018 4:51 PM

To: Ron Wilensky <rwilensky@yahoo.com>; Owen, Graham

<Graham.Owen@CityofPaloAlto.org>; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>

Cc: Sarah Burgess <sburgrval@aol.com>

Subject: Revised attachment Re: First Baptist Church states in Daily Post article 2/8/2018 it is renting space to new tenants....

Graham/Jonathan,

My Adobe Acrobat highlighter was a little over-enthusiastic and highlighted more text than I intended.

Attached is a version of the document with only the relevant text highlighted.

My apologies.

Best regards,
Ron

From: Ron Wilensky <rwilensky@yahoo.com>

To: Graham Owen <graham.owen@cityofpaloalto.org>; Jonathan Lait <jonathan.lait@cityofpaloalto.org>

Cc: Sarah Burgess <sburgrval@aol.com>

Sent: Thursday, February 8, 2018 4:47 PM

Subject: First Baptist Church states in Daily Post article 2/8/2018 it is renting space to new tenants....

Graham/Jonathan,

In today's article in the Daily Post states that "few new groups have begun renting space at the church, which Mixon describes as "some small activities."

Attached is a copy of the article with that text highlighted.

Did the Planning Department or any other City officials allow the church to rent to new tenants while the CUP application is in process?

Best regards,
Ron Wilensky

<document(9).pdf>

Owen, Graham

From: Loy Martin <loymartin@icloud.com>
Sent: Monday, January 08, 2018 11:18 AM
To: Owen, Graham
Cc: Gitelman, Hillary; Lait, Jonathan
Subject: Re: First Baptist Church

Graham,

Many thanks. This web page will be most useful going forward. We'll look carefully at these materials and then suggest a plan for clarifying our concerns to you, Jonathan and Hillary.

Regards,

Loy

On Jan 8, 2018, at 10:37 AM, Owen, Graham <Graham.Owen@CityofPaloAlto.org> wrote:

Hi Loy,

We have set up a City website (link below) that contains information regarding the First Baptist Church Conditional Use Permit application:

https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp

The application materials that we have received can be downloaded from this site. As Hillary indicated we have requested additional information from First Baptist Church in order to have a complete application for review. This requested information is listed in the "Latest Update" section on the website. Given the current submittal the application is still at the early stages of review, but if you have any questions just let me know.

Best,
Graham

<image002.png>

Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Gitelman, Hillary
Sent: Monday, January 08, 2018 8:21 AM
To: Loy Martin
Cc: Owen, Graham; Lait, Jonathan
Subject: RE: First Baptist Church

Hi Loy,

Please let me introduce Graham Owen on our staff (copied here), who can send you a copy of the application we have from First Baptist Church as well as our recent request for additional information from the church.

At present, we are also seeking neighbor input on the Conditional Use Permit and Graham and I would be happy to meet with your or get your thoughts via email. We're wondering if there are specific practices at the church (hours of operation, size of events, etc.) that should be addressed in our process.

Thanks,

Hillary

<image001.jpg>

Hillary Gitelman | Planning Director | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2321 | E: hillary.gitelman@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Loy Martin [<mailto:loymartin@icloud.com>]
Sent: Thursday, January 04, 2018 9:55 PM
To: Gitelman, Hillary
Subject: First Baptist Church

Dear Hillary,

Last summer you were kind enough to meet with me and answer some of my questions about our neighbor, the First Baptist Church of Palo Alto. I believe the church has now made an application to the city for a Conditional Use Permit to govern its future non-church activities. If this is true, would it be possible for you to forward to me a copy of that application?

Best regards,

Loy D. Martin
349 North California Avenue
Palo Alto, CA. 94301
loymartin@icloud.com
www.loymartinfurniture.com

Loy D. Martin
170 Glenn Way, #11
San Carlos, CA 94070
loymartin@icloud.com
www.loymartinfurniture.com

Owen, Graham

From: Carol Heermance <cheermance@gmail.com>
Sent: Thursday, February 08, 2018 12:56 PM
To: FBC Application
Subject: community center at 305 N. California Ave

I live just down the street from the First Baptist Church and am **in favor** of allowing that space to be used as a community center. All of the activities that are now located there contribute to a healthy environment. I cannot understand why anyone would be opposed. Any added traffic or parking problems due to a community center are minimal when compared to the impact of cars parking in our neighborhood from the new parking regulations in the California business area. I am in favor of allowing community activities to continue at 305 N. California Ave.

Carol Heermance
208 N California Ave
Palo Alto, CA 94301

Owen, Graham

From: Clark Charles <ccclark21@earthlink.net>
Sent: Wednesday, February 07, 2018 1:24 PM
To: FBC Application
Cc: Admin Account
Subject: Conditional use permit, CUP

Attention: Graham Owen, Planner

Dear Sir,

Regarding the letter of December 18, 2017 from Mr. Jonathan Lait to "Neighbors and Tenants of the First Baptist Church of Palo Alto", a copy has been shared with the pastor and members of said church (applicants).

As a neighbor-member of long standing there, I wish to respond in support of that invitation of the City for comments on the application CUP, to be recognized as a "community center" under current municipal coding. I do support the community center concept, as I have experienced some of those life events Mr. Lait expressed in defining a community center; "religious, fraternal, social and/or recreational programs". Examples may be a marriage ceremony, book study groups, men's/women's arts and crafts, etc. It fits a pattern I've known !

One concern I would state regarding the City Code is, will it allow the members of the existing church property the freedom to keep and maintain it's name (seen in bold signage lettering, "FIRST BAPTIST CHURCH", on the N. California Ave. front entrance). If a replacement or modification of that signage is requested by the City for inclusion of a "Community Center" sign, I would assume it may be negotiated. Correct?

Thank you for this opportunity and I look forward to cooperating with our neighbors in services to our community.

Charles C. Clark, Sr.
373 Pine Ln.
Los Altos, CA 94022

Owen, Graham

From: Mahendra Ranchod <mahen.ranchod@gmail.com>
Sent: Tuesday, February 06, 2018 11:19 AM
To: DuBois, Tom; Filseth, Eric (Internal); Fine, Adrian; Holman, Karen; Kniss, Liz (internal); Kou, Lydia; Scharff, Gregory (internal); Tanaka, Greg; Wolbach, Cory; Keene, James; Owen, Graham; hilary.gitelman@cityofpaloalto.org; Lait, Jonathan
Subject: First Baptist Church, 305 N.California Avenue

Dear City Council Members and Staff,

I am writing to express my concern about the application of the First Baptist Church to expand its activities at 305 N. California Avenue.

We live on the corner of N. California Avenue and Waverley Street, a block away from the church. Our neighborhood was once tranquil, but over the last few years, there has been an alarming escalation of non-church related activities at 305 N.California Avenue, activities that are accompanied by noise and a significant increase in traffic.

Judging from the vehicular traffic, most people who participate in the activities at the church appear to live outside of our neighborhood, and because there is limited parking on the church's property, visitors search for parking close to the church, causing traffic congestion in the streets that adjoin the church. When children are dropped off and picked up, parents try to do this as close to the church as possible, engaging in unsafe practices, such as double-parking, unsafe U-turns, and the obstruction of driveways to private residences. This behavior is especially hazardous because both N.California Avenue and Bryant Street are favored by bicyclists, including students who bicycle home in the afternoon from Jordan Middle School and Palo Alto High. I have personally witnessed inappropriate behavior on the part of visitors to the church, and when I drive in the area of the church, I do so with added caution, always prepared for the unexpected.

Our neighborhood is not designed for the type of activities that now take place at the church, and any increase in activity is untenable. The building at 305 N.California does not serve the neighborhood; it resembles a commercial enterprise, not a place of worship.

Sincerely,

Mahendra Ranchod

Owen, Graham

From: Ron Wilensky <rwilensky@yahoo.com>
Sent: Monday, February 05, 2018 12:19 AM
To: Filseth, Eric (Internal); Kou, Lydia; DuBois, Tom; Holman, Karen; Fine, Adrian; Kniss, Liz (internal); Scharff, Gregory (internal); Tanaka, Greg; Wolbach, Cory
Cc: Keene, James; Gitelman, Hillary; jonathan.lat@cityofpaloalto.org; Owen, Graham; Council, City
Subject: Request denial of CUP Application No. 17PLN-00446 for Community Center at 305 North California Avenue

Dear Members of the Palo Alto City Council:

Please do not approve a Conditional Use Permit (CUP) that would allow the church at 305 North California Avenue to operate as a community center for up to 560 people or more, Monday to Thursday 9AM to 10PM and Friday and Saturday 9AM to 11PM. A community center of this size and level of activity is inappropriate in quiet, residential neighborhood zoned R-1 (10,000).

A very important reason to deny the permit is that a community center attracts so many people, and the proposed operating hours will bring heavy traffic and parking congestion that would endanger bicyclists. The applicant has no parking off-street parking available to attendees of activities at the community center. Therefore, the many cars arriving at 305 North California Avenue park on the street, either adjacent to bike lanes or on nearby streets."

305 North California is at the corner of Bryant Street and North California Avenue, which is where two heavily-used bike boulevards intersect. These bike lanes serve students traveling between their homes and Jordan Middle School and Palo Alto High School as well as adults going to other parts of Palo Alto or to the California Avenue bike tunnel under the Caltrain tracks. That intersection is so dangerous that in several months the City will be installing a traffic circle to calm traffic. Neighbors have witnessed many near accidents caused by people parking at 305 North California not paying careful attention to bicyclists riding in the adjacent bike lanes.

Because of this danger to cyclists, the community center does not meet all the criteria for a CUP defined in PAMC 18.76.010. According to this municipal code in order to issue a CUP the City must find that "granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience." Operation of a community center that is active 7-days per week through most of daylight and evening hours will be detrimental to safety since traffic and parking from people using the community center will endanger bicyclists on the heavily used Bryant Street and California Avenue bike lanes.

Thank you for considering my request.

Best regards,
Ron Wilensky
Resident of Old Palo Alto

Owen, Graham

From: Ron Wilensky <rwilensky@yahoo.com>
Sent: Monday, February 05, 2018 12:22 AM
To: Filseth, Eric (Internal); Kou, Lydia; DuBois, Tom; Holman, Karen; Fine, Adrian; Kniss, Liz (internal); Scharff, Gregory (internal); Tanaka, Greg; Wolbach, Cory
Cc: Keene, James; Gitelman, Hillary; jonathan.lat@cityofpaloalto.org; Owen, Graham; Council, City
Subject: Comment on CUP Application No. 17PLN-00446 for Community Center at 305 North California Avenue

Dear Members of the Palo Alto City Council:

Please do not approve a Conditional Use Permit (CUP) that would allow the church at 305 North California Avenue to operate as a community center for 500 people or more, Monday to Thursday 9AM to 10PM and Friday and Saturday 9AM to 11PM. A community center of this size and level of activity is inappropriate in quiet, residential neighborhood zoned R-1 (10,000) and does not meet the requirements in PAMC 18.76.010.

I urge you to weigh carefully whether people writing in favor of the community center live in the neighborhood or are even residents of Palo Alto. I think you will find that most are not Palo Alto residents and those who are residents do not live nearby. These supporters of the community center are asking for its benefits but do not suffer its adverse effects on bike safety, traffic congestion and parking.

Best regards,
Ron Wilensky
Resident of Old Palo Alto

Owen, Graham

From: Tim Cain <tim.cain@att.net>
Sent: Sunday, February 04, 2018 11:05 AM
To: Council, City
Cc: Lait, Jonathan; Owen, Graham
Subject: RE: Unsafe Traffic Hazard

Hello again, City Council Members,

Below is the text of the message I sent to James Keene at his email address and also the general city manager address back in August. I never got any response from him.

Thank you,
Tim Cain

Hello Mr. Keene,

I read your article from the Palo Alto Weekly Friday and found it quite alarming. I really feel like you and the council have missed the point of what is going on in and around the The Baptist Church on North California Ave. It really shouldn't matter how adorable the serenading of the council was or even how much the program benefits those members of the community, it should matter whether or not they are legally allowed to conduct business there and whether it is a safe environment to house these programs.

I have lived on South Court (just a few houses from the Church) for over 25 years. I have always enjoyed living by the church. Church services, weddings and choirs signing in the church have always been welcomed. I didn't even mind when they started to rent out space to the dancing groups in the evenings. However, over the years the number of people renting space appears to be 10 times what it was just a few years ago. For all of its vehicle intensive activities, it has exactly 10 parking spaces. Three spaces are reserved for the nursery school, 1 for the pastor and 1 for the doctor conducting business at the facility. **That leaves just 5 open spaces** (which accommodates fewer cars than my 1927 garage and driveway). I know for a fact that iSing on Wednesdays and Thursdays has 150 girls dropped off after school for lessons. Mozart School has said they have 30 students daily. I am not sure how many people are seeing the doctors there or taking part in other dancing/singing lessons or picking up toddlers from the preschool but that is way too many people to share 5 spaces. If you go by on a Wednesday or Thursday during the school year, there are parents double and triple parked. They park illegally on corners (blocking visibility of people trying to make a right or left hand turn onto North California from South Court) and some cars just stop right in the middle of North California to drop their children off and pick them up. You add the fact that Paly students are riding their bikes home from school on Bryant and Jordan kids on North California (both streets are designated bike routes), and it makes for a crazy situation with an accident waiting to happen. In a typical afternoon, you can spot numerous kids running back and forth across the street and kids on their bikes weaving in and out between cars. It is a scary sight for any parent and the fact that I witnessed a child just narrowly missed being hit by a car makes me sick to my stomach. In the meeting in the council chambers with the planning commission, Pastor Rick Mixon mentioned that he recognized that the lack of parking and the reckless driving/parking was a problem, but I don't believe he has ever done anything to try to address the safety. Is he more concerned about the church finances than the safety of the children he serves? I find this a bit frightening. More

concerning is the idea that this facility with 5 parking spaces could be a good space to be turned into a community center.

I hope that your comments were misquoted and that you will thoroughly investigate the situation. I believe that the zoning for the church is not the only issue and the safety of our children should take priority over all. I look forward to hearing back from you on this subject.

Thank you,
Tim Cain
2261 South Court
Palo Alto, Ca 94301
(650) 799-7203

Sent from [Mail](#) for Windows 10

From: [Tim Cain](#)
Sent: Sunday, February 4, 2018 10:48 AM
To: city.council@cityofpaloalto.org
Cc: jonathan.lait@cityofpaloalto.org; graham.owen@cityofpaloalto.org
Subject: Unsafe Traffic Hazard

Hello City Council Members,

Below is a letter I sent on Dec 22 to Graham and I got a reply from him on Jan 19 acknowledging it and attaching additional info on the CUP filed by the First Baptist Church. I want to make sure you all see it again, since the topic of community center status seems to be on the table and the parking situation seems not to have a solution. Please pay special attention to the safety issues and traffic burdens. I sent a message to Mayor Keene a few months ago and got no reply.

Thank you,
Tim Cain

Hello Mr. Owen,

Thank you for taking on the analysis of the recent CUP application filed by First Baptist Church.

I was born in 1960 in Midtown and have lived with my wife and kids for the past 26 years at 2261 South Court in an old Tudor 4 bedroom house built in the late 20s. We REALLY love the neighborhood life (that is why we moved here) of a quiet street that "T"s off at both ends and our 3 daughters have lived their whole lives at this address. This is why we exceeded our upper limit price, took on tougher jobs so we could afford it, and bought our house here in this neighborhood. There are just two houses between us and the church, and its changing use has had an enormous impact on our formerly quiet lifestyle.

We use North California as our connecting route whenever we leave our house (on bike or by car) because the Oregon Avenue frontage road intersections are too dangerous due to their confusing nature for non-residents who haven't figured out the stop sign-keep clear-wait here dance that is required to make the weight sensors work properly with the traffic signal system. On North California, the traffic at the church, which is exactly where South Court T's off, is also very dangerous, for different reasons. There is an almost non-stop flow of frantic cars dropping off and picking up one student each at the church's various tenant businesses. If you tally up all of the music classes being held, you can multiply that times two to get the total number of trips by car to the curbs nearby, since there is virtually no parking on the church premises available to these businesses. North California has been striped to accommodate the huge volume of kids on their bikes coming and going from Jordan Middle school every day. The confluence of these middle schoolers

in a hurry to get to school or back home, the now much narrower path for cars both ways, and the double parking drop-off realities of music student commutes make for an extremely high risk of life and limb at this location.

Additionally, the quiet calm atmosphere we paid a premium for when we moved to South Court has been replaced by all those cars who aren't frantically double parking for their drop offs. These "ahead of schedule" commuters know that South Court is the closest source of curb space to the classrooms their kids need to get to, so they turn in and find the closest unoccupied stretch of parking they can find. Since we live on this block, we have seen it evolve from a quiet community of kids and pets able to play in their front yards, to a busy flow of parking and leaving on an hourly basis. Can you imagine the number of 3 point turns that are made in each of our driveways just so all of these parkers can come and go from North California, instead of Oregon Ave? Can you imagine the difference this constant activity would have on the quality of life for a new family putting down roots on South Court? We have spent the past quarter century preserving and enjoying our classic Palo Alto lifestyle, which features a front yard meant for use and enjoyment, not just parking for a nearby business. This coming, going, backing up and parallel parking is clearly a big worry for a new family with small children or pets, and it will surely reduce the pool of potential buyers who want to live here when we are gone, and it will reduce the price those few would be willing to pay. What is our personal cost (in terms of resale value) that we must pay for the church's desire to take in businesses without even the slightest accommodation for the realities of the traffic dangers they bring?

Please protect our safety and quality of life.

Thank you,
Tim Cain
2261 South Court
(650) 799-7203 cell

Sent from [Mail](#) for Windows 10

From: [Ronald Wilensky](#)
Sent: Wednesday, December 20, 2017 3:19 PM
To: [Bonnie Flanagan](#); [Laura Seitel](#)
Cc: [Sarah](#); [Brunicardi David & Caryn](#); [Sheppard Barbara](#); [david recht](#); [tim cain](#); [margiecain@rocketmail.com](#); [mahen ranchod](#); [Loy Martin](#); [Debbie Nichols](#); [Karen Ivey](#)
Subject: Re: Baptist Church & CUP....letter just received from City of PaloAlto

Please see attached letter. I assume most (if not all) of you have received it.

From: Debbie Nichols <debbiegailnichols@gmail.com>
To: Karen Ivey <karenivey@comcast.net>
Cc: Ronald Wilensky <ronwilensky@yahoo.com>; Laura Seitel <lseitel@mac.com>; Bonnie Flanagan <bonnie.m.flanagan@gmail.com>; Sarah <sburgval@aol.com>; Brunicardi David & Caryn <david.brunicardi@gmail.com>; Sheppard Barbara <barbshepp@gmail.com>; david recht <david.recht@gmail.com>; tim cain <tim.cain@att.net>; margiecain@rocketmail.com; mahen ranchod <mahen.ranchod@gmail.com>; Loy Martin <loymartin@icloud.com>
Sent: Wednesday, December 20, 2017 8:02 AM
Subject: Re: Baptist Church & CUP

I will attend the meeting. Thanks for organizing it. Debbie Nichols

Sent from my iPad

On Dec 19, 2017, at 7:07 PM, Karen Ivey <karenivey@comcast.net> wrote:

I will plan to be there at 4 pm as well. Thank you, Karen Ivey

From: "Ronald Wilensky" <ronwilensky@yahoo.com>
To: "Laura Seitel" <lseitel@mac.com>
Cc: "Bonnie Flanagan" <bonnie.m.flanagan@gmail.com>, "Sarah" <sburgval@aol.com>, "Brunicardi David & Caryn" <david.brunicardi@gmail.com>, "Sheppard Barbara" <barbshepp@gmail.com>, "david recht" <david.recht@gmail.com>, "Nichols Debbie" <debbiegailnichols@gmail.com>, "ivey karen" <karenivey@comcast.net>, "tim cain" <tim.cain@att.net>, margiecain@rocketmail.com, "mahen ranchod" <mahen.ranchod@gmail.com>, "Loy Martin" <loymartin@icloud.com>
Sent: Tuesday, December 19, 2017 7:01:43 PM
Subject: Re: Baptist Church & CUP

See you on Jan12th at 4pm.

Sent from my iPhone

> On Dec 19, 2017, at 6:45 PM, Laura Seitel <lseitel@mac.com> wrote:

>

> Hi Bonnie,

>

> Thanks for all of this info. I like your agenda items for the meeting with Hillary, which I hope will happen after we neighbors gather on the 12th. I'm going to propose a start time of 4 PM but can be flexible if that doesn't work for anyone.

>

> Also, have you seen the CUP yet? I haven't been able to access it and I think the city is required to post it publicly. It won't make much sense to meet as neighbors if we don't know what we're facing with the church.

>

> I'm looking forward to seeing many of you on the 12th. So far, Bonnie, Sarah, Ron, Mahendra, my husband Loy and I will be at the meeting at my house at 349 North California Avenue. Please let me know if anyone else can come. All are welcome!

>

> Laura

>

> On Dec 19, 2017, at 6:05 PM, Bonnie Flanagan <bonnie.m.flanagan@gmail.com> wrote:

>

> All:

>

> I spoke to James Stephens this afternoon & he's proposed we have a meeting with he & Hillary Gitelman mid-late January to express our concerns. With the holiday break, we won't have a date until the 1st week of January, but I wanted to give you a heads-up.

>

> Evidently, my emails with pictures showing all the cars within 2-3 blocks of both iSing & Mozart classes/events was of interest to Hillary.

>

- > I'm hoping all of you are open to a meeting with them. Meanwhile, we can each work on a list of the major concerns/issues that are impacting our neighborhood.
- >
- > Two items I mentioned today (& will include on my list) are:
- > 1) why is there not someone on site overseeing events & controlling issues when they occur - e.g. windows/doors open causing increased noise, illegal parking, dumped garbage bins
- >
- > 2) is a permit needed/required when a large event like the recent Iran concert fundraiser takes place
- >
- > Since the CUP has been filed & extensions will be permitted, due process required, etc this will go on for as long as the church can stretch this out.
- >
- > James said to contact him directly if you need/want more information. His email is: <James.stephens@cityofpalalto.org>
- >
- > Thanks,
- >
- > Bonnie
- >
- > Sent from my iPhone
- >

Owen, Graham

From: Margie Cain <margiecairn@rocketmail.com>
Sent: Sunday, February 04, 2018 9:43 AM
To: Council, City
Cc: Owen, Graham; Lait, Jonathan
Subject: Cosider Safety First

I am writing to the City Council because I am a neighbor of the First Baptist Church. I know that the City Council will be considering a CUP application for the Church to become a Community Center. I am sure the programs currently using the church are wonderful programs that do benefit some portion of the community but I believe the big picture should not be based on the sweetness of the program but on the safety of the community as a whole. I have to ask the Council members if they have actually visited the First Baptist location. If you have then you would notice that there are just 10 parking spaces on the church grounds. Three of the ten spaces are reserved for the nursery school, 1 for the pastor and 1 for the doctor conducting business at the facility. **That leaves just 5 open spaces.** From what we understand, two days a week iSing has 80 girls dropped off and picked up after school for lessons. We have no idea how many more cars are dropping off and picking up between the parents of the preschool, the patients of the doctors, the music school, Tango lessons and other dancing groups but sharing 5 parking spaces among all of them is ridiculous. Parents are forced to park in the bike lanes and around the surrounding neighborhoods. If you go by on one of the heavily rented days during the school year, you will see parents double and triple parked. They park illegally on corners (blocking visibility of people trying to make a right or left hand turn onto North California from South Court) and some cars just stop right in the middle of North California to drop their children off and pick them up. You add the fact that Paly students are riding their bikes home from school on Bryant and Jordan kids on North California (both streets are City designated bike routes), and it makes for a crazy situation with an accident waiting to happen. **I find it ironic that the City Transportation department is doing their best to make North California safer by adding wide bike lanes in both directions and then you might consider adding hundreds of cars using those same bike lines right during the prime after school hours.** In a typical afternoon, you can spot numerous kids running back and forth across the street and kids on their bikes weaving in and out between cars. It is a scary sight.

Safety for our youth should be our number one concern. I don't really understand adding another community center considering the city already has 3 centers along a 2 mile stretch of Middlefield Road but if you do decide on this church becoming a community center then please make it safe for everyone. Without sufficient parking, no matter how sweet you think the iSing is, it would be reckless to allow this facility to continue being used the way it is.

Thank you,
Margie Cain
(650) 387-2477

Owen, Graham

From: Bonnie Flanagan <bonnie.m.flanagan@gmail.com>
Sent: Thursday, February 01, 2018 2:20 PM
To: Council, City
Cc: Keene, James; Gitelman, Hillary; Owen, Graham; Lait, Jonathan; James.Stephens@cityofpalo.org
Subject: First Baptist Church's CUP request

Members of the City Council:

I'm writing about the Baptist Church's CUP request to operate as a Community Center.

Our family has lived across from the church since the mid 1960s. The church had a robust parish for many years & there were large Sunday services, Easter, Christmas, weddings & funerals. There were also social/community services like Alcoholic Anonymous, election polling, etc. The parking & traffic situation was manageable & not reflective of what has occurred with recent organizations operating out of the church — the largest being iSing & the Mozart Music School.

The traffic that these businesses have brought to the neighborhood is significant. Most of this occurs when children are returning home from Jordan, Paly & other nearby schools. U-turns in the middle of the street while dropping off & picking up children is a regular occurrence. Classes & events have parents parking cars on nearby streets - South Court, Waverley, California Ave, Bryant & Washington. Other Palo Alto religious organizations have on-site parking; whereas, the Baptist Church has only eight on-site parking spaces: one for the Pastor, one for Joellen Werne, MD, one handicapped spot & one-two used by the daycare as their three designated spaces are for childcare drop off. That leaves three spots for other church-related staff. All other staff & participants must park on nearby streets.

With Bryant Street designated as the bicycle path this will exacerbate the traffic & parking issues. Unless there have been changes to this area's bike plan, we've been told between 10-15 street parking spaces will be removed.

This is not safe for bicyclist, pedestrians & cars utilizing both Bryant & California Avenues. It presents a very dangerous situation.

I'm very concerned for the safety of our children riding bikes in this area & request that the CUP for a Community Center be denied as it significantly increases traffic & impacts the safety of our children.

Thank you.

Attached below:

The June 14, 2017 Planning & Transportation Commission Staff Report that includes many letters describing safety issues & the impact on the neighborhood:

<https://www.cityofpaloalto.org/civicax/filebank/documents/58205>

Sent from my iPhone

Owen, Graham

From: Loy Martin <loymartin@icloud.com>
Sent: Wednesday, January 31, 2018 8:46 PM
To: DuBois, Tom
Subject: First Baptist Church of Palo Alto

Dear Mr. Dubois,

After stints as both an undergraduate and a faculty member at Stanford, I moved to Palo Alto for good thirty five years ago. This is the first time I have written a letter to the governing council of the city I consider my home. I write now after learning that our next door neighbor, the First Baptist Church of Palo Alto, has applied for a conditional use permit as a “community center.”

We bought our house at 349 North California Avenue in the spring of 1983. The First Baptist Church next door was a thriving church then and went about its business without unduly disturbing its neighbors. In addition to church services there were occasional weddings and other activities, mostly church related or charitable in nature. The congregants coming and going were, for the most part, familiar to the residents nearby.

About a decade ago, things began to change, gradually at first, and in ways that it took us a few years to understand. We now know that this was around the time a new pastor, Randle Mixon, arrived on the scene. We also now know that the original healthy congregation of around eight hundred has, over the intervening years, and by Mr. Mixon’s own estimate, lost nearly ninety percent of its membership. This loss, again according to Mr. Mixon, left the church unable to meet its financial obligations.

In recent years the church has addressed its fiscal problems by accumulating secular tenants, renting the church buildings out on several days, and especially evenings, each week, for events often lasting until 11:00 PM. The main activities hall lies less than fifty feet from our home so my wife and I have had ample opportunity to observe the range of tenants involved. These tenants have included a restaurant, a school for ballroom dancing, a folk dancing group, a rock group, a venue for political rallying, a children’s music school and a girls’ choral group—all secular uses having nothing to do with the church as a religious institution. This growth of the property as a commercial business occurred without any municipal permits and, therefore, without regulation. The city government’s recent objection to this practice has resulted in the current application for a conditional use permit to restore the church’s full range of rental options.

It’s hard to find words to describe the magnitude of the intrusion into our home and lives brought about by the unrestrained uses of the church in recent years. Times of illness, times of pleasure, times of friendship and the ordinary peaceful times of domestic life—all have been repeatedly interrupted by the persistent clamor of the tenants renting the church’s facility next door. With it’s windows and doors wide open, its amplified sound and its total disregard for the community around it, the church makes a very great difference in the quality of life possible in this neighborhood. These effects are not a secret. They are widely known and, if one of us were to place our home on the market for sale, these unusual conditions would have to be disclosed to prospective buyers as a relevant nuisance. Left unregulated, in other words, activities at the church would materially compromise the property values of the homes that surround it.

I hope the council members will understand that our complaint implies no judgment of the value of the various organizations that rent the church facilities. We object to their placement in an area that, in terms of

traffic, parking and noise, is inadequate to accommodate them. In his application for a permit, Mr. Mixon asks to be allowed to continue these activities every day and night for as many as five hundred people. He makes this application "under protest" because he seems to believe that a church should not be subject to normal municipal regulations under the city's zoning ordinances. Please consider carefully the logic of this position. Mr. Mixon is saying, in effect, that the further the church declines as a religious institution the more it is entitled to privileges that are unique to religious institutions and would be denied to any secular property in the community.

I am familiar with the argument that the role of churches has changed over time, that churches need to become more integrated into the values and activities of the community at large and that this integration necessarily involves activities on their premises that are not specifically religious. The mistake would be to identify the First Baptist Church as representative of Palo Alto churches in general. It is not true that most of our churches have declined in their membership as the First Baptist Church has during Mr. Mixon's stewardship. Indeed some have enjoyed robust gains in the sizes of their congregations during the same period. It is also not true that Palo Alto churches all occupy spaces as physically constrained as this church does. Many have large parking facilities and buildings well separated from surrounding homes.

Finally we need to ask what this debate is actually about. It is not about the church's tenants. As the New Mozart School has amply demonstrated, it is always possible to find alternative, and more appropriate, venues for our community's worthy activities. And it is not about the needs of a robust congregation of worshippers. Mr. Mixon and his supporters wish to use the church property as a commercial business for their own purposes. My argument is that they should not be allowed to do so to the detriment of the surrounding neighborhood.

I respectfully request that you deny the First Baptist Church's application to become a community center.

Thank you for your attention,

Loy D. Martin

349 North California Avenue

Palo Alto, CA 94301

Loy D. Martin
170 Glenn Way, #11
San Carlos, CA 94070
loymartin@icloud.com
www.loymartinfurniture.com

Owen, Graham

From: jhchinatpa@aol.com
Sent: Monday, January 29, 2018 10:11 AM
To: FBC Application
Subject: Urge your prompt approval of Conditional Use Permit for First Baptist Church of Palo Alto

Dear Mr. Graham Owen and Mr. Jonathan Lait,

We have been members of the First Baptist Church of Palo Alto since 1960 when we first moved to Palo Alto and we have seen drastic changes in the church over the years from several hundreds attending Sunday church services to less than 50. We are a diverse group but considered that part of the mission of the church is to be all inclusive and to serve others. So the various groups that met in our church were considered to be part of our extended family who were contributing to the broader Palo Alto community. We have the space resources in our building for groups to meet and felt that was good stewardship of our resources. We now realize that we have had a huge communication gap among some of our neighbors, since we never had a chance to discuss ways we could resolve the issues of traffic and other things that were annoying them. Also we surmise that the City of Palo Alto assumed we were aware of the various issues brought to them by neighbors, but unfortunately we got the message by an enforcement letter without any discussion. We really do want to be good neighbors and are extremely sorry that we did not have a chance to discuss the current problem directly with our neighbors and reach some type of resolution that both sides would be satisfied, without having your division spend so much time with this issue.

We gather that the new No Parking signs installed by the City on California Avenue in November has alleviated most of the problems when children are riding home from school and also the limit of 5-minute drop-off zone at other times has been useful. Pending approval by the City of the conditional Use Permit, the church is ready to act on 2 bids for a HVAC system to be used in Fellowship Hall so that windows can remain closed to mitigate noise concerns of neighbors. Before the current situation we are fortunate that we did have a neighbor discuss concern and afterwards, had double-paned windows installed on the second floor. We hope that the church has now provided sufficient information for the Conditional Use Permit so that the planning commission will recommend speedy acceptance of the plan to the City Council so that we can resume what we normally do. We do have to admit that we do have apprehension that we may have to leave our beloved church facilities that have been at this location for 80 years since 1948 if this process is not handled expediently so that we can continue to be a good neighbor and still contribute to the city of Palo Alto.

We appreciate your time and effort to understand our point of view that the First Baptist Church of Palo Alto is trying to continue what it has done over the years, similar to the conventional practice of other churches throughout the country, but , to comply with your request, is applying for a Conditional Use Permit so that we can be considered a "community center" as well as a church.

Thank you for your help,

Jane and Jin Chin

727 Christine Drive

Palo Alto, CA 94303

Owen, Graham

From: Laura Seitel <lseitel@mac.com>
Sent: Monday, January 29, 2018 10:05 PM
To: Owen, Graham
Subject: Re: Noise at First Baptist Church in Palo Alto

On Jan 29, 2018, at 10:28 AM, Laura Seitel <lseitel@mac.com> wrote:

Dear Graham,

Thank you for your helpful response. I will send you my feedback about living next to the church shortly. I would very much like to be informed about the upcoming community meeting about the church's CUP application and I will check your website periodically.

Your response suggests that the city has no power to extract from the church a list of its current activities, that the city does not know what they are, and that the public thus has no right to access to this information. If I'm mistaken about that, please let me know. In the meantime, I will turn my efforts toward the more important effort of making the case against the church's CUP request.

Again, thank you for all of your help with this.

Best regards,
Laura

On Jan 29, 2018, at 9:13 AM, Owen, Graham <Graham.Owen@CityofPaloAlto.org> wrote:

Hello Ms. Seitel,

Thanks for your message and follow-up. We have requested a complete schedule of the ongoing activities at the First Baptist Church as a component of the Conditional Use Permit (CUP) application for a community center currently on file with our department. So far we have not received the requested schedule, but if we do I will certainly provide it. In the interim, a community meeting on the application is in the works, and if you would like I would be more than happy to forward you the meeting details once they are confirmed. As an adjacent neighbor I would think your input would be particularly valuable. Also, if you haven't seen it already allow me to direct you to the City's website specifically established for the Community Center CUP application, which provides the details of the request: https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp. This website will be updated periodically while the CUP application is processed.

Best,
Graham

<image001.png>

Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Laura Seitel [<mailto:lseitel@mac.com>]
Sent: Sunday, January 28, 2018 10:59 PM
To: Owen, Graham
Subject: Re: Noise at First Baptist Church in Palo Alto

On Jan 27, 2018, at 12:05 PM, Laura Seitel <lseitel@mac.com> wrote:

Dear Mr. Owen,

I am re-sending my message to you of January 23rd to ask for confirmation that you received it and to ask, again, for a detailed schedule of what activities are currently permitted in the church. My request is based on the assumption that in attempting to understand the differences between the church and its neighbors, the city will be interested in knowing whether the church is currently conforming to city regulations or, as during the past decade, it is breaking them. Since to my knowledge no one in city government is monitoring church activities on a daily (and nightly) basis, it falls to the church's neighbors to gather as much of this information as we can.

Thank you for your attention to my concerns.

Sincerely,

Laura Seitel

On Jan 23, 2018, at 5:05 PM, Laura Seitel <lseitel@mac.com> wrote:

Dear Mr. Owen,

I live at 349 North California Avenue, right next door to the First Baptist Church. I will be sending you a longer and more general message about the ways that the church has disturbed the peace and tranquility of my and my husband's lives and our neighborhood generally over the past decade, but today I am writing about a specific incident. I became aware at 4:45 PM this afternoon that there was loud noise coming from the church annex where iSing was holding an event. The front door was wide open, there was loud music playing and adults and children dancing, the iSing leader shouting and children screaming. I suspect this event had been going on for some time before I learned of it. I made a video recording which I am happy to make available to you.

I am aware that iSing was granted a temporary stay of eviction from the church while the latter pursued negotiations with the City. I have a class schedule for the 2017-18 season which says that iSing is allowed to hold a class in Melodics at the church for 20 singers from 5 to 6 PM. on Tuesdays. It is therefore a mystery what iSing was doing in the church before this time. Perhaps my schedule is out of date. If so, I would be grateful to have a new one. In any event, I believe that iSing is violating city regulations at this point by creating such a noise disturbance, no matter what the time or date.

Yours sincerely,

Laura Seitel

Owen, Graham

From: Geoff Donaker <gdonaker@stanfordalumni.org>
Sent: Friday, January 19, 2018 4:32 PM
To: FBC Application
Subject: Re: Permit for 305 N. California Ave (First Baptist Church)

Hi Graham -

Thanks for your response, and for this additional information.

In this new attachment, I see that the church is proposing to keep the center open until 10pm weeknights and 11pm on weekends. This strikes me as quite late at night, particularly if this is meant to include large (loud) events like weddings. I don't recall any recent church events that have gone that late into the evening, so it's not clear to me whether this is meant to be an expansion of their current activity. I also don't know what time restrictions are normal in other neighborhood event venues, so defer to you on those specifics.

Thanks,

Geoff

On Fri, Jan 19, 2018 at 3:44 PM, FBC Application <FBCApplication@cityofpaloalto.org> wrote:

Hi Geoff,

Thanks for your message regarding this parking and loading issue, we will certainly take your suggestions into consideration. I wanted to let you know that we received a package of additional information from First Baptist Church today to supplement their Conditional Use Permit application. I have attached that package here for your reference. We are still reviewing this latest information, but I will keep you in the loop as we continue to process the application.

Best,
Graham



Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: [650.329.2552](tel:650.329.2552) | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Geoff Donaker [mailto:gdonaker@stanfordalumni.org]
Sent: Thursday, January 04, 2018 8:44 AM
To: FBC Application
Subject: Permit for 305 N. California Ave (First Baptist Church)

Mr Owen -

Thanks for your work on the proposed community center permit for First Baptist Church.

I'm generally happy to see the children- and family-based activity that happens at the church, so am supportive of a permit that allows that to continue.

My one major concern has been around the parking and drop-off situation, which is often dangerous in the late afternoon and early evening... as many parents double-park in the bike lanes and make mid-block U-turns as other children are biking home. While this is not directly the fault of the church or its tenants, I believe they can and should do more to mitigate this problem. Some options would be to stagger pick-up times, increase the parking lot size and/or staff a parking attendant to manage those busy times.

In summary, I hope some reasonable compromise can be reached such that these community programs can all continue at the church, albeit with safer traffic.

Thank you,

Geoff Donaker

(Neighbor of 305 N. California)

Owen, Graham

From: Owen, Graham
Sent: Friday, January 19, 2018 3:42 PM
To: Jerome Spector
Subject: RE: CUP First Baptist Church
Attachments: FBC CUP - Supplemental Information - Received 01.19.2018.pdf

Hi Jerome,

Thanks for your message regarding this parking issue. I wanted to let you know that we received a package of additional information from First Baptist Church today to supplement their Conditional Use Permit application. I have attached that package here for your reference. We are still reviewing this latest information, but I will keep you in the loop as we continue to process the application.

Best,
Graham



Graham Owen | Associate Planner | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2552 | E: graham.owen@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

From: Jerome Spector [<mailto:jerryss01@gmail.com>]
Sent: Thursday, January 18, 2018 7:38 AM
To: Owen, Graham
Subject: CUP First Baptist Church

re: First Baptist Church - CUP..Dear Mr. Owen, I am a resident who lives at 2332 South Court and would like to be kept informed on any action on this application. My issue as many other neighbors have expressed is cars parking on the street and sometimes blocking driveways during activities. I did read the response that the pastor stated that he has "attempted" to speak to members about the parking, but they appear not to be listening. This combined with the terrible parking issues in the California business area which has shifted many commuters to park in neighborhoods is a real problem. Thank you for keeping me and my neighbors informed.

Jerry Spector
2332 South Court
jerryss01@gmail.com

Owen, Graham

From: Barb Swenson <barb@bpswenson.com>
Sent: Thursday, January 18, 2018 3:23 PM
To: FBC Application
Subject: First Baptist Church

I live at the corner of Waverly and North California which is about a half a block from the church. I have experienced no problems with people coming and going into the church more than usual. I am very pleased that the church is being utilized and seems vibrant compared to how it used to be where it was quiet except for Sunday morning and Monday evening when they have a vegetarian dinner in their multi-purpose room. I also loved the fact that every October they housed homeless people.

I see no problem with extending their permit to Community Center and hope that if there are any specific problems like idling cars that that can be dealt with rather than rejecting their application.

I decided to live in Palo Alto 45 years ago because of the Community Resources and I hope that my neighbors feel that way as well. Sincerely Barbara Swenson 2205 Waverley Street Palo Alto

Owen, Graham

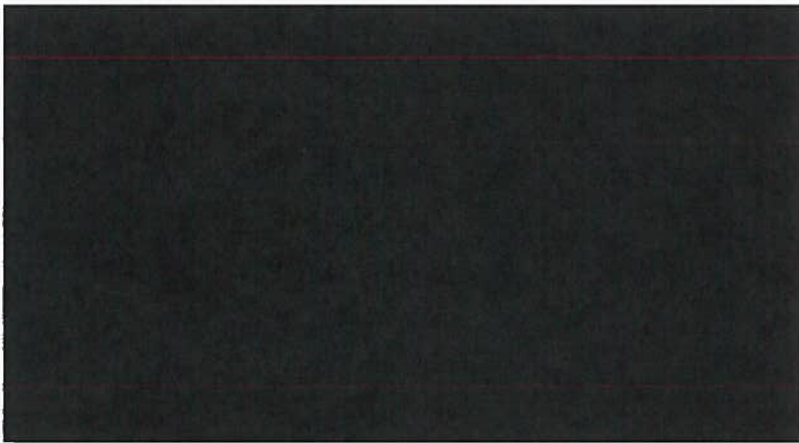
From: Ronald Wilensky <ronwilensky@yahoo.com>
Sent: Wednesday, January 17, 2018 11:46 PM
To: Owen, Graham
Cc: Sarah Burgess
Subject: Re-confirmation of meeting on Jan 23

Hi Graham,

1. Please confirm that our meeting is indeed on Tuesday Jan 23 at 3pm. A Jan 24th was floating around for a while.

Where is the precise location of your office?

2. It's been pointed out to me that in addition to the five organizations listed on https://www.cityofpaloalto.org/gov/topics/first_baptist_church.asp the Peninsula Peace and Justice Center also lists 305 N. California Avenue, #3 as its address on its web page



Contact Us | Peninsula Peace and Justice Center

How to contact PPJC and how to find us. Office Location and Mailing Address Peninsula Peace and Justice Center 3...

<http://www.peaceandjustice.org/contactus/>

Best regards,
Ron

Owen, Graham

From: Robin Feldman <robinfeldman@gmail.com>
Sent: Monday, January 15, 2018 8:23 PM
To: FBC Application
Subject: Conditional use permit, 305 N. California

Dear City of Palo Alto Planning Department,

Thank you for the opportunity to comment on the use permit requested by 305 N. California Avenue to create a community center.

I live at 2121 Waverley Street, quite close to 305 N. California. I strongly object to the permit requested. This is a quiet, residential neighborhood. A community center would be entirely out of character

Turning the property into a community center would be incompatible and disruptive to the neighborhood character. Those uses bring a massive increase in automobile traffic, not just at the ordinary times of church worship, but constantly. With almost no parking, the visitors now (and with increased uses, there will be more going forward) park on the streets, creating congestion for the children and families who bike and walk in the neighborhood.

Worse yet, the street is already dangerous in that area. After the recent repaving of N. California, the street is not wide enough to accommodate cars in both directions along with bicycles in the bike lane. When cars are moving in opposite directions, one has to pull over to let the other one pass. It is an accident waiting to happen, and one that will be hastened by increasing the traffic presence on the street. Having people park, get dropped off, and get picked up makes no sense in an area that is not designed for such flow.

Those who engage in these uses already appear to be driving from other locations, rather than in the neighborhood. Thus, the current and any increased traffic pressure from the property will be from those arriving by car, not by bike or on foot.

The supposed community center is simply a way of bringing income onto the property to cover the costs of operating a church that is failing. Regardless of how one tries to dress it up, that is the project.

Moreover, given that there is a middle school a few blocks away that has recreational facilities and where community events could easily be held, one would be hard pressed to explain why there is an urgent need for a community center at this location. Certainly the need would not justify deviating from zoning restrictions on the property.

Warmest regards,
Robin Feldman

Owen, Graham

From: Ronald Wilensky <ronwilensky@yahoo.com>
Sent: Monday, January 08, 2018 4:36 PM
To: Owen, Graham
Cc: hilary.gitelman@CityofPaloAlto.org
Subject: Request for Information - First Baptist Church of Palo Alto CUP Application

Dear Mr. Owen:

I am a neighbor living across the street from the First Baptist Church of Palo (FBCPA).

The intention of the FBCPA to obtain a Conditional Use Permit (CUP) to operate its facilities as a Community Center is alarming to me. Over the years, my neighbors and I have suffered parking disruption, traffic congestion, and/or excessive noise from the New Mozart School of Music, iSing Silicon Valley, the Stanford International Folk Dance, and other large groups that have used FBCPA facilities without a CUP. The large-scale activities of these groups are inconsistent with the quiet residential (Zoned R-1) neighborhood of single-family homes that surrounds the FBCPA.

I would like to provide more detailed comments on the current CUP application but there is not enough information available on the Buildingeye Palo Alto website to determine exactly what the FBCPA intends to do with the CUP.

It would therefore be most helpful if you could send me whatever other materials you can that provide more details about the CUP application. I also understand that you have also requested additional information from FBCPA. If it's possible for you to send me that information it would also be very helpful.

Thank you very much for your assistance.

Best regards,
Ron Wilensky
ronwilensky@yahoo.com

Owen, Graham

From: Kelly Reilly <kelandkidsr@gmail.com>
Sent: Sunday, January 07, 2018 5:11 PM
To: FBC Application
Subject: re: First Baptist Church

We are in support of the church continuing all the services (dance, chorus, therapy, etc.) that they have been offering over the years.

We have had no issues. Our children took music lessons years ago there and it was wonderful to walk to lessons.

We hope it works out for them!

Kelly

--

Kelly Rose Reilly
e-mail: kelandkidsR@gmail.com
cell #: 650-678-7283

Owen, Graham

From: Herb & Ann Nyser <hnyser@pacbell.net>
Sent: Wednesday, January 03, 2018 4:28 PM
To: FBC Application
Subject: First Baptist Church

Enough! Our once quiet street is now a major bypass to reach highway 101. The church has become everything but a church.

Housing for homeless, aliens, Monday night dinners, music lessons etc. We do not need more traffic on this street. The church, which has few in attendance on Sunday for services, might try a new location in order to meet their tax base, just a thought.

Thank you,
Ann Nyser
453 North California Ave

Owen, Graham

From: Donald Morgan <dlmorgan33@msn.com>
Sent: Saturday, December 23, 2017 1:47 PM
To: FBC Application
Subject: Comments on First Baptist Church application to allow a community center at 305 N. California Ave; attention Jonathan Lait

My wife and I support the subject application. We are not members of the church but I have attended some concerts there.

We live one block from the church, at 428 N. California Ave. We have lived here for the past 9+ years and have never observed or heard of any inconvenience to the neighborhood from activities at the church. (We regularly drive past the church, and walk past it several times a week.) We have seen some increase in on-street parking during events at the church but that has been limited to the immediate vicinity, on the northwest side of California Ave between Bryant and Waverly Streets, and on the southeast side of Bryant near California Ave. (alongside the church). We see no reason to expect additional manifestations of activities at the church.

The expected activities all seem quite beneficial to various segments of the public, and should enhance the experience of living in this neighborhood and a larger community as well.

Respectfully submitted,

Donald L. Morgan

Owen, Graham

From: jennifer chan <jennchan99@hotmail.com>
Sent: Thursday, December 21, 2017 10:00 PM
To: FBC Application
Subject: Traffic concerns

We have traffic concerns regarding the community center application of the First Baptist Church.

The church has prohibited parking at the N. California and Bryant intersection at peak use hours. This has led to parents double parking along N. California and blocking the bike lane. Kids are dashing out of cars and cars and bikes are weaving around the double parked cars. With the recent widening of the bike lane, the car lanes on this section of N. California are already very narrow.

With the limitation on parking spots, parked cars are (continuing) to overflow onto surrounding streets. We have cars parked now on the 200 block of Washington.

Pedestrians, parents and children, are jaywalking in all directions to get to and from the church to their cars. Most concerning is jaywalking around the Bryant/N. California 4 way stop. At baseline, bikes rarely stop at the stop sign. Added to this we have parents and kids diagonally dashing across the busy 4 way stop.

The church driveway that exits onto Bryant is also a hazard. With cars parked along the street, cyclists cannot see cars exiting the driveway onto Bryant. Bryant is a bike path and very busy with cyclists.

In search of spots, cars are doing 3 point and U-turns at the T-intersection of Washington and Bryant. Quite a hazard as Bryant is heavy with cyclists going in both directions. Cars coming down Bryant from Oregon Expressway are also accelerating at this point as they have just pulled thru the 4 way intersection at Bryant/N. California and have to suddenly stop for the u-turners on Bryant.

I think if you had someone come up at watch the pedestrian and traffic patterns from 4-7PM on weekday during the school year, the problems would be quite evident. The corner of Bryant and N. California just cannot handle all the cars, bikes and pedestrians.

Thank you for reviewing this safety matter,
Jennifer Chan/240 Washington

Owen, Graham

From: Wenlin Chen <wenlinch@gmail.com>
Sent: Thursday, December 21, 2017 7:30 PM
To: FBC Application
Subject: Concerns on a Community Center at First Baptist Church

Sorry that I accidentally sent my unfinished email. Here is the complete letter:

The biggest concern for me about having a community center at First Baptist Church is the overflowing parked cars along my street. I won't have street space at my front door to park cars or for my garbage cans. If a community center is unavoidable there, I like to propose to have their patrons park only at designated spaces that are along the boundary of the church.

Thank you for your considerations.

Wenlin Chen
2284 Bryant Street

----- Forwarded message -----

From: Wenlin Chen <wenlinch@gmail.com>
Date: Thu, Dec 21, 2017 at 6:02 PM
Subject: Concerns on a Community Ceter at First Baptist Church
To: <fbcapplication@cityofpaloalto.org>

Hello,

The biggest concern for me about having a community center at First Baptist Church is the overflowing parked car along my street. I won't have street space at my front door to park cars or

Owen, Graham

From: Gerhardt, Jodie
Sent: Thursday, December 21, 2017 5:14 PM
To: bill.whitmer@yahoo.com
Cc: Owen, Graham; FBC Application
Subject: RE: First Baptist Church

Mr. Whitmer,

Thank you for your email. The issue with the email address seems to be in the first few letters. The email address starts with "fbc" vs fcb. I have copied the correct email address above, so your comments will be included in the record.

Sincerely,



CITY OF
**PALO
ALTO**

Jodie Gerhardt, AICP | Manager of Current Planning | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2575 | E: jodie.gerhardt@cityofpaloalto.org

From: Kort, Evan
Sent: Thursday, December 21, 2017 4:12 PM
To: Owen, Graham
Cc: Gerhardt, Jodie
Subject: FW: First Baptist Church

From: Bill Whitmer [<mailto:bill.whitmer@yahoo.com>]
Sent: Thursday, December 21, 2017 4:02 PM
To: PlannerOnDuty
Subject: Fw: First Baptist Church

To whom it may concern,

I tried to send the message below in response to a mailing we received today. The address given in the mailing was the one we used below. I also tried the .gov domain and that failed too. Please resend your mailing with a usable address

Thanks

Bill Whitmer

----- Forwarded Message -----

From: Bill Whitmer <bill.whitmer@yahoo.com>
To: fcbapplication@cityofpaloalto.org <fcbapplication@cityofpaloalto.org>
Sent: Thursday, December 21, 2017, 2:13:11 PM PST
Subject: First Baptist Church

Mr Owen,

We support the application by First Baptist Church to host a community center on their property. The church has been a leader in important community work. We wish to see them continue to fulfill this important role. We were appalled when the City of Palo Alto forced the church to begin evicting individuals and organizations that contributed to safe and peaceful community life.

Traffic has never been an nuisance. We're been living at 2220 Ramona which is a block and a half away for 39 years. We can't remember ever having been inconvenienced by the church or church supported activities.

Respectfully,

Jan and Bill Whitmer

Owen, Graham

From: Alison Guan <alisonguan@gmail.com>
Sent: Wednesday, December 20, 2017 4:12 PM
To: FBC Application
Cc: Brian Guan
Subject: Community comment on First Baptist Church

Hi Mr. Owen,

I am writing in response to your invitation for community feedback on the application by the pastor of the First Baptist Church to allow the church to be used as a community center.

My husband Brian and I live at 2260 South Court. We purchased our home in 2015, so we are relative newcomers to the neighborhood. We live here with our two sons who attend Jordan Middle School.

We are close enough to the Baptist Church that we regularly hear sounds of choir practice or other events from the church. We are also close enough that people attending activities at the church regularly park in front of our house.

The proximity of the the church and the activities there do not bother us at all. On the contrary, we enjoy the liveliness and vitality it brings to the neighborhood. The church is situated as part of a corridor of activity, as there is a lot of foot & bike traffic along California Ave leading to the underpass. To us this is part of the attractive character of the neighborhood, the fact that the neighborhood has not just homes but community spaces including Jordan, Caltrain, and the First Baptist Church.

We are pleased that the church has applied for a community center status and do hope it is approved. We would hate to see the church disappear and be replaced with more homes.

Best regards,
Alison & Brian Guan
2260 South Court
Palo Alto

Received

MAR 13 2018

Department of Planning
& Community Environment

Annelie Myers
2215 Emerson Street
Palo Alto, CA 94301
650 327-8335

Saturday, March 10, 2018

City of Palo Alto
Attn: Ms. Hillary E. Gitelman, Director
Planning/Community Environment
250 Hamilton Avenue
Palo Alto, Ca 94301

Re: First Baptist Church Application for Use as Community Center

The March 7th meeting at Jordan Middle School was too lengthy for me to stay and speak, I therefore want to go on record as a nearby resident to object to the conversion of the Church into a Community Center. It would affect all the surrounding residences in a dramatic manner. My main concerns are lack of parking and increase of traffic both on Alma and California Avenue and near-by streets.



Annelie Myers

Received

MAR 13 2018

Department of Planning
& Community Environment

March 10, 2018

City of Palo Alto
Ms. Hillary E. Gitelman, Director
Planning/Community Environment
250 Hamilton Ave.
Palo Alto, CA 94301

Re: First Baptist Church Application for Use as Community Center

Thank you hosting last Wednesday's meeting at Jordan Middle School. I had another commitment that evening and was very sorry to miss it.

As a nearby resident of the Baptist Church (I live 2 blocks away on Emerson St.), I have been concerned by the increase in traffic, congestion, biker safety issues and noise around the church for some time.

I appreciate having a religious sanctuary in the neighborhood. When the Baptist Church had a full congregation and was not housing so many other organizations, there were certainly busier times, for example on Sunday. But these were limited in number and did not impact the neighborhood adversely. The situation is quite different now.

For these reasons, I urge you to reject the Conditional Use Permit as it presently stands.

However, I appreciate the Church's need for additional revenue and the difficulty of non-profits and small businesses to find affordable space in Palo Alto. Some questions:

- 1) Could a Conditional Use Permit with specific and more restricted parameters be issued? For example, more limited hours and only smaller group sizes.
- 2) For the larger groups, could the City offer affordable space at another Community Center location – for example, at Cubberly (especially after Avenidas leaves)?

Thank you again for soliciting community input. I'll be on the look-out for your next meeting.

Sincerely,



Suzy Jensen
suzyjensen@hotmail.com

590 Vine Street
Menlo Park, CA 94025
February 23, 2018

Mr. Jonathan Lait
Planning and Community Environment
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Received

FEB 27 2018

Department of Planning
& Community Environment

Dear Mr. Lait:

Although I am a resident of Menlo Park, not Palo Alto, I am a member of the Unitarian Universalist Church of Palo Alto, and I have many friends and colleagues in your community.

One of these is Pastor Rick Mixon. We are both members of Multifaith Voices for Peace and Justice, and have worked together for over seven years .

As you know, Rev. Mixon, the pastor of First Baptist Church, has applied for providing some of the facilities of First Baptist Church as a community center. This would formalize and expand the services that First Baptist Church has provided to the residents of Palo Alto for many years.

Churches provide a variety of services to the community that are particularly important during times when political positions are becoming increasingly polarized. They provide neutral, welcoming, and respectful environments where people can come together, not only for religious services but also for community discussions and artistic experiences. I particularly appreciate the way that First Baptist Church has provided help for the homeless and solace for those in distress. A most recent instance that I attended was the special evening Peaceful Presence service held at First Baptist Church on February 11.

Good faith efforts to accommodate our various needs and desires are required if we are to enjoy the benefits that a community can provide. I am confident that First Baptist Church will make the efforts needed to respect the needs of its neighbors, while also providing benefits both to them and to the larger community, and I support their application to formally establish a community center on their grounds.

Sincerely,



Richard O. Duda
650-223-3963
rod@duda.org

What happens when a business illegally operates in a residential neighborhood?



Received

FEB 16 2016

Department of Planning
& Community Environment

This car crash occurred on February 7, when one parent of an iSing participant recklessly drove into the car of the parent of another iSing participant. The collision was violent enough to cause the air bag to deploy, and required response by the City of Palo Alto fire department and police officers. The crash happened when one car was exiting the narrow driveway (visible in photo) of the First Baptist Church at 305 North California, and the second car was traveling along the Bryant Street bike lane.

The City of Palo Alto has failed to enforce the R-1 residential zoning code that is supposed to protect homeowners, residents, pedestrians and cyclists. The First Baptist Church is illegally leasing space to iSing, which holds seventeen group music classes every week, meaning several hundred car trips per week.

There are only eight parking spaces available for use by the First Baptist Church and all of their illegal lessees in their lot. When the bike lane was expanded last fall, the City of Palo Alto eliminated half of the parking spaces that used to be available on North California. This spring, the City of Palo Alto will be removing more parking spaces at the same corner of North California and Bryant Street when the roundabout is installed.

The City of Palo Alto has been repeatedly notified over the past few years of the illegal activities at 305 North California and the dangerous conditions at the corner of North California and Bryant. The City of Palo Alto's negligence in failing to enforce the municipal code will result in the sharing of liability for future harm and injury caused by the First Baptist Church's illegal leasing at 305 North California.

What is happening at the First Baptist Church at 305 North California?

We live in a neighborhood zoned R-1 for single family homes only. The First Baptist Church (FBC) has been in this neighborhood for many years under an exception to the zoning which allows it to operate as a church. The FBC is now seeking to change that status, and has applied to the city for a Conditional Use Permit (CUP) to operate as a "community center." The FBC has specifically asked for permission to host classes, performances, doctors' offices, and meetings of many kinds, all day and late into the night, seven days a week — **from 9 am to 10 pm from Sunday to Thursday, and from 9 am to 11 pm on Fridays and Saturdays.** Despite the City of Palo Alto asking, the FBC refuses to list the size and numbers of the classes and performances it wants to host, merely saying that the facility holds 500 people. This zoning change would be a dramatic and detrimental departure from the church activities which are now permitted, and which happened harmoniously in our residential neighborhood for many years.

What will the City of Palo Alto consider as the FBC's application for a Conditional Use Permit (CUP) to operate as a "community center" is reviewed?

The city's zoning code regulates the type of land uses permitted in a residential district. The subject property is located in a R-1 (10000) district. The permitted land uses for this district are contained in Palo Alto Municipal Code (PAMC) Section 18.12.030. A community center is listed as conditionally permitted, or allowed with a CUP. PAMC Section 18.76.010 explains the purpose, applicability and findings required to act on a CUP. Finally, PAMC Section 18.77.060 sets forth the manner in which a CUP is processed (Standard Staff Review Process). The codes outline that establishing a community center is not a by-right action — it is a request and is subject to discretionary review. In order to approve the project, there must be specific findings made, and if approved, can be subject to certain conditions. **These considerations can address time of day restrictions, limits on occupancy, noise, parking and circulation restrictions, or other conditions that mitigate impacts of the proposed use to surrounding properties or neighborhood.** If the application is denied, the denial must also be based on specific findings.

To approve or conditionally approve a conditional use permit application in the City of Palo Alto, the following findings must be made in the affirmative or in the negative, if the decision is to deny the permit:

Excerpt from PAMC Section 18.76.010 (c):

Neither the director, nor the city council on appeal, shall grant a conditional use permit, unless it is found that the granting of the application will:

- (1) Not be detrimental or injurious to property or improvements in the vicinity, and **will not be detrimental to the public health, safety, general welfare, or convenience;**
- (2) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purpose of this title (Zoning).

How can I connect to other neighbors about the FBC's parking, traffic and noise issues?

Email your name and street address to SaveResidentialNeighborhoods@gmail.com.

Reach out to the City of Palo Alto staff to let them know that you want to be included in updates. Here is the link to the FBC's Conditional Use Permit application on the City of Palo Alto website:

www.cityofpaloalto.org/gov/topics/first_baptist_church.asp

Are you troubled by the decrease in available street parking?

There are only eight parking spots available for FBC use on the property, so employees and patrons of the day care center, the church, the for-profit and the non-profit businesses illegally leasing space from the FBC all overflow to nearby street parking. The bike lane changes last fall meant the **loss of half of the street parking previously available along North California**. Bryant Street is a designated bike boulevard, and the roundabout scheduled for installation in a few months to assist cyclists will **cause the loss of more street parking at the same corner**.

Are you concerned about the increase in traffic and accidents at the corner?

One current tenant illegally leasing from the FBC is iSing, which offers seventeen group music classes every week, meaning several hundred car trips per week to 305 North California as parents pick up and drop off. Parents of iSing participants routinely double-park in the bike lanes on both North California and Bryant, wait in their cars with their doors open blocking the bike lanes, wait in their cars infringing on private driveways, and park blocking the handicapped and stroller access to the corner of North California and Bryant.

Are you bothered by the loud noise and crowds at 305 North California?

Residents close to 305 North California are disturbed by the intrusive noise from amplified sound systems as they try to study and sleep in their homes. Neighbors living within a few blocks report disruption from crowds noisily arriving and departing from classes and events.

How can you let the City of Palo Alto know about your concerns regarding parking problems, excessive traffic and loud noise at 305 North California?

Send an email, write a letter or make a phone call to City Council members and the City of Palo Alto staff responsible for considering the CUP application. If you know any City Council members personally, share your experiences with them. Consider including photos of parking violations and safety hazards impacting pedestrians and cyclists using the bike lanes. Any correspondence delivered to a majority of the City Council becomes part of the public record, so do not include personal information that you want to remain private.

You can write to the entire City Council at this address:

City of Palo Alto, Office of the City Clerk
250 Hamilton Ave.
Palo Alto, CA 94301

You can email the entire City Council at this address:
city.council@cityofpaloalto.org

if you care about our neighborhood, it is time to speak up.



Parent of ISing participant double-parked in the bike lane at 305 North California. She refused to move when asked despite the danger she posed to young cyclists.



Parent of ISing participant parked blocking the handicapped and stroller access at the corner of 305 North California and Bryant Street.