Call to Order / Roll Call

Chair Lauing: [Recording starts with meeting in progress] order the regular meeting for April 8, 2018, of the Palo Alto Planning and Transportation Commission (PTC) and would you please call roll?

Yolanda Cervantes, Administrative Assistant: Commissioner Alcheck, Commissioner Gardias, Chair Lauing, Vice-Chair Monk, Commissioner Riggs, Commissioner Summa, and Commissioner Waldfogel. We have five present, two absent.

Chair Lauing: Thank you.

Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.1,2

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Chair Lauing: So, our first item of business is Oral Communication that's on agenda items that are not agenda items. I only have one card at this point which is the Honorable David Carnahan.

David Carnahan, Office of the City Clerk: Thank you, Chair Lauing, Commissioners; David Carnahan in the City Clerk's Office. As you know and a few members of the public know if I am here it's because we're recruiting for boards and commissions. So the City is has extended their recruitment for the Historic Resources Board (HRB) and the Human Relations Commission (HRC) so and the reason the Clerk's Office comes to all of our boards and commissions is to ask you with your connections in the community to reach out to interested members of the community you think would be a good fit and to reach out to the community members that are here and at home watching to get the word out. So again, we're looking for to fill one position on the HRB and three on the HRC. Applications are available on the City Clerk's web page, cityofpaloalto.org/clerk and the deadline is April 23 at 4:30 pm. And you all have homework of reaching out to two community members and for everyone else who's here, there will be flyers in the back so if you're interested or know of someone that might be interested please spread the word. Thank you.

Chair Lauing: Thank you. It's very well paid so I'll spread the word.

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Agenda Changes, Additions, and Deletions
The Chair or Commission majority may modify the agenda order to improve meeting management.

Chair Lauing: Next item is just if there are any agenda changes, additions or deletions. I'm not aware of any.

City Official Reports
1. Assistant Directors Report, Meeting Schedule and Assignments
2. Findings from the Downtown Cap Study Residential Analysis to Inform the Commission's Recommendations for Revisions to the Zoning Ordinance to Support Housing Affordability and Production, as Directed by the City Council in the Housing Work Plan

Chair Lauing: Seeing none then we would do the two City Official Reports and turn this over to the Assistant Director.

Jonathan Lait, Assistant Director: Great, thank you, Chair. Just a couple of items to report as the Commission is aware the City Council on Monday took up the Affordable Housing Overlay Ordinance that ordinance was passed on a 7-2 vote of the Council. Staff was directed to and that was approved at an AMI of 120, 120 percent of AMI which I know is a discussion point with the Council and there were some other points that I'm happy to maybe what I'll do is I'll share the Motion that the Council had and distribute it to the Commission so you're aware of what the Council took. I think there was nine points to their Motion so I'll send that to the

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information as you begin your housing discussion on an upcoming future ordinance. So, no action or no discussion on that item tonight, but it’s included in your packet so you have a chance to review it for next meeting. That concludes the report.

Chair Lauing: Oh, Yolanda there’s no public comment on that? Ok, thank you. Ok.

Vice-Chair Monk: On that Item Number 2 that you’re just referencing, I noticed that the data that was provided in most cases, Packet Page 41 through 43, was it that interval that stopped at 2014? So, to the extent you could provide some more current figures I think that would be a more productive of a conversation. Thank you.

Study Session
Public Comment is Permitted. Five (5) minutes per speaker.1,3

Action Items
Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal. All others: Five (5) minutes per speaker.1,3

3. 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 fbcapplication@cityofpaloalto.org.

Chair Lauing: Ok our next item is Item Officially Number Three. This is an action item it’s also a quasi-judicial hearing so Commissioners need to mention any disclosure if they’ve prior contact

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with either the applicant or neighbors. So, if we could just go from my right, Commissioner Gardias.

Commissioner Gardias: No disclosure. No contact.

Chair Lauing: Vice-Chair Monk,

Vice-Chair Monk: I have nothing to disclose.

Chair Lauing: No disclosures.

Commissioner Riggs: I don’t have any disclosures.

Commissioner Summa: Nothing to disclose.

Chair Lauing: Ok so nothing from any Commissioners. Staff report?

Mr. Graham Owen, Project Planner: Thank you Chair Lauing. Graham Owen with the Staff. I’ve been working with the applicants on the applications that’s here before you today. This is a discretionary application. It’s a Conditional Use Permit for a community center at the First

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Baptist Church which is located at 305 North California Avenue. Just a bit of a background the  
First Baptist Church was established on this site in 1948. They had a previous location I believe  
in the downtown decades before but they established at this site in ’48. At one point the  
applicant reports that they had a congregation of about 600 to 700 people. Over the decade's  
church membership has declined while at the same time some other secular uses of the Church  
facility have increased. We’ve received a couple of report... numerous reports actually from the  
neighbors about nuisance issues that are related to these secular uses of the Church space in  
particular. We’ve... Most of these issues relate to noise emanating from the sanctuary but also  
from the Fellowship Hall Wing which is a separate wing of the Church facility. Also, regarding  
parking, there’s only eight parking spaces provided on the site so there’s a number of issues  
related to parking spill over into the neighboring residential streets. Also, issues related to  
safety at the intersection and safety related to loadings. There’s a couple of daily activities that  
have used the site and rather than circulating onto the site they have a relatively narrow drive  
aisle. They’ll use the onsite or excuse me the street loading spaces that are on North California  
Avenue. This wouldn’t be an issue except that it’s also a bicycle boulevard and relatively close  
to a couple of schools so there are issues potentially conflict points with cyclists and  
pedestrians in this area. As I mentioned there has been a number of complaints and back in  
2016 and 2017, the City took code enforcement action to abate a number of the unpermitted  
uses. That is issues that aren’t enabled by the Municipal Code’s definitions of a Church which is  
for religious worship and religious education. So, this is kind of the nexus of sort of the impetus  

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for the applicant to file for a Conditional Use Permit which is to allow for a community center which would enable a number of the secular uses on the site to continue.

So unlike with most Conditional Use Permits, there is no development that’s proposed with this application. There’s not an expansion of the facility. This would just be to use the existing facility and it’s intended to authorize and regulate events and uses at the Church.

Here’s a map showing the site. It’s located at the northwest intersection of North California Avenue and Bryant Street. The residences or excuse me the neighborhood is primarily a single-family residential in nature. Surrounding uses are almost entirely single-family homes. There’s a daycare center that’s also adjacent to the site. Here’s an aerial photograph showing the building. As you can see the church is arranged in a U or a horseshoe shape plan. The sanctuary is closest to the intersection and it’s connected to the Fellowship Hall Wing by a hyphen two-story hyphen section. The hyphen contains offices and meetings spaces. Here is a site plan that shows the layout of the building as well as the circulation on the site. As I mentioned it’s a relatively tight squeeze for the drive aisle, one-way in, one-way out. It’s… Vehicles that are entering the site access it from north California Avenue, circulate towards the rear and then exit on Bryant Street.

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So, a couple of key issues as I mentioned parking is one of the key issues here. The site is what we consider a legally non-complying facility. It has eight spaces on the site, it also has access to three additional sites immediately or three additional spaces that are immediately off-site but share the same drive aisle. If a Church of this size were to built today under current zoning code it would require 71 spaces. On-street loading, as I mentioned is an issue especially during times when you have students that are commuting to and from school, Pally and Jordan in particular. When you have the potential for loading zone and bicyclist conflicts. To kind of complicate the issue, the City is also as a part of the neighborhood safety and bicycle boulevard plans it’s proposing roundabout at this intersection. It has an approved roundabout at this intersection. That plan is currently on hold pending plan revisions but its something to keep in mind as you consider these issues. As I mentioned noise is also an issue. The Fellowship Hall Wing, in particular, we’ve received some complaints from the adjacent neighbors and others in the area about noise emanating from the Fellowship Hall. There are single pane windows that are operable that are often opened when they have events because there’s inadequate HVAC in the facility so that creates the noise issue. Other issues that are related to special events where you have events that have higher numbers of people higher numbers of attendees and the impacts that those specific kinds of uses rather than the daily uses produce. Then there’s also just the ongoing question of enforcement and whether and how with a Conditional Use Permit the City would enforce the Conditions of Approval.

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So, Staffs approach has been to kind of balance these issues and try to find a way forward. We have recommended approval of the Conditional Use Permit applications with the draft conditions that are in your Record of Land Use Action in the Staff report. So, I would... What we’re hoping to do is take each of this issue that have been presented by the neighborhoods and essentially distill it into a condition or multiple conditions to try to address those issues. So there are conditions related to hours of operations, the requirement that you have a point of contact or an event coordinator for daily activities and special events, a number of conditions related to noise abatement, a requirement that the Fellowship Hall and the hyphenated section of the building get ungraded in terms of the HVAC as well as the installation of double paned windows, specification about the hours of pick up and drop off for daily activities, the requirement for a Temporary Use Permit for special events, as well as specific conditions for enforcement and the ability for the Planning Director to impose additional consideration or additional conditions if the need arises.

These are in your Staff report but I just wanted to make sure that everybody is aware of them.

There are Findings for the approval of the Conditional Use Permit and so we can use these for reference if you’d like too at another point. But essentially in order to approve a CUP the Council needs to find that the use is not detrimental to the health, safety and general welfare to the public and is in accordance with the Comprehensive Plan and the Zoning Ordinance.

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So, we are recommending approval of this ordinance [Note – Conditional Use Permit?] and we’re asking for a recommendation to the City Council. Just to let you know we do have this application scheduled for the Council hearing on May 14th so with that I’ll let it at that. I believe the applicant is here today and will have a presentation for you.

Chair Lauing: A quick question for Staff from Commissioner Riggs.

Commissioner Riggs: Graham I really appreciate the... I just have a question about the conditions and I guess so in terms of applying them to a non-conforming use are these basically the standards condition we would apply to other non-conforming use with some tweaks to address some of the comments?

Mr. Owen: Two things on that so it’s not a non-conforming use, it’s a... technically it’s a non-complying facility. There’s... It’s a subtle distinction but it is a distinction but the answer is no. That these are site-specific and they’re related to this particular use and this particular site.

Mr. Jonathan Lait, Assistant Director of Planning: I’d say both. It’s both site-specific and then also pretty typical for how we would address these types of uses when it comes to enforcement, if effective date immediately, the Traffic Management Plan, special events, that’s all kind of typical stuff that we do. There are some other things that are tailors to this

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Commissioner Riggs: Right I mean to me it looked like that was a certain degree tweak a general
list of things that you would consider.

Mr. Lait: Correct.

Commissioner Riggs: Alright, great, thanks.

Chair Lauing: Ok we have a lot of public speakers tonight which is great. What’s that? I’m sorry?
Oh, I’m sorry did you have a question? Go ahead.

Commissioner Gardias: Thank you. Yes, so the question about the roundabout is what’s the
reason for putting this on a halt? Was it related to the Ross Boulevard discussion or was it
something specific to the parking and drop off around this facility. Is it this specific topic or this
is related to Ross Boulevard was the reason for having this on hold?

Mr. Lait: Right the decision to place the roundabout on hold is not related to this application.
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issues. We recognize that this is a situation that has been challenging to try to resolve. We understand that it’s no fun to be stuck in the middle. As Graham said it’s like trying to figuring out how to divide the baby and we don’t have the wisdom of Solomon unfortunately. The background analysis and recommendations concerning our application for a Conditional Use Permit to be designated as a community center show how clearly and diligently the department has worked to create and craft a reasonable workable solution.

We still have several concerns though about the conditions proposed in Attachment A of the report and I would like to go through our concerns point by point. To begin with, I wanted to be really clear that the Church continues to believe that the organizations and activities that share our space are consistent with our mission as a Church in 2018. Therefore, the community center designation should be unnecessary. That’s our basic point of view but we understand the Planning Department sees this differently under the existing City code and so we have preceded with this application at their direction, not necessarily by our own choice. Number two, we request that the hours of operation be 9 a.m. to 10 p.m. Sunday through Thursday and 9 to 11 p.m. on Saturday and Sunday [Note-Friday and Saturday?]. These are the hour’s outlines in other CUPs for religious institutions also located in R-1 neighborhoods. We believe that the City should be consistent in designating hours of operation. This does not mean that activities will be going on during all of those hours all of that time but there are occasions when the Church or our partners would reasonably make use of the space during those later or earlier times.

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hours. There are times and events when amplified music would be reasonably expected. For example, the Church has had amplified music on its patio during cookouts and weddings. However, we are amenable to creating a reasonable kind of schedule for noise levels and times when this would be permissible as well as for the types of music that would be acceptable. Several years ago, the Church spent a considerable sum of money upgrading its patio for outside use. As mentioned the Church has held various activities there and on our lawn. We believe that the use of this desirable space should be extended to our partners because we are serving children, we believe they need a place to run, play and let off steam as long as they are supervised. We have had more than one neighbor tell us that they or their children grew up playing on the Church’s lawn. It’s truly been the neighborhood’s lawn for over 70-years. We will install double pane windows in the Fellowship Hall by August 1st as part of a plan to refurbish the hall and we’re very happy to report that the HVAC system that’s been requested is scheduled to be installed beginning tomorrow morning. The limitless… This will allow to keep the hall sealed and the noise level down. The suggested limit on occupancy seems unreasonable for the actual use of the space as it currently configured. In order for us to be able to make good use of the building, we suggest a limit of 120. We’ve kept the Pastor’s parking space in that group of eight where it is primarily because it helps to ensure proper parking on that end of the lot which is where the drivers turn into the very narrow exit. We’re concerned that if it’s open parking that people will park jetting out into the parking lot and make egress difficult and create a driving hazard. We believe that this is actually a safety

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measure. Most of the time the parking lot is actually underutilized. We are already staggering
the beginning of events on the property to help with drop off and pick up. This seems to be
working well. iSing Staff have been closely monitoring compliance with the rules and
regulations for driving, stopping and parking around the church. We have suggested that the
occasional... that occasional police presence at the site with the issuance of citations would help
people to understand that they really do need to obey the law in the neighborhood. The
existing curbside loading zone seems to be working quite well. I actually was out there this
afternoon when the kids came down the street from Jordan and there was... most of the
parking in front of the Church was vacant and there was nobody in the loading zone. I only saw
two cars during the time that the children were actually coming down the street from Jordan.
So, the existing curbside seems to be working quite well especially since New Mozart School has
left the building and will not be returning. And iSing has modified its hours to start later so it
doesn’t actually mesh with the time that the children are coming down the street on their
bicycles. We believe that expanding the loading zone at this time is really unnecessary. The
hours when loading and unloading are relevant are those afternoon hours when iSing is in
operation as already posted in usually a brief period of time. Because our sanctuary provides an
outstanding acoustic for musical performance and our hall an excellent dance floor, they are
highly desirable venues in the community. While we understand the need for regulation and
scheduling these events we request the number of events being increase at least up to 12 a
year rather than 6.

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I do want to acknowledge that we recognize our responsibility to let our neighbors know what is going on in the building and we’re trying to think of how... away in which we can actually do some sort of regular newsletter that would let people know what the activities are that are planned. We need to monitor the activities and we need to work with the neighbors to address their concerns in a timely manner. We recognize that we have caused some concern in the neighborhood which we never intended and for which we are truly sorry.

While it’s our desire that you amend the recommendations of the Planning Department as we have suggested we also understand that you and they have a responsibility to monitor compliance with any CUP granted. We look forward to working together with the Planning Department and our neighbors to ensure that this is so while sustaining the wellbeing of the Church and the neighborhood. That concludes my comments. I’m happy to answer any questions. I did want to introduce Jennah Delp-Somers who is the co-director of iSing, the girl choir, which is our major tenant which causes probably the biggest... provides the biggest footprint in the neighborhood.

Ms. Jennah Delp-Somers: Hello. I just wanted [interrupted]

Mr. Lait: Wait [interrupted]

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Chair Lauing: Excuse me is this part of the continuation of the applicant’s comments?

Ms. Delp-Somers: No, he just giving me one quick moment. We have a lot of parents here with small children and iSing has a broad reach in Palo Alto but quite a number of our families are from the 94301-zip code and in the surrounding neighborhood. So, I just wanted to just quickly show the Commission how many parents and supporters of the Church activities are here tonight in case they have to leave early. I’ll speak later, thank you.

Chair Lauing: Yeah one of the things that I was actually just going to say is that we noticed a lot of children in the audience and if those parents or whoever intents to speak want to go earlier rather than later. I know it’s not quite bedtime but we would accommodate that.

Secondly, as you know there’s no support or non-support that’s supposed to be demonstrated verbally as speakers speak so please just listen. There are a lot of speakers tonight so we’re going to do 3-minutes for each speaker. There are two groups that have requested to group their minutes so there are two groups of five and that’s sort of the minimum for grouping so just wanted to get the rules and regulations on the record. So, we’re ready to go with the public comment. First group Sarah Burgess. I don’t know who’s going to speak for these three or these five. Sarah? Ok. Speaking for Debbie Nickels, Bonnie Flanagan, Tim Kane, and Margie Kane.

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Ms. Sarah Burgess: I have a PowerPoint that... Oh great. Can you show me where I... How do I start it when its time to start it? Thank you very much. So, thank you very much and thank you for holding this hearing today. I have been able to send an email with some attachments which I hope you’ve had a chance to review and I’m going to try and touch very briefly on those issues and elaborate a little bit more on some others.

The first issue is before granting a CUP according to the Palo Alto Municipal Code and addressing the Findings and making the Findings, you have to determine that the issuance of the CUP is necessary or desirable for the development of the community. And this was not addressed by Staff but I think it’s very important because we all here think the community center is desirable and we all think that the organizations that are currently at the Church are desirable and need a space. But there is ample space already available in the City of Palo Alto for all of these events within a few blocks of the First Baptist Church. There are three community centers Lucie Stern, Cubberley, and Mitchell Park. I’ve given you some print out of sheets for the availability from February I think it’s through August showing that there are days when no one is using these spaces. There are many days when there’s only one use of the space and I’m sure with a little tweaking all of the groups including iSing which is the largest could be accommodated at these spaces that are already supported by our tax dollars and need the income quite frankly to meet their budget. In addition, the City of Palo Alto School District
allows the letting of their schools, Jordan is only about six blocks away. All of these people
could go in. The amount that is charged is very close to what the Church charges. There is a
discount for non-profits starting at $28 for an hour space and a classroom. Cubberley by way of
example has 15 classrooms, two gyms, two dance studios, auditoriums, long-term leases
available, the rooms have pianos, stages, sound equipment. All of these are assets that the City
has already decided is important to the community and pays to have available. It’s available for
use at this time. They have ample parking and a buffer against the surrounding homes because
where they are set up and to that... for that reason, there is just no reason to open another
community center at 305 north California. It’s not necessary or desirable. This just isn’t the right
location.

The second question is the parking question which as Mr. Owen talked about. They are viewing
as grandfathered in. That the 71 spaces for the Church are grandfathered in as a result of the
1948 building of the Church. Simply put there is no basis in law or the Municipal Code for this
reading. The Municipal Code says and it should be the case, that a user can be grandfathered in
based back to when you have created the property and created the user and that’s correct.
Nobody wants any prejudice here, nobody wants the Baptist Church to have to start putting in
a new parking lot for the use they’ve had there for the last 50-60-years. However, that use stays
with the Church and you should notice that this CUP is going to be running concurrently with
the Church’s use. So, the Church keeps the parking use and keeps the parking grandfathered in

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but there’s a new use. A completely new use that is being granted with this CUP and that new use trigger the requirement for parking under the... up to the present zoning which is completely not met. There are eight spots, eight, three of those are taken up by one for the Pastor as he spoke, one for the psychotherapist who has offices there and one is a disabled spot. Really leaving five spaces in a very tight parking lot. We all understand about grandfathered provisions, we’re all in favor of it but not for a new use. I’d love it if that were the law because then I could put in a cottage in my backyard and go right up against the property line like my garage is but that’s not the way it works and it never has been. I would note that this issue has been before the Planning Commission before and Staff has reached different conclusions. In my email, I gave you a copy of a letter from Claire Hodgkins where we evaluated the applications of Mozart School of Music and their parking requirements. Never took into account any grandfathered provisions and said that because it’s a new use they had to meet the parking requirements.

Next, I’d like to address the Findings themselves. I think that Staff has taken a good deal of time in trying to come up with some Findings that will help and do they help? Absolutely but they don’t meet the standards that are necessary. The first one is that the use... the CUP to be granted cannot be detrimental or interest to the property or improvements or determent to the public health, safety, general welfare in the area. Very little is said in the report about safety and it’s a very dear issue to us because we have all witnessed near misses of accidents

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between bikes and pedestrians and cars with the increase in traffic that comes from these uses. I’ve almost been run over walking my dog down the street with somebody trying to pull in and make a U-turn to get their child to a class on time and had to jump back. I’ve seen bikes almost get hit. The other night I saw a car pull into a bike lane in between a motorized skateboard and another bike. Never appeared to even see these two. It’s dark in the area and I want to show you and I have a slide up here to show you. This is today in the afternoon the bike lane so you can see the sign there where they have the drop off zone. You can see the bikes in the bike lane. In order for a car to get to that drop off zone, they have to move in and out of the bike lane. This is an area that’s very heavily traveled, that’s wide, there’s this new bike lane and that’s why they’re talking about putting in a roundabout or it's been approved for this area because it’s so heavily traveled by bicycles. It simply isn’t safe to drop off and pick up going through a line of bicycles. If you see here you’ll see some of the traffic that happens. This is actually after Jordan got out today I took this. It’s definitely worse when Jordan gets out, definitely worse when Pally gets out but you have to understand this kind of traffic goes all day long. There are people going to work up and down this street. There are sports practices getting out later at night. There are sports practices getting out from both schools and so we have this kind of bike traffic. Now if I can show you this is an example and I want to make clear because the Pastor said that changes have been made. This is when it’s better just so you understand. These were all taken after the changes that were made. You can see the cars parked trying to drop off and pick up and the cars doubled parked trying to drop off and pick up. If we go there...

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this is where the cars are making the U-turns and the three-point turns in the middle of the street trying to get back and forth. Thankfully right now there aren’t any bikes going by but there often are and sometimes it backs up traffic to a great degree. Another... This is showing another car coming out after making a U-turn on South Court and another car doubled parked and that’s the type of parking that goes on. Even at night when there are classes going on these bikes lanes are heavily traveled and I know that Staff has tried to get around this by limiting the uses of the drop off and the pick up during school hours when the bikes are going back and forth but if you look at all these cars, where are all these cars going to go to drop off and pick up if they can’t do it in front of the Church during those hours? If the uses are still allowed fifty people every hour can come in and go where are all these people going to be? Are they all going to be parked in front of our house when dropping off in front of our house? The traffic from it is not going to go away.

Now in terms of the parking problem when the Church services were more heavily attended and again I think I’ve told you I’ve lived in Palo Alto since 1971 and in the exact area since 1988. And I can remember when Church services were more heavily attended. Many people walked, other people parked along the curb that goes around the Church. You can see this stretch here it's about an equal distance on Bryant Street as well. If you have a loading zone that’s going on for a good 20-feet on one side and then the roundabout, when it goes in, takes away 50-feet of parking on each end of the intersection. You’ll basically have no parking available at all for the
Church uses. Where are people going to park? All it’s going to do is push more parking into the neighborhood by having these requirements. Again, it’s great to have a community center but this is just not the right location.

If I can address quickly TUPs. The recommendations give the right to have up to six TUPs per year. The problem with these Temporary Use Permits is it brings people into the neighborhood who aren’t coming regularly for an event and they don’t really seem to recognize that it is a neighborhood. This is a solely residential neighborhood. I’ve got a slide from an example from one such concert that was just last December, it’s dark I’m sorry, but perhaps you can see there. That’s the sidewalk that car is parked on. All of the parking spaces were taken in the entire neighborhood so the cars just started lining up and parking down the sidewalk. And I stopped and asked one of the people going in and said what’s going on? You’re parking on the sidewalk and they just said well yes but I’ve got to get into the concert and went running in. And that’s the type of problem you have. This is a very residential neighborhood. There’s no parking and again we have all sorts of spaces with available parking. It’s just not the right location.

I’ve lived in Cities, I’ve lived in Berkeley, I worked and went to school in San Francisco for over 20-years but I and my neighbors moved to Palo Alto where we pay taxes and we vote and we pay property taxes to have a peaceful suburban existence. And I had that for the first 25-years I

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lived near the Church. We want community centers to be planned with access and ample
parking but we don’t want to live where we can’t park in front of our own houses. That’s what
we’ve moved away from and we don’t want to live where it’s not safe for our kids to bike or
walk to school. We all support community centers, we all support community, we live in one,
we support the organization that are in the Church and the Church itself. But there is ample
space for all of these organizations that the already present City supported community centers
where their use won’t create unsafe conditions for our kids or hurt the general welfare of the
neighborhood. There’s no need for a community center at 305 North California. It’s just not the
right location. Thank you.

Chair Lauing: Thank you very much. So, the next group is Loy Martin going to speak for that
group. It includes Steve Kohen, Nancy Clark, Marcella Verma and [Note- Jaymonte Rochode].

Mr. Loy Martin: Thank you for letting me speak to you. As I’ve listened to Pastor Mixon and
listened to Sarah I wonder if it strikes you as it does me how odd this case is. You’re being asked
to approve a community center and most of the people who live very near the Church don’t
want this. I think that’s clear to you if you’ve looked through the correspondence and it will be
more clear to you as you listen to other speakers tonight. And the Church made this application
under protest and Pastor Mixon said tonight that they didn’t really want this. So, the reason I
say it’s odd is it seems that if you’re charged with approving something if it’s necessary or

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near. Another place that the positive energy comes from is from the tenants. It’s a nice space, they like it there, it’s a good floor for dancing and one by one that’s an understandable position. I think what happens is that each tenant doesn’t understand or maybe in some cases don’t want to understand that they’re actually harming people. And they are not harming people just in themselves but it’s the aggregate. It’s the accumulated use of tenant after tenant after tenant causing safety problems, causing parking problems, creating a level of noise that really, we just can’t away from. So, I don’t think the reasons that an individual tenant might feel well this is a good thing or this is a good place. I don’t think they translate easily to the aggregate, to the accumulation of all the tenants that the Church wants to entertain. The other place I think some of this positive energy comes from is... I don’t know what to call it. A kind of collation of Churches. A feeling that... I’ve been told this and I don’t know this very directly. Churches that feel that if close restrictions are places on this Church then maybe some of the things that the other Churches have been doing in value will be subject to new restrictions. That this will... There’s a kind of domino theory if you will that we can’t let proper regulation occur here because them more regulation will start occurring different places. And I think that there are a couple reasons why that’s an unfortunate point of view. It has an assumption behind it that the First Baptist Church of Palo Alto is representative of other Churches. Is an example of Churches in Palo Alto and I’d urge you at some point to take a look at the Google map satellite pictures of Palo Alto Churches? There are about 35 of them and do this little exercise. Subtract out the ones that have loads of parking space, lots of separation between the Church and any kind of

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local homes, subtract out the ones that are not in an R-1 neighborhood, subtract out the ones that are on very heavily traveled, major thoroughfare like Middlefield or San Antonio Road or Embarcadero and what you end up with is two Churches. You have a little Church a little Seventh-Day Adventist Church at Channing and Gwenda that doesn’t have a lot of buildings that could be used or nobody is going to suggest a community center and you have the First Baptist Church of Palo Alto. So, the appropriate controls that ought to be placed and ought to have been placed for the last 7 or 8-years don’t extend in their logic to other Churches. The other reason that the Palo Alto Baptist Church is not typical I’ve gone around for the last few weeks and I’ve talked to friends of mine. People I know who devoted Churchgoers at many different Churches in this town are in Menlo Park, in Palo Alto, in Los Altos and I asked this question. I say has your congregation declined? Has it... What’s the term used? Ebbed and they say what do you mean? We have to get to the Church 30 or 40-minutes early in order to get a seat. We have robust congregation and I say well do you rent out the buildings a lot and they say well no we don’t have any need to do that. We do it a little bit or we’ll have one thing that we do but we don’t do that because we don’t need to do that. So, I think there’s another way here that the First Baptist Church is not typical of other Churches and I think that we have... What we have here in this CUP is an awkward way to try to solve a group of problems that just could be solved more directly. If you just took a couple steps back and said what is this? This is a property owned by a non-profit corporation in an R-1 neighborhood that’s very tightly embedded. If it were any other property there are very simple code restrictions that say that you can’t carry on

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commercial business on this property. You can’t rent it out as a dance hall and a music
rehearsal center and all those things that the Church has been doing.

The Church seems to feel that they shouldn’t have to be a community center because they just
ought to be able to do what they want to as long as it corresponds to what Pastor Mixon calls
the Church’s Mission. But I think that we need to step back and we need to say these
regulations... these zoning regulations exist for a reason. They exist for a reason in the
neighborhood where they are and I don’t think it’s unreasonable to ask the Church what might
you do to regenerate your Church as a congregation? Pastor Mixon has said that the
congregation has gone from some 800 to less than 100 members. That’s almost a 90 percent
decrease in the congregation of the Church. Now something... it’s a beautiful Church in a
beautiful neighborhood. It seems like something could be learned from these other Churches as
how you invigorate a congregation and you lessen the needs for these kinds of uses. Now does
it stop there? No, I think that if we had that sort of good faith agreement with the Church,
between the Church and the immediate community, that there are all kinds of uses that could
be addressed in let’s say a CUP for the Church as a Church. Other Churches have them. This one
doesn’t have it because it’s so old but that doesn’t mean that City Government couldn’t do
that. Couldn’t determine the terms for a revving Church to help it along. You could... my phrase
for what would really be suitable in this location is small groups of people doing quiet things
and there are a lot of possibilities of very high quality, culturally valuable things that could be

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done in that space. I’ll give you one example and then I’ll let this go. At the meeting that we had at Jordan School to talk about this among the community and the Church people. Dr. Joellen Warren stood up and gave a really eloquent description of what she... the work that she and some of her colleagues have done with patients... mental patients or psychological patients in the Church space. It’s only a few people at a time, it makes no noise, it solves all of the problems that this awkward attempt to compensate for in the CUP as a community center can’t solve. But if we look... went around this room or if we went around the neighborhood our neighbors... we could think of dozens of possible uses for the space like that, that would correspond to the description of small groups of people doing quite things. And that’s what would be appropriate and so I leave you with agreeing with Sarah that tweak these conditions as you may. The right solution is just to deny this CUP that neither party wants and go back to seeing how a Church can be a Church in residential Palo Alto. Thank you.

Chair Lauing: Ok thank you. I would repeat that if any parents with children would like to speak we can prioritize you, folks. There’s one here. I have 25 speaker cards so you have to identify who you are once you get up here.

Ms. Elizabeth May; Elizabeth May.

Chair Lauing: Ok and each person is going to have 3-minutes.
Ms. Elizabeth May: I’ll speak fast. I grew up in Palo Alto and I’ve witnessed the changes that have happened here. Our schools are bigger, competition is greater, everything is just more and with frustration as a family we’ve watched and experienced many youth services, therapists, art programs, music teachers have to leave the City or become just prohibitively expensive. We are raising our girls in Palo Alto, we came back, we live in the Duveneck neighborhood and we work extremely hard trying to find organizations that are based in Palo Alto which are local and are building a community for our community. Our girls can bike to iSing and weather and daylight permitting they do. We treasure these organizations that are local and we use them and we make a priority to use them. It’s... I spent a fair bit of time once this began, this whole discussion, looking at all the Churches in Palo Alto and thinking could that be another site for iSing. And I look at what happens in all these Churches and they are all used for concerts and for performances whether it’s the boys’ choir or the Philharmonia Baroque or the Palo Alto Baroque or the Palo Alto Symphony. They all get uses as community centers. And it is vitally important to preserving our sense... a broader sense of community to make sure that we have access to these programs. That our Churches are the only places where these could happen.

I want to lodge one thing and make sure that as I’ve listened to the neighbor’s complaints and as a long time Palo Alto resident I want to make sure that one thing is clear. That on February 15th our friends at the ends of iSing rehearsal for 10-minutes played ninja tag. We were loud, it

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was for 10-minutes from 7:30 to 7:45. Ninja tag. It was fun. Our older girls were still in the rehearsal which we could not hear and we can never hear when I sit in front of the Church and I want to hear them singing. A neighbor came and complained and said for 10-minutes we were making too much noise. It was 7:30 to 7:45. I want to make sure that it’s clear that was our noise, not iSing’s noise. And please make sure as you go through this process that you are adequately accessing the noise that is being made, the traffic that is there because from my observations sitting out in front of many rehearsals I can’t hear the girls singing and I want to hear them.

Chair Lauing: Ok thank you. Any other children?

Ms. Tinsley Rollins: I think iSing should stay in Palo Alto because… Well, hello. My name is Tinsley Rollins and I am 11 and in 5th grade. I’m in harmonics and I love having to walk or ride my bike to iSing. I love to bike to iSing because it’s so close. It would be sad if that opportunity went away. First of all, there is a lot of outdoor space and outdoor space means we can go outside and have fun and play but we always make sure that we don’t make too much noise. Second of all, like she just said, that it’s not super loud. If we go outside we at least make a little bit of noise but not too much. We make sure that when we go outside we don’t make too much noise. There’s a 50-person limit so there’s not too many voices in there and again like she said, she wanted to hear us but couldn’t and we’re inside. There is room for monolithic harmonicas

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and polyphonic even if we... Well sometimes we get to come to see each other and hear each other sing but we notice that they’re not too loud. Everyone likes the Church and we always want to stay. I’m always excited to go iSing and I think everyone there is too. Even if you wanted to move us most of us... Well even if you do move us most of the traffic won’t leave with us. Many of you said that if as mostly Pally and Jordan so that traffic won’t move unless you move that school too. I love iSing so much and it would do... And I would do anything to not leave. Please change the requirements so we can stay here in Palo Alto. Thank you.

Ms. Holly Templeton: Hello, my name is Holly. I’m 10-years old and I have been doing iSing for 4-years. These are the three things that I want to talk about. The use of outdoor space, the 50-person limit, and late class that the high schoolers do class a little bit later. The outdoor space is rarely used and when it is it’s used for doing Solfege and groups or [note-speaker sang Doremi Fasl Latido] and that’s not loud. So, and the other reason... the other way that it’s used is after indoor concerts we have... sometimes we have ice-cream after with the family and friends and it only happens a few times a year. The 50-person limit is... I don’t know about the 50-person limit. My group is harmonics and we harmonize and our lessons overlap with some of the older girls and that we harmonize with. And with the limit, we can’t harmonize if we only have one group and the late class. I want to stay in iSing until high school and I want to be able to stay in Palo Alto. And most of the high schoolers can’t come very early and I think they deserve a

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Chair Lauing: Ok, alright, go ahead.

Mr. Wilensky: Thank you very much.

Commissioner Riggs: So, do they have five cards?

Chair Lauing: Are you representing five people?

Mr. Wilensky: Yes.

Chair Lauing: (crosstalk) Can we get the... yeah, can we get the names?

Mr. Wilensky: Gloria Seid, Chuck Fulanovich, Melanie Wilensky, and who was the fourth?

Chair Lauing: Do we already have the cards?

Mr. Wilensky: No, I thought I only could merge with my wife so I only put in two.

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Chair Lauing: Ok can we just... Let’s just do a slight procedural change so that you can just go get those cards and we’ll just have somebody else speak. And then if you have five that are grouped we can do it that way.

Mr. Wilensky: Let me do it in 3-minutes. I’ll talk a little bit faster.

Chair Lauing: Alright.

Mr. Wilensky: I was going to do it in five so it’s... (crosstalk) oh, we have a fifth.

Chair Lauing: So, do you have more cards now, Albert? Is that what you’re saying?

Mr. Albert Yang, Senior Deputy Attorney: [unintelligible -off mic]

Chair Lauing: Ok go ahead.

Mr. Wilensky: Thank you very much.

Chair Lauing: Thank you.
Mr. Wilensky: My name is Ron Wilensky. I’ve lived across the street 60-feet from the First Baptist Church since 1983 and as a side, I have heard iSing. Be that as it may, I object the granting of the CUP to operate a community center. The proposed CUP allows the community center to operate under the draft rules 10 a.m. to 8 p.m. Monday through Sunday or 70-hours per week. Let’s look at what that means. If the maximum of 50 people are attending each event and each event is about 1-hour, that’s 3,500 people a week. Each one will probably have a car trip so there will be somewhere between 5,000 and 7,000 round trip car trips each week to the Church if it’s operated at the capacity requested. This is severe and intensification of the activity. We’ve lived at[Note -near?] the Church for a long time and its normal activities have been low key, respectful of the neighborhood and very harmonious. This is not that active.

This is something completely new and much more intense. I have three many concerns about this draft CUP. The first is that the recommendation does not address a fundamental issue that my neighbor Sarah Burgess brought up. Is there a need for one? There is adequate space at existing community centers in the area. Two I don’t think it’s appropriate to grandfather the parking allotments from 2000... 1948 when there were no parking regulations for the Church to a new CUP granted for a new use in 2018. Based on the eight spaces available current rules would allow a maximum of 32 people at each event which is lower than what the CUP has recommended. Three traffic and bike safety have not been fully addressed. FBC is at the intersection of two major bike lanes. Traffic from the Church posses a safety hazard to

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bicyclists. Let me elaborate, another community center isn’t needed because they are over
100,000-square feet at Lucie Stern, Cubberley, and Mitchell Park. In fact, the number is closer
to 130,000-square feet and Sarah Burgess has sent you information showing you that space is
available at all of these places at reasonable rates. All of the community centers have adequate
parking, good separation from their neighbors and are located on major thoroughfares without
an intersection to two critical bike lanes. In addition, if you want to go a little bit further there’s
a newly built but underused Cooley Landing Center that is just a gorgeous facility with 150
capacity and adequate parking located remotely from a residential neighborhood so you can
make all the noise you want any time of day and night.

One hundred and fifty people is a large group much larger than requested. I think attendance at
the Church should be limited by the parking that’s available. If you look at the slide in the first if
it’s not that good of a picture but there’s the First Baptist Church on the left with an arrow
pointing to the eight parking spaces. I’ve picked two Churches somewhat at random in Palo
Alto, St. Mark’s and First Congregational. Look at the locations. There are vast parking facilities
and large separation from the neighbors. This is typical also of the community centers which
were designed to have large events without disturbing the neighborhood. I think under present
rules with the one space for four people, if you have eight spaces on the site, a new CUP should
only allow up to 32 people. The failure to address this parking will make the nearby curb areas
for constant in and out parking. The noise of the Church will make wide use and enjoyment of

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Finally, next... what do I do for the slide? The Church is located at the intersection of two very busy bike boulevards, North California Avenue and Bryant Street. Those are shown, North California goes left to right, Bryant is north to south. Bryant is the main path to Palo Alto high school; North California is .6-miles away from Jordan Middle School. There will be a traffic roundabout at that intersection which will further restrict and calm traffic. To give you an example of the volume on this bike boulevard, the City itself has stated that Bryant Street allows 216,000 bike riders per year. That is one per minute if you operate during normal hours but even more... it can be tens or hundreds per minute when you have school letting out or after activities. So North California is on a safe route to school... to Jordan Middle School. Excuse me and is especially busy in the 2 p.m. to 5 p.m. range when a lot of activities such as iSing take place. The intersection of North California Avenue and Bryant will have a roundabout. There was a delay but I don’t see it being stopped. A corner with heavy bike traffic for which traffic calming measures will be implemented is not the appropriate place for an active community center having 7,000-car trips per week.
To summarize, considering there was ample space at other places why is a community center needed at FBC? And two, if the PTC believes another center is needed there must be restrictions on the number of people and hours a day of operations. Thank you very much.

Chair Lauing: Thank you. Next speaker is Erin McOmber followed by Leannah Hunt.

Ms. Erin McOmber: Good evening. Thank you for allowing us to speak this evening. I graduated from Walter Hayes and JLS and Pally. I’ve been... I was a Palo Alto resident from 1981 to 1992 and from 2014 to the present day living on Byron Street. A short walk away from First Baptist Church. After having read much of and leafed through the duplicate parts of the 191 Page document that has been made available I have determined that many of... the vast majority of those who seemed to have written in to oppose the use of the CUP seem not to have children or family members who would benefit from the use of this CUP. I can certainly understand noise and parking issues as we live three homes away from Jordan Middle School. I can hear every bell that rings at Jordan Middle School, I can often hear children chatter when they use to have marching band they would have march band rehearse up and down North California Ave and I’d be able to hear every single note of a perfectly accurate middle school band. You can imagine how musical that is. It seems to me that noise and parking are issues that any of us have to deal with if we near anything that is not another home. Living Jordan Middle School, the people on Middlefield have had to deal with much worse than any of use in the more

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protected streets. I think that if Palo Alto is anything it is a community that fosters the arts education of children. Having grown up here I received... and having gone to University in different states and different areas. Speaking to friends about the arts education they had growing up was just abominable compared to what we had here in Palo Alto but the things that I didn’t have when I was a child are one of the... are some of the things that are being made available at First Baptist Church because of the price and the vicinity. My daughter is able to walk to the First Baptist Church for some of her activities. If I had had a children’s choir like this when I was growing up it would have absolutely increased my quality of life by much and I would have been able to quit softball.

So, the move of the new Mozart School made the population of parked cars go down significantly. I would say greatly. I drive up and down North California a ton and I have noticed so many times when there is almost nothing going on. The bicycles peter out by 3:45 or so and by the time iSing starts in the afternoon there is not a strong bike traffic pattern going that way. And if bicyclists would simply stop at the stop signs we would probably not have as big of a safety issue as everyone is concerned about. Every single day when I drive up or down North California or turn left onto Bryant to go onto Oregon Expressway or right onto Bryant to go to a friend’s home there are bicyclists who barrel through those stops sign. That is the biggest problem. Thank you very much.

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Chair Lauing: Thank you. Leannah Hunt followed by John Rollins.

Ms. Leannah Hunt: Good evening Chair Lauing, Vice-Chair Ms. Monk, Commissioners, and Staff.

I’m Leannah Hunt, I’ve been a resident of Palo Alto for almost 50-years, I own the home at 550 North California for about 16-years, now I’m on Byron right off North California so I traversed North California just about every day if not every other day. My office is downtown so I generally go North California to Alma and downtown. I’ve been aware of this proposal for quite some time. I wasn’t able to attend the neighborhood meetings because I was involved some realtor meetings. I have served as President of the Silicon Valley Association of Realtors, I served presently on the Silver Board of Directors, on the State of California Board of Directors and I represent the 4,500 resident agents from Silicon Valley on the National Real Estate Board. Last year I served on the National Land Use Committee for RNA, the National Association and I’ve a number of times on the State Land Use Committee. So over well over 25-years I’ve been involved with land use policy-making on behalf of the realtor community.

I come to you speaking in opposition to this proposal. I’m quite dismayed that the Staff has authorized the approval of this. There are a number of reasons why I would speak in opposition and I might reflect upon the fact that for about 12-years I have managed the property kitty-corner at 292 North California. The owners are going to be returning and you’ve heard from the blocks who own that property but I have observed morning, noon and night the activities at the

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Church and have for several years been quite amazed at the amount of traffic and congestion. And I couldn’t quite figure out what was going on until this past year when I understood that there were so many new uses for profit by the Church members of this property. The reality of it is I’ve spoken with a number of friends, clients living in the area. May of whom are opposed to this proposal. The reality is that you have certainly issues of traffic. I, myself, have witnessed near bike accidents and one accident where a chap fell off of his bike when we were kind of rear-ended but then he was able to get up and go on his way but it was certainly alarming. Coupled with the new striping that confuses so many drivers on that street anyway.

I’m speaking in opposition also basically on the very concept that this is really a proposal to rezone a single-family residential neighborhood. Don’t think it’s a good idea and I really encourage you to vote in opposition.

Chair Lauing: Next up is John Rollins and then Cari Templeton.

Mr. John Rollins: Hi good evening Commissioners. My name’s John Rollins [and] I live two blocks from the Church on Waverley Street. My wife grew up on Waverley on the same block as the Church at Santa Rita and Waverley. My mother-in-law has been there for 40-years. She can’t be here with us tonight to speak in favor of the changes but I can tell you that I moved back here with my family 5-years ago. The first thing we did to engage the community, my daughter at the
time was a rising 1st grader, was on the recommendation of a friend was too involved with iSing. iSing has provided confidence, comradery, a sense of community for not only my daughter but hundreds of kids in the neighborhood. I’m one of 45 members of iSing who live in 94301 or in the downtown Palo Alto. My daughter bikes and walks to Church for iSing and we’ve actually made arrangements where other friends, schoolmates of hers, who don’t live in the immediate area come to our house and they walk or bike together.

So, I’m well aware of the sensitivity of the neighbors being a neighbor right down the street. I also... my family makes great use of the bike paths and the bike boulevards. We love them. It’s a wonderful part of living in Palo Alto. I bike over 2,000-miles a year on them and I can tell you that the majority of the traffic on those boulevards is not during the time... the bike traffic is not during the time that iSing is in the Church. My daughter goes from 5:30 to... 5:45 to 7:45. Some of the older kids go later and bike traffic... the significant amount of bike traffic happens during on the way to school and between 2:30 and 3:30 in the afternoon. So, it’s simply not the case that there is hundreds of thousands of cyclists on the road as people are pulling into iSing. And I know with Jennah and the gang are working on ongoing efforts to mitigate the traffic and the drop-off. They’ve already made a lot of progress including our family and the situation that we have were we carpool in or have people meet and bike or walk. So, thank you for your time. As a neighbor of the Church, I’m very much in favor of keeping the community enriched with the organizations that participate in the Church. Thank you.

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1. **Chair Launing:** Cari Templeton.

Ms. Cari Templeton: Hi. Thank you all for hearing the community respond to this proposal. I have sent you a letter and as John just mentioned the correct number of iSing families in the zip code is 45 so that’s a correction. What I wanted to speak to you about... I put my prepared notes aside because I heard a lot of anger and frustration from some of the neighbors here tonight and I understand that those feelings are real and genuine. But I feel very concerned about how some of them have been directed at the Church itself so I hope that whatever we do consider that the Church would remain as a Church. The community center aspects are very important to our family for the comradery, for the music lessons, for the socialization that has been happening. As my daughter told you earlier we are... we really value the chance to get to know the other families that are here in Palo Alto. This is on of the few activities that remain local and it’s extremely important that we allowed to have enrichment programs that are local. I don’t want to be driving all over the peninsula trying to find some activity for my child. We should be able to have a full and rich community that allows our children to grow and get to know our neighbors.

Other spaces... I hope Jennah will speak to this later but we have been investigating other spaces and they are not as suitable as the First Baptist Church for this particular program which has a lot of storage requirements and accessories that are part of the training program.

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And then my final note is are we planning to leave the space empty? If we don’t approve the modified Conditional Use what are we going to do with that space? When space is at such a premium in the City right now it seems very wasteful and not in the spirit of building our community and making it stronger. Thank you very much.

Chair Lauing: And thank you. Joyce Nelson followed by Laura Seitel.

Ms. Joyce Nelson: Hi, my name is Joyce Nelson. I’ve been a neighbor of First Baptist Church for the last 27-years. I have no connection with the Church other than as a neighbor but over those years that we’ve lived there, my husband and I have attended several concerts, when we were younger and more agile we did some of the dance classes. And I just think it’s really a wonderful idea to have a neighborhood location for community and cultural events and to use this kind of real estate more than just on Sunday. That’s it.

Chair Lauing: Laura Seitel. Jim Poppy up next.

Ms. Laura Seitel: Thank you for the chance to speak to you tonight about the Church’s proposal to become a community center. I live... have lived next door to the Church at 349 North California Avenue for 35-years. Others have made a very strong argument with which I strongly agree that this CUP should be denied altogether. It’s very hard to describe the level of distress
that the Church has created in the neighborhood over the past several years and I hope you will have read some of the descriptions that should be part of your correspondence packet.

I realize these things... even though in my view the CUP should be denied these things can go either way and, in the event, that you decide in favor of the CUP I would argue that the Planning Department’s recommendations are not stringent enough to solve the problems generated by the Church’s activities. Here are some of the changes I would suggest. First allowing groups of 50 people at a time coming and going from the Church all through the day and early evening does not adequately address issues of traffic, safety, parking and ambient noise in the neighborhood. I would propose that a maximum of 20 renters at a time, small groups of people doing quiet things, be allowed in the Church and that a 15-minute interval be required between the arrival and the leaving of groups larger than 10.

Second, I suggest that the community center should operate between the hours of 10 a.m. and 5 p.m. on weekdays only as opposed to the suggested schedule of operation which is between 10 a.m. and 7:30 p.m. every day of the week. This change would allow tranquility in the neighborhood in the evenings when we are having dinner, talking to our families, doing homework and pursuing quite a recreation in our homes and gardens. It would also provide partial peace on weekends. I say partial because any approved community center activities are

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in addition to disturbances already imposed on the neighborhood by normal Church operations which usually occur on weekends.

Thirdly I suggest that all vocal or instrumental practice, instruction, and performance be restricted to the Church sanctuary which has already been converted for community center use. The sanctuary is the one part of the Church that is not directly adjacent to any residences. Loud sounds coming from Fellowship Hall will be a constant intrusion for us and our neighbors no matter how well the hall is soundproofed and insulated.

Fourth I suggest that enforcement be greatly strengthen and specified in more detail. Am I done? Thank you.

Chair Lauing: Thank you very much. Jim Poppy and then let's see, Mahendra Ranchod.

Mr. Jim Poppy: Good evening, I'm Jim Poppy, I live at the other end of Old Palo Alto for 40-years in North Old Palo Alto, a block away from Castilleja School, and this sounds very ominous to me. And I think that the... if the CUP is granted it should be much more stringent than what's outlined by the City Staff. I agree with the speaker that proceeded me on many of her points. This is very difficult for people to take away the emotion out of this because iSing is a very wonderful program. Castilleja School was a great school but you know 8 parking space? I mean

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come on this is... that’s... really you have to look at the reality and the present-day zoning and be accommodating to that. Thank you.

Chair Lauing: So, let’s see, who did I just call? Yeah, Mr. Ranchod was part of the five-speaking grouping.

Mr. Mahendra Ranchod: No, that’s my wife.

Chair Lauing: No?

Mr. Ranchod: [Note- Jaymite] Ranchod.

Chair Lauing: I’m sorry I can’t hear.

Mr. Ranchod: My wife is part of the five group, not me.

Chair Lauing: I see. Ok, thank you for clarifying.

Mr. Ranchod: My name is Mr. Mahendra Ranchod and I live within a block of the Church. I emphasize with the impassioned statements made by tenants and supporters of the First

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Baptist Church because they no doubt do make useful contributions to the community. I am not questioning the value of what they do but where they do it. I would argue that the Church... this Church is not an appropriate venue for a community center. Most people who participate in the non-religious activities at the Church live in other neighborhoods and they have no idea of how they impact our neighborhood. Each organization that rents a space at the Church sees the Church through the narrow lens of its own group without realizing they are just one of many. The draft CUP would permit the community center at the Church to operate 10-hours a day, 7-days a week, 70-hours a week. Think about that for a moment, 70-hours a week. Think about the cumulatively effect of all these activities day after day night after night. Each day bringing a new onslaught of undisciplined traffic and the traffic hazards that they create are trivial. Motorist jockey for parking spaces close to the Church and parents who drop off their children double park, make illegal U-turns and sometimes block driveways of homes. These infringements are serious because the occur at the intersection of two busy bike boulevards placing cyclists at significant risk for injury.

The First Baptist Church was designed to be a Church, not a community center. It is the heart of a residential neighborhood, it is in close proximity to private homes, it is at the epicenter of two busy bicycle boulevards and it has woefully inadequate parking. This Commission should ensure the safety of all Palo Altans who use the busy intersection at Bryant and North California. You should not approve the Church’s application to operate as a community center. Thank you.

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Chair Lauing: Next speaker is Charles... I can’t quite read it, Fulanovich?

Mr. Charles Fulanovich: [off mic] I relinquished my time to [unintelligible].

Chair Lauing: Thank you thank you. Jessica Halami [Note-Aalami] the Michelle Lepori.

Ms. Jessica Aalami: Thank you esteemed Commissioners for holding this forum and to my neighbors who I have not met for listening to some of our perspectives. Full disclosure I am Dr. Jessica Rothenberg-Aalami the Chair of the Board of iSing Silicon Valley, I am CEO of a modal learning company and I’m a third generation Palo Alton from Old Palo Alto the center of this discussion.

To start I am outraged that I have to wade through 180 plus pages of misinformation to get to the actual remaining issues on the table. I urge the City to present the facts as they stand today so that we can actually get to a fair resolution. Let me start by sharing a few facts. Fact one, out of 39 complaints submitted to the City 27 of them are from the same six residences repeating the exact same grievances over and over again. These grievances that Church has already worked tirelessly to remedy. So why subject us to this bullying by a few neighbors in a neighborhood of thousands. Fact two, we live in a City with traffic and where humans gather. It

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is understood in my block a couple blocks down that if we’re noisy past a certain decibel level past 10 p.m. we’re going to get a knock on the door by a police officer. Has anyone taken the time to measure the decibel level of current activities of the Church? Many of which in former past have already remedied so that we could work with those facts. Are they operating above a reasonable level or decibel? Fact three, the Church and iSing have worked daily since we got the note last summer to accommodate the grievances of these six plus neighbors. This is a dangerous president as thousands of people in the region are not being consulted on the matter nor are the complaints weighted. Fact four, many of the complaints have reflected on a glorious pasted Palo Alto. How about we return to some formal glory. This is dangerous as a person here... Thank you.

Chair Lauing: Thank you very much. Michelle Lepori then Jack Morton.

Ms. Michelle Lepori: Hi my name is Michelle Lepori and I live on Byron Street just off of North California. I’d like to thank you for the opportunity to speak tonight and for the efforts that you’ve already made in working with the community and allowing iSing to be in the current position at the Church. My daughter attends iSing and it’s one of the many programs that we love having so close to home. The programs in the neighborhoods are one of the reasons that we choose to live in Palo Alto. I understand the concerns of the handful of neighbors who have lodged complaints about the disruption from the singing and the traffic. I was also surprised as I

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went through the Packet to find that the 180 Pages were truly from just a few of the neighbors. We live very close to Jordan Middle School and also deal with very similar traffic issues every morning and every afternoon at drop off and pick up and during evening events including the event or the evening where we spoke out this previously. We can also hear music from Shoreline on concert nights, we can hear the Stanford band on game nights and we’ve been stuck behind many charter buses dropping off tourists to tour the homes and view the homes of the celebrities of Silicon Valley. We find this is a small price to pay for living in a vibrant neighborhood so full of diversity and character. Each week when I walk my daughter and her friends to iSing I really pay close attention to what’s going on with the traffic and I truly believe that it has gotten much better over time. I think iSing has done a fabulous job of making sure the parents are paying more attention to where they are parking and they’ve been a great neighbor and have been good at working with the community. In looking at a couple of the comments that were made earlier I think that the comment that is was unanimous that most of the neighbors where against this is simply not true. I think pushing to other community centers is also a safety issue. Having all of these children that are in the community cross Embarcadero or Oregon Express Way to ride their bikes or walk to other community centers is simply not a good change to the safety. And the comment about increasing the congregation to 800 people I don’t think would solve the problem either. I think they would be in the same situation or worse with traffic. And then the photos earlier of the bikers is during school drop off. We’re very aware of that living by Jordan. It is nothing like that during iSing hours. There’s very little

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bike traffic at that time so I humbly ask that the City continue to allow iSing to serve the
children of our community and to be a part of our neighborhood under the proposed CUP.
Thank you.

Chair Lauing: Thank you. Jack Morton and then Carol Hsu.

Mr. Jack Morton: Good evening Commissioners. My name is Jack Morton, I’m former Mayor of
Palo Alto, my family and I live halfway between Jordan and First Baptist just off Cal. Ave. I think
we need to put a few things in perspective and remember some of the history. First of all, as
already be mentioned 27 of the letters that were in your Packet came from the same six
people. There are basically three issues here, noise, drop off and parking. The noise has been
mitigated primarily by installation of the air condition system and window changes. The drop
off is inconvenient for a short period of time and has been made more so by the City’s
reconfiguration. The same thing happens at almost all schools throughout the community
parents pick off or drop off. It is something that most of our neighbors have accommodated
too. The parking is something the Church tried, as the Staff report, years ago to correct was
thwarted by the City because the City doesn’t want to lose housing. We should not as
bureaucrats forgive me for representing ourselves that but we shouldn’t use mistakes that we
are responsible for a large part to punitively limit current issues. There are thousands of us in
this community who want non-profit programs like iSing to be part of our community and

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Churches are their heaven. They are places where you can get... there’s tremendous competition for space and Churches are centers of our community. I suspect that there will be arguments as long as we are not all happy with very quiet activities but a girls’ choir is not a football stadium so I think that the Staff has made horrendous efforts to try to come to a reasonable position. I would suggest that asking the programs stop at 7:30 when many of the programs don’t begin until 7:30 is unreasonable. Particularly since most of the City’s community recreational programs and other programs are continued until 10 p.m. So, I urge you to support Staff’s recommendations with the modification in the hours of use. Thank you very much.

Chair Lauing: Thank you. Carol Hsu. No? Oh, there we go.

Ms. Carol Hsu: First of all, I want to thank you for this opportunity to speak. My name is Carol Hsu and I have been living about a block from First Baptist Church for about 23-years. I have two children who have been very lucky to live in this community. My daughter has been an iSing member for 4-years. I also want to thank my neighbors because I do think that there has been a great improvement in the traffic, safety, and noise since they have made it all of us much more aware of the problem. So, over the last 2 or 3-years, there’s been a great improvement.

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I was at the meeting several weeks ago when most of my neighbors agreed that iSing is a wonderful group and that it deserves a place to practice and to exist but that the issue was they did not want it in their backyard. I would argue that it is important that iSing is such a wonderful group because when you look at the Church and where we live these are going to be our neighbors. And what could be more wonderful than having neighbors to care about you?

Both Shane and Jennah who are the Directors of iSing have shown that they're committed to our community. They are bending over backward to try and accommodate a lot of the issues that have been brought up and they are committed to ongoing communication and I’ve seen the improvements myself. I see this as a win-win situation because again who wouldn’t want a neighbor who is looking out for you? Lastly, I do think that the girls of iSing are very aware of what’s going on. In fact, there have been times when they have called out their parents and reminded their parents to not park in a no parking zone or in a red zone. So, they love the Church, they love their home and they are also committed to being a good neighbor. So lastly, I would like to ask that you give this group an opportunity to sing in our community, to be a safe place for our girls and I would like the opportunity to continue to welcome them in my neighborhood. Thanks.

Chair Lauing: Thanks very much. Narayani Naganathan then Jennah Delp.

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Ms. Narayani Naganthan: Thank you for giving me this opportunity. This is a letter by my
daughter. I live very close to the Church. My daughter is 14-years old. I live on South Court
and... with my parents. My home is very close the First Baptist Church. In fact, I can see if from
the second floor of my house. I have lived here for more than 10-years. I love my home and
have wonderful memories associated with it. My most important concern is about my safety.

As mentioned by a lot of people the volume of people coming to the Church and the lack of
parking people park where ever they can find a spot. That includes driveways, intersections and
even bike lanes. It is not only the parking but also the poor driving decisions that is very
concerning. I have found drivers making sudden U-turns in the intersections, drivers suddenly
coming into bike lanes with their vehicles, stopping the vehicles suddenly on California Avenue
and letting the kids out. These are illegal for a reason and accidents happen. I planned to bike
to high school and the situation around the Church is not very conducive for safe bike riding.

Would you recommend me to bike to school? If not, why should I or the other kids be deprived
of independently being able to go to school and other activities?

My second concern is about again safety. Imagine a teen who comes home from an activity or
from school and has to let herself in the house. No one is at home but someone is watching her
every time as she does it. I would feel very unsafe. In fact, I have been in a situation like this and
it is very creepy. I have worried about who are all these people sitting in their cars outside my
home? My mom had a chat with one such driver. It appears that it was a nanny waiting to pick

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up a child after an activity at the Church. Due to the number of people commuting to activities at the Church and the lack of proper parking they sit in their cars waiting for the activity to get over. I have been taught to keep an eye on the surroundings in order to safe. If this happens every day how can I or other kids or their parents be sure that these people are just waiting to pick up their kids or just some stocker or intruder? This is a very disturbing problem. I have stopped coming home alone because of this but I again wonder why should kids in my neighborhood be put in such an unsafe situation like this or why should we give up our independence due to parking issues at the Church.

My third concern is about the noise. People talk about noise not being so loud. Well, I’ve had terrible school days due to lack of sleep. I don’t know how many times my mom gone to the Church in her pajamas at 10:30 p.m. in the night requesting them to turn down the volume. It has worked sometimes and sometimes it hasn’t. Calling the Church hasn’t been very helpful either because they say the City permits activities until 11 p.m. Thank you.

Chair Lauing: Thank you. Jennah Delp please then Gloria Seid.

Ms. Delp: Hi. Thank you for providing the opportunity for this dialog and compromise regarding these issues. My career as a conductor has trained me to listen and to make things better. And I just want to assure everyone in this room that we are, all of us at iSing, we are listening. We

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hear you and we’re listening and we’re responding to all of your concerns. With regard to the traffic, we continue to build carpool efforts, we encourage walk and bike to class, we maintain safe drop off and pick up areas supervised by iSing’s Staff, we send weekly emails to parents with dropping, park off, pick up and good neighbor reminders, we’ve adjusted class times to offset a large number of cars coming and going at any one time.

With regard to noise, we’re very sensitive and we will keep the windows and doors closed in Fellowship Hall. Thankfully HVAC is being installed so it shouldn’t be too hot. We’ll consider in the future moving larger family events like our family folk dance night and ice-cream social to a larger venue. Even with that said any event that draws family instead of just students we will consider holding within reasonable hours, never before noon and never beyond 7 p.m. We’ll also comply and apply for Temporary Use Permit for larger events. Now that many of the tenants have left the building, the parking situation is such an improvement. I’m very sensitive to this. As I explained in Jordan I often have my 7-month old baby with me coming to class and I never walk far with her. I can always park right alongside the Church and walk right into the building. Parking is a non-issue. The number of people who’ve complained pales in comparison to the number of people who are in support of the programs at Church.

I want to... and this is to the neighbors. I want to do everything in my power to win you over. I have seen what a tendinous and organized group of people you are when you are passionate.

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That is the kind of support that a non-profit like iSing needs and we will do everything in our power to be a good neighbor to you. I ask that you please extend the operation... hours of operations to 8:30 p.m. Please extend the maximum occupancy to 120 people which is far below the occupancy of each space. The outdoor space it makes no sense not to use it. We ask that a reasonable hour time be put there in place. Maybe from noon to 5 p.m. and finally amplify music. We don’t use it at iSing but occasionally we like to have some girls sing outside within a reasonable decidable limit we think and reasonable hours from noon to 5. This should be ok in any neighborhood.

Just to address one thing that is not true. There is no space at Cubberley for iSing, our current programming. Lucie Stern is completely occupied by Palo Alto Children’s Theater and Mitchell Park Community Center does not rent to recurring groups like iSing. Our perfect home is First Baptist Church of Palo Alto.

Chair Lauing: Thank you. Gloria.

Ms. Gloria Seid: [off mic] I relinquished my time also.

Chair Lauing: Thank you. Mary Sylvester.

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Ms. Mary Sylvester: Good evening Chair Lauing and Vice-Chair Monk and Commission Members. I am Mary Sylvester and I live at 135 Melville Avenue. I’ve been a 40-year resident of Palo Alto and a 40-year neighbor of Castilleja School. I’m not here to take a position on the merit of the CUP proposal itself or whether the Church should serve as a community center. I would like to provide some cautionary remarks, however. Given that my neighborhood has been consumed for the last 4-years with trying to work amicably with Castilleja School. I believe that neighbor concerns and those neighbors within 600-feet of the Church should be given primary consideration. This project provides a president not only for other Churches but for the community at large. We need to be very clear that this is done well.

I’d like to share a few comments about what I know of iSing. I think it’s an excellent organization. I’ve heard the children perform. I have a friend whose two daughters are part of the program. However, I don’t appreciate the comments by the Board Chair about bullying or some of the other pointed comments that were made about neighbors. I will tell you neighbors get ready if this project goes through you will be called bullies, nimbies, and a number of other very endearing unfairisms. If this project goes through any conditions that are approved need to be narrowly and tightly drawn. The Church I recommend should post a substantial bond should these conditions not be enforced or followed. After several meetings with Assistant Managers and City Manager Jim Keene as well as planning Staff, I’ve been schooled that the City does not have sufficient Staff or resources to effectively enforce conditions of CUPs.

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Therefore, at this time City Auditor Harriet Richardson is finishing up an evaluation of the City’s inability to effectively manage code enforcement. I think we need to see what the results of that are before this project is approved and sadly there’s a gradual slide event, time, misunderstandings occur. And I’m sorry I do have put in one last comment. If this project is exempted from CEQA I think there’s needs to be a traffic and safety report done to establish baselines by an independent monitor. Thank you.

Chair Lauing: Jan Clayton and then Joan Zwiep.

Ms. Jan Clayton: Thank you so much for your attention this evening. My name is Jan Clayton, I represent... in fact I’m the Executive Director of Resounding Accord and I sort of represent those groups that only occasionally use this facility for concerts. We only give about four to six concerts a year. First Baptist Church is one of those venues that we prize to use. You’ve heard something about how venues they are not unique they’re available. Let me tell you why we select this venue and by the way, we are located or established at Willow Glenn in San Jose but we usually give a couple concerts a year in the mid-peninsula area. We have on our list of possible venues about 45 Churches and other venues. Why did we pick this one? First of all, size. We’re a relatively small acoustic choir group, we have about 45 people in our group, our audience size is about 100 to 150 typically. This is a perfect... it’s a very intimate sanctuary. It has amazing acoustic for its size and its location. It’s pretty incomparable compared to many

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other things and that’s why so many choir groups like to sing in it because it’s great to sing in. Availability, I’ll tell you sometimes when we’re looking for a concert date we may call 12, 15 venues before we find someone who can accommodate us on our proposed venue dates. Often, we end up at First Baptist because they do have availability and they are underutilized compared to many, many venues that are good for choir singing and other kinds or acoustic venues. We gave a concert there last weekend, Saturday night from 8 to about 9:30 under a Temporary Use Permit. We had about I think 75 people who showed up in the audience. We maintain the conditions of the Temporary Use Permit including in notifying all the neighbors. We had all our singers park at least four blocks away of the Church. We sent a note out to all our pre-paid tenants or audience members to be very mindful of the parking. I think there was any reason to complain and nobody complained about not having enough parking spots. Please consider keeping this venue open for groups like us who only use it once or twice a year and because it is a great venue. Thank you very much.

Chair Lauing: Thank you. Joan Zwiep then William Conlon.

Ms. Joan Zwiep: Good evening I’m Joan Zwiep. We’ve heard a lot of discussions tonight and I would like to just focus on one thing and that’s enforcement and that enforcement is a big question. From the City, I would ask what assurances do we have that in fact, whatever permits the Church gets will be followed by the Church. The second thing that I would like to say about

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enforcement is that if the permit is denied to iSing and they are told that they can’t use the Baptist Church that in fact will not change the organization of iSing which we all believe is a very worthy, wonderful organization. That organization will remain with its core values as they are now. The only thing that the neighbors are asking is that there be a new, more appropriate venue for their activities.

Chair Lauing: William Conlon then Judith Schwartz.

Mr. William Conlon: Good evening. Thanks. Bill Conlon, I live… I’m a neighbor of the Church, I live a half block way on Bryant Street since 1984 and I’ve always appreciated the Church being there. I have concerned myself a little bit about how is it going to sustain itself in this community with the limited congregation and so forth and so that’s something that I think it really important. Yet the operation of what is essentially a commercial business kind of operations in a residential neighborhood needs to be done within the context of being in a residential neighborhood. And that has to do with noise, that has to do with parking, and those things really just can’t be sluffed off and ignored. Now we’ve heard a lot about iSing I think and Jan, I know Jan and we go to musical events all over the Bay Area. Many of which are held in Churches and so I understand many of the issues with that but the venues that we go to in Mountain View, in Palo Alto, and so forth they have parking. And so… and they are, as was presented earlier, have appropriate setbacks from the area so this is really not... is not a

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Chair Lauing: Thank you. Judith Schwartz is our last speaker.
Ms. Judith Schwartz: Oh, I get to be last. Hi, I’m Judith Schwartz, I live at 2330 Bryant, I’m also a Commissioner on the Palo Alto Utility Advisory Commission so I appreciate the challenge that you all have in sort of coming up with this. And I think the… you know I’m somebody… you know iSing sounds like a great operation. I’m delighted that kids are learning music and the conductor sounded really wonderful and what you’re trying to do so it’s not about that. But I’m somebody that hates going to parties and having the music be so loud that it hurts my ears and I have to leave or stand outside because it’s so horrible. And I’m one of the people who doesn’t like it when the inversion happens and Shoreline happens. You know you get that booming bass and you can’t sleep in your house because your whole house is shaking. And I really don’t want to have amplified music that’s there… that can be there every night. And I don’t know how you design the policies so that you can keep something that’s a lovely choir concert, which sounds great and I would love to come listen to, from somebody who wants to come in there and have a party and have it be really loud and you try to turn… ask them to turn the music down and they’re not necessarily going to do that. I mean we’ve had an instance at the Farmer’s Market where they started making the music so loud it was hard to shop or talk to the vendors and when you asked them to turn it down they didn’t want to. So, I think that that’s one of the challenges that you have in coming up with the policies and for Staff and how do you design the rules in terms what’s enforceable. So that it isn’t really… it’s doesn’t… our neighborhood doesn’t become an unpleasant place to live and I encourage you to not approve it in its current form and maybe see if there’s a way to slice it that allows something that’s support of

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wonderful choir music or kids learning to play music that is reasonable and rational so thank you.

Chair Lauing: Ok thank you and thanks again to all that came out and expressed their opinions on this. It’s helpful to the entire community to listen. So... Sorry? Yeah, I was going... just exactly what I was going to say. It’s been 2-hours and...

Mr. Lait: Sorry I was just going to per your procedures we have an opportunity for the applicant to have a 3-minute rebuttal.

Chair Lauing: I'm sorry. Thanks for...

Mr. Mixon: You know I'm a real debtor and I would love to offer a rebuttal but I don’t know if that would be useful at this point because there’s so much that’s been unpacked and shared. I mean my heads swimming I imagine yours are too. I guess I want to make a kind of overarching statement. One thing I would like to share if you haven’t had a chance to see it I did an op. ed. piece... would you... can you pass those? For the Palo Alto Weekly that was printed today and it helps... and it would maybe help you to see what our philosophy is about what it means to be a Church in 2018. And part of our opposition... the initial opposition of the Conditional Use Permit was that we think it’s extraneous. We think we should be allowed to be a Church functioning

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the way a Church realistically functions in 2018. That said we heard our neighbors and we understand that’s what happened at the Church is... it grew organically. It did not grow by design but we’re not proposing to do anything new in the Church. We are proposing to continue to do the kinds of things that we have always done in the Church. There may have over the last few years been some escalation of those activities but they’re the very kinds of activities that a Church does. The line between sacred and secular is very indistinct. There are very many interruptions that people can put on that and so I just think you need to take that into consideration. And then to our neighbors, I apologize in the beginning for a difficulty that we’ve caused. They were not intentional and we really do want to work to resolve these problems that would allow us to continue to be the Church. Among those things are we recognize that we really now only have one large group in the Church that’s iSing. We’re not looking to bring in another large group. The new Mozart School will be excluded and we actually had made a decision not to bring them back anyway. We are keenly aware of the concerns that our neighbors... some of our neighbors have raised and we really are working hard and want to continue to work hard to resolve those issues whether you pass a Conditional Use Permit or not. That’s an ongoing activity that’s important to us as well as important to our neighbors and we’re wide open to doing that. To hearing from our neighbors to hearing from you to hearing from the Planning Department about how we can do that effectively. That’s our basic stance.

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Chair Lauing: Ok thank you. So, I would like to propose to my colleagues that we do a 10-minute break. The next piece of this is to address questions to Staff which there might be a number of those before we go into comments and potential motions. That’s what I’m suggesting. I’d like to get a vote of who would like to take a break right now and I would say yes. Could you just raise hands so I could see? Three. Four. Four to two or four to whatever. Didn’t vote alright. Yeah 10-minutes so we’ll reconvene at 8:15. Thank you.

The Commission took a short break

Chair Lauing: Ok so in the pre-meeting yesterday we discussed that we thought given the scope that we better kick off with just a round of questions first before we get into comments or motion. So that’s what I would suggest and then just put on your light if you’d like to talk.

Vice-Chair Monk: [off mic] Time? Three minutes?

Chair Lauing: Excuse me?

Vice-Chair Monk: Is there any time limit for us at this point on (interrupted)
Chair Lauing: Not on the questions. Just obviously we don’t want to repeat but so
Commissioner Alcheck.

Commissioner Alcheck: I’m actually ready with a comment so (interrupted)
Chair Lauing: Alright so we’d just sort of like to do questions. Do you want
(interrupted

Commissioner Alcheck: You want to do a quick round of questions?

Chair Lauing: Yeah, exactly.

Commissioner Alcheck: I’d be happy to kick off the comments.

Chair Lauing: So, Commissioner Gardias.

Commissioner Gardias: Thank you. So, the question is like this so there are apparently some
differences between the proposed CUP language about the hours of operations and some
comments that we heard here from the audience one way or the other. I would like to
understand what the schedule is... What are the bases for the proposed schedules in the CUP

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Mr. Owen: So, I think with hours as with most of these conditions our approach has been to a thread that needle of what’s acceptable or more acceptable to the neighborhood. And then also what can... what the Church can accommodate or the community center can accommodate from a programming standpoint. So, my understanding is that the 7:30 cut off time that we proposed may not be supported by iSing for example. I think that they’d prefer to go a little bit later and then the Church in their application requested to go to I believe 10 o’clock and then 11 o’clock on certain days as well. So, our approach is just to try to not necessarily find the middle ground but find something that we as Staff believe can support the findings.

Commissioner Gardias: No so if I can just reiterate so I understand so 7:30 is the logic is based on some Staff observation or is there some science behind 7:30?

Mr. Owen: No science. It’s just what we think would be reasonable.

Commissioner Gardias: Thank you.

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Chair Lauing: A follow up question from Commissioner Riggs.

Commissioner Riggs: I actually... Is that on? I mean it’s short. Sorry, I haven’t eaten so I’m a
little slap happy. I appreciate that question and I was wondering it if there’s... if it’s comparable
to other CUPs that have been issued? I just didn’t hear an answer to that. Do we have any... is
there a president?

Mr. Owen: I worked on a community center CUP last year so I could look up the hours of
operations for that.

Commissioner Riggs: I think it would be great. I think in the spirit of consistency in that question
that really, we ought to know about.

Mr. Lait: Sure, and I’ll (interrupted)

Mr. Owen: I’ll take a loot and see what I can find.

Mr. Lait: While Grahams looking that up I know Commissioner you’ve had experience in other
communities working on Commissions and other Planning Departments and I’ll say that here in
Palo Alto there’s not a lot of Conditional Use Permits that we issue and process. And so, we get

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Mr. Owen: I’m not sure. You could certainly ask him. I’m not sure what you’re referring to exactly. That he was moving the hours up?

Mr. Lait: I don’t know. What we’ve heard though from iSing, of course, is that they want to continue to operate until 8:30 and the resolution says 7:30. So that’s (interrupted)

Vice-Chair Monk: So that change that the Pastor had mentioned about pushing it an hour later doesn’t pertain to their end time in any way?

Mr. Lait: I’m sorry I can’t speak for the Pastor but I just know from the record that iSing is seeking 8:30.

Vice-Chair Monk: Ok thank you.

Chair Lauing: Commissioner Summa.

Commissioner Summa: First of all, thank you, everyone, for coming out tonight and talking to us. And just a couple questions for Staff one is do we have other community centers that are not operated by the City basically because... We do. And could you talk a little bit about them and are there any that are actually comparable to this in Churches?
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Mr. Owen: So, this relates pretty directly to what Commissioner Riggs was talking about and
what I was actually looking up. There is a non-profit community center that’s not operated by
the City at 303 Parkside Drive. It’s a pool and tennis courts, basketball courts, I think there’s a
daycare center there as well. To answer... I’ll answer your questions in turn. It doesn’t have a
Church on it so I don’t know if we have a something that exactly comparable in terms of a
Church that’s also a community center. To the question about hours, the one that we had
approved last year at 303 Parkside Drive had separate hours of operations for various uses at
the community center. Generally speaking, the pool area which is not directly related to this
one 6 a.m. to 8 p.m., the park area from 6 a.m. to 10 p.m. and the pool house which was kind of
the impetus for the CUP in this case because they were building a new structure was 6 a.m. to
10 p.m.

Commissioner Summa: I’m sorry I’m not familiar with that location. Could you explain a little bit
where that is?

Mr. Owen: It’s in south Palo Alto pretty close to the Circles and Green Meadow.

Commissioner Summa: So, it is part of a (interrupted)
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1. Mr. Owen: HOA.

2. Commissioner Summa: Eichler?

3. Mr. Owen: Yeah.


5. Mr. Owen: It’s close... I don’t know if it’s exactly in an Eichler neighborhood but it’s similar enough.

6. Commissioner Summa: So, it’s part of the original Eichler development in that neighborhood.

7. Mr. Owen: Right.

8. Commissioner Summa: So that would be a little bit different because it was designed to be that way. I’m kind of looking to see if we have more of a president for something like this.

9. Mr. Owen: I don’t think we do.
Commissioner Summa: Do we have any with regards... sorry with regards to the noise do we have any reports from sound engineers or any traffic reports or anything that’s a little more quantitative about the issues that the neighbors are concerned about?

Mr. Owen: We don’t have any noise reports. What we do have is the traffic safety analysis that was performed when the roundabout plans where conducted. Those counts are about 2-years old so they are fairly relevant. Especially considering that the New Mozart School was the Church at the time. And so those indicate I think at the peak for this intersection 85 cars an hour and LOS or Level of Service of delay of A which is the highest.

Commissioner Summa: A, ok. And with regards to the air conditioning that is just in the sanctuary portion of the building or is it the whole hyphen and the whole (interrupted)

Mr. Owen: Right. Pastor Mixon gave me a tour of the facility. I can’t remember if it’s... if there’s HVAC in the sanctuary or not but there are certain sections in the hyphenated section that do have HVAC. So, if you wanted to ask him I’m sure he’d be able to answer.

Commissioner Summa: Yeah, I’m just curious. I think... it sounds like we’re relying on the HVAC creating... because windows can be closed and creating a much more quiet environment in the

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surrounding adjacent areas. So, I’m just curious how much of the building is going to be air conditioned?

Mr. Mixon: [off mic] There’s no air conditioning in the sanctuary.

Mr. Lait: I’m sorry (interrupted)

Chair Lauing: He (interrupted)

Mr. Lait: Excuse me Pastor if you don’t mind coming to the microphone so we can have this on tape thank you.

Mr. Mixon: Just quickly there’s no air conditioning in the sanctuary. We only open those windows when it’s really really hot. It’s a big high ceiling space. The entire second floor of the educational building is where the offices are, were iSing offices are, the therapist office, that’s all been air-conditioned and has double pane windows on the side that’s near the neighbors. There’s actually... we actually have an experience of having abated noise complaint from a neighbor on that side of the Church by putting HVAC and double pane windows. The current plan is the HVAC system that will be put in starting tomorrow will be in our Fellowship Hall and will allow that large space to be air-conditioned.

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Commissioner Summa: Ok thank you.

Mr. Mixon: Can I just say the hour's things? My understanding is that iSing moved their hours just a little bit later to accommodate the convergence of traffic and I don’t think it was planned with... I don’t know if it was thought about whether to push it later into the evening but it pushed... but it starts a little later, about a half... about half hour later? About a half hour later to allow for the bicycle traffic to get through before classes start.

Commissioner Summa: And also, why was Staff recommending seven days a week for the community center use?

Mr. Owen: Right so I think that the applicant had requested various hours for seven days a week so there’s the understanding that there’s activities that take place currently seven days a week. And we didn’t feel that it was necessary to regulate it just on the weekends or just on the weekdays.

Commissioner Summa: So, this is a really difficult situation because all of the uses at this location are good but I... you know people have a right to the law and some people who live close by are really concerned. And I just wanted to ask Staff in, particularly legal Staff if the first

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Finding detrimental to the public health, safety, general welfare or convenience can really be made if there are so many who live close by that find it certainly inconvenient? I’m a little troubled by how we make that Finding regardless of how much we like iSing and want to help the Church and etc.

Albert Yang, Senior Deputy Attorney: I would just say that’s precisely the question for the Commission this evening is whether or not you can make that Finding and the other required Findings as well.

Chair Lauing: [Vice-Chair] Monk.

Vice-Chair Monk: Thank you. In regards to the HVAC question, we heard earlier that there were performances in the sanctuary wing and I would imagine that because there’s no air conditioning or plan for air conditioning in there, would that pose a noise problem? So, this would be a question I guess directed to the applicant or Staff can speak to it.

Mr. Lait: I think Graham can probably respond to this a little bit. I think he’s been in contact with obviously some of the neighbors in the area and I think he heard testimony this evening from the neighbor who lives immediately adjacent to the Church on the California Avenue side. Where the preference was for any events that took place... take place at the sanctuary because

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that’s at the place where the two streets meet, Bryant and California. And that’s the part that’s furthest away from the residents.

Vice-Chair Monk: So, events that would have occurred in the sanctuary are now going to be moved over to the Fellowship Hall?

Mr. Lait: No that’s not… so I think your question was… I thought your question was because the sanctuary is not going to behave air-conditioned space are we going to… do we anticipate getting additional noise-related complaints from the use of that space and I’ll look to Graham to see if he’s heard any comments from residents in that area? My understanding is that’s been the primary area of concern. It’s been the Fellowship Hall and that for of hyphen building.

Mr. Owen: That’s accurate. I think the vast majority of the complaints have been about the Fellowship Hall from a noise perspective. Although I will say that we’ve had at least one complaint about the sanctuary hall as well but it’s been… that’s not been the focus of most of the comments.

Vice-Chair Monk: Do we know how many noise complaints have come in?

Mr. Owen: No, I haven’t gotten the actual counts from the police department yet.

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Vice-Chair Monk: Is the CUP drafted in a way that it’s conceivable that more partners would use the facility down the road?

Mr. Owen: Yeah.

Vice-Chair Monk: Or is the 50-person limit going to prevent that?

Mr. Owen: No, we with Condition Number One we wrote it... we tried to write it in a way so that other users could come in at a later date as long as they’re meeting the other Conditions of Approval. So, meetings and events sponsored by or used by non-profit organizations, rehearsals, programs, performances by non-profit musical groups and ancillary counseling and psychotherapy offices.

Vice-Chair Monk: What would the effect be on the current partners if it’s not granted?

Mr. Owen: If the CUP isn’t granted then those uses that don’t meet the definition of a Church would be abated.

Vice-Chair Monk: Have you received any reports of concern from the administrators at Jordan or Pally about student riders?

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Mr. Owen: No. We did have a community meeting at Jordan Middle school where we discussed
the CUP and I think we had about 50 folks that showed up but no I haven’t received any
concerns or complaints from either of those schools.

Vice-Chair Monk: And then this should be my last question in regards to the CUP How did you
arrive at the figure of six and do we know how many or how frequent they would like to have
larger events and to what time in the evening?

Mr. Owen: Six just seemed like a reasonable number to use. I mean again as with Commissioner
Gardias’s question we’re trying to find something that is tolerable and work for the
neighborhood but also gives them latitude for programming.

Mr. Lait: I think we’ve learned through this that you heard testimony from Jan of Resounding
Accord that there are these sorts of roving groups that want to do events at this facility. And we
also note around the holidays iSing and others like to have events too and so it just seemed like
that the number was gravitating toward six for us but obviously it’s the Commission’s
discretion.

Vice-Chair Monk: Thank you.

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Chair Lauing: Commissioner Riggs.

Commissioner Riggs: Thanks for the information. I was curious about the Level of Service that
you mentioned. You mentioned that it was Level Service A and there were 85 trips and that
particularly Bryant and California correct? Where the... is that (interrupted)

Mr. Owen: Correct.

Commissioner Riggs: So, I guess I’m just curious what’s the threshold of significance for an
intervention there? I’m pretty clear that the threshold is calculated differently for the bicycle
boulevard but I’m just curious.

Mr. Owen: So, when I said 85 I was referring to vehicle trips.

Commissioner Riggs: Yeah, I knew it was vehicle trips but I’m just curious if it wasn’t a bicycle
boulevard I’m assuming there would be a threshold that the City Engineer would use for
(interrupted)

Mr. Owen: It’s typically a Level of Service of E or F.
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Mr. Lait: Well let’s maybe parse that a little finer because we issue CUPs for any number of activities that are set forth in the code.

Chair Lauing: Right well I meant a similar situation of Church plus community center.

Mr. Lait: Right and I don’t think we have a long history of another sort of blended Church/community center activities taking place or something through an entitlement process. Our... and I think we mentioned this in the Staff report our perspective is that it is not president setting. That there are unique factors and consideration taking place with respect to this property. That it’s unique in and of itself.

Chair Lauing: With respect to loading zones in terms of what you’re proposing here is that materially different than what’s happening right now? The question is do we really have a case study now or how materially different will it be?

Mr. Owen: So, I think the major difference is that we would stripe... if it’s approved with the current recommendation we would stripe on Bryant Street. Currently, the loading zone is only on North California but our proposal is to do both sides of the site.

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Chair Lauing: Right so I’m trying to get to the materiality of that. Do you think that that’s massive or minor? I’m just trying to figure out if you have kind of a case study now for the amount of traffic and line up at the drop-offs that probably approximate what’s going to happen going forward. I mean obviously, you’re not doing something that’s really radical like routing people behind the building on a one-way street or something like that.

Mr. Lait: Right so the sign... the loading... the no stopping prohibition that’s in place now is the minimal standard to address the bicyclist... the bicycle commenters on California principally. And when we were getting to this stage when we were drafting a recommendation we thought we needed to add a little more cushion on that just to account for somebody getting out of school late or a little bit more lag time in that travel. We also had heard from resident’s concern about the roundabout. That motorist traveling northbound would... how do they access the site in a convenient way because there’s no stopping on the south side of California and there’s these concerns... there’s concerns about U-turn and how do you approach the site to drop your child off on the correct side of the road next to the property. And so, our thought was that with the roundabout in place it would be a convenient opportunity for somebody to not use California Avenue but just simple use Bryant as a way to drop off their children and facilitate that movement.

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Chair Lauing: I think [unintelligible] into a formal question but I think we’ve heard you say
before sitting there that you have plenty of Staff to do enforcement of areas that need
enforcing.

Mr. Lait: I’d like to know where I said that.

Chair Lauing: I’ll refer you to the tape where you sat there and said that.

Mr. Lait: I have said that we are fully Staffed relative to our budgeted employees for the Code
Enforcement Program. And so that’s three individuals and all three positions are filled.

Chair Lauing: Ok.

Commissioner Riggs: So polite.

Chair Lauing: So, you need two more FTEs is what you’re saying publicly here. Just remind us
again what is the… we understand the history there and the grandfathering in for the parking
and so on. Just if there where… what’s the maximum size of the congregation with the old
regulations of parking right now?

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Mr. Owen: 285.

Chair Lauing: Sorry.

Mr. Owen: 285.

Chair Lauing: Ok. That’s my last question. Anyone else have questions? Commissioner Gardias you had a follow-up?

Commissioner Gardias: Sure thing. One more question from the same perspectives so there was a request for 120… to increase maximum occupancy to 120 and I believe this is in variance from the occupancy they made of 50 people. So, I’d like to understand... it’s in the ordinance [Note - CUP] so I’d like to understand what is behind 50... maximum 50 occupants number as this is in the paragraph Number 10?

Mr. Owen: Again, I mean it’s like the question that you had asked and Commissioner [Note-Vice Chair] Monk asked. We’re trying to find that middle ground to the degree that we can and that we think is reasonable. We hear 12 from some members of the community and we hear 120 from others so we felt that 50 was reasonable. It’s not... it’s the occupancy that wouldn’t really

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contribute to any sort of parking spill over and it didn’t seem to me that would generate any
sort of neighborhood impacts once you have no more than 50 people.

Commissioner Gardias: Right so I’m going to comment on this right. So, I mean just
(interrupted)

Chair Lauing: We’re just trying to do questions now.

Commissioner Gardias: I understand but just let me just make a comment because you’re
guessing, of course, I respect it but what I would like to have I would like to have some reason
behind this so I can understand the number and the number of 50 or 120 should be supported
with something. It’s a composite probably of the iSing girls plus those that work with those girls,
maybe some parents and then maybe there’s some outings. So, each number should mean
something on one side and/or the other and also there’s a time dimension. So, I’m only saying
this because for us then, later on, it’s very really hard to just make any judgment if we don’t
understand the numbers as they are presented.

Mr. Lait: Ok and I’ll take that in a form of a question and give you an additional response in that
we did look at the iSing attendance or how many students would attend at any... on a typical
type of event and I think my understanding it was somewhere close to 60 at the largest event.
Most of them were 20 or 40 individuals at a time and then the 8 parking spaces that are on site is... gets you at least up to 32 people and we know neighbors are concerned about area parking availability along California and other streets but we feel like there’s capacity for some additional street parking. And then beyond that, it’s really just this, as Graham said, trying to strike that balance to support the Findings, particularly Finding Number One and but there is no magic to 50. I mean the Commission, of course, can offer some other guidance but there’s a little bit more color as to why we came up with 50.

Chair Lauing: Commissioner Summa.

Commissioner Summa: Yeah, I have a couple more questions. So, someone mentioned it here tonight that there’s other Churches that have regular seasonal... are venues for regular seasonal performances including Philharmonia Baroque. Is there some standard that we allow Churches to... Is there some sort of standard that we think is ok for Churches to have performances in the evening on a regular basis?

Mr. Lait: So, in general in the community?

Commissioner Summa: Yeah.

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Mr. Lait: So, I don’t know that we have a set of standards or performance expectations on that. I do think that I understand... I’ve heard from folks that there may be these other events that take place at other Churches and that may have been part of the long-standing history of those types of institutions. I think partly what we’re responding to with First Baptist Church is that the residences have provided I think a fair amount of information and this is also supported in part by the Pastor that there’s been an increase in intensity and activity taking place at this specific location. So where incidental type of events like that may have come and gone and not be in... maybe they were disruptive maybe they weren’t but they were isolated and not very regular. The reason we’re requiring that the CUP in this context is that there has been an intensification at this specific Church with respect to these secular activities and I would think that the philharmonic type stuff is... constitutes a secular activity depending on the programming, of course, that’s going on. So anyways that’s kind of a long-winded answer to say that there is no standard in place but we would look at sort of the pattern and the history and in this particular instance, we have definitely seen an increase in intensity and activity at this facility over the last several years.

Commissioner Summa: Yeah because it almost seems to me like the activity that’s really increased is using the Church more as a regular daytime occupied sort of office building rather than the concerts that happen from time to time in the evening. Which I guess that I use to have season tickets to Philharmonia Baroque and it was in a Church near downtown and it had

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a big parking lot so it was different. And then last year we asked New Mozart School of Music, another tenant there, to leave. I’m having a hard time understanding what was different about that and iSing or any other really great worthy group but what’s the difference?

Mr. Lait: I think there are a couple of differences. One, of course, that would initiate the Code Enforcement complaint was the New Mozart School operations. That’s what people in the neighborhood were most galvanized about in terms of the deterioration of their quality of life in the neighborhood. And so that was our area of focus and when we looked at that specific operation unlike iSing I think today which today has demonstrated an ability to listen and understand the concerns of the residents and have taken proactive measures to address those concerns. Maybe it's not gone far enough by some of the residents but there is at least an operationally there seems to be some interest in wanting to address that, those impacts. And that’s been observed and even supported by or acknowledged at least by area residents but I think more importantly I think is that New Mozart School was a for-profit entity. And I think what we’re seeing here with the community center is something that would support other non-profit types of events and iSing is non-profit. Not that that’s the gold line I know you can have very intense non-profit activities taking place and I know not the next tenant might not be iSing but I think the way that we’ve drafted the conditions and approached the recommendation was that in mind. How do you think about that next tenant that’s no iSing and still ensure that

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the benefit that they are providing to the community in terms of teens and young adults and others. And it just seemed like such a low-intensity type of activity that was taking place there and beneficial to the community that we were trying to find a way to allow for that to continue on a small ancillary scale.

Commissioner Summa: Yeah and somewhat ironically some of the most concerned neighbors were saying small groups that do quiet things which actually the therapist really qualifies as. So, but is... so the community centers can have for-profit and non-profit is that the answer or there’s no requirement with regards to that.

Mr. Lait: Yeah, it’s not distinguished in the definition so we would say the answer to that is yes, it could have both for-profit and non-profit.

Commissioner Summa: And another concern I have is that everyone is going to go to all this effort especially the expense for the Church of double panning glass and putting in more air conditioning. And what if the neighbors are still not satisfied in terms of the inconvenience and the harm that they feel?

Mr. Owen: One of the other Conditions that we have included is that if there are unanticipated impacts that can result after say a draft CUP is approved by the City Council. That if we hear

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new complaints that the Planning Director has the ability to modify the CUP with additional considerations and with additional Conditions of Approval.

Commissioner Summa: Ok one last question. Is there any way to move forward with a Temporary CUP but for a reasonable period of time, 6-months or maybe even as much as a year but 6-months maybe to see how this is all working out? Because it seems the remedies to the real problems that many of the neighbors feel seem pretty real and I mean seem pretty unreal. I mean untested and we’re kind of questioning that 50 is the right number and all those things. Is that something we can do... consider?

Mr. Lait: So, I think what you’re saying is allow the Conditional Use Permit to extend for a certain period of time and then come back and revisit it. Is that correct?

Commissioner Summa: Or have a Temporary Use Permit. I don’t know if we do them for 6-months [but] to kind of test these solutions. These solutions don’t seem very tested to me.

Mr. Lait: Yeah, ok, great then so a Temporary Use Permit would not be the correct avenue because those are time limited to 45-days and that wouldn’t give us enough data. But you... the Commission certainly could have a conversation about sunsetting the CUP and we can talk about how that would work. Whether it sunsets automatically after a certain period of time

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unless actively renewed by the Commission or Council or whatever the mechanism is, even the Director. You know I would just want think... so there’s options I guess is the short answer to your question.

Chair Lauing: Any other questions? No. Alright let’s go with comments and we’ll circle back to Commissioner Alcheck.

Commissioner Alcheck: Ok thank you and thanks to everyone who came out tonight. It’s nice to see a full room. Ok, I think it’s appropriate to acknowledge why this is an appointed Commission as opposed to an elected Commission. It’s our duty to make our recommendations based on the analysis of the issues before us with the vision goals and policies of our Comprehensive Plan and Municipal Code in mind. So, to determine the best Land Use Policy sometimes we have to make these recommendations regardless of whether it’s popular and we appointed so that we may provide this review and recommendation in the absence of the well know the problem of influence in politics by special interest groups. It's not uncommon for our decisions to weigh these kinds of competing interests and it is uncommon for our recommendations to result in perceived winners and losers. This is the job, it's not supposed to be easy and I accept tonight that each of us will have to grapple with our evaluation despite some of the strong emotional pleas that we shared on both... that were shared on both sides of this issue. I’ve heard all the speakers tonight, I’ve read every single letter, I’ve been to the site

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over ten times so that I could better understand it, and it clear that we have two very competing interests here. And each has done their best to advocate for themselves so with that I’m going to dive right into some of the points I’d like to get through.

I was particularly interested in understanding how we got here today and I think the first mistake was to not include a discussion in the Packet regarding how this application differs from the one we heard last year. And I think this is relevant because my knowledge of the history of how this City has handled this issue has left me with the strong impression that the City jumped the gun here in sending out Code Enforcement letters. And should have instead begun a process of evaluating the City’s definition of Church use before encouraging any Church or religious facility from pursuing a CUP. And that... We’re in an irreversible situation now. Now we have to entertain the discussion of a CUP for a definition I believe is very inapplicable to the way any of the religious facilities in our City operate. And so... and we have to essentially save the City from itself right now, that’s how I view our hearing tonight.

Now I feel the same... look let me say this, I understand from your presentation that you believe... you wrote it, we believe that we have attempted to balance the interests. The question that should be top of mind for everyone is did you succeed at balancing the interests? I will respectfully suggest to you tonight that you did not and I feel the same way for example with the statement in the Staff report that the approach Staff has taken here isn’t president

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setting. From my vantage point, the approach used to reach the Staff recommendation is incredibly problematic because it is president setting. Before I get too far into it I want to suggest you, Graham, tonight that during your presentation you used the word nuisance to describe activities at First Baptist Church. I would encourage you, as a Land Use Attorney, to make sure that in the future you use code defined legal terms only when Staff has made the active determination that the definition of that term in our Municipal Code has been satisfied. Now let’s talk about what it means to make that determination. It’s clear the neighbors have submitted many complaints but nothing in this report demonstrates that there has been any neutral third-party evaluation of the complaints. Tonight, Commissioner Summa asked a question about what would we do if the neighbors after all of this were still unsatisfied? Is that the measure? Their satisfaction? Shouldn’t there be a reasonable person standard? How could any of us up here tonight possibly know without some clear and proper fair evaluation what is going on at this site? How does it compare to what we tolerate in the immediate vicinity of our local private and public educational facilities? Understanding the standards that are in place and being able to evaluate them should be a requirement prior to creating such strict Conditions as you have recommended in this CUP. The Church is a classic, classic, this is literally the most classic example of a building built according to standards that have since changed dynamically. Take for example parking, the on-site parking is clearly insufficient when you compare them to our current standards but the site was approved as is, as it is today, as it sits today it was approved. And the abundant on-street parking available in the vicinity of this

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shop at 7 in the morning I presume. I don’t know that our definition of Church use even includes hours but if it’s a Church activity I assume this doesn’t apply.

So, I’m going to ask you a few questions and let me just say this having read the Packet thoroughly I think that Staff has failed to sufficiently articulate or address how the Church’s current activities fail to fall within the City Church’s definition. I understand that you feel that it does and you’ve provided the definition on Packet Page 82 but it doesn’t take an attorney to know that the Packet fails to walk us through the application of the definition to the uses and should be apart of the Packet. The uses are not satisfied by the definition because a, b, and c. We just had a whole question and answer period about well is it non-for profit is it for profit? Nobody knows. Nobody up here can possibly make that evaluation without some sort of legal analysis and now why is this important. This is because it’s president setting. Many of our local Churches and Synagogues are homes to youth groups men’s clubs, choirs. I know of yoga classes that are made available to congregants at various local and religious facilities that are put on by individuals who get paid for being that instructor. Let’s say a congregation has a tiered membership structure; families pay on set rate each year, young adults pay a discounted rate, individuals who are participating in weekday bible study they pay this fee, families with kids who are enrolled in music classes pay this fee. It doesn’t take a lot of creative thought to come up with some strategy that the Church could essentially encompass all of its services paid to private providers or not for their congregants. And I don’t know that the City wants to touch

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with a 50-foot pole the notion that some of those activities wouldn’t be “acceptable” for a Church to host. What is the definition of congregants? I literally have... it’s almost impossible to believe our legal department would want to get close to that idea. Instead of us hosting a discussion about what we want our local religious facilities to be... how we want to define them we just sent out enforcement letters.

If a Pastor decided or determined that he needs professional assistance to provide guidance and advice to his congregants and he partners with some professional therapists who offer services to congregants who are yet in another membership class. Twice a month membership... the twice a month therapy membership could they be congregant? I mean this is like what we’re forcing this congregation to do I believe is get creative.

My recommendation would be the following and I think this would be a good time take to some notes. The entire bottom paragraph of Page 90 , in my opinion, is problematic. You have used the language of the draft Record of Land Use Action to memorialize an analysis that I believe you have not properly conducted. If is here where you will find the second time tonight that Staff has used the word nascence. In the draft Record Action is says the current and previous uses of the Church have created concerns among many neighbors about nascence issues. We want their CUP to suggest that they’ve created a nascence? Ok, I will acknowledge that a nascence has been created when there is a legal analysis in our Packet that suggests that the

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appropriate time what uses should Churches be allowed to have? They certainly can’t host Palantir, right? There’s one. Why don’t we do it in the negative, no Palantir and Facebook and no startups. Ok, anything else? I mean it’s... I’m just using this to suggest that the logic with which we approach this is just as irrational as the logic I’m suggesting now.

And I will end with just a few more. I think that the hours is problematic. I don’t see why for example they should have any different hours than you have at Mitchell Park; at the JCC; at Pally which has grown so tremendously that it’s parking can’t possibly satisfy. It creates a tremendous safety concern every day. Our train creates a tremendous safety concern. There are... these safety concerns have to be addressed but in a way that’s reasonable. That really truly balances the interests. I will suggest to you that I think that the hours are problematic. I would revise them to meet the requested hours which are 10 to 7. Excuse me, which are 9 a.m. to 10 p.m. Sunday through Thursday and 9 a.m. to 11 p.m. on Saturdays and Sunday [note - Friday and Saturday]. That would be my recommendation when we get to that part of the night. I think that the notion that there should be no amplified music is problematic. Can a neighbor have amplified music? I mean are we... is there no amplified music at the Mitchell Park Community Center? How did we come up with that decision? When are we going to have a community discussion about what we want congregation Bathom to do and First Baptist Church? Do we restrict all amplified music in common areas at those places or do we allow them? Based on what CUP? I think we’re in a place right now where we don’t want to be. We

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these institutions served in the past were community centers. They served to bring the community together when the community was likely a lot less diverse than it is today. Today it’s very diverse so the notion that your membership has fallen is not surprising and I think it takes a lot of effort to keep a population membership high if you don’t get creative and evolve. And I think what we’re doing tonight is restricting this organization’s ability to evolve. So, I am displeased with the process but interested in passing a CUP that’s got loser restrictions because we have to save ourselves from this situation. But I also think our recommendation should include an immediate call to discuss the concept of uses that we allow on religious sites so that we can create a community-wide standard that is acceptable to residents as opposed to a standard that is acceptable to one group of neighbors. And that’s not to suggest that the neighbors aren’t reasonable but it’s to suggest that this… the way that we approached these things should be more holistic than specific.

Chair Lauing: Vice-Chair Monk.

Vice-Chair Monk: Commissioner Alcheck if… and if the Chair will allow I’d like to suggest perhaps you’d consider entertaining putting forth a motion and then we can go through as a Commission and address each of the points and make amendments to the CUP that we have before us.

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1. Commissioner Alcheck: I’d be happy to do that. I do think that there is a general sort of sense that people want to have a chance to talk before a motion is made. I’m happy to make a motion and we can go point by point. Maybe if we do it that way we can avoid a process that bifurcates it into six substitute motions. I’d be happy to do that. I do think it makes sense for everybody to get a chance to speak. I’ll say one thing my motion wouldn’t include a sunset provision. I think we’ve put them through enough. Having them do it another time in a year seems like painful so my motion would essentially use the Staff recommendation and then I would make all these edits and then we could go one by one and talk about them. But I really do think it’s more appropriate to hear from everybody before I make that motion because I know people are sensitive to the timing of motions.

Chair Lauing: Ok but then you’re... that’s your intent. That’s good to know.

Commissioner Alcheck: I’m happy to do it. I think it would be constructive.

Vice-Chair Monk: The reason why I ask is because a lot of things that you brought up are things we’d all want to weigh in and I think it would duplicative for everyone to air all of their concerns and then go back again and rehash it as we go through the CUP.
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Chair Lauing: Well I do think his point is well taken that we shouldn’t get into the amendments yet until all people have had a chance to talk but they can talk to the motion that’s on the floor.

So, do you want to just...

Commissioner Alcheck: Do you want me to go?

Chair Lauing: Yeah just put that motion on the floor but let’s not go into the amendments it what I’m requesting because we know we’re going to do amendments but other people might want to voice their general opinions on this.

MOTION #1

Commissioner Alcheck: Ok so I would move that we recommend the adoption of a CUP... I think when you mean amendments you mean other people’s amendments.

Chair Lauing: Well no if you have 16 amendments I think we should hold (interrupted)

Commissioner Alcheck: I don’t have 16 amendments. I would essentially strike every provision of the current CUP and adopt the hours requested. I don’t think we should be specific about the uses accept to say uses that would be satisfactory for a site that’s designated as a Church in our
community. And I would suggest that there be no specific limitation to the number of
individuals that can come on site. If we want to include the language with respect to the HVAC
and some of the other things that they’re prepared to do I think that’s fine. I think it would be
highly appropriate for example to include a Condition that says that you need to hire somebody
outside to manage the street. To get the cars off the curb that aren’t parked properly. You need
a traffic attendant.

Chair Lauing: Well this is getting to be a long motion.

Commissioner Alcheck: I’m just saying I’m prepared to make those suggestions. I think there are
things that we can put in now but I’m not sure Staff has given us a good example so it would
sort of be from scratch.

Chair Lauing: Is there a second there?

SECOND

Commissioner Riggs: Well I’ll second it but I actually think that I’ll lose things… I’m unclear what
your motion is because I thought you were actually framing as you went through it.

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Commissioner Alcheck: My motion is that we... this CUP strives to essentially apply a 1-time unique first in the City concept of what it means to be a community center instead of using the standards that we have in place. If we don’t have a definition where community centers are allowed to do we should create one and instead we say until that time it’s defined at Church (interrupted)

Chair Lauing: Could you help with the language Commissioner?

Commissioner Riggs: Let me just... thank you. I appreciate it Commissioner Alcheck. I just... what I would suggest with my second is you just go through and specifically identify what is included in your motion, particularly in the language some of which you mentioned. You wanted the word nascence strike from the paragraph on (interrupted)

Commissioner Alcheck: [unintelligible -off mic]

Chair Lauing: I’m hearing that you want a rewrite, Michael.

Commissioner Alcheck: What I’m suggesting that we... it doesn’t have to be complicated. I think we need a CUP so they can continue to operate immediately. I think that CUP should suggest that uses that are in... that would satisfy the definition of Church uses be acceptable. And I
believe we should make a recommendation that until such time that we review what it means to be a Church there should be no action on behalf of the Code Enforcement Department... of the understaffed Code Enforcement Department to figure out what (interrupted)

Commissioner Riggs: Alright.

Commissioner Alcheck: I don’t think they’ve acted in such a problematic way (interrupted)

Commissioner Riggs: Well let me just say what I think I’m seconding and this will be (interrupted)

Commissioner Alcheck: Ok, I’m open to it.

Commissioner Riggs: What I think I’m seconding (interrupted)

Commissioner Alcheck: I didn’t want to do this. I wanted (interrupted)

Commissioner Riggs: I will make a motion (interrupted)

Commissioner Alcheck: I didn’t want to do this for the record. I kind of wanted to hear everybody’s comments. I do want you to know that. I would have preferred to hear each

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person suggest what they felt about it because maybe someone will come up with a solution that was a little different. That’s why I didn’t want to do it and I think actually forcing this now is a mistake. I think we should hear from everybody and we should then talk about it. I don’t think the issues are that diverse.

Commissioner Riggs: Then I won’t second because I don’t hear a motion and I’m going to (interrupted)

MOTION #1 WITHDRAWN

Commissioner Alcheck: I withdraw the motion.

Commissioner Riggs: And I don’t have any comments.

Chair Lauing: Do you want to make a motion?

MOTION #2

Commissioner Riggs: I’m happy to make a motion. I will make a motion... sorry, I haven’t had dinner again. So, I’ll make a motion to approve the CUP reflecting much of what the spirit of

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what was put forward. I think that I would on Page 90 with regard in Attachment A I believe simply removing the word nascence solves particularly that concern in that space. Eliminating the... on Page 91 under Section 4, one we would eliminate Item A, B, and C. Only a follow-up... and actually, that last sentence there can go as well reading only the following community events shall be permitted that’s not necessary. That simplifies that section quite a bit. Furthermore, the number of the hours would be made consistent from 9 a.m. to 10 p.m. during the week and from 9 a.m. until 11 p.m. on the weekends. And finally, on Page 93... You know I’m not going to leave that in. You made a suggestion that really would nest under the Traffic Management Plan but that will not... about a parking attendant. That will not be apart of this motion because I’m not certain in terms of what you desire. So, I hope that motion is clear enough to my fellow Commissioner and I’ll leave it at that.

Chair Lauing: Ok is there a second?

Commissioner Alcheck: I’d like to second it but I would add something specifically. I would second that motion if you would accept the notion that we strike Number 3 from Section 4. The limitation that only three counselors may be permitted at any time. I would like to suggest that we strike or we amend... we strike Number 6 until we have a better grasp of what amplified music means outside. I think Number 7 satisfies Number 6 very well. That we just apply the

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standard in the City for noise and strike the restriction. I would suggest that we can leave 8 because I think they are doing it. Nine... I would suggest that we strike 10 (interrupted)

Mr. Lait: Sorry Commissioner can we get you in the microphone. We’re not able to hear you.

Commissioner Alcheck: Sorry. I would suggest that we strike (interrupted)

Mr. Lait: Last I heard was (interrupted)

Commissioner Alcheck: The amplified music restriction.

Mr. Lait: Yes, thank you.

Commissioner Alcheck: That we use Number 7 which is the noise restrictions instead. We keep 8 and 9 because I believe they’ve done it already. I believe the occupancy should be increased to 120 and I believe that... look there’s a lot here about drop off and pick up and traffic management. I think it makes sense for whenever they’re hosting events and during the afternoon hours when they have classes for there to be an individual tasked with the responsibility of managing the issues that always occur when many people come to the same place. So, I don’t know how you want to word that but (interrupted)

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1. Commissioner Riggs: We’ll just put... sorry, we’ll just kind of on the fly here if that’s ok? Why don’t we just add a fourth bullet underneath Item 13 that says applicant will provide a traffic (interrupted)


8. Commissioner Riggs: Guard or traffic attendant during peak hours and events.

10. Commissioner Alcheck: I would then strike the I believe highly restrictive notion that only special events can... they can only have six special events. The applicant suggests that they wanted 12. I believe that if the applicant feels like twelve are enough then fine. Although I’m not sure that we require only every other congregation to have twelve big events so I’m also uncomfortable with Number 15 entirely. So, let me amend that I would strike Number 15 because I’m just not sure where we got... how we got to that. That would be it so if you’re ok with that I would second this.

18. Commissioner Riggs: Well let’s just... let’s hold off on Number 15 right now because I don’t... I think that we might... that’s really trying to broker some (interrupted)
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Mr. Lait: Can we... I just want to make sure that we repeat that so that we know what we’re talking about.

Chair Luing: Great.

Mr. Lait: Is that fair or do you want to just go on with your discussion?

Chair Luing: No, no, let’s make sure what the motion is.

Mr. Lait: Ok so from our desk this is what we have as the motion on the table by Commissioner Riggs, seconded by Alcheck and that’s on Packet Page 90 we’re striking the word nascence from the first Finding. On Packet Page 91 we are striking the last sentence and the A, B, C on Condition Number 1. On Condition Number 2 we’re changing the hours of operation to be 9 a.m. to 10 p.m. Sunday through Thursday, 9 a.m. to 11 p.m. Friday and Saturday. There was a comment and I need clarification on the Condition Number 3. Was it an elimination of the three counselors or (interrupted)

Commissioner Alcheck: I was suggesting eliminating Number Three. That there be no maximum number of psychotherapists.

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Mr. Lait: Ok so that’s eliminating Three because medical offices is not a permitted land use in the R-1 zone so I think what you’re saying is just strike... eliminate the limitation.

Commissioner Alcheck: I think actually Section One says that any activity that’s not a Church activity would be considered a community center activity. And so, if what you’re saying is that therapy... Again, we don’t have a definition... Do we have a definition for community uses?

Mr. Lait: We do but I want to just continue... let me come back to the Number Three and continue with the rest of the motion.

Commissioner Alcheck: You know what I’ll make it easy for you because I think that’s better. Let’s just say a maximum of 9 individual counselors. I mean I just... I want to make it non-controlling.

Mr. Lait: Ok maker are you accepting that?

Commissioner Riggs: So, I believe what you had originally said was what you were trying to just (interrupted)

Mr. Lait: Yes. [unintelligible – crosstalk]
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Mr. Lait: Are you referring to the Condition?

Commissioner Alcheck: The affected date, sorry. The effective date is 60-days from what city Council? Second hearing or whatever?

Mr. Lait: That’s right, yeah.

Commissioner Alcheck: Ok.

Chair Lauing: Commissioner Riggs that’s correct everything that’s been read back?

Commissioner Riggs: That’s correct. Everything looks good.

Chair Lauing: Ok. Commissioner Gardias.

Commissioner Gardias: Yes, I wish this discussion as Commissioner Alcheck originally was
proposed. That was our best practice and I think that there could have been lots of added value
to this motion. And also, beyond is ordinance [note — CUP] because are some other topics I
would like to speak too and I hope that maybe we can get to it. But nevertheless, since we have
a motion and we have a discussion I’d like to offer a friendly amendment. So (interrupted)
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Commissioner Alcheck: Commissioner Gardias just quickly if I might interrupt? I would love to actually know what you think about everything and your friendly amendments. So please also take the time to share your thoughts on this because I didn’t intend for you to not have an opportunity to also share some of your general opinions. So, I want you to know that if possible I’d love to hear both.

Chair Lauing: [unintelligible]

Commissioner Gardias: Then if Chair allows (interrupted)

Chair Lauing: Absolutely.

Commissioner Gardias: There are some other items that pretty much caught my eye when I was thinking about this. So, let me share them with you and they may beyond the scope of this ordinance [note- CUP] but they may be important.

Mr. Lait: And thank you for but please direct to the Commissioners because you’re in deliberating now. 
FRIENDLY AMENDMENT #1

Commissioner Gardias: Yes of course yes, they would not be apart of this motion but there is in terms of the when you observe the slides that we shared with us you may notice that there was a problem with the drop off zone and we had discussions in the past about aligning of the biking crowds with the sidewalk. Had we had done this, in this case, there would be no problem with a drop-off... with a crossing... passengers from the cars that are dropping the kids off onto the side of the Church because they would totally be a different alignment. So that’s my observation about general biking traffic design in this area and I hope that maybe one day we are going to just flip-flop the bike crowds and then truly align them with the sidewalks.

Second item is that when I was just thinking about this I only just share this with you it may not... I may resonate with some of the people that I see here in this audience. So, when... in some other place where I grew up, a Church was a community center. We slept in the Churches, we ate in the Churches, we sang in the Churches, we did print in the Churches, we did lots of things in the Churches. It was totally natural; the Church was a community center and that’s what it was. So, when I just approaching this... coming to this meeting it was puzzling to me that we have to just have specific community CUP, Conditional Use Permit, for the community use for the Church because from my perspective those two are combined. But I understand that because of this... of the declining specific shared Church and attendants then

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this has been replaced with some other community activities. I totally get this aspect so there is something else that I would like to share with you because... and I think that it may find its way in this motion that we are truly between these two forces. There is an effort to, of course, continue the community services of this establishment. And then, of course, there are some neighbors that live in this neighborhood that are truly annoyed with some activities and they would like to reduce impact on their households. I observe that and that was my impression that this impact on those on the neighborhood decreased. There was lots of effort, The Mozart Music School moved out, traffic came down and I think that there would be further improvements. And I was hoping that Pastor and this community center may put as a part of this ordinance a continuous improvement plan and then submit it to the City annually. And then pretty much police itself without... I don’t believe that we need to have any enforcement. Maybe it would just ease up the concern of the FTs within the Planning Department but probably the neighbors would appreciate this. If you prepare some plan of action, commit to some improvements, once a year tries to make those improvements, report on that improvement to the neighbors and also maybe to the City. And would the proposer of the motion accept this I would like to just have it in the motion that there is a continuous improvement plan? If they don’t accept it I’m asking the Pastor and the Church to pretty much regardless of this come up with this plan, show it to the neighbors and I’m sure that this would maybe build a bridge. Thank you.

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1. Commissioner Riggs: Can I (interrupted)

2.

3. Commissioner Alcheck: Maybe I can suggest a wording? Like a different way to word that.

4.

5. Commissioner Riggs: Well I was going to suggest [unintelligible] but go ahead. No, I was going to suggest something as well.

6.

7. Commissioner Alcheck: Maybe we could essentially create a recommendation and somehow we can include this that Church makes itself available to host a bi-annual meeting with residents to address their concerns in person. So, on-site in an effort to address legitimate issues that are arising after the fact. I mean I think that you’re trying to suggest is you would like to create a relationship that moves forward and top of mind right now is how would that plan look? And I’m wondering if it would satisfy you essentially if we essentially ask the Church as a part of the CUP to host twice a year and properly notice it a meeting (interrupted)

8.

9. Chair Lauing: Does that work?

10.

11. Commissioner Alcheck: Where they can invite people. Is that something you’d be ok with?
Commissioner Gardias: Look I don’t want to dictate the specific way of resolving this. I am proposing the process and then how they will implement this process it’s up to them.

Commissioner Alcheck: So, you want to suggest in the CUP that applicant be responsible for the development of some neighborhood (interrupted)

Chair Lauing: Alright so (interrupted)

Commissioner Riggs: Can I jump in as the motion maker if you don’t mind?

Chair Lauing: That’s a great idea.

Commissioner Riggs: I would suggest that we build this into the Traffic Management Plan and I think that if we build in some responsibility for the applicant. The Traffic Management Plan currently only addresses tenants and I think what you’re suggesting is that there’s some responsibility of the applicant to be responsible for traffic and other implications. I think that if we were to say just add some language that regards to applicant and tenants with regular and that could actually be operational is what you’re saying in a way that fits the existing CUP.

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Commissioner Gardias: So, this was... I was speaking not only in regards to the traffic (interrupted)

Commissioner Riggs: I know I’m just trying to figure out (interrupted)

Commissioner Gardias: And there may be some other items, right? There may be trash, there may be some true noise but at the same time, I just don’t want to provide the limitation because I think that we already have them in various other ordinance or some other zoning regulations that regulate noise. So, I totally agree with striking of this amplified music paragraph which meant nothing to me because probably it’s already part of the Noise Ordinance.

Commissioner Riggs: Why don’t we ask (interrupted)

Commissioner Gardias: But pretty much what I’m saying is... just give me a moment. That they would just... they would define the continuous improvement plan. Everyone knows what continuous improvement is and then pretty much they will just propose it to the neighborhood, they will act upon it and then once a year they will report to the neighborhood.

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Commissioner Riggs: To keep us moving forward so we’re not here all night as the motion maker can I suggest that we ask Staff maybe right now to maybe language some things that will meet that requirement and I’m willing to accept it if we have something a little more concrete. If that’s ok Graham and Jonathan?

Chair Lauing: Compared to continuous improvement?

Commissioner Riggs: Yeah.

Commissioner Alcheck: Yeah, I think we need a little more specifics.

Commissioner Riggs: So maybe if you have ideas. I don’t actually have never heard of a continuous improvement plan in Conditions so that’s why I’m going to rely on my experts over here. Although I... If that’s ok? And I will, yes definitely willing to accept that but let’s just make it consistent with what they would do.

Chair Lauing: Ok Commissioner Summa. I’m sorry you were done Commissioner Gardias?

Commissioner Gardias: Yes, so thank you very much for accepting this. If I can just make one more comment in the same regard. I thought that from the same perspective I would

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recommend that... this is not a part of the motion... in terms of building bridges, it probably would be proper unless you are already doing this to pretty much provide some sort of value... annual value to the community. Maybe have... offer the space in front of the Church for the annual barbeque or something like this just as a natural gesture. I think it will just going to break ice, thank you.

Chair Lauing: Commissioner Summa.

SUBSTITUTE MOTION #1

Commissioner Summa: So, I really honestly appreciate the kumbaya movement here but I think we need to get back to the matter at hand and that is considering an application for a Conditional Use Permit. And to do so to satisfy the rights of the people and to do our job upholding the laws of the City of Palo Alto we have to make the Findings. And all of the rest of this I just don’t even understand at all. Commissioner Alcheck feels very strongly about congregation and how they should be controlled or not controlled or managed but we weren’t talking about the congregation. None of what we’re deciding tonight effects the Church uses, it affects the conditional use which is a very unusual kind of new thing to have a community center in an R-1 neighborhood that has virtually no parking. So, I think we need to get back to considering that and I’m ready to make a substitute motion that given how far afield people on

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this Board are and that we are not ready to make tonight to make these Findings. That it’s not
going to inconvenience or disturb the general well fair of the people that brought those
concerns to us. It’s not... I also feel even though we might all want to do it I don’t feel it’s our
job here tonight to fix the problems of the First Baptist Church in terms of their shrinking
congregation. I’m very sympathetic. I have a great appreciation for all the good uses that were
there but the real truth is they... it wasn’t being done in a legal manner. Now we’re going to put
a legal medical use in an R-1. I think we have lost our way here. I’ll make a substitute motion
that I cannot... that we should not recommend this to Council because I can not make Finding
Number One. 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. So that’s a
substitute motion.

Chair Lauing: Ok is there a second to the substitute motion?

Chair Lauing: Ok there’s no second so that dies. So, I have a few comments relative to in general
the motion but also like Commissioner Gardies just overall comments. One of the things I gave
a lot of thought to is that... and that’s why I asked for the clarification on the number of
congregants that would be allowed with the grandfathered in parking constraints which is 285.
And some people have suggested that wouldn’t it be great if the Church could somehow gain members up from whatever it is now maybe to 285. So, if there were 285 congregants there and it was Easter Sunday there would be 1,000 people in the Church and they would be taking their kids to Sunday School and they would be dropping kids off there in probably the same place. And they would be able to have speeches like Commissioner Alcheck suggested that maybe looks secular but it’s about how to take care of your kids and anybody can come in the community in addition to the members of the congregation. So, with all that traffic and noise and practice junior choir and practice choir because of all the kids and so on, there might be hundreds of people there all the time. And as I understand the regulations the Church would just have to abide by normal Palo Alto rules so if the traffic that we were talking about and the noise and the singing happen to be congregants I guess we wouldn’t even be having this discussion. So, it’s just the perspective is that as one member of the public said sort of neither side really want a CUP and you know I guess that’s also a solution but the issue that Staff has worked very hard to try to solve is the neighborhood rift I’ll call it. And I think based on the work that’s been done already maybe much of that rift, not all of it, has been or is in process of being fixed with HVAC and so on. The thing that can’t be fixed which is obviously the most troubling is the parking situation and I’m not sure that there’s anything within the law at this point that can be addressed there. That’s where the issue starts to speak to the number of people permitted in that space because 120 as is in the current motion is way different than 50 or 30. This isn’t Lucie Stern so that’s a big concern and I just don’t know how to get out of that

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conundrum of a number of people permitted versus the number of spaces to park. If you do the quick math of 35 people coming in there’s... that’s probably not a problem in terms of the actual 8 parking spaces and a few people in the neighborhood. But when you start going above that it’s just harder to make that work so that’s a conundrum that I don’t have a suggestion for. But just hypothetically thinking about what should we do here an option is to say let’s not address this now because the Pastor and the congregation is already making changes and some of those have not... they are not in yet so you can’t really experience that. So, you could just... we could just do a monitorial on this whole thing for 6-months until those are done and then revisit it. That as opposed to specifics like 120 and so on might also address some of your concerns Commissioner Alcheck in terms of identifying typical Church uses which do somewhat blend from traditional sacred to traditional non-sacred. So, it’s tough it’s not a slam dunk considering this. Commissioner Gardias.

Commissioner Gardias: Yes, so I want to go back to the motion if you don’t mind?

Chair Lauing: Sure.

Commissioner Gardias: And so, I believe that self-policing is a good mechanism and appreciating the hour’s changes of the operation. I think that we should... it would be good

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practice to rely on the evidence that’s being provided by the Cari Templeton which I think she’s the Director of Operations of iSing if I remember right.

Ms. Templeton: No, I’m just a parent.

Commissioner Gardias: Oh, just a parent ok so I... if this could be the evidence this the hours for CUP extending them to 8:30 that’s the only proposal that I had in writing. So, I don’t know where the other times were coming from but pretty much (interrupted)

Vice-Chair Monk: This is from them. That’s from iSing.

Commissioner Gardias: Ok so hold on a second, I’m just... my colleagues (interrupted)

Commissioner Alcheck: I pulled the hours from the letter of the Pastor.

Commissioner Gardias: So, the hours that you pulled are from (interrupted)

Commissioner Alcheck: Was the specific request of the Pastor.

Commissioner Gardias: Let me just take a look at this for a moment. I was (interrupted)
Commissioner Alcheck: Same with the number 120.

Commissioner Gardias: Ok I’m not going to go so 11 o’clock is per Pastor?

Commissioner Alcheck: On Friday and Saturday. I believe that’s only on the weekend. The 11 its 10 Monday thru Thursday.

Chair Lauing: Can you just clarify what’s in the motion right now?

Mr. Lait: Yes, it’s Sunday thru Thursday 9 a.m. to 10 p.m. and Friday and Saturday 9 a.m. to 11 p.m.

Commissioner Gardias: And what’s their reason behind those hours?

Commissioner Alcheck: [off mic] We requested the hours of operation be 9 to 10 Sunday to Thursday and 9 to 11 on Saturdays and Sunday.

Chair Lauing: That was the applicant’s request.

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Commissioner Riggs: A little bit of why I was willing to support that because I didn’t actually say kind of my logic but I think one of the problems is... this is actually not a critic of Staff. I think you’ve done a great job of being receptive to the neighborhood and as much as I want to try to be receptive I feel like we are... we administered these very unevenly. And I actually think that the evenness of administration is the most fair way to do it. I’m certain communities have standard Conditions like you cannot deviate from the Conditions when you issue a permit or you issue a Conditional Use Permit. My recommendation is that’s a good thing for a community because it makes things super transparent. Nobody is favored over other applicants and so in this situation maybe it does need tweaking. I’m happy to be receptive to that but my logic in receiving that amendment from Commissioner Alcheck was that it’s consistent with what’s happening other places in the City. And I believe it’s consistent with the Commission approved last year is that correct? Is that correct it’s consistent with what the Commissioner approved with regard to park?

Chair Lauing: I don’t think so.

Commissioner Riggs: I think with regard to the new space at the parking facility? That was my understanding that was consistent with what you read.
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Mr. Owen: Let me pull it up again. [Note-several Commissioners starting talking at once]

Commissioner Riggs: So, it’s more of a (interrupted)

Commissioner Alcheck: He’s not talking about the Church he’s talking about a different site.

Commissioner Gardias: Yeah, yeah, yeah.

Commissioner Riggs: No so I’m just saying there have been other times we’ve implemented this
and to maintain this balanced approach. I think that’s consistent with what you said that’s why I
was receptive to that and that doesn’t speak to what the applicant needs.

Mr. Owen: Commissioner Riggs to answer your question the previous community center that
we were talking about it’s an HOA with a pool and daycare and is from 6 a.m. to 10 p.m.

Commissioner Riggs: Ok so maybe that’s what we should (interrupted)

Commissioner Alcheck: In the middle of R-1 like very similarly situated with how many parking
spots?
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Chair Lauing: So, Commissioner Riggs you’re not changing what you put into the motion before right? It’s a (interrupted)

Commissioner Riggs: I’m sorry I haven’t heard a... I have heard Commissioner Gardias.

Chair Lauing: Oh sorry.

Commissioner Riggs: I think he was asking questions.

Chair Lauing: Oh sorry.

Commissioner Riggs: Are you... would you suggest that... would you like me to change it?

Commissioner Gardias: My suggestion was like this right so these hours should be substantiated with something. If I will take this letter and your word for it and I will support this motion and these hours as my colleagues change it but I believe that I would be asking that for the meeting with the Council that you substantiate these hours with some form of the time scheduled because if the Council gets to it then they will have the document.

Chair Lauing: Ok so that’s what we’re going with so go ahead. Go ahead, Commissioner Riggs.

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[Note- unknown female speaker speaking from the audience]: Let the Pastor speak. This is ridiculous.

Chair Lauing: What's that? Go ahead, counsel.

Mr. Lait: No, we just need to... we have a motion on the table.

Chair Lauing: Yeah, I know.

Mr. Lait: Ok so we have a motion on the table. We've heard from most everybody but not everybody so is there more deliberation that needs to take place?

Chair Lauing: I want to go back to my question. Are you staying with the language you had or are you moving till 6 in the morning because the question is up on the table?

Commissioner Alcheck: I don’t think he’s asked us to do that so I don’t know that we have to. I think he’s asked (interrupted)

Commissioner Riggs: I’m sorry (interrupted)
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Chair Lauing: I’m asking the maker of the motion right now.

Commissioner Alcheck: I’m apart of the motion. I’m telling you I didn’t hear (interrupted)

Chair Lauing: I know.

Commissioner Alcheck: An amendment.

Commissioner Gardias: There was no amendment. There was no change.

Chair Lauing: Ok great. Commissioner [Note-Vice-Chair] Monk.

Vice-Chair Monk: I definitely had words to share with the folks that are still here but I don’t

think that there’s anything that I could say that hasn’t already been shared by the neighbors

and by the applicant and other supporters; as well as the Commission, so I will just move onto

the motion at hand. I have one friendly amendment, I have a couple questions and one

suggestion. The friendly amendment goes the first page in regards to the Section 4 under

community center events and the definition. I understand what Staff is trying to achieve in

putting, basically, the definition of a Church in there. So, you’re just basically saying that this

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can be used for a function other than how it’s already currently zoned, and I think that you might want to just consider the language. Because when you read it as it is, it looks quite exclusionary. That you’re just saying you can do anything but you cannot do anything that’s directly related to organized religious worship and religious education. So, my friendly amendment would be to modify that language in some way to (interrupted)

Commissioner Alcheck: Hold on before you say that just so we’re clear. The restrictions in the CUP only apply to events that are not treated as Church events.

Vice-Chair Monk: Exactly and so they should just… Instead of using half of a Church definition they should reference the Municipal Code Section that defines it completely. It just (interrupted)

Commissioner Alcheck: Ok you mean to exclude it (interrupted)

Vice-Chair Monk: Problematic the way it’s written in my opinion.

Commissioner Alcheck: You mean to use the definition in the code to exclude events that are under that definition.

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Vice-Chair Monk: Yeah or to put language in to say except facilities that are under this Municipal Code and put the code section in.

Commissioner Alcheck: I’ll let the maker answer first. I don’t think that… I wouldn’t object to adding the code section.

Vice-Chair Monk: Just to clean it up.

Commissioner Riggs: I have no clue where you’re talking about but sounds good.

Chair Lauing: Well, can we get Staff (interrupted)

Commissioner Alcheck: Wait, wait, wait hold on.

Chair Lauing: Can we get Staff’s revision of that? Great.

Vice-Chair Monk: Staff are you understanding what I’m suggesting?

[Note- many Commissioners starting talking at once]

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Vice-Chair Monk: Under community center events it’s defining what our community center events are and it’s excluding the existing use. And the way that they’ve drafted it (interrupted)

Mr. Lait: If I can offer some comments?

Vice-Chair Monk: Is problematic.

Mr. Lait: Given what has happened to this Condition under the motion I don’t even know that you need Condition 1 anymore but to answer your question Vice-Chair Monk… I forgot for a second, sorry. I would simply add after the word religious education as defined in Palo Alto Municipal Code Section 18.04.020 I think that’s the reference number. We would make that the correct reference number.

Vice-Chair Monk: Thank you.

Commissioner Riggs: In the spirit of simplicity and Paper Reduction Act why don’t we strike Condition 1 as recommended by (interrupted)

Commissioner Alcheck: Wait, wait hold on a sec.
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Vice-Chair Monk: Wait so I still have the floor so I actually wanted to ask Assistant Director Lait on that point. Can we take out 1 and still maintain 3 which deals with counseling?

Mr. Lait: Sure.

Vice-Chair Monk: Ok then if 1 isn’t necessary (interrupted)

Commissioner Alcheck: Wait can I respond to whether or not I would accept that change? So, my only comment would be that I really think the best path forward here is for there to be a community discussion about what uses we’d like to see at Church sites. Because what’s going to happen... because none of our Churches I assume are operating under a CUP. They are all grandfathered probably so what’s going to happen is at some point there’s going to be another CUP process. And I think the more appropriate way would be to keep on in there, reference the code as you’re suggesting and then recommend... maybe a second recommendation tonight that we have a discussion as a community about what uses may be included in what now is a very antiquated definition of Church activity. So that would be my only comment so because right now (interrupted)

Vice-Chair Monk: Do I still have the floor?
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1. Mr. Owen: We have it on Page 83 in the Staff report at the very top.

2. Mr. Lait: The only reason for putting this Condition in, in the first place was to itemize these discreet uses. Without it was would fall back on the community center definition and so, therefore, there’s no need for that Condition based on the way this motion has gone.

3. Chair Lauing: Right. So, where the maker on this?

4. Commissioner Alcheck: I’m comfortable with using (interrupted)

5. Chair Lauing: The maker.

6. Commissioner Alcheck: the community center definition.

7. Commissioner Riggs: I would support Commissioner... sorry, you’re not a Commissioner.

8. Mr. Lait: There is an empty Chair up there.

9. Commissioner Riggs: Sir Lait’s recommendation if you were willing to accept the Assistant Director’s recommendation I think that’s my preference as the motion maker.
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Vice-Chair Monk: So then do we need to vote on that amendment?
Mr. Lait: It depends (interrupted)

Chair Lauing: Not if he accepts it.

Mr. Lait: If Commissioner Alcheck is going to accept.

Vice-Chair Monk: Ok so it’s been accepted, great.

Commissioner Alcheck: Ok hold on what I… I’m not suggesting striking one. I’m suggesting using
the community center definition. Is that what you’re suggesting?

Mr. Lait: Yeah so, we got your answer that you’re not supporting the amendment so then it
would be a vote on that amendment.

Commissioner Riggs: I don’t think that’s correct. I think that… If I can just take the floor as the
motion maker. The… what Commissioner [Note – Assistant Director] Lait is suggesting is that by
striking Number One the CUP reverts back (interrupted)
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Chair Lauing: Exactly.

Commissioner Riggs: To the code and to the definition of the community center in the code.

Chair Lauing: Exactly.

Commissioner Riggs: His concern is that if we noodle with this it makes the definition of what is allowable at this site very wide open.

Commissioner Alcheck: Can I ask you a question? Can I ask you a quick question?

Commissioner Riggs: That’s the vote... That’s what I’m (interrupted)

Commissioner Alcheck: Maybe this is a question for the City Attorney. An application for a Conditional Use Permit to allow community center on the site was submitted on November 14th. That’s Section 1-A. Do we need to suggest that... Does that community center... Do those words need to be capitalized? Do we need to have a defined term here to suggest that this is a CUP for a community center because otherwise where do we say that this is a community... where do we acknowledge the definition for a community center in this ordinance... in this CUP?
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Mr. Lait: If I... So, let’s change Section 1-A to just say to allow a community center as defined in Palo Alto Municipal Code.

Commissioner Alcheck: Perfect. If you guys are comfortable with that I’m ok with striking and adding that language to 1-A.

Chair Lauing: Where are we now? 1-A on Page 90 of the Packet?

Commissioner Alcheck: I just think you have to say the definition somewhere in the CUP.

Commissioner Riggs: I think the motion maker was Commissioner Monk so she’s (interrupted)

Commissioner Alcheck: Will you make the amendment?

Vice-Chair Monk: I believe the Assistant Director just made the amendment.

[Note- Several people starting talking at once]
MOTION AMENDED BY THE MAKER

Commissioner Riggs: So, I will amendment my own motion consistent with Commissioner Monk’s desire and your suggestion to strike Number One and in Section 1-A and I apologize Mr. Chair if I’m a little out of turn here.

Chair Lauing: No, you’re the maker so that’s good.

Commissioner Riggs: I’m trying to [unintelligible] that it should read an application for Conditional Use Permit to allow a capital Community capital Center as defined by the Municipal Code on the site was submitted on November 14th, 2017. Do I have a second that?

SECOND TO AMEND THE MOTION

Commissioner Alcheck: Second.

Commissioner Riggs: Thank you.

Chair Lauing: Now you can go ahead with others Commissioner Monk.

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Vice-Chair Monk: Great. Another suggested edit that I’m not totally tied to but I was a little concerned about enforcement and I definitely want to go into enforcement. I think that’s a really important issue and to that, we want to craft a document that is enforceable and has some bite to it so I’d like to see language in here that will allow for that. To get started on it partially and I’m still on Packet Page 91 on under “hours of operation” where they’re being required that events shall be separated by 15-minute intervals. While I think that’s a standard that should be followed to require it and make it something that they can violate the CUP on and let’s say they violate it what’s their punishment to me can lead to problems. So, I would rather see something along the lines of striking the shall be too good faith effort. So, it would read community center events shall occur... shall not occur at the same time and there shall be a good faith effort to separate by 15-minutes. And again, my reason for that is so that we can actually put some teeth into enforcing other pieces of the CUP. Is that’s something that’s agreeable?

Commissioner Riggs: I won’t accept that.

Commissioner Alcheck: Yeah, I’ll just say I don’t think... I think, shall we... I see what you’re saying. I read in the... it was my impression that you’re already doing that. You’re already staggering it so I don’t know that it makes sense to not require something that they’re already doing.

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Chair Lauing: Ok well the maker hasn’t accepted it anyway.

Commissioner Alcheck: I’m just telling her why because I want her to continue to support the motion so it’s important for me to acknowledge why I don’t want to make that one edit.

Vice-Chair Monk: And is the maker and the seconder of the motion concerned at all with enforceability of this provision?

Commissioner Alcheck: I’ll say that I’m concerned always about enforceability of all of our CUPs. We largely operate on a sort of good faith practice when it comes to CUPs and I think the discussion about how we enforce those CUPs is for a different night. That’s all I will say about that.

Chair Lauing: Commissioner Riggs.

Commissioner Riggs: Well I don’t see that there’s an amendment on the floor but if the question is about my concern I think that the suggestion of the plan that hopefully, Staff has some language on is a really good suggestion that can mitigate the need for our Code Enforcement Officers in terms of it. So, I’m not concerned about it, I think we have good Staff

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and but I also think that there’s an opportunity by your fellow Commissioners to actually build
more goodwill and community enforcement.

Mr. Owen: So, I can speak to that. Here’s what I’ve come up with in terms of kind of a
monitoring plan condition. Applicant shall prepare an annual monitoring plan that documents
adherence (interrupted)

Commissioner Riggs: I’m sorry Graham. I’m really having trouble hearing people tonight and it
may be just me or the volumes a little down but (interrupted)

Mr. Owen: Sure, I’ll speak into the microphone. Applicants shall prepare an annual monitoring
plan that documents adherence of Conditions of Approval of this Conditional Use Permit. This
monitoring plan shall be submitted each 1st of July to the Planning Director and to all residences
within 600-feet of the property. I picked 1st of July as just a random date.

Commissioner Riggs: Would you accept that?

Commissioner Gardias: No that’s not what I meant. This is totally different, right?

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Mr. Lait: It would be helpful for us if you could articulate very clearly what the Condition is that you want to see added to the motion.

Commissioner Gardias: Right so continuous improvement is a widely known term and let me tell you... I believe it is but so let me tell you (interrupted)

Vice-Chair Monk: Can I ask for a point of order? [unintelligible – many people started talking at once].

Mr. Lait: We don’t need the explanation we need the sentence that’s going to be written in the Condition.

Chair Lauing: But I thought he was answering a question that was over here?

Commissioner Alcheck: [unintelligible -off mic]

Mr. Lait: Right so it’s a little bit difficult to track this when we’re not sticking to a program but I believe Commissioner Riggs asked a question of Staff. Staff responded to it, Commissioner Riggs then asked Commissioner Gardias if that was acceptable, at that point Commissioner Gardias informed us that that was not at all what he had in mind and so we were engaging in that
conversation. So, if we want to... we’re here to support you so you tell us how you want to
resolve that issue or do we want to go back to I think Commissioner [Note-Vice-Chair] Monks
the one who actually has the floor.

_Commissioner Riggs:_ I think that we have a little more work to do. I’m sorry you asked me a
question Commissioner [Note-Vice-Chair] Monk. I was responding (interrupted)

_Vice-Chair Monk:_ So, I had made a proposal (interrupted)

_Commissioner Riggs:_ Graham responded and I think that we have a little bit more work to do on
what Graham’s answer to my question was so sorry to interrupt your train of thought.

_Vice-Chair Monk:_ Alright so the proposed amendment wasn’t accepted and I’m just wondering
if there’s likelihood if I should turn it into an amendment to (interrupted)

_Commissioner Alcheck:_ Wait a minute. Are you comfortable with the suggestion... you asked a
question about enforcement (interrupted)

_Chair Lauing:_ Wait.

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Commissioner Alcheck: And Graham suggested an enforcement change. Are you comfortable with that? If you move that I would accept that change.

Vice-Chair Monk: I didn’t move onto my (interrupted)

Commissioner Alcheck: I mean if you suggest that amendment I would accept that.

Chair Lauing: Are you on a... she has the floor.

Mr. Lait: We really need to get some order here Commissioners.

Chair Lauing: Yeah, she has the floor so she should proceed.

Mr. Lait: Commissioner [note-Vice-Chair] Monk has the floor. We need to hear from Commissioner [Note-Vice-Chair] Monk thank you.

Vice-Chair Monk: Alright so moving on from my other discussion on hours of operations it sounds like that discussion is finished so I will move onto enforcement. Ok so no it wasn’t clear to me what the enforcement mechanisms were and I wanted also to confirm in leading up the
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1. Enforcement discussion on the Noise Ordinance. So, what happens if there’s a violation of the Noise Ordinance? Are neighbors going to be able to call, we’ll send out (interrupted)

2. Mr. Owen: Yeah of course.

3. Vice-Chair Monk: We do have enforcement mechanisms. They can issue a citation if there’s a violation.

4. Mr. Owen: Absolutely.

5. Vice-Chair Monk: Ok can we put some sort of provision in here that if there’s a certain number of Noise Ordinance violations that have been completed that a review would be undertaken? I would like to see some more aggressive enforcement actions because I don’t think monetary penalties is what is going to serve the ultimate goal of maintaining compliance with the CUP.

6. Mr. Lait: So, the Commission could make any such recommendation and forward that onto the City Council. So, you would either need support of the maker and the seconder or you would need to propose an amendment to the motion.

7. Chair Lauing: So, if you have an amendment.
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Vice-Chair Monk: Then I would like to propose an amendment that if there are more than eight Noise Ordinance related complaints from eight different residents. I don’t know how to qualify it frankly but I would (interrupted)

Commissioner Riggs: So, I won’t accept this amendment. I’m sorry Commissioner [Note – Vice-Chair] Monk I just... we have a quite effective enforcement program.

Vice-Chair Monk: Then let’s try to work collaborative on this. Is there something that we can do as a body here too (interrupted)

Mr. Lait: Maybe I can asker this question.

Vice-Chair Monk: To make enforcement a little bit more likely to occur?

Mr. Lait: So, the way that we wrote Condition Number Sixteen, the Director has the authority to impose additional conditions to mitigate impacts. And so, if there was a concern and we kept getting a lot of complaints we could schedule a public hearing, the Director could, and receive that input and then make changes to the Conditions of Approval. So, I think the ordinance or excuse me the resolution already incorporates address that concern.

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Vice-Chair Monk: Ok so then I would say that in addition to that in the event that the CUP is revoked that the partners would be given 6-months to vacate. Is that something that you would consider and I’m bringing that because of what happened with the prior tenants where I think they were given a very shortened period of time. And I think we should be looking to the complete picture here in the event the CUP is (interrupted)

Commissioner Alcheck: I think (interrupted)

Chair Lauing: Commissioner Riggs.

Commissioner Riggs: I feel like we’re noodling with other processes there well established in the Planning Department and I don’t think that... I won’t support... I mean this is what you’re talking about is a process that’s well founded in the Planning Department and if there were violations the permit could be... at the Director’s discretion, she could revoke the permit overnight. That is the way the code reads and I have no problem with the way that our enforcement laws work so I don’t think we should noodle with that and I’d prefer not to accept anything on that.

Commissioner Alcheck: If I might add I think also that hearing that would get called the Commission at the table at that time could then evaluate if they wanted to extend a time

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Chair Lauing: Commissioner Summa did you have a comment or sorry. I thought your light was on.

Commissioner Summa: Sure, my light was on and I’ll comment sure. I just think we have gone way too far with this. I think we should have... I think Staff was trying to do something very difficult which is weigh to opposing needs and both of them coming from the right place with good values. For me, it went a little too far away from making... being able to make the Finding but I think what we... what the majority of us seem willing to do tonight amounts almost to a dereliction of duty to the community and respect for Staff because I think they were trying a balancing act. I was not sure the balancing act would work that Staff suggested and that’s why I thought it might be good to have it be a 6-month sort of trial CUP but there hasn’t been much interest in that.

Chair Lauing: Commissioner Gardias.

FRIENDLY AMENDMENT #2

Commissioner Gardias: I have the language so this is the language of the amendment. The applicant shall propose continuous improvement plan to address traffic, noise, vehicle circulation, all those items except of nascence issues that are on Packet Page 90. Right so let me
just read it again. The applicant shall propose continuous improvement plan to address traffic, noise, vehicle circulation and queuing, passengers loading etc. Plan and attainment to its goals to be submitted annually to the Director of the Planning Department and made public to the neighborhood. Yeah, I have to rewrite it because it’s not beautiful.

Chair Lauing: Commissioner Riggs.

Commissioner Gardias: Sure, and I’m going to include all those items that are on Page 90 like including noise, vehicular circulation, queuing, passenger loading, parking spill over onto neighborhood blocks. So, the applicant shall propose continuous improvement plan to address traffic, noise, vehicular circulation blah blah blah. Plan and attainment to its goals to be submitted annually to the Director of the Planning Department and made public to the neighborhood.

Commissioner Riggs: So, did you say compose or propose?

Commissioner Gardias: Proposed. The applicant shall propose continuous improvement plan to address traffic, noise, vehicular circulation, all those items. Plan and attainment to its goals to be submitted annually to the Director of the Planning Department and made public to the neighborhood.

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Commissioner Riggs: Does the Staff see any problem with that? My only concern is that I don’t think there’s any... well, it feels bad to use the word president but I don’t see that there’s any... I’ve never heard of a continuous improvement plan as a part of a local planning process but we would invent it here. Do you see any problem with that?

Chair Lauing: Did you want to respond Jonathan?

Mr. Lait: Sure. I think it’s fine if you want to have that condition. I don’t know... I mean there’s no penalty if attainment is not achieved or I don’t know what the end result is if it’s ignored but I understand the interest and sentiment.

Chair Lauing: Ok so Commissioner Riggs does that (interrupted)

Commissioner Riggs: I will accept that.

Chair Lauing: Commissioner Alcheck.

Commissioner Alcheck: I just a quick question of clarification Commissioner Gardias. I want to create a collaborative approach here. This is my question, in my mind, something can only get
so good and so what’s the continuous improvement? My only question is are we going to suggest that let’s say they say our goal is to continue to do what we’re doing because we fine... they reached this moment where they’re doing everything right. I don’t like the idea that like oh well the best... it would really improve if you just stopped existing. That would get better than last year. Right last year we had 10 people here, now we have 5 and next year 0 we’re improving. So, I just want to be clear here because I want to suggest to you that I love the idea of continuous engagement and fulfillment of this. I think you’re trying to create communication. If you could just add the word like reasonable improvement that would make we happier.

Commissioner Gardias: I can add this word but you know I think that this is reasonable right because all around the world right this is just a normal practice and, of course, you’re a great optimist. Probably we can achieve the state of absolute happiness one day but it hasn’t happened so the process continues in perpetuity. That’s what it does. There’s always something that you can do better but I can add reasonably word if that is what makes you happy.

Commissioner Alcheck: Now are you comfortable with that?

Chair Lauing: Commissioner Riggs is ok with that? Ok.

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Mr. Yang: Just to be clear where is the word reasonable being added?

Commissioner Gardias: Reasonable improvements I think that’s (interrupted)

Commissioner Alcheck: I think you understand what we’re trying to do. I think it’s bad to word-smith it too much. I think that you understand his sentiment my sentiment. Let’s make it sound legally reasonable.

Commissioner Riggs: As the motion maker can I… if Staff was able to capture the entire text of Commissioner Gardias’s… do you have it? Can you read it back to us just so everyone is clear on this?

Mr. Owen: The applicant shall propose a continuous improvement plan to address traffic, noise, vehicle circulation and queuing, loading and parking spill over. The plan and reasonable attainment to its goals shall be submitted annually to the Department and the neighbors.

Commissioner Riggs: That’s fine with me if that’s fine with the proposer and my seconder.

Commissioner Alcheck: I seconded it.
Chair Lauing: Ok I want to make just one comment as a fellow Commissioner. As I mentioned I’m just highly concerned about moving up from 50 to 120. Our earlier discussion suggested that all of them were relatively arbitrary because there wasn’t any scientific analysis but to be the driver there is our constraint of parking from 50-years ago. And my understanding is that legally Albert there’s no way that just because it’s now also a CUP we can’t go back and ask for more parking there because it’s a CUP. Nor do I know where we would put it which would be the next question but there’s no way we can request more parking right?

Mr. Yang: The way that we have interrupted and applied our code is to not require more parking in this situation. I think we discussed the other day at the pre-Commission meeting that if the Commission had a different interruption of how our code would apply that’s certainly something that you could put forward and recommend to the Council.

Chair Lauing: Ok as I say it also begs a question of where would it go? On the lawn or you got to knock down part of the building so I know it’s not a trivial issue but given that you can do the math fairly comfortably around the 50 in terms of the 8 spots and carpooling. And that takes care of 24 when somebody comes to an event and another 24 spread in another 8 cars or even 10 cars is not too much of an impact on the community street parking which is valid parking. But when you’re spreading 120 people out there it just I think that based on what we’re hearing

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Commissioner Riggs: I’m sorry I just... it feels in conflict with the spirit of the land use and the ways we’ve interrupted the code in the past so I prefer not to accept that amendment. Apologizes.

Commissioner Alcheck: And I’ll just say that I think that your comment earlier about the 258 sorts of furthered my reasoning to support 120 because at one point in time 250 was acceptable. And I don’t believe that the parcels nearby have gone through some significant subdivision so the actual land use probably is quite similar to what it was when 250 people were regularly using the streets to park.

Commissioner Riggs: And if I can just add to my logic which is actually looking at this from a traffic engineering standpoint which is why I was super surprised to hear the Level of Service. I mean a Level of Service A... I mean the traffic flow on this street is outstanding. I mean I was really surprised to see that and this is one of those locations where I think that the neighborhood is well of this use would overwhelmingly benefit from the roundabout. So, it’s one of those unfortunate timing things where I think that if that project would go forward soon that this project and this use would benefit from that. But I think that just to also [unintelligible]
your concern is that I also see opportunities... I don’t think the applicant has gotten creative about how to park more vehicles there. If you look at it from just purely an engineering and a special dimension standpoint it looks like the stalls are over 12-feet stalls. In San Francisco where stalls are 8-feet so I think that actually, they can squeeze probably three or four more cars into that lot if they changed the configuration of the parking. They should explore the re-striping it. I mean that’s just a professional recommendation but I mean think the general recommendation is that there are opportunities to potentially squeeze more cars on the site in respective what they’re saying are the number of stalls right now.

Chair Lauing: True although they don’t have a particular incentive to do that if we don’t require it so.

Commissioner Alcheck: It could be apart of Commissioner Gardias’s suggested action (interrupted)

Chair Lauing: Continuous improvement.

Commissioner Riggs: Yeah, I can think of three or four things that I would suggest for continuous improvement that would demonstrate good faith in the neighborhood right away.

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Chair Lauing: So, having said that amendment and having it not be accepted I definitely appreciate the logic and the argument from my two colleagues and I do think that given the concerns in the community that we’re better off now having a CUP in this circumstance than not. Are there other comments or we can put it to a vote? Don’t need to if there are no other comments.

Commissioner Riggs: If I could just say one more thing?

Chair Lauing: Sure.

Commissioner Riggs: I do… before we vote I think it’s important to underscore the way that Commissioner Alcheck started the hearing which this is a backward process and it’s really important to emphasize that the code is no longer relevant for this type of use. And if there was one thing that we… I don’t know if we should make a formal recommendation but it’s important to capture in the minutes that I think there is a general consensus that maybe this isn’t the best conduit for doing what we should do which is ultimately revise the way that zoning considers religious serving uses. And I think that is… I recognize that concern meaning I go to a Church that has fish fries during and I’m not going to say it because I don’t want your Code Enforcement people to go after them.
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Chair Lauing: I think that’s perfectly acceptable that after we get done with this motion you can
make that second one. I think that’s perfectly appropriate.

Commissioner Riggs: Ok I mean it would be a recommendation that Council make an action
item but ok that sounds good.

Chair Lauing: Any other comments on this motion?

Commissioner Alcheck: I would just like to say (interrupted)

Chair Lauing: Wait, hang on.

Commissioner Alcheck: Oh sorry.

Chair Lauing: Sorry Commissioner Gardias had his light on.

Commissioner Gardias: No, I have a comment but I will make it after the motion so I’ll ask you
just to reserve time for a comment from me.

Chair Lauing: Commissioner Alcheck.
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1 Commissioner Alcheck: I just want to speak to the motion real quick. I want to just to suggest to you all that it was my intent tonight to work as a group and I think that... well I don’t know that this is an unanimous vote but I know it’s not a unanimous vote but I hope that those of you who are in support feel like you had an opportunity to participate in amending this because that was my intent. My intent was to make this a group discussion.

Chair Lauing: Ok let’s put it to a vote. All in favor of the... I’m sorry. You should nudge me.

Commissioner [Note-Vice-Chair] Monk.

Vice-Chair Monk: I was going to suggest that we include language to comply with Staff’s recommendation regarding CEQA guidelines. I don’t believe that was part of the original motion.

Commissioner Alcheck: You mean finding that it is not applicable?

Vice-Chair Monk: Correct. Staff, would it make a difference if we added that or would we want a separate motion on the CEQA?
Mr. Lait: I think that was actually a part of the motion and if it wasn’t maybe you can just acknowledge that now but I thought Commissioner Riggs moved the Staff report recommendation and then proceeded to make changes to the resolution? So, is that correct Commissioner Riggs? Was it your intent to acknowledge that we’ve made this exempted from CEQA?

Commissioner Riggs: Correct and that’s the way it’s written in Section 2 so I guess I’m the... I don’t know what you’re saying.

Vice-Chair Monk: I just wanted to clarify that it was in there. I don’t recall that it was.

Commissioner Riggs: It is Section 2.

Vice-Chair Monk: Thank you.

Chair Lauing: Just want to confirm that everybody knows what their voting on now because it went through a few... ok alright. So, all in favor of the amended motion personify by saying or

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Vice-Chair Monk: Yes, and I do want to keep this amicable as possible but I did take great offense. Commissioner Summa, please don’t take this personally but when you accuse us of this being a dereliction of our duty tonight by voting on what Staff recommended to us. I don’t think that was an appropriate characterization of this Commission in any capacity so I just wanted to make a record of that.

Chair Lauing: Commissioner Alcheck.

MOTION #2

Commissioner Alcheck: So, I just think I’m going to jump in. I think I would also like to partner this recommendation with a second recommendation in anticipation of what will likely be potentially more CUPs for religious facilities. I think it would be… I would recommend... I will make a motion recommending that our City Council empower Staff to bring to the Commissioner a discussion about amending the definition in our code for uses under the designation Church so that we can modernize it. Yeah, that’s the motion I shouldn’t say why.

Chair Lauing: Don’t say so that yeah and I’ll give you the honor of seconding that if you’d like Commissioner Riggs.

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Commissioner Riggs: Well I’ll second that I suggested it.

Commissioner Summa: Excuse me is that on our agenda tonight?

Commissioner Gardias: No, it’s not. We should not be discussing this thank you.

Chair Lauing: We can ask Council about that because I think its part and parcel of this basically subject matter that we just had a discussion on.

Mr. Yang: Yeah, it’s closely enough related to the CUP that was before you.

Chair Lauing: Ok so counsels opined that it’s valid. Any other discussion points about that? Does Staff have a comment? Ok. Any Commissioners with comments on that? Ok then lets all vote on it. All in favor of the motion please raise your hand. Four and opposed? Two with on absence. Ok thank so that wasn’t an easy one for anyone; Staff and both sides of the issues and the community and us. Onto Council.

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Commission Action: Motion was made by Commissioner Riggs and Seconded by Commissioner Alcheck to:

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 revised findings and subject to revised conditions of approval:

   • Section 1. Background

      A. An application for a conditional use permit to allow a Community Center as defined by PAMC 18.04.030 (34) on the site was submitted November 14, 2017.

   • Section 3. Conditional Use Permit Findings

      1. 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 issues, including noise, vehicle circulation and queueing, passenger loading, and parking spill-over onto neighboring blocks.

   • 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

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b. Rehearsals, programs and performances by non-profit
musical groups

c. Ancillary counseling and psychotherapy offices

1. **HOURS OF OPERATION.** Community center events shall
only occur between 9:00am and 10:00pm Sunday through
Thursday, 9:00am through 11:00pm Friday and Saturday.

2. **COUNSELING AND PSYCHOTHERAPY OFFICES.** Counselors
or psychotherapists shall be permitted at any time as an ancillary
use to the church and community center.

5. **AMPLIFIED MUSIC.** Amplified music is prohibited during
community center events.

9. **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 120 persons.

12. **CURB SITE LOADING ZONES.**
   - Applicant shall provide a parking attendant during
     peak hours and special events.

14. **SPECIAL EVENTS.** In addition to Community Center events
authorized by these conditions of approval, applications for up to
twelve (12) 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.

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A second motion was made by Commissioner Alcheck and seconded by Commissioner Riggs to:

1. Recommend that the applicant shall propose a continuous improvement plan to address traffic, noise, vehicle circulation and queuing, loading, and parking spill-over. The plan and reasonable attainment of its goals, shall be submitted annually to the department and the neighbors.

2. Recommend that the City Council empower staff to bring to the PTC a discussion of the uses that should be considered under the definition of a church

Motion passed: 4-2 (Summa, Gardias)-1(Waldfogel absent)

Approval of Minutes

Public Comment is Permitted. Five (5) minutes per speaker.¹³

4. March 14, 2018 Draft Planning & Transportation Commission Meeting Minutes

Chair Lauing: Our next agenda item is approval of minutes for March 14 PTC. Any comments or corrections on that and/or a motion to approve.

MOTION

Commissioner Alcheck: Motion to approve.

Chair Lauing: Motion to approve. Second?

SECOND

Commissioner Gardias: Second.

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Chair Lauing: I don’t think there are any absences so we can all vote. In favor? Six, ok. We’re not onto the section of the (interrupted)

Mr. Lait: I’m sorry Chair I missed the first and second on the minutes.

Commissioner Alcheck: I first it, Gardias seconded.

Commission Action: Motion by Commissioner Alcheck, seconded by Commissioner Gardias to approve the meeting minutes for March 14, 2018.

Committee Items

Commissioner Questions, Comments, Announcements or Future Agenda Items

Chair Lauing: We’re onto Commissioner questions, comments, announcements. Let’s bracket it there and then talk about future agenda items.

Mr. Owen: Also, real quick point of order. Commissioner Alcheck you second motion recommendation did we get a second from Commissioner Riggs?

Chair Lauing: Yes. Commissioner [Note-Vice-Chair] Monk.

Vice-Chair Monk: I just wanted to report out very briefly that I attended the Commissioner...

Planning Commissioners Academy last week in Monterey and it was very, very useful, very

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insightful, I got a lot of information that I would like to pass on to the Commission. I’m still assembling it in my head and looking at my notes but there’s some legislative update that I’d like to relay to you. Also, some tips and some suggested rules of order that they went over. One of them was called Rosenberg’s Rules I believe and they were designed by a Planning Commissioner so I will get you a more deeper summary. There’s also slide decks from the entire 3-day training that are available on the California City’s Association website. So, I’ll pull out some of the key slides and maybe pass that along when it’s not so late because it’s already 10:30 and go into a deeper dive another time.

Chair Lauing: Ok any other comments? Commissioner Gardias.

Commissioner Gardias: Yes, thank you so I just want to share with you that I talked to the City Manager Jim Keene and the Chair about scheduling a meeting of the PTC with the City Council and this is about the same what I have been proposing for the many years. I believe that we should have early within the year alignment with the City Council on the topics that are of their priority or of our priority. So, the question came of the same aspect that we were asked before, what’s the expectation from the meeting and I pass this question onto the Chair because Jim Keene wants to know pretty much what’s the expectation... what is our expectation? What would be on the agenda at this meeting with the City Council?

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Chair Lauing: Yep sorry.

Commissioner Riggs: 25th excuse me.

Vice-Chair Monk: I also have a planned absent for May 9th.

Chair Lauing: Ok so that’s what we’re onto night which is the upcoming agenda items and there
were a couple little changes. I’d like to turn that over to Assistant Director Lait. So, we’re on
Page 6 of the Packet for the 25th meeting.

Mr. Lait: I mean there’s (interrupted)

Chair Lauing: Well the last item goes first but you said it’s going to be a report out now.

Mr. Lait: What do you want me to talk about with this?

Chair Lauing: It’s not an action item now. It’s a report that you’re going to submit very similar to
the first item on the agenda tonight. Just I want people to understand the kind of size of the
agendas and that’s going to be minor.
Mr. Lait: Yeah ok the 2017 Housing Element that’s just an information item. The ADU Ordinance that’s a continuation from the conversation you’ve had. You’ve acted on (unintelligible) (interrupted)

Chair Lauing: And we want to talk about that for a minute. So, we already had two long meetings on that and in the pre-meeting yesterday we discussed a possible procedural option because I know that probably three Commissioners still have items. To fold, one is what if those items that you wanted to make suggestions on the ADU could come in advance in the Packet.

Commissioner Alcheck: [off mic] What day do you need it by?

Chair Lauing: Well we’ll get to that if we get consensus on that so that we all can read it, think about it and so on. And secondly, if there’s a way to condense that discussion in the meeting potentially even down as low as saying… because Staff wants to get the ADU thing going. It could even go down as low as saying here’s 15 other items that we want to discuss in the next 4-months but we don’t want to hold up this first draft coming to you. That wasn’t articulated specifically but we’re trying to find a way that we don’t spend another 4-hours on ADUs if possible given the rest of this agenda. So, the starting point is if we could get those ideas from Commissioners to go into the Packets so what date did you need it by?


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Mr. Lait: So, by next Wednesday would be good.

Chair Lauing: Ok. Is that process ok with folks that have additional items?

Mr. Lait: Actually probably (interrupted)

Chair Lauing: Sorry?

Mr. Lait: Tuesday. I’m sorry I mean are we responding to this or are we just collecting it?

Chair Lauing: No.

Mr. Lait: Ok so Tuesday night would be a good time to have it. Thank you.

Commissioner Alcheck: I mean can I just ask a quick question? The idea is if I have a bunch of amendments I can share them with you so I don’t have to go through with them as much... with as much time. You’ll be somewhat familiar with them and I can say the reason for this one is this and the reason for this.
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Chair Lauing: Right and it also gives us an order of magnitude because if there are three or thirty.

Commissioner Alcheck: I don’t think there are that many from me but I’m only going to list the amendment and then I’ll give a quick explanation of each one.

Chair Lauing: That’s exactly, that’s perfect.

Commissioner Summa: When does Staff need them by? What’s the date?

Chair Lauing: Tuesday night.

Commissioner Alcheck: [unintelligible -off mic]

Chair Lauing: Right exactly but what I’m saying is that we want to look for ways to expedite the meeting itself in terms of the number of potentials... Jonathan is getting it for you.

Mr. Lait: Yeah next Tuesday.

Chair Lauing: So, the 18th.
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[Note- multiple people talking at once]

Commissioner Riggs: I need beer. Let’s go. That doesn’t work Commissioner Gardias? Can you get a partial list?

Commissioner Gardias: I have to file taxes. I will do my best between midnight and 5 o’clock.

Chair Lauing: Ok and do we... and we don’t have any visibility yet on any specifics on the Housing Session Work Plan. That will be in the Packet obviously on Thursday. Alright, any other question on that? Ok if there’s nothing else stand adjourned. Thank you.

Adjournment
Palo Alto Planning & Transportation Commission

Commissioner Biographies, Present and Archived Agendas and Reports are available online: http://www.cityofpaloalto.org/gov/boards/ptc/default.asp. The PTC Commission members are:

Chair Ed Lauing
Vice Chair Susan Monk
Commissioner Michael Alcheck
Commissioner Przemek Gardias
Commissioner William Riggs
Commissioner Doria Summa
Commissioner Asher Waldfogel

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Show up and speak. Public comment is encouraged. Please complete a speaker request card located on the table at the entrance to the Council Chambers and deliver it to the Commission Secretary prior to discussion of the item.

Write to us. Email the PTC at: Planning.Commission@CityofPaloAlto.org. Letters can be delivered to the Planning & Community Environment Department, 5th floor, City Hall, 250 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding the meeting date will be included in the agenda packet. Comments received afterward through 2:00 PM the day of the meeting will be presented to the Commission at the dais.

Material related to an item on this agenda submitted to the PTC after distribution of the agenda packet is available for public inspection at the address above.

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