



Planning & Transportation Commission

Regular Meeting Action Agenda: April 11, 2018

Council Chambers
250 Hamilton Avenue
6:00 PM

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 Waldfoegel. 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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1 Chair Lauing: So, our first item of business is Oral Communication that's on agenda items that
2 are not agenda items. I only have one card at this point which is the Honorable David
3 Carnahan.

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

18
19 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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1 Commission. And so, we're going to return with second reading and then it would be effective
2 30 days thereafter.

3

4 On April 16th the City Council will take up the annual office limit ordinance. This commission
5 had considered that there wasn't many changes from the staff recommendation and we believe
6 this is in line with Council's direction and we expect that to go forward on that date. And then
7 also in April on the 30th we're going to be reporting to the City Council with a list of applicants
8 that have filed for positions on the North Ventura Coordinated Area Plan Working Group
9 Committee I think we've got somewhere around 21 applications or 22 applications, something
10 like that for the positions that are available. And in addition, there is a request that we have a
11 Planning and Transportation Commission (PTC) liaison participate in that working group so
12 perhaps Chair you and I can have a conversation and you can appoint somebody to join us with
13 that working group discussion.

14

15 Item 2 on official report is a report that was commissioned as a part of the Comprehensive Plan
16 and directed by the City Council to be prepared I think it was in 2012. It went through some
17 various iterations, remained in a draft document for the most part, but was updated last year
18 and helped inform some of the policy conversations that took place with the Comp Plan with
19 respect to Downtown. And we've presented it to the Commission here so you have a chance to
20 read it before your next meeting in two weeks. We thought it might be a helpful bit of

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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 were provided in most cases... a 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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1 with either the applicant or neighbors. So, if we could just go from my right, Commissioner
2 Gardias.

3

4 Commissioner Gardias: No disclosure. No contact.

5

6 Chair Lauing: Vice-Chair Monk,

7

8 Vice-Chair Monk: I have nothing to disclose.

9

10 Chair Lauing: No disclosures.

11

12 Commissioner Riggs: I don't have any disclosures.

13

14 Commissioner Summa: Nothing to disclose.

15

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

17

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

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1 Baptist Church which is located at 305 North California Avenue. Just a bit of a background the
2 First Baptist Church was established on this site in 1948. They had a previous location I believe
3 in the downtown decades before but they established at this site in '48. At one point the
4 applicant reports that they had a congregation of about 600 to 700 people. Over the decade's
5 church membership has declined while at the same time some other secular uses of the Church
6 facility have increased. We've received a couple of report... numerous reports actually from the
7 neighbors about nuisance issues that are related to these secular uses of the Church space in
8 particular. We've... Most of these issues relate to noise emanating from the sanctuary but also
9 from the Fellowship Hall Wing which is a separate wing of the Church facility. Also, regarding
10 parking, there's only eight parking spaces provided on the site so there's a number of issues
11 related to parking spill over into the neighboring residential streets. Also, issues related to
12 safety at the intersection and safety related to loadings. There's a couple of daily activities that
13 have used the site and rather than circulating onto the site they have a relatively narrow drive
14 aisle. They'll use the onsite or excuse me the street loading spaces that are on North California
15 Avenue. This wouldn't be an issue except that it's also a bicycle boulevard and relatively close
16 to a couple of schools so there are issues potentially conflict points with cyclists and
17 pedestrians in this area. As I mentioned there has been a number of complaints and back in
18 2016 and 2017, the City took code enforcement action to abate a number of the unpermitted
19 uses. That is issues that aren't enabled by the Municipal Code's definitions of a Church which is
20 for religious worship and religious education. So, this is kind of the nexus of sort of the impetus

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

3
4 So unlike with most Conditional Use Permits, there is no development that's proposed with this
5 application. There's not an expansion of the facility. This would just be to use the existing
6 facility and it's intended to authorize and regulate events and uses at the Church.

7
8 Here's a map showing the site. It's located at the northwest intersection of North California
9 Avenue and Bryant Street. The residences or excuse me the neighborhood is primarily a single-
10 family residential in nature. Surrounding uses are almost entirely single-family homes. There's a
11 daycare center that's also adjacent to the site. Here's an aerial photograph showing the
12 building. As you can see the church is arranged in a U or a horseshoe shape plan. The sanctuary
13 is closest to the intersection and it's connected to the Fellowship Hall Wing by a hyphen two-
14 story hyphen section. The hyphen contains offices and meetings spaces. Here is a site plan that
15 shows the layout of the building as well as the circulation on the site. As I mentioned it's a
16 relatively tight squeeze for the drive aisle, one-way in, one-way out. It's... Vehicles that are
17 entering the site access it from north California Avenue, circulate towards the rear and then
18 exit on Bryant Street.

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

20

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

14
15 These are in your Staff report but I just wanted to make sure that everybody is aware of them.
16 There are Findings for the approval of the Conditional Use Permit and so we can use these for
17 reference if you'd like too at another point. But essentially in order to approve a CUP the
18 Council needs to find that the use is not detrimental to the health, safety and general welfare
19 to the public and is in accordance with the Comprehensive Plan and the Zoning Ordinance.

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

5

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

7

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

12

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

16

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

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1 application such as the HVAC and the occupancy while restricted on other uses is tailored to
2 this particular situation.

3
4 Commissioner Riggs: Right I mean to me it looked like that was a certain degree tweak a general
5 list of things that you would consider.

6
7 Mr. Lait: Correct.

8
9 Commissioner Riggs: Alright, great, thanks.

10
11 Chair Lauing: Ok we have a lot of public speakers tonight which is great. What's that? I'm sorry?
12 Oh, I'm sorry did you have a question? Go ahead.

13
14 Commissioner Gardias: Thank you. Yes, so the question about the roundabout is what's the
15 reason for putting this on a halt? Was it related to the Ross Boulevard discussion or was it
16 something specific to the parking and drop off around this facility. Is it this specific topic or this
17 is related to Ross Boulevard was the reason for having this on hold?

18
19 Mr. Lait: Right the decision to place the roundabout on hold is not related to this application.

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1 Chair Lauin,g: Ok so what we're going to do is public comment and then do a round of
2 questions. Sorry? Yeah, the applicant is going to start speaking, yeah and then public comment.
3 This is going in and out. And then we're going to do a round of questions before we do anything
4 else just to make sure that all the questions are on the table. So, the applicant is going to speak
5 first up to 15-minutes.

6
7 Rick Mixon: But Graham, what I do have is copies of my... if you want to [unintelligible]. These
8 are copies of my remarks that he's passing out. I emailed them to you but I don't know if you
9 had a chance to see them so you can follow along. Good evening to the Commission, thank you
10 for hearing us. I'm Rick Mixon the Pastor for the First Baptist Church of Palo Alto. I want to
11 begin by saying that we at First Baptist Church of Palo Alto want to be clear that we value our
12 neighborhood and our neighbors. We very much want to be a good neighbor. We are aware of
13 the concerns of some of our neighbors about noise, parking, and traffic. We share those
14 concerns and are working hard to address them. Given what we have heard from our
15 concerned neighbors were quite willing to give consideration to those concerns and scheduling
16 use of the building as well as making changes to the building that address those concerns. We
17 believe that we have already made significant progress in addressing these concerns and some
18 of the dates in your background analysis really is old data that doesn't recognize the changes
19 that have already been made. I want to express my appreciation to Hillary, Jonathan, Graham
20 and the Planning Department for all the obvious hard work they've put into resolving these

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1 issues. We recognize that this is a situation that has been challenging to try to resolve. We
2 understand that it's no fun to be stuck in the middle. As Graham said it's like trying to figuring
3 out how to divide the baby and we don't have the wisdom of Solomon unfortunately. The
4 background analysis and recommendations concerning our application for a Conditional Use
5 Permit to be designated as a community center show how clearly and diligently the department
6 has worked to create and craft a reasonable workable solution.

7
8 We still have several concerns though about the conditions proposed in Attachment A of the
9 report and I would like to go through our concerns point by point. To begin with, I wanted to be
10 really clear that the Church continues to believe that the organizations and activities that share
11 our space are consistent with our mission as a Church in 2018. Therefore, the community
12 center designation should be unnecessary. That's our basic point of view but we understand
13 the Planning Department sees this differently under the existing City code and so we have
14 preceded with this application at their direction, not necessarily by our own choice. Number
15 two, we request that the hours of operation be 9 a.m. to 10 p.m. Sunday through Thursday and
16 9 to 11 p.m. on Saturday and Sunday [Note-Friday and Saturday?]. These are the hour's outlines
17 in other CUPs for religious institutions also located in R-1 neighborhoods. We believe that the
18 City should be consistent in designating hours of operation. This does not mean that activities
19 will be going on during all of those hours all of that time but there are occasions when the
20 Church or our partners would reasonably make use of the space during those later or earlier

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

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

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

8

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

17

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

19

20 Mr. Lait: Wait [interrupted]

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

3

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

9

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

13

14 Secondly, as you know there's no support or non-support that's supposed to be demonstrated
15 verbally as speakers speak so please just listen. There are a lot of speakers tonight so we're
16 going to do 3-minutes for each speaker. There are two groups that have requested to group
17 their minutes so there are two groups of five and that's sort of the minimum for grouping so
18 just wanted to get the rules and regulations on the record. So, we're ready to go with the public
19 comment. First group Sarah Burgess. I don't know who's going to speak for these three or these
20 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

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1 allows the letting of their schools, Jordan is only about six blocks away. All of these people
2 could go in. The amount that is charged is very close to what the Church charges. There is a
3 discount for non-profits starting at \$28 for an hour space and a classroom. Cubberley by way of
4 example has 15 classrooms, two gyms, two dance studios, auditoriums, long-term leases
5 available, the rooms have pianos, stages, sound equipment. All of these are assets that the City
6 has already decided is important to the community and pays to have available. It's available for
7 use at this time. They have ample parking and a buffer against the surrounding homes because
8 where they are set up and to that... for that reason, there is just no reason to open another
9 community center at 305 north California. It's not necessary or desirable. This just isn't the right
10 location.

11
12 The second question is the parking question which as Mr. Owen talked about. They are viewing
13 as grandfathered in. That the 71 spaces for the Church are grandfathered in as a result of the
14 1948 building of the Church. Simply put there is no basis in law or the Municipal Code for this
15 reading. The Municipal Code says and it should be the case, that a user can be grandfathered in
16 based back to when you have created the property and created the user and that's correct.
17 Nobody wants any prejudice here, nobody wants the Baptist Church to have to start putting in
18 a new parking lot for the use they've had there for the last 50-60-years. However, that use stays
19 with the Church and you should notice that this CUP is going to be running concurrently with
20 the Church's use. So, the Church keeps the parking use and keeps the parking grandfathered in

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

14

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

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1 between bikes and pedestrians and cars with the increase in traffic that comes from these uses.
2 I've almost been run over walking my dog down the street with somebody trying to pull in and
3 make a U-turn to get their child to a class on time and had to jump back. I've seen bikes almost
4 get hit. The other night I saw a car pull into a bike lane in between a motorized skateboard and
5 another bike. Never appeared to even see these two. It's dark in the area and I want to show
6 you and I have a slide up here to show you. This is today in the afternoon the bike lane so you
7 can see the sign there where they have the drop off zone. You can see the bikes in the bike
8 lane. In order for a car to get to that drop off zone, they have to move in and out of the bike
9 lane. This is an area that's very heavily traveled, that's wide, there's this new bike lane and
10 that's why they're talking about putting in a roundabout or it's been approved for this area
11 because it's so heavily traveled by bicycles. It simply isn't safe to drop off and pick up going
12 through a line of bicycles. If you see here you'll see some of the traffic that happens. This is
13 actually after Jordan got out today I took this. It's definitely worse when Jordan gets out,
14 definitely worse when Pally gets out but you have to understand this kind of traffic goes all day
15 long. There are people going to work up and down this street. There are sports practices getting
16 out later at night. There are sports practices getting out from both schools and so we have this
17 kind of bike traffic. Now if I can show you this is an example and I want to make clear because
18 the Pastor said that changes have been made. This is when it's better just so you understand.
19 These were all taken after the changes that were made. You can see the cars parked trying to
20 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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1 this is where the cars are making the U-turns and the three-point turns in the middle of the
2 street trying to get back and forth. Thankfully right now there aren't any bikes going by but
3 there often are and sometimes it backs up traffic to a great degree. Another... This is showing
4 another car coming out after making a U-turn on South Court and another car doubled parked
5 and that's the type of parking that goes on. Even at night when there are classes going on these
6 bikes lanes are heavily traveled and I know that Staff has tried to get around this by limiting the
7 uses of the drop off and the pick up during school hours when the bikes are going back and
8 forth but if you look at all these cars, where are all these cars going to go to drop off and pick
9 up if they can't do it in front of the Church during those hours? If the uses are still allowed fifty
10 people every hour can come in and go where are all these people going to be? Are they all
11 going to be parked in front of our house when dropping off in front of our house? The traffic
12 from it is not going to go away.

13

14 Now in terms of the parking problem when the Church services were more heavily attended
15 and again I think I've told you I've lived in Palo Alto since 1971 and in the exact area since 1988.
16 And I can remember when Church services were more heavily attended. Many people walked,
17 other people parked along the curb that goes around the Church. You can see this stretch here
18 it's about an equal distance on Bryant Street as well. If you have a loading zone that's going on
19 for a good 20-feet on one side and then the roundabout, when it goes in, takes away 50-feet of
20 parking on each end of the intersection. You'll basically have no parking available at all for the

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1 Church uses. Where are people going to park? All it's going to do is push more parking into the
2 neighborhood by having these requirements. Again, it's great to have a community center but
3 this is just not the right location.

4
5 If I can address quickly TUPs. The recommendations give the right to have up to six TUPs per
6 year. The problem with these Temporary Use Permits is it brings people into the neighborhood
7 who aren't coming regularly for an event and they don't really seem to recognize that it is a
8 neighborhood. This is a solely residential neighborhood. I've got a slide from an example from
9 one such concert that was just last December, it's dark I'm sorry, but perhaps you can see
10 there. That's the sidewalk that car is parked on. All of the parking spaces were taken in the
11 entire neighborhood so the cars just started lining up and parking down the sidewalk. And I
12 stopped and asked one of the people going in and said what's going on? You're parking on the
13 sidewalk and they just said well yes but I've got to get into the concert and went running in.
14 And that's the type of problem you have. This is a very residential neighborhood. There's no
15 parking and again we have all sorts of spaces with available parking. It's just not the right
16 location.

17
18 I've lived in Cities, I've lived in Berkeley, I worked and went to school in San Francisco for over
19 20-years but I and my neighbors moved to Palo Alto where we pay taxes and we vote and we
20 pay property taxes to have a peaceful suburban existence. And I had that for the first 25-years I

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

10
11 Chair Lauing: Thank you very much. So, the next group is Loy Martin going to speak for that
12 group. It includes Steve Kohen, Nancy Clark, Marcella Verma and [Note- Jaymonte Rochode].

13
14 Mr. Loy Martin: Thank you for letting me speak to you. As I've listened to Pastor Mixon and
15 listened to Sarah I wonder if it strikes you as it does me how odd this case is. You're being asked
16 to approve a community center and most of the people who live very near the Church don't
17 want this. I think that's clear to you if you've looked through the correspondence and it will be
18 more clear to you as you listen to other speakers tonight. And the Church made this application
19 under protest and Pastor Mixon said tonight that they didn't really want this. So, the reason I
20 say it's odd is it seems that if you're charged with approving something if it's necessary or

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1 desirable and both of the parties that are closest to the situation don't like it. Where do you get
2 necessary or desirable out of that? So, on the face of it is just doesn't seem like it makes very
3 much sense which is an oversimplification of course but I think it should lead us to ask where
4 does the positive energy that's driving this and that's lead Staff to try to make some
5 accommodation of this CUP application where does that positive energy come from? And I
6 think it comes from several directions. You'll hear some of them tonight. I think there's a range
7 of people in the neighborhood farther away who don't directly experience the things that Sarah
8 was talking about or the things that I live right next door to the Church. The things that we've
9 experienced over a better part of the last decade in terms of noise. Horrendous noise. It's really
10 been a compromise to quality of life by a definition I think any of you would use. So, people
11 who aren't really close to it don't experience that and they may have more abstract ideas about
12 good uses, about cultural events, about the diversity of a community like Palo Alto and how
13 that should be served. And I understand that because I find myself tempted to have an opinion
14 about the expansion of Castilleja School but I don't really know anything about that situation. I
15 haven't been in those homes. I haven't watched those daily activities. I haven't talked to the
16 teachers there. I haven't talked to the administrators. I should be very careful about having an
17 opinion because it will be based on abstraction. It will be based on ideas about education or
18 ideas about neighborhood something which I get from this experience. So that's where some of
19 the positive energy comes from and I think it should be taken a little bit with a grain of salt
20 when there is such a near-unanimous opposition to the CUP from the people who live quite

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

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1 local homes, subtract out the ones that are not in an R-1 neighborhood, subtract out the ones
2 that are on very heavily traveled, major thoroughfare like Middlefield or San Antonio Road or
3 Embarcadero and what you end up with is two Churches. You have a little Church a little
4 Seventh-Day Adventist Church at Channing and Gwenda that doesn't have a lot of buildings that
5 could be used or nobody is going to suggest a community center and you have the First Baptist
6 Church of Palo Alto. So, the appropriate controls that ought to be placed and ought to have
7 been placed for the last 7 or 8-years don't extend in their logic to other Churches. The other
8 reason that the Palo Alto Baptist Church is not typical I've gone around for the last few weeks
9 and I've talked to friends of mine. People I know who devoted Churchgoers at many different
10 Churches in this town are in Menlo Park, in Palo Alto, in Los Altos and I asked this question. I say
11 has your congregation declined? Has it... What's the term used? Ebbed and they say what do
12 you mean? We have to get to the Church 30 or 40-minutes early in order to get a seat. We have
13 robust congregation and I say well do you rent out the buildings a lot and they say well no we
14 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
15 don't do that because we don't need to do that. So, I think there's another way here that the
16 First Baptist Church is not typical of other Churches and I think that we have... What we have
17 here in this CUP is an awkward way to try to solve a group of problems that just could be solved
18 more directly. If you just took a couple steps back and said what is this? This is a property
19 owned by a non-profit corporation in an R-1 neighborhood that's very tightly embedded. If it
20 were any other property there are very simple code restrictions that say that you can't carry on

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

3
4 The Church seems to feel that they shouldn't have to be a community center because they just
5 ought to be able to do what they want to as long as it corresponds to what Pastor Mixon calls
6 the Church's Mission. But I think that we need to step back and we need to say these
7 regulations... these zoning regulations exist for a reason. They exist for a reason in the
8 neighborhood where they are and I don't think it's unreasonable to ask the Church what might
9 you do to regenerate your Church as a congregation? Pastor Mixon has said that the
10 congregation has gone from some 800 to less than 100 members. That's almost a 90 percent
11 decrease in the congregation of the Church. Now something... it's a beautiful Church in a
12 beautiful neighborhood. It seems like something could be learned from these other Churches as
13 how you invigorate a congregation and you lessen the needs for these kinds of uses. Now does
14 it stop there? No, I think that if we had that sort of good faith agreement with the Church,
15 between the Church and the immediate community, that there are all kinds of uses that could
16 be addressed in let's say a CUP for the Church as a Church. Other Churches have them. This one
17 doesn't have it because it's so old but that doesn't mean that City Government couldn't do
18 that. Couldn't determine the terms for a revving Church to help it along. You could... my phrase
19 for what would really be suitable in this location is small groups of people doing quiet things
20 and there are a lot of possibilities of very high quality, culturally valuable things that could be

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

13
14 Chair Lauing: Ok thank you. I would repeat that if any parents with children would like to speak
15 we can prioritize you, folks. There's one here. I have 25 speaker cards so you have to identify
16 who you are once you get up here.

17
18 Ms. Elizabeth May: Elizabeth May.

19
20 Chair Lauing: Ok and each person is going to have 3-minutes.

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1

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

17

18 I want to lodge one thing and make sure that as I've listened to the neighbor's complaints and
19 as a long time Palo Alto resident I want to make sure that one thing is clear. That on February
20 15th our friends at the ends of iSing rehearsal for 10-minutes played ninja tag. We were loud, it

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

9

10 Chair Lauing: Ok thank you. Any other children?

11

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

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

8

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

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1 chance to sing even if they can't come early but with the time limit they can't. I love iSing... I
2 love to sing in iSing so much so please modify the requirements so iSing can stay. Thank you.

3

4 Chair Lauing: Thank you, girls. Alright, then I'll just go with speaker cards as they've been
5 submitted. The next one is Ron Wilensky, 3-minutes. Next up is Erin McOmber.

6

7 Mr. Ron Wilensky: [off mic] I thought I was going to be able to combine with my wife but I was
8 told I couldn't. Can I get 5-minutes?

9

10 Chair Lauing: No, it needs to be three because we can only group groups of five.

11

12 Mr. Wilensky: I was a mistake [unintelligible].

13

14 Chair Lauing: Ok.

15

16 Mr. Wilensky: May I have the first slide, please? My name is Ron Wilensky (interrupted)

17

18 Male [Note – off mic in the audience]: [unintelligible]

19

20 Mr. Wilensky: I need about 5-minutes.

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1 Chair Lauing: Ok, alright, go ahead.

2

3 Mr. Wilensky: Thank you very much.

4

5 Commissioner Riggs: So, do they have five cards?

6

7 Chair Lauing: Are you representing five people?

8

9 Mr. Wilensky: Yes.

10

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

12

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

14

15 Chair Lauing: Do we already have the cards?

16

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

18

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

4

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

6

7 Chair Lauing: Alright.

8

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

10

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

12

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

14

15 Chair Lauing: Ok go ahead.

16

17 Mr. Wilensky: Thank you very much.

18

19 Chair Lauing: Thank you.

20

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

11

12 This is something completely new and much more intense. I have three many concerns about
13 this draft CUP. The first is that the recommendation does not address a fundamental issue that
14 my neighbor Sarah Burgess brought up. Is there a need for one? There is adequate space at
15 existing community centers in the area. Two I don't think it's appropriate to grandfather the
16 parking allotments from 2000... 1948 when there were no parking regulations for the Church to
17 a new CUP granted for a new use in 2018. Based on the eight spaces available current rules
18 would allow a maximum of 32 people at each event which is lower than what the CUP has
19 recommended. Three traffic and bike safety have not been fully addressed. FBC is at the
20 intersection of two major bike lanes. Traffic from the Church poses 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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1 the yards unpleasant or impossible and the problem will be even worse if drop off and pick up
2 are prohibited on Bryant and North California adjacent to the church but allowed nearby on the
3 two streets.

4
5 Finally, next... what do I do for the slide? The Church is located at the intersection of two very
6 busy bike boulevards, North California Avenue and Bryant Street. Those are shown, North
7 California goes left to right, Bryant is north to south. Bryant is the main path t Palo Alto high
8 school; North California is .6-miles away from Jordan Middle School. There will be a traffic
9 roundabout at that intersection which will further restrict and calm traffic. To give you an
10 example of the volume on this bike boulevard, the City itself has stated that Bryant Street allow
11 carries 216,000 bike riders per year. That is one per minute if you operate during normal hours
12 but even more... it can be tens or hundreds per minute when you have school letting out or
13 after activities. So North California is on a safe route to school... to Jordan Middle School.
14 Excuse me and is especially busy in the 2 p.m. to 5 p.m. range when a lot of activities such as
15 iSing take place. The intersection of North California Avenue and Bryant will have a roundabout.
16 There was a delay but I don't see it being stopped. A corner with heavy bike traffic for which
17 traffic calming measures will be implemented is not the appropriate place for an active
18 community center having 7,000-car trips per week.

-
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1 To summarize, considering there was ample space at other places why is a community center
2 needed at FBC? And two, if the PTC believes another center is needed there must be
3 restrictions on the number of people and hours a day of operations. Thank you very much.

4
5 Chair Lauing: Thank you. Next speaker is Erin McOmber followed by Leannah Hunt.

6
7 Ms. Erin McOmber: Good evening. Thank you for allowing us to speak this evening. I graduated
8 from Walter Hayes and JLS and Pally. I've been... I was a Palo Alto resident from 1981 to 1992
9 and from 2014 to the present day living on Byron Street. A short walk away from First Baptist
10 Church. After having read much of and leafed through the duplicate parts of the 191 Page
11 document that has been made available I have determined that many of... the vast majority of
12 those who seemed to have written in to oppose the use of the CUP seem not to have children
13 or family members who would benefit from the use of this CUP. I can certainly understand
14 noise and parking issues as we live three homes away from Jordan Middle School. I can hear
15 every bell that rings at Jordan Middle School, I can often hear children chatter when they use to
16 have marching band they would have march band rehearse up and down North California Ave
17 and I'd be able to hear every single note of a perfectly accurate middle school band. You can
18 imagine how musical that is. It seems to me that noise and parking are issues that any of us
19 have to deal with if we near anything that is not another home. Living Jordan Middle School,
20 the people on Middlefield have had to deal with much worse than any of use in the more

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

10
11 So, the move of the new Mozart School made the population of parked cars go down
12 significantly. I would say greatly. I drive up and down North California a ton and I have noticed
13 so many times when there is almost nothing going on. The bicycles peter out by 3:45 or so and
14 by the time iSing starts in the afternoon there is not a strong bike traffic pattern going that way.
15 And if bicyclists would simply stop at the stop signs we would probably not have as big of a
16 safety issue as everyone is concerned about. Every single day when I drive up or down North
17 California or turn left onto Bryant to go onto Oregon Expressway or right onto Bryant to go to a
18 friend's home there are bicyclists who barrel through those stops sign. That is the biggest
19 problem. Thank you very much.

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

2

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

4 I'm Leannah Hunt, I've been a resident of Palo Alto for almost 50-years, I own the home at 550

5 North California for about 16-years, now I'm on Byron right off North California so I traversed

6 North California just about every day if not every other day. My office is downtown so I

7 generally go North California to Alma and downtown. I've been aware of this proposal for quite

8 some time. I wasn't able to attend the neighborhood meetings because I was involved some

9 realtor meetings. I have served as President of the Silicon Valley Association of Realtors, I

10 served presently on the Silver Board of Directors, on the State of California Board of Directors

11 and I represent the 4,500 resident agents from Silicon Valley on the National Real Estate Board.

12 Last year I served on the National Land Use Committee for RNA, the National Association and

13 I've a number of times on the State Land Use Committee. So over well over 25-years I've been

14 involved with land use policy-making on behalf of the realtor community.

15

16 I come to you speaking in opposition to this proposal. I'm quite dismayed that the Staff has

17 authorized the approval of this. There are a number of reasons why I would speak in opposition

18 and I might reflect upon the fact that for about 12-years I have managed the property kitty-

19 corner at 292 North California. The owners are going to be returning and you've heard from the

20 blocks who own that property but I have observed morning, noon and night the activities at the

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

9

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

13

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

15

16 Mr. John Rollins: Hi good evening Commissioners. My name's John Rollins [and] I live two blocks
17 from the Church on Waverley Street. My wife grew up on Waverley on the same block as the
18 Church at Santa Rita and Waverley. My mother-in-law has been there for 40-years. She can't be
19 here with us tonight to speak in favor of the changes but I can tell you that I moved back here
20 with my family 5-years ago. The first thing we did to engage the community, my daughter at the

-
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1 time was a rising 1st grader, was on the recommendation of a friend was too involved with
2 iSing. iSing has provided confidence, comradery, a sense of community for not only my
3 daughter but hundreds of kids in the neighborhood. I'm one of 45 members of iSing who live in
4 94301 or in the downtown Palo Alto. My daughter bikes and walks to Church for iSing and
5 we've actually made arrangements where other friends, schoolmates of hers, who don't live in
6 the immediate area come to our house and they walk or bike together.

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

-
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1 Chair Lauing: Cari Templeton.

2

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

17

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

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

5

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

7

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

14

15 Chair Lauing: Laura Seitel. Jim Poppy up next.

16

17 Ms. Laura Seitel: Thank you for the chance to speak to you tonight about the Church's proposal
18 to become a community center. I live... have lived next door to the Church at 349 North
19 California Avenue for 35-years. Others have made a very strong argument with which I strongly
20 agree that this CUP should be denied altogether. It's very hard to describe the level of distress

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1 that the Church has created in the neighborhood over the past several years and I hope you will
2 have read some of the descriptions that should be part of your correspondence packet.

3
4 I realize these things... even though in my view the CUP should be denied these things can go
5 either way and, in the event, that you decide in favor of the CUP I would argue that the
6 Planning Department's recommendations are not stringent enough to solve the problems
7 generated by the Church's activities. Here are some of the changes I would suggest. First
8 allowing groups of 50 people at a time coming and going from the Church all through the day
9 and early evening does not adequately address issues of traffic, safety, parking and ambient
10 noise in the neighborhood. I would propose that a maximum of 20 renters at a time, small
11 groups of people doing quiet things, be allowed in the Church and that a 15-minute interval be
12 required between the arrival and the leaving of groups larger than 10.

13
14 Second, I suggest that the community center should operate between the hours of 10 a.m. and
15 5 p.m. on weekdays only as opposed to the suggested schedule of operation which is between
16 10 a.m. and 7:30 p.m. every day of the week. This change would allow tranquility in the
17 neighborhood in the evenings when we are having dinner, talking to our families, doing
18 homework and pursuing quite a recreation in our homes and gardens. It would also provide
19 partial peace on weekends. I say partial because any approved community center activities are

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

3
4 Thirdly I suggest that all vocal or instrumental practice, instruction, and performance be
5 restricted to the Church sanctuary which has already been converted for community center
6 use. The sanctuary is the one part of the Church that is not directly adjacent to any residences.
7 Loud sounds coming from Fellowship Hall will be a constant intrusion for us and our neighbors
8 no matter how well the hall is soundproofed and insulated.

9
10 Fourth I suggest that enforcement be greatly strengthen and specified in more detail. Am I
11 done? Thank you.

12
13 Chair Lauing: Thank you very much. Jim Poppy and then let's see, Mahendra Ranchod.

14
15 Mr. Jim Poppy: Good evening, I'm Jim Poppy, I live at the other end of Old Palo Alto for 40-years
16 in North Old Palo Alto, a block away from Castilleja School, and this sounds very ominous to me.
17 And I think that the... if the CUP is granted it should be much more stringent than what's
18 outlined by the City Staff. I agree with the speaker that proceeded me on many of her points.
19 This is very difficult for people to take away the emotion out of this because iSing is a very
20 wonderful program. Castilleja School was a great school but you know 8 parking space? I mean

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

3

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

6

7 Mr. Mahendra Ranchod: No, that's my wife.

8

9 Chair Lauing: No?

10

11 Mr. Ranchod: [Note- Jaymite] Ranchod.

12

13 Chair Lauing: I'm sorry I can't hear.

14

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

16

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

18

19 Mr. Ranchod: My name is Mr. Mahendra Ranchod and I live within a block of the Church. I

20 emphasize with the impassioned statements made by tenants and supporters of the First

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

15

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

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1

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

3

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

5

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

7

8 Ms. Jessica Aalami: Thank you esteemed Commissioners for holding this forum and to my

9 neighbors who I have not met for listening to some of our perspectives. Full disclosure I am Dr.

10 Jessica Rothenberg-Aalami the Chair of the Board of iSing Silicon Valley, I am CEO of a modal

11 learning company and I'm a third generation Palo Alto from Old Palo Alto the center of this

12 discussion.

13

14 To start I am outraged that I have to wade through 180 plus pages of misinformation to get to

15 the actual remaining issues on the table. I urge the City to present the facts as they stand today

16 so that we can actually get to a fair resolution. Let me start by sharing a few facts. Fact one, out

17 of 39 complaints submitted to the City 27 of them are from the same six residences repeating

18 the exact same grievances over and over again. These grievances that Church has already

19 worked tirelessly to remedy. So why subject us to this bullying by a few neighbors in a

20 neighborhood of thousands. Fact two, we live in a City with traffic and where humans gather. It

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

11

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

13

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

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1 went through the Packet to find that the 180 Pages were truly from just a few of the neighbors.
2 We live very close to Jordan Middle School and also deal with very similar traffic issues every
3 morning and every afternoon at drop off and pick up and during evening events including the
4 event or the evening where we spoke out this previously. We can also hear music from
5 Shoreline on concert nights, we can hear the Stanford band on game nights and we've been
6 stuck behind many charter buses dropping off tourists to tour the homes and view the homes
7 of the celebrities of Silicon Valley. We find this is a small price to pay for living in a vibrant
8 neighborhood so full of diversity and character. Each week when I walk my daughter and her
9 friends to iSing I really pay close attention to what's going on with the traffic and I truly believe
10 that it has gotten much better over time. I think iSing has done a fabulous job of making sure
11 the parents are paying more attention to where they are parking and they've been a great
12 neighbor and have been good at working with the community. In looking at a couple of the
13 comments that were made earlier I think that the comment that is was unanimous that most of
14 the neighbors where against this is simply not true. I think pushing to other community centers
15 is also a safety issue. Having all of these children that are in the community cross Embarcadero
16 or Oregon Express Way to ride their bikes or walk to other community centers is simply not a
17 good change to the safety. And the comment about increasing the congregation to 800 people I
18 don't think would solve the problem either. I think they would be in the same situation or
19 worse with traffic. And then the photos earlier of the bikers is during school drop off. We're
20 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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1 Churches are their heaven. They are places where you can get... there's tremendous
2 competition for space and Churches are centers of our community. I suspect that there will be
3 arguments as long as we are not all happy with very quiet activities but a girls' choir is not a
4 football stadium so I think that the Staff has made horrendous efforts to try to come to a
5 reasonable position. I would suggest that asking the programs stop at 7:30 when many of the
6 programs don't begin until 7:30 is unreasonable. Particularly since most of the City's
7 community recreational programs and other programs are continued until 10 p.m. So, I urge
8 you to support Staff's recommendations with the modification in the hours of use. Thank you
9 very much.

10
11 Chair Lauing: Thank you. Carol Hus. No? Oh, there we go.

12
13 Ms. Carol Hsu: First of all, I want to thank you for this opportunity to speak. My name is Carol
14 Hsu and I have been living about a block from First Baptist Church for about 23-years. I have
15 two children who have been very lucky to live in this community. My daughter has been an
16 iSing member for 4-years. I also want to thank my neighbors because I do think that there has
17 been a great improvement in the traffic, safety, and noise since they have made it all of us
18 much more aware of the problem. So, over the last 2 or 3-years, there's been a great
19 improvement.

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1 I was at the meeting several weeks ago when most of my neighbors agreed that iSing is a
2 wonderful group and that it deserves a place to practice and to exist but that the issue was they
3 did not want it in their backyard. I would argue that it is important that iSing is such a
4 wonderful group because when you look at the Church and where we live these are going to be
5 our neighbors. And what could be more wonderful than having neighbors to care about you?
6 Both Shane and Jennah who are the Directors of iSing have shown that they're committed to
7 our community. They are bending over backward to try and accommodate a lot of the issues
8 that have been brought up and they are committed to ongoing communication and I've seen
9 the improvements myself. I see this as a win-win situation because again who wouldn't want a
10 neighbor who is looking out for you? Lastly, I do think that the girls of iSing are very aware of
11 what's going on. In fact, there have been times when they have called out their parents and
12 reminded their parents to not park in a no parking zone or in a red zone. So, they love the
13 Church, they love their home and they are also committed to being a good neighbor. So lastly, I
14 would like to ask that you give this group an opportunity to sing in our community, to be a safe
15 place for our girls and I would like the opportunity to continue to welcome them in my
16 neighborhood. Thanks.

17

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

19

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1 Ms. Narayani Naganthan: Thank you for giving me this opportunity. This is a letter by my
2 daughter. I live very close to the Church. My daughter is 14-years old. I live on South Court
3 and... with my parents. My home is very close the First Baptist Church. In fact, I can see if from
4 the second floor of my house. I have lived here for more than 10-years. I love my home and
5 have wonderful memories associated with it. My most important concern is about my safety.
6 Ask mentioned by a lot of people the volume of people coming to the Church and the lack of
7 parking people park where ever they can find a spot. That includes driveways, intersections and
8 even bike lanes. It is not only the parking but also the poor driving decisions that is very
9 concerning. I have found drivers making sudden U-turns in the intersections, drivers suddenly
10 coming into bike lanes with their vehicles, stopping the vehicles suddenly on California Avenue
11 and letting the kids out. These are illegal for a reason and accidents happen. I planned to bike
12 to high school and the situation around the Church is not very conducive for safe bike riding.
13 Would you recommend me to bike to school? If not, why should I or the other kids be deprived
14 of independently being able to go to school and other activities?

15
16 My second concern is about again safety. Imagine a teen who comes home from an activity or
17 from school and has to let herself in the house. No one is at home but someone is watching her
18 every time as she does it. I would feel very unsafe. In fact, I have been in a situation like this and
19 it is very creepy. I have worried about who are all these people sitting in their cars outside my
20 home? My mom had a chat with one such driver. It appears that it was a nanny waiting to pick

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

9
10 My third concern is about the noise. People talk about noise not being so loud. Well, I've had
11 terrible school days due to lack of sleep. I don't know how many times my mom gone to the
12 Church in her pajamas at 10:30 p.m. in the night requesting them to turn down the volume. It
13 has worked sometimes and sometimes it hasn't. Calling the Church hasn't been very helpful
14 either because they say the City permits activities until 11 p.m. Thank you.

15
16 Chair Lauing: Thank you. Jennah Delp please then Gloria Seid.

17
18 Ms. Delp: Hi. Thank you for providing the opportunity for this dialog and compromise regarding
19 these issues. My career as a conductor has trained me to listen and to make things better. And I
20 just want to assure everyone in this room that we are, all of us at iSing, we are listening. We

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

6
7 With regard to noise, we're very sensitive and we will keep the windows and doors closed in
8 Fellowship Hall. Thankfully HVAC is being installed so it shouldn't be too hot. We'll consider in
9 the future moving larger family events like our family folk dance night and ice-cream social to a
10 larger venue. Even with that said any event that draws family instead of just students we will
11 consider holding within reasonable hours, never before noon and never beyond 7 p.m. We'll
12 also comply and apply for Temporary Use Permit for larger events. Now that many of the
13 tenants have left the building, the parking situation is such an improvement. I'm very sensitive
14 to this. As I explained in Jordan I often have my 7-month old baby with me coming to class and I
15 never walk far with her. I can always park right alongside the Church and walk right into the
16 building. Parking is a non-issue. The number of people who've complained pales in comparison
17 to the number of people who are in support of the programs at Church.

18
19 I want to... and this is to the neighbors. I want to do everything in my power to win you over. I
20 have seen what a tendinous and organized group of people you are when you are passionate.

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

9

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

14

15 Chair Lauing: Thank you. Gloria.

16

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

18

19 Chair Lauing: Thank you. Mary Sylvester.

20

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

10
11 I'd like to share a few comments about what I know of iSing. I think it's an excellent
12 organization. I've heard the children perform. I have a friend whose two daughters are part of
13 the program. However, I don't appreciate the comments by the Board Chair about bullying or
14 some of the other pointed comments that were made about neighbors. I will tell you neighbors
15 get ready if this project goes through you will be called bullies, nimbies, and a number of other
16 very endearing unfairisms. If this project goes through any conditions that are approved need
17 to be narrowly and tightly drawn. The Church I recommend should post a substantial bond
18 should these conditions not be enforced or followed. After several meetings with Assistant
19 Managers and City Manager Jim Keene as well as planning Staff, I've been schooled that the
20 City does not have sufficient Staff or resources to effectively enforce conditions of CUPs.

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

7

8 Chair Lauing: Jan Clayton and then Joan Zwiep.

9

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

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

14
15 Chair Lauing: Thank you. Joan Zweip then William Conlon.

16
17 Ms. Joan Zweip: Good evening I'm Joan Zweip. We've heard a lot of discussions tonight and I
18 would like to just focus on one thing and that's enforcement and that enforcement is a big
19 question. From the City, I would ask what assurances do we have that in fact, whatever permits
20 the Church gets will be followed by the Church. The second thing that I would like to say about

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

6
7 Chair Lauing: William Conlon then Judith Schwartz.

8
9 Mr. William Conlon: Good evening. Thanks. Bill Conlon, I live... I'm a neighbor of the Church, I
10 live a half block way on Bryant Street since 1984 and I've always appreciated the Church being
11 there. I have concerned myself a little bit about how is it going to sustain itself in this
12 community with the limited congregation and so forth and so that's something that I think it
13 really important. Yet the operation of what is essentially a commercial business kind of
14 operations in a residential neighborhood needs to be done within the context of being in a
15 residential neighborhood. And that has to do with noise, that has to do with parking, and those
16 things really just can't be sluffed off and ignored. Now we've heard a lot about iSing I think and
17 Jan, I know Jan and we go to musical events all over the Bay Area. Many of which are held in
18 Churches and so I understand many of the issues with that but the venues that we go to in
19 Mountain View, in Palo Alto, and so forth they have parking. And so... and they are, as was
20 presented earlier, have appropriate setbacks from the area so this is really not... is not a

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1 referendum on iSing or its values or what it's doing. It's really about the operation of this
2 organization outside the religious structure that is the basis here. So, let's not conflate a
3 commercial operation even if it is a non-profit operation with religion. Let's not conflate it with
4 other things. There are other organizations these things where we might go to 10 p.m. at times
5 even under a temporary permit. You know some of us have to... even though I'm grey-haired I
6 still get up early in the morning. I have to go to bed at night to be able to do that and I've
7 always been concerned about safety. If you don't get a good night sleep you're not fit to work
8 the next day so we need to be mindful of that. We need to then have enforcement that's
9 realistic, realistic things about noise, about shutting this down on time, people coming out of
10 this after the event, their chattering on the street. I hope so, I hope they had a good time at this
11 event but they're going to be talking about it and they may... and we don't have air conditioning
12 we're going to hear all that. So, it's not just what's happening there, it's everything that
13 happens around it before and after the event that will disturb the neighbors, disturb our ability
14 to sleep and disturb our enjoyment of our residence. So please put appropriate restrictions on
15 this if you do approve it but I urge you to reject this Conditional Use Permit as it's been
16 proposed by Staff. Thank you.

17
18 Chair Lauing: Thank you. Judith Schwartz is our last speaker.

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

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

3

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

7

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

10

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

12

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

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

20

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

7

8 [The Commission took a short break]

9

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

13

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

15

16 Chair Lauing: Excuse me?

17

18 Vice-Chair Monk: Is there any time limit for us at this point on (interrupted)

19

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1 Chair Lauing: Not on the questions. Just obviously we don't want to repeat but so

2 Commissioner Alcheck.

3

4 Commissioner Alcheck: I'm actually ready with a comment so (interrupted)

5 Chair Lauing: Alright so we'd just sort of like to do questions. Do you want

6 (interrupted

7

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

9

10 Chair Lauing: Yeah, exactly.

11

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

13

14 Chair Lauing: So, Commissioner Gardias.

15

16 Commissioner Gardias: Thank you. So, the question is like this so there are apparently some

17 differences between the proposed CUP language about the hours of operations and some

18 comments that we heard here from the audience one way or the other. I would like to

19 understand what the schedule is... What are the bases for the proposed schedules in the CUP

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1 and is there a variance or a difference from some other hours of operations that either iSing or
2 some other groups that use this facility have? Thank you.

3
4 Mr. Owen: So, I think with hours as with most of these conditions our approach has been to a
5 thread that needle of what's acceptable or more acceptable to the neighborhood. And then
6 also what can... what the Church can accommodate or the community center can accommodate
7 from a programming standpoint. So, my understanding is that the 7:30 cut off time that we
8 proposed may not be supported by iSing for example. I think that they'd prefer to go a little bit
9 later and then the Church in their application requested to go to I believe 10 o'clock and then
10 11 o'clock on certain days as well. So, our approach is just to try to not necessarily find the
11 middle ground but find something that we as Staff believe can support the findings.

12
13
14 Commissioner Gardias: No so if I can just reiterate so I understand so 7:30 is the logic is based
15 on some Staff observation or is there some science behind 7:30?

16
17 Mr. Owen: No science. It's just what we think would be reasonable.

18
19 Commissioner Gardias: Thank you.

-
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1 Chair Lauing: A follow up question from Commissioner Riggs.

2

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

7

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

10

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

13

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

15

16 Mr. Owen: I'll take a look and see what I can find.

17

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

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1 at most six of these a year and that's on the high side probably. And so, as we look for
2 consistency I mean you'll... there'll be a dot on the map and then there will another one over
3 here and so their... its ... what we've done is try to balance the issues relative the site-specific
4 conditions and [unintelligible].

5

6 Commissioner Riggs: I totally understand. I just think there's a little more in Commissioner
7 Gardias's questions. It'd be good to have the information.

8

9 Vice-Chair Monk: And I have a related question.

10

11 Chair Lauing: It is directly on this subject?

12

13 Vice-Chair Monk: Yes, it's related.

14

15 Chair Lauing: Ok.

16

17 Vice-Chair Monk: So, the Pastor said that they moved the time an hour later for iSing and I'm
18 just wondering why that was and if that now comports with the CUP or if that is what is making
19 it now not work with what is proposed in the CUP?

20

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

3

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

6

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

9

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

12

13 Vice-Chair Monk: Ok thank you.

14

15 Chair Lauing: Commissioner Summa.

16

17 Commissioner Summa: First of all, thank you, everyone, for coming out tonight and talking to
18 us. And just a couple questions for Staff one is do we have other community centers that are
19 not operated by the City basically because... We do. And could you talk a little bit about them
20 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

3 Commissioner Summa: Eichler?

4 Mr. Owen: Yeah.

5

6 Commissioner Summa: Ok.

7

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

10

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

12

13 Mr. Owen: Right.

14

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

17

18 Mr. Owen: I don't think we do.

19

-
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1 Commissioner Summa: Do we have any with regards... sorry with regards to the noise do we
2 have any reports from sound engineers or any traffic reports or anything that's a little more
3 quantitative about the issues that the neighbors are concerned about?

4
5 Mr. Owen: We don't have any noise reports. What we do have is the traffic safety analysis that
6 was performed when the roundabout plans were conducted. Those counts are about 2-years
7 old so they are fairly relevant. Especially considering that the New Mozart School was the
8 Church at the time. And so those indicate I think at the peak for this intersection 85 cars an
9 hour and LOS or Level of Service of delay of A which is the highest.

10
11 Commissioner Summa: A, ok. And with regards to the air conditioning that is just in the
12 sanctuary portion of the building or is it the whole hyphen and the whole (interrupted)

13
14 Mr. Owen: Right. Pastor Mixon gave me a tour of the facility. I can't remember if it's... if there's
15 HVAC in the sanctuary or not but there are certain sections in the hyphenated section that do
16 have HVAC. So, if you wanted to ask him I'm sure he'd be able to answer.

17
18 Commissioner Summa: Yeah, I'm just curious. I think... it sounds like we're relying on the HVAC
19 creating... because windows can be closed and creating a much more quiet environment in the

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

3

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

5

6 Mr. Lait: I'm sorry (interrupted)

7

8 Chair Lauing: He (interrupted)

9

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

12

13 Mr. Mixon: Just quickly there's no air conditioning in the sanctuary. We only open those
14 windows when it's really really hot. It's a big high ceiling space. The entire second floor of the
15 educational building is where the offices are, were iSing offices are, the therapist office, that's
16 all been air-conditioned and has double paned windows on the side that's near the neighbors.
17 There's actually... we actually have an experience of having abated noise complaint from a
18 neighbor on that side of the Church by putting HVAC and double pane windows. The current
19 plan is the HVAC system that will be put in starting tomorrow will be in our Fellowship Hall and
20 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 [unintelligible] 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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1 Finding detrimental to the public health, safety, general welfare or convenience can really be
2 made if there are so many who live close by that find it certainly inconvenient? I'm a little
3 troubled by how we make that Finding regardless of how much we like iSing and want to help
4 the Church and etc.

5

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

9

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

11

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

16

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

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

3
4 Vice-Chair Monk: So, events that would have occurred in the sanctuary are now going to be
5 moved over to the Fellowship Hall?

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

11
12 Mr. Owen: That's accurate. I think the vast majority of the complaints have been about the
13 Fellowship Hall from a noise perspective. Although I will say that we've had at least one
14 complaint about the sanctuary hall as well but it's been... that's not been the focus of most of
15 the comments.

16
17 Vice-Chair Monk: Do we know how many noise complaints have come in?

18
19 Mr. Owen: No, I haven't gotten the actual counts from the police department yet.

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

3

4 Mr. Owen: Yeah.

5

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

7

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

13

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

15

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

18

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

-
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1

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

5

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

9

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

13

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

19

20 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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Commissioner Riggs: E or F but also there's a certain number of trips if I'm not mistaken right?

Is it like 1,000 trips?

Mr. Lait: It's a lot, yeah.

Commissioner Riggs: It's like 1,000 yeah.

Mr. Owen: We're talking 85 trips an hour at the peak.

Commissioner Riggs: Usually it's 1,500... well to an hour and I'm just curious so it would be in that magnitude.

Mr. Owen: Yeah, I don't know the exact number but it's much, much higher.

Commissioner Riggs: Ok that's all I need.

Chair Lauing: I had a few questions. First of all is there anything here that's president setting for other CUPs?

-
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1 Mr. Lait: Well let's maybe parse that a little finer because we issue CUPs for any number of
2 activities that are set forth in the code.

3
4 Chair Lauing: Right well I meant a similar situation of Church plus community center.

5
6 Mr. Lait: Right and I don't think we have a long history of another sort of blended
7 Church/community center activities taking place or something through an entitlement process.
8 Our... and I think we mentioned this in the Staff report our perspective is that it is not president
9 setting. That there are unique factors and consideration taking place with respect to this
10 property. That it's unique in and of itself.

11
12 Chair Lauing: With respect to loading zones in terms of what you're proposing here is that
13 materially different than what's happening right now? The question is do we really have a case
14 study now or how materially different will it be?

15
16 Mr. Owen: So, I think the major difference is that we would strip... if it's approved with the
17 current recommendation we would stripe on Bryant Street. Currently, the loading zone is only
18 on North California but our proposal is to do both sides of the site.

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

6
7 Mr. Lait: Right so the sign... the loading... the no stopping prohibition that's in place now is the
8 minimal standard to address the bicyclist... the bicycle commenters on California principally.
9 And when we were getting to this stage when we were drafting a recommendation we thought
10 we needed to add a little more cushion on that just to account for somebody getting out of
11 school late or a little bit more lag time in that travel. We also had heard from resident's concern
12 about the roundabout. That motorist traveling northbound would... how do they access the site
13 in a convenient way because there's no stopping on the south side of California and there's
14 these concerns... there's concerns about U-turn and how do you approach the site to drop your
15 child off on the correct side of the road next to the property. And so, our thought was that with
16 the roundabout in place it would be a convenient opportunity for somebody to not use
17 California Avenue but just simple use Bryant as a way to drop off their children and facilitate
18 that movement.

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

4

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

6

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

8

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

11

12 Chair Lauing: Ok.

13

14 Commissioner Riggs: So polite.

15

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

20

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1 Mr. Owen: 285.

2

3 Chair Lauing: Sorry.

4

5 Mr. Owen: 285.

6

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

9

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

15

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

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

3
4 Commissioner Gardias: Right so I'm going to comment on this right. So, I mean just
5 (interrupted)

6
7 Chair Lauing: We're just trying to do questions now.

8
9 Commissioner Gardias: I understand but just let me just make a comment because you're
10 guessing, of course, I respect it but what I would like to have I would like to have some reason
11 behind this so I can understand the number and the number of 50 or 120 should be supported
12 with something. It's a composite probably of the iSing girls plus those that work with those girls,
13 maybe some parents and then maybe there's some outings. So, each number should mean
14 something on one side and/or the other and also there's a time dimension. So, I'm only saying
15 this because for us then, later on, it's very really hard to just make any judgment if we don't
16 understand the numbers as they are presented.

17
18 Mr. Lait: Ok and I'll take that in a form of a question and give you an additional response in that
19 we did look at the iSing attendance or how many students would attend at any... on a typical
20 type of event and I think my understanding it was somewhere close to 60 at the largest event.

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1 Most of them were 20 or 40 individuals at a time and then the 8 parking spaces that are on site
2 is... gets you at least up to 32 people and we know neighbors are concerned about area parking
3 availability along California and other streets but we feel like there's capacity for some
4 additional street parking. And then beyond that, it's really just this, as Graham said, trying to
5 strike that balance to support the Findings, particularly Finding Number One and but there is no
6 magic to 50. I mean the Commission, of course, can offer some other guidance but there's a
7 little bit more color as to why we came up with 50.

8

9 Chair Lauing: Commissioner Summa.

10

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

16

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

18

19 Commissioner Summa: Yeah.

20

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

16
17 Commissioner Summa: Yeah because it almost seems to me like the activity that's really
18 increased is using the Church more as a regular daytime occupied sort of office building rather
19 than the concerts that happen from time to time in the evening. Which I guess that I use to
20 have season tickets to Philharmonia Baroque and it was in a Church near downtown and it had

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

4
5 Mr. Lait: I think there are a couple of differences. One, of course, that would initiate the Code
6 Enforcement complaint was the New Mozart School operations. That's what people in the
7 neighborhood were most galvanized about in terms of the deterioration of their quality of life
8 in the neighborhood. And so that was our area of focus and when we looked at that specific
9 operation unlike iSing I think today which today has demonstrated an ability to listen and
10 understand the concerns of the residents and have taken proactive measures to address those
11 concerns. Maybe it's not gone far enough by some of the residents but there is at least an
12 operationally there seems to be some interest in wanting to address that, those impacts. And
13 that's been observed and even supported by or acknowledged at least by area residents but I
14 think more importantly I think is that New Mozart School was a for-profit entity. And I think
15 what we're seeing here with the community center is something that would support other non-
16 profit types of events and iSing is non-profit. Not that that's the gold line I know you can have
17 very intense non-profit activities taking place and I know not the next tenant might not be iSing
18 but I think the way that we've drafted the conditions and approached the recommendation was
19 that in mind. How do you think about that next tenant that's no iSing and still ensure that

-
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1 there's adequate protections in place and so that's what we've presented to the Commission
2 and of course you will debate whether we've gone far enough or not too far.

3

4 Commissioner Summa: And the therapist or psychiatrist, I'm not sure which they are, there's
5 three of them now or there's just one now and you've allowed for three? Is that (interrupted)

6

7 Mr. Owen: That's my understanding that there's one right now.

8

9 Commissioner Summa: Yeah and is that also a not for profit? I'm trying to understand if
10 there's... if written in the code it makes... it distinguishes for community centers between profit
11 and non-profit and what the rule is.

12

13 Mr. Lait: Yes, thank you for asking that question and this is one that we've been... we've had
14 internal conversations about as well and it's one of the reasons why we've put the definition of
15 a community center in the Staff report so you can take a look at that. We want it to be very
16 open about this assertion that we would interrupt or qualify this ancillary psychotherapy
17 activity as part of a community center definition. But that requires a bit of interpretation and
18 the reason we ultimately supported that and the Commission can talk about whether A if it's
19 allowed or two, how many therapists occupied any one time. But we have heard from the
20 community that... and from the therapist that were there and the one that is there that of just

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

5
6 Commissioner Summa: Yeah and somewhat ironically some of the most concerned neighbors
7 were saying small groups that do quiet things which actually the therapist really qualifies as. So,
8 but is... so the community centers can have for-profit and non-profit is that the answer or
9 there's no requirement with regards to that.

10
11 Mr. Lait: Yeah, it's not distinguished in the definition so we would say the answer to that is yes,
12 it could have both for-profit and non-profit.

13
14 Commissioner Summa: And another concern I have is that everyone is going to go to all this
15 effort especially the expense for the Church of double panning glass and putting in more air
16 conditioning. And what if the neighbors are still not satisfied in terms of the inconvenience and
17 the harm that they feel?

18
19 Mr. Owen: One of the other Conditions that we have included is that if there are unanticipated
20 impacts that can result after say a draft CUP is approved by the City Council. That if we hear

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

3
4 Commissioner Summa: Ok one last question. Is there any way to move forward with a
5 Temporary CUP but for a reasonable period of time, 6-months or maybe even as much as a year
6 but 6-months maybe to see how this is all working out? Because it seems the remedies to the
7 real problems that many of the neighbors feel seem pretty real and I mean seem pretty unreal.
8 I mean untested and we're kind of questioning that 50 is the right number and all those things.
9 Is that something we can do... consider?

10
11 Mr. Lait: So, I think what you're saying is allow the Conditional Use Permit to extend for a
12 certain period of time and then come back and revisit it. Is that correct?

13
14 Commissioner Summa: Or have a Temporary Use Permit. I don't know if we do them for 6-
15 months [but] to kind of test these solutions. These solutions don't seem very tested to me.

16
17 Mr. Lait: Yeah, ok, great then so a Temporary Use Permit would not be the correct avenue
18 because those are time limited to 45-days and that wouldn't give us enough data. But you... the
19 Commission certainly could have a conversation about sunseting the CUP and we can talk
20 about how that would work. Whether it sunsets automatically after a certain period of time

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

4

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

7

8 Commissioner Alcheck: Ok thank you and thanks to everyone who came out tonight. It's nice to
9 see a full room. Ok, I think it's appropriate to acknowledge why this is an appointed
10 Commission as opposed to an elected Commission. It's our duty to make our recommendations
11 based on the analysis of the issues before us with the vision goals and policies of our
12 Comprehensive Plan and Municipal Code in mind. So, to determine the best Land Use Policy
13 sometimes we have to make these recommendations regardless of whether it's popular and we
14 appointed so that we may provide this review and recommendation in the absence of the well
15 know the problem of influence in politics by special interest groups. It's not uncommon for our
16 decisions to weigh these kinds of competing interests and it is uncommon for our
17 recommendations to result in perceived winners and losers. This is the job, it's not supposed to
18 be easy and I accept tonight that each of us will have to grapple with our evaluation despite
19 some of the strong emotional pleas that we shared on both... that were shared on both sides of
20 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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1 over ten times so that I could better understand it, and it clear that we have two very
2 competing interests here. And each has done their best to advocate for themselves so with that
3 I'm going to dive right into some of the points I'd like to get through.

4
5 I was particularly interested in understanding how we got here today and I think the first
6 mistake was to not include a discussion in the Packet regarding how this application differs
7 from the one we heard last year. And I think this is relevant because my knowledge of the
8 history of how this City has handled this issue has left me with the strong impression that the
9 City jumped the gun here in sending out Code Enforcement letters. And should have instead
10 begun a process of evaluating the City's definition of Church use before encouraging any
11 Church or religious facility from pursuing a CUP. And that... We're in an irreversible situation
12 now. Now we have to entertain the discussion of a CUP for a definition I believe is very
13 inapplicable to the way any of the religious facilities in our City operate. And so... and we have
14 to essentially save the City from itself right now, that's how I view our hearing tonight.

15
16 Now I feel the same... look let me say this, I understand from your presentation that you
17 believe... you wrote it, we believe that we have attempted to balance the interests. The
18 question that should be top of mind for everyone is did you succeed at balancing the interests?
19 I will respectfully suggest to you tonight that you did not and I feel the same way for example
20 with the statement in the Staff report that the approach Staff has taken here isn't president

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

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1 Church in the R-1 neighborhood was likely considered more than sufficient to serve the
2 approved development. So, I'll acknowledge there's a growing trend in this City to consider the
3 street as an inappropriate place to park cars. Specifically, in residential neighborhoods and I am
4 concerned by some of these objections that we've seen in R-1 neighborhoods towards these
5 non-resident cars using the public right of way for parking. I don't believe that my property
6 interest extends into the public right of way and I don't think our Municipal Code suggests that
7 yet. And so, I think that when we are looking at a grandfathered use it would be inappropriate
8 to not determine to what extent the surrounding neighborhoods on-street parking satisfies the
9 needs of the site as they were evaluated when it was built. This would be an entirely different
10 discussion if the Church was submitting or let's say a different property owner was submitting
11 to redevelop the Church site. Totally different discussion.

12

13 Now I'm sure you're familiar with the saying the squeaky wheel gets the grease. That's not our
14 role. Our role on this Commission is to not to grease the squeaky wheel. I believe our role
15 tonight is to insist that our City do a better job of balancing the interests. Especially when
16 private institutions are at odds with neighbors in the immediate vicinity of these institutions. If
17 the Church hosted a brunch for congregants on Sundays and they hired a private provider to
18 cook the food I assume that all of these activities... you can nod if I'm right. All of these
19 activities associated with the brunch would be free from the strict conditions articulated in the
20 CUP because it would be deemed a Church activity. That private food provider could set up

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

6
7 If a Pastor decided or determined that he needs professional assistance to provide guidance
8 and advice to his congregants and he partners with some professional therapists who offer
9 services to congregants who are yet in another membership class. Twice a month
10 membership... the twice a month therapy membership could they be congregant? I mean this is
11 like what we're forcing this congregation to do I believe is get creative.

12
13 My recommendation would be the following and I think this would be a good time take to some
14 notes. The entire bottom paragraph of Page 90, in my opinion, is problematic. You have used
15 the language of the draft Record of Land Use Action to memorialize an analysis that I believe
16 you have not properly conducted. If is here where you will find the second time tonight that
17 Staff has used the word nascence. In the draft Record Action is says the current and previous
18 uses of the Church have created concerns among many neighbors about nascence issues. We
19 want their CUP to suggest that they've created a nascence? Ok, I will acknowledge that a
20 nascence has been created when there is a legal analysis in our Packet that suggests that the

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1 definition of nascence has been met. And that is that analysis? What is the decibels that have
2 been achieved? That have been recorded? We need a reasonable person standard, that's why
3 we create these standards and we need to apply them. I'm very concerned with the notion that
4 we are going to create these very strict conditions to stratify problems that haven't been
5 properly evaluated. So, moving on I'm very concerned with Section 4, Paragraph 1. There's a
6 very short list of acceptable activities. There are three. Only the following community center
7 events shall be permitted on the subject property. Is that what the Mitchell Park CUP looks like?
8 It specifies every acceptable activity or does it create concepts that someone... What if
9 changes? What if instead of... I can think of at least four Churches that I've been too that have
10 hosted a performance by an acoustic guitar player who I'm sure was paid. He didn't travel from
11 Europe to just hang out. So, if it's a non-profit musical group they can perform but if it's a guy
12 who's really trying to pay the bills he can't? Congregants community members can't benefit
13 from that? What if it's not ancillary counseling and psychotherapy? What if it's yoga-like my
14 congregation provides? Do we need to literally spell that out or can we create a category of
15 activities that might be more acceptable? I don't have the suggestion for one accept to suggest
16 that you strike all three and you say only the following community center events shall be
17 permitted on the subject property. All events that would comply with the definition that we
18 have in the Municipal Code for Church and when you're ready... because this is a specific
19 community center. This is not Mitchell Park, this is a Church so when we're ready to deal with
20 that definition then we can talk about what should be on the list. That would be the

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

5

6 And I will end with just a few more. I think that the hours is problematic. I don't see why for
7 example they should have any different hours than you have at Mitchell Park; at the JCC; at
8 Pally which has grown so tremendously that it's parking can't possibly satisfy. It creates a
9 tremendous safety concern every day. Our train creates a tremendous safety concern. There
10 are... these safety concerns have to be addressed but in a way that's reasonable. That really
11 truly balances the interests. I will suggest to you that I think that the hours are problematic. I
12 would revise them to meet the requested hours which are 10 to 7. Excuse me, which are 9 a.m.
13 to 10 p.m. Sunday through Thursday and 9 a.m. to 11 p.m. on Saturdays and Sunday [note -
14 Friday and Saturday]. That would be my recommendation when we get to that part of the night.
15 I think that the notion that there should be no amplified music is problematic. Can a neighbor
16 have amplified music? I mean are we... is there no amplified music at the Mitchell Park
17 Community Center? How did we come up with that decision? When are we going to have a
18 community discussion about what we want congregation Bathom to do and First Baptist
19 Church? Do we restrict all amplified music in common areas at those places or do we allow
20 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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1 don't want to be in a place we were don't have a working definition for what a Church activity
2 is. I think we want to figure that out before we start creating strict conditions. I think the
3 suggested limit of 50 is laughable. I don't see why the suggested limit of occupancy couldn't
4 near the suggested limit that you're comfortable with for the Church. If they host 120 people in
5 the congregation to hear about... I mean why force them? Let's say they wanted to have
6 Common Sense Media to present to parents in Palo Alto about the dangers of using screen
7 time. Why do they have to go through the elaborate sort of creative process of suggesting to
8 you that there's a religious sort of benefit to their congregation or that this is in line with the
9 congregants religious you know whatever to be able to host that? And if there's 120 people
10 that wanted to attend to me this is both unenforceable and illogical.

11

12 So, what I would suggest is that we craft a CUP because we have to because we've basically put
13 them in a position where they have... they've already committed resources to doing a lot of
14 work and they've lost some of their tenants. I suggest that we approve a CUP that's quite loose,
15 that provides far looser conditions and then approach a discussion that should happen both at
16 our level and the community and at Council about what is our community's goal for these
17 Churches? I think that the very definition of ministry and of religious practices is evolving
18 tremendously. So much so that my congregation thinks that yoga classes for its congregants are
19 in line with their vision. And who am I to say that it's not? I honestly can't because I'm not really
20 very knowledgeable about the evolution of religious practice but what I can say is that what

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

13
14 Chair Lauing: Commissioner [Note -Vice-Chair] Monk.

15
16 Vice-Chair Monk: Commissioner Alcheck if... and if the Chair will allow I'd like to suggest
17 perhaps you'd consider entertaining putting forth a motion and then we can go through as a
18 Commission and address each of the points and make amendments to the CUP that we have
19 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
2 that people want to have a chance to talk before a motion is made. I'm happy to make a motion
3 and we can go point by point. Maybe if we do it that way we can avoid a process that bifurcates
4 it into six substitute motions. I'd be happy to do that. I do think it makes sense for everybody to
5 get a chance to speak. I'll say one thing my motion wouldn't include a sunset provision. I think
6 we've put them through enough. Having them do it another time in a year seems like painful so
7 my motion would essentially use the Staff recommendation and then I would make all these
8 edits and then we could go one by one and talk about them. But I really do think it's more
9 appropriate to hear from everybody before I make that motion because I know people are
10 sensitive to the timing of motions.

11

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

13

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

15

16 Vice-Chair Monk: The reason why I ask is because a lot of things that you brought up are things
17 we'd all want to weigh in and I think it would duplicative for everyone to air all of their concerns
18 and then go back again and rehash it as we go through the CUP.

19

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1 Chair Lauing: Well I do think his point is well taken that we shouldn't get into the amendments
2 yet until all people have had a chance to talk but they can talk to the motion that's on the floor.
3 So, do you want to just...

4

5 Commissioner Alcheck: Do you want me to go?

6

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

10

11 MOTION #1

12

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

15

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

17

18 Commissioner Alcheck: I don't have 16 amendments. I would essentially strike every provision
19 of the current CUP and adopt the hours requested. I don't think we should be specific about the
20 uses accept to say uses that would be satisfactory for a site that's designated as a Church in our

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1 community. And I would suggest that there be no specific limitation to the number of
2 individuals that can come on site. If we want to include the language with respect to the HVAC
3 and some of the other things that they're prepared to do I think that's fine. I think it would be
4 highly appropriate for example to include a Condition that says that you need to hire somebody
5 outside to manage the street. To get the cars off the curb that aren't parked properly. You need
6 a traffic attendant.

7
8 Chair Lauing: Well this is getting to be a long motion.

9
10 Commissioner Alcheck: I'm just saying I'm prepared to make those suggestions. I think there are
11 things that we can put in now but I'm not sure Staff has given us a good example so it would
12 sort of be from scratch.

13
14 Chair Lauing: Is there a second there?

15
16 SECOND

17
18 Commissioner Riggs: Well I'll second it but I actually think that I'll lose things... I'm unclear what
19 your motion is because I thought you were actually framing as you went through it.

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

6
7 Chair Lauing: Could you help with the language Commissioner?

8
9 Commissioner Riggs: Let me just... thank you. I appreciate it Commissioner Alcheck. I just... what
10 I would suggest with my second is you just go through and specifically identify what is included
11 in your motion, particularly in the language some of which you mentioned. You wanted the
12 word nascence strike from the paragraph on (interrupted)

13
14 Commissioner Alcheck: [unintelligible -off mic]

15
16 Chair Lauing: I'm hearing that you want a rewrite, Michael.

17
18 Commissioner Alcheck: What I'm suggesting that we... it doesn't have to be complicated. I think
19 we need a CUP so they can continue to operate immediately. I think that CUP should suggest
20 that uses that are in... that would satisfy the definition of Church uses be acceptable. And I

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1 believe we should make a recommendation that until such time that we review what it means
2 to be a Church there should be no action on behalf of the Code Enforcement Department... of
3 the understaffed Code Enforcement Department to figure out what (interrupted)

4 Commissioner Riggs: Alright.

5

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

7

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

10

11 Commissioner Alcheck: Ok, I'm open to it.

12

13 Commissioner Riggs: What I think I'm seconding (interrupted)

14

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

16

17 Commissioner Riggs: I will make a motion (interrupted)

18

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

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

5
6 Commissioner Riggs: Then I won't second because I don't hear a motion and I'm going to
7 (interrupted)

8
9 MOTION #1 WITHDRAWN

10
11 Commissioner Alcheck: I withdraw the motion.

12
13 Commissioner Riggs: And I don't have any comments.

14
15 Chair Lauing: Do you want to make a motion?

16
17 MOTION #2

18
19 Commissioner Riggs: I'm happy to make a motion. I will make a motion... sorry, I haven't had
20 dinner again. So, I'll make a motion to approve the CUP reflecting much of what the spirit of

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

12
13 Chair Lauing: Ok is there a second?

14
15 Commissioner Alcheck: I'd like to second it but I would add something specifically. I would
16 second that motion if you would accept the notion that we strike Number 3 from Section 4. The
17 limitation that only three counselors may be permitted at any time. I would like to suggest that
18 we strike or we amend... we strike Number 6 until we have a better grasp of what amplified
19 music means outside. I think Number 7 satisfies Number 6 very well. That we just apply the

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

3

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

5

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

7

8 Mr. Lait: Last I heard was (interrupted)

9

10 Commissioner Alcheck: The amplified music restriction.

11

12 Mr. Lait: Yes, thank you.

13

14 Commissioner Alcheck: That we use Number 7 which is the noise restrictions instead. We keep
15 8 and 9 because I believe they've done it already. I believe the occupancy should be increased
16 to 120 and I believe that... look there's a lot here about drop off and pick up and traffic
17 management. I think it makes sense for whenever they're hosting events and during the
18 afternoon hours when they have classes for there to be an individual tasked with the
19 responsibility of managing the issues that always occur when many people come to the same
20 place. So, I don't know how you want to word that but (interrupted)

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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 attendant (interrupted)

Commissioner Alcheck: Attendant.

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

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.

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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1 Commissioner Alcheck: So, are you comfortable with expanding it to twelve?

2 Commissioner Riggs: Yeah let's do everything else.

3

4 Commissioner Alcheck: Are you expanding it to (interrupted)

5

6 Commissioner Riggs: Yeah let's expand it to twelve (interrupted)

7

8 Commissioner Alcheck: Alright. [Note -both Commissioners starting talking at the same time]

9

10 Commissioner Riggs: [unintelligible]

11

12 SECOND

13

14 Commissioner Alcheck: Let's expand it to twelve then and I will second the motion.

15

16 Commissioner Riggs: And I accept all those. Ok.

17

18 Chair Lauing: Ok so now is a discussion.

19

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1 Mr. Lait: Can we... I just want to make sure that we repeat that so that we know what we're
2 talking about.

3

4 Chair Lauing: Great.

5

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

7

8 Chair Lauing: No, no, let's make sure what the motion is.

9

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

17

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

20

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

3
4 Commissioner Alcheck: I think actually Section One says that any activity that's not a Church
5 activity would be considered a community center activity. And so, if what you're saying is that
6 therapy... Again, we don't have a definition... Do we have a definition for community uses?

7
8 Mr. Lait: We do but I want to just continue... let me come back to the Number Three and
9 continue with the rest of the motion.

10
11 Commissioner Alcheck: You know what I'll make it easy for you because I think that's better.
12 Let's just say a maximum of 9 individual counselors. I mean I just... I want to make it non-
13 controlling.

14
15 Mr. Lait: Ok maker are you accepting that?

16
17 Commissioner Riggs: So, I believe what you had originally said was what you were trying to just
18 (interrupted)

19
20 Mr. Lait: Yes. [unintelligible – crosstalk]

-
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Commissioner Riggs: To reframe... was just to eliminate the maximum and that was you were saying from a code standpoint that we need to keep in the phrase and so you were coming back to us with a suggestion and if you could just read back to us your suggestion that would acknowledge the acceptance of the use within (interrupted)

Mr. Lait: It would strike... Thank you. We would strike a maximum of three individual and then we would say counselors or psychotherapist shall be permitted anytime as an ancillary use. Are you ok with the word ancillary?

Commissioner Alcheck: I'm fine.

Mr. Lait: Ok moving on to Packet Page Number 92 deleting Condition Number 6, changing Condition Number 10 to read an occupancy of 120, adding a bullet under Condition Number 13 that says that the applicant shall provide a parking attendant during peak hours and events and on Packet Page 93 changing the number of special events from six to twelve.

Commissioner Alcheck: I would suggest that is the 60-days from the date the City Council approves it? Is that how... is that what that is?

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1 Mr. Lait: Are you referring to the Condition?

2

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

5

6 Mr. Lait: That's right, yeah.

7

8 Commissioner Alcheck: Ok.

9

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

11

12 Commissioner Riggs: That's correct. Everything looks good.

13

14 Chair Lauing: Ok. Commissioner Gardias.

15

16 Commissioner Gardias: Yes, I wish this discussion as Commissioner Alcheck originally was
17 proposed. That was our best practice and I think that there could have been lots of added value
18 to this motion. And also, beyond is ordinance [note – CUP] because are some other topics I
19 would like to speak too and I hope that maybe we can get to it. But nevertheless, since we have
20 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 be 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.

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1 FRIENDLY AMENDMENT #1

2

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

11

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

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

20

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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
6 to suggest something as well.

7

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

15

16 Chair Lauing: Does that work?

17

18 Commissioner Alcheck: Where they can invite people. Is that something you'd be ok with?

19

-
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1 Commissioner Gardias: Look I don't want to dictate the specific way of resolving this. I am
2 proposing the process and then how they will implement this process it's up to them.

3

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

6

7 Chair Lauing: Alright so (interrupted)

8

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

10

11 Chair Lauing: That's a great idea.

12

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

19

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

3

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

5

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

12

13 Commissioner Riggs: Why don't we ask (interrupted)

14

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

19

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

5

6 Chair Lauing: Compared to continuous improvement?

7

8 Commissioner Riggs: Yeah.

9

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

11

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

16

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

18

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

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

6

7 Chair Lauing: Commissioner Summa.

8

9 SUBSTITUTE MOTION #1

10

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

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1 this Board are and that we are not ready to make tonight to make these Findings. That it's not
2 going to inconvenience or disturb the general well fair of the people that brought those
3 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
4 job here tonight to fix the problems of the First Baptist Church in terms of their shrinking
5 congregation. I'm very sympathetic. I have a great appreciation for all the good uses that were
6 there but the real truth is they... it wasn't being done in a legal manner. Now we're going to put
7 a legal medical use in an R-1. I think we have lost our way here. I'll make a substitute motion
8 that I cannot... that we should not recommend this to Council because I can not make Finding
9 Number One. Not be detrimental or injurious to property or improvements in the vicinity, and
10 will not be detrimental to the public health, safety, general welfare, or convenience. So that's a
11 substitute motion.

12

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

14

15 SUBSTITUTE MOTION #1 DIES DUE TO THE LACK OF A SECOND

16

17 Chair Lauing: Ok there's no second so that dies. So, I have a few comments relative to in general
18 the motion but also like Commissioner Gardies just overall comments. One of the things I gave
19 a lot of thought to is that... and that's why I asked for the clarification on the number of
20 congregants that would be allowed with the grandfathered in parking constraints which is 285.

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1 And some people have suggested that wouldn't it be great if the Church could somehow gain
2 members up from whatever it is now maybe to 285. So, if there were 285 congregants there
3 and it was Easter Sunday there would be 1,000 people in the Church and they would be taking
4 their kids to Sunday School and they would be dropping kids off there in probably the same
5 place. And they would be able to have speeches like Commissioner Alcheck suggested that
6 maybe looks secular but it's about how to take care of your kids and anybody can come in the
7 community in addition to the members of the congregation. So, with all that traffic and noise
8 and practice junior choir and practice choir because of all the kids and so on, there might be
9 hundreds of people there all the time. And as I understand the regulations the Church would
10 just have to abide by normal Palo Alto rules so if the traffic that we were talking about and the
11 noise and the singing happen to be congregants I guess we wouldn't even be having this
12 discussion. So, it's just the perspective is that as one member of the public said sort of neither
13 side really want a CUP and you know I guess that's also a solution but the issue that Staff has
14 worked very hard to try to solve is the neighborhood rift I'll call it. And I think based on the
15 work that's been done already maybe much of that rift, not all of it, has been or is in process of
16 being fixed with HVAC and so on. The thing that can't be fixed which is obviously the most
17 troubling is the parking situation and I'm not sure that there's anything within the law at this
18 point that can be addressed there. That's where the issue starts to speak to the number of
19 people permitted in that space because 120 as is in the current motion is way different than 50
20 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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1 conundrum of a number of people permitted versus the number of spaces to park. If you do the
2 quick math of 35 people coming in there's... that's probably not a problem in terms of the
3 actual 8 parking spaces and a few people in the neighborhood. But when you start going above
4 that it's just harder to make that work so that's a conundrum that I don't have a suggestion for.
5 But just hypothetically thinking about what should we do here an option is to say let's not
6 address this now because the Pastor and the congregation is already making changes and some
7 of those have not... they are not in yet so you can't really experience that. So, you could just...
8 we could just do a monitorial on this whole thing for 6-months until those are done and then
9 revisit it. That as opposed to specifics like 120 and so on might also address some of your
10 concerns Commissioner Alcheck in terms of identifying typical Church uses which do somewhat
11 blend from traditional sacred to traditional non-sacred. So, it's tough it's not a slam dunk
12 considering this. Commissioner Gardias.

13
14 Commissioner Gardias: Yes, so I want to go back to the motion if you don't mind?

15
16 Chair Lauing: Sure.

17
18 Commissioner Gardias: And so, I believe that self-policing is a good mechanism and
19 appreciating the hour's changes of the operation. I think that we should... it would be good

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1 practice to rely on the evidence that's being provided by the Cari Templeton which I think she's
2 the Director of Operations of iSing if I remember right.
3
4 Ms. Templeton: No, I'm just a parent.
5
6 Commissioner Gardias: Oh, just a parent ok so I... if this could be the evidence this the hours for
7 CUP extending them to 8:30 that's the only proposal that I had in writing. So, I don't know
8 where the other times were coming from but pretty much (interrupted)
9
10 Vice-Chair Monk: This is from them. That's from iSing.
11
12 Commissioner Gardias: Ok so hold on a second, I'm just... my colleagues (interrupted)
13
14 Commissioner Alcheck: I pulled the hours from the letter of the Pastor.
15
16 Commissioner Gardias: So, the hours that you pulled are from (interrupted)
17
18 Commissioner Alcheck: Was the specific request of the Pastor.
19
20 Commissioner Gardias: Let me just take a look at this for a moment. I was (interrupted)

-
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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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1 Commissioner Gardias: Thank you. So, I... If we can just ask the applicant right because
2 (interrupted)
3
4 Commissioner Riggs: Let's not because I don't think that's (interrupted)
5
6 Commissioner Gardias: Well I still would like to have... I didn't read this specific paragraph. I
7 would like to know the reason behind those hours.
8
9 Commissioner Riggs: Well I think we're in the hearing portion. I don't know if that's appropriate
10 right now but if you have a thought. I mean what are you thinking? What are you thinking
11 about those? You think there are too late?
12
13 Commissioner Gardias: No, my thinking is that if there's a reason I would comply with if there's
14 a reason but I would like to understand what's going to happen... what is happening on... at 10
15 o'clock on Sunday or 10 o'clock on Saturday because I truly understand that the neighbors may
16 be disturbed.
17
18 Commissioner Riggs: If I can just provide (interrupted)
19
20 Chair Lauing: [unintelligible]

-
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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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1 Mr. Owen: Let me pull it up again. [Note-several Commissioners starting talking at once]

2

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

4

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

6

7 Commissioner Gardias: Yeah, yeah, yeah.

8

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

12

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

15

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

17

18 Commissioner Alcheck: In the middle of R-1 like very similarly situated with how many parking
19 spots?

20

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1 Chair Lauing: Well let's leave that.

2

3 Commissioner Riggs: I'm sorry but that's all week? 7-days? We just need to be clear on the
4 details of that.

5

6 Mr. Owen: Correct.

7

8 Chair Lauing: Are you (interrupted)

9

10 Commissioner Gardias: [off mic] The reason that I was bringing this up (interrupted)

11

12 Vice-Chair Monk: Your mic.

13

14 Commissioner Gardias: Sorry it went the other way. So, the reason I was bringing this up was
15 believe in our Noise Ordinance we have a cut of 10 p.m. So here we're just going beyond 10
16 p.m. and that truly creates the deviation from the (interrupted)

17

18 Commissioner Alcheck: I don't think it would exempt the Noise Ordinance from the application.
19 You have to be quiet after 10 but you could still be occupying. You know what I mean?

20

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1 Chair Lauing: So, Commissioner Riggs you're not changing what you put into the motion before
2 right? It's a (interrupted)
3
4 Commissioner Riggs: I'm sorry I haven't heard a... I have heard Commissioner Gardias.
5
6 Chair Lauing: Oh sorry.
7
8 Commissioner Riggs: I think he was asking questions.
9
10 Chair Lauing: Oh sorry.
11
12 Commissioner Riggs: Are you... would you suggest that... would you like me to change it?
13
14 Commissioner Gardias: My suggestion was like this right so these hours should be substantiated
15 with something. If I will take this letter and your word for it and I will support this motion and
16 these hours as my colleagues change it but I believe that I would be asking that for the meeting
17 with the Council that you substantiate these hours with some form of the time scheduled
18 because if the Council gets to it then they will have the document.
19
20 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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1

2 Chair Lauing: I'm asking the maker of the motion right now.

3

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

5

6 Chair Lauing: I know.

7

8 Commissioner Alcheck: An amendment.

9

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

11

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

13

14 Vice-Chair Monk: I definitely had words to share with the folks that are still here but I don't
15 think that there's anything that I could say that hasn't already been shared by the neighbors
16 and by the applicant and other supporters; as well as the Commission so I will just move onto
17 the motion at hand. I have one friendly amendment, I have a couple questions and no
18 suggestion. The friendly amendment goes the first page in regards to the Section 4 under
19 community center events and the definition. I understand what Staff is trying to achieve in
20 putting basically the definition of a Church in there. So, you're just basically saying that this can

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

6

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

9

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

13

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

15

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

17

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

20

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

3

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

6

7 Vice-Chair Monk: Just to clean it up.

8

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

10

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

12

13 Commissioner Alcheck: Wait, wait, wait hold on.

14

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

16

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

18

19 [Note- many Commissioners starting talking at once]

20

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1 Commissioner Riggs: Can you say where in the document, please?

2

3 Vice-Chair Monk: Yeah on Page 91 under Section (interrupted)

4

5 Commissioner Alcheck: Four one.

6

7 Vice-Chair Monk: We're discussing (interrupted)

8

9 Commissioner Alcheck: The first sentence really.

10

11 Vice-Chair Monk: Yeah, we're discussing the CUP on Page 90 thru 93 right now.

12

13 Commissioner Alcheck: So, you're talking about the first sentence (interrupted)

14

15 Chair Lauing: 91 (interrupted)

16

17 Commissioner Alcheck: In paragraph one?

18

19 Chair Lauing: Under Condition (interrupted)

20

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

3

4 Mr. Lait: If I can offer some comments?

5

6 Vice-Chair Monk: Is problematic.

7

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

13

14 Vice-Chair Monk: Thank you.

15

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

18

19 Commissioner Alcheck: Wait, wait hold on a sec.

20

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

3

4 Mr. Lait: Sure.

5

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

7

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

18

19 Vice-Chair Monk: Do I still have the floor?

20

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1 Chair Lauing: Yeah so on the table if you're done the maker still has to accept that amendment
2 or not.

3

4 Vice-Chair Monk: That was the first one.

5

6 Commissioner Alcheck: So rather than strike it I would prefer the first recommendation which
7 was to add the definition.

8

9 Vice-Chair Monk: Then my amendment would be as Staff repeated back to us the language that
10 we would keep paragraph and we would just qualify it by referencing the Municipal Code.

11

12 Commissioner Alcheck: I accept that.

13

14 Vice-Chair Monk: Ok and then on to (interrupted)

15

16 Mr. Lait: And I'm sorry to just be very... I want to be clear about this. So, we're referencing the
17 definition of community center is that correct?

18

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1 Vice-Chair Monk: We're keeping in that first part of 1 and the language that looks like a half of a
2 description of what a Church use is you're just qualifying that by putting in as defined by the
3 Muni [Note- Municipal] Code. Isn't that what that language is taken from?

4
5 Mr. Lait: So, here's my concern and we'll spend another moment looking at this. It just it leaves
6 it wide open. Anything that's not religious... I mean you're not even referencing... I mean so
7 here's the reality. It's a CUP for a community center. We've got a definition of community
8 center. You don't need this Condition Number One anymore. I understand you want to have a
9 conversation and that's fine but that's not this application. The way this read (interrupted)

10
11 Commissioner Alcheck: Can you read to us the definition?

12
13 Mr. Lait: An auto dealership would be allowed in the R-1 zone so I would strike Condition
14 Number One the way it's been edited.

15
16 Chair Lauing: So, you would strike it entirely? [unintelligible] we still are?

17
18 Commissioner Alcheck: I'm sorry would it be possible to just get the definition of community
19 center upon the... on our... somewhere?

-
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1 Mr. Owen: We have it on Page 83 in the Staff report at the very top.

2

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

6

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

8

9 Commissioner Alcheck: I'm comfortable with using (interrupted)

10

11 Chair Lauing: The maker.

12

13 Commissioner Alcheck: the community center definition.

14

15 Commissioner Riggs: I would support Commissioner... sorry, you're not a Commissioner.

16

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

18

19 Commissioner Riggs: Sir Lait's recommendation if you were willing to accept the Assistant
20 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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1 Chair Lauing: Exactly.

2

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

4

5 Chair Lauing: Exactly.

6

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

9

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

11

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

13

14 Commissioner Alcheck: Maybe this is a question for the City Attorney. An application for a
15 Conditional Use Permit to allow community center on the site was submitted on November
16 14th. That's Section 1-A. Do we need to suggest that... Does that community center... Do those
17 words need to be capitalized? Do we need to have a defined term here to suggest that this is a
18 CUP for a community center because otherwise where do we say that this is a community...
19 where do we acknowledge the definition for a community center in this ordinance... in this
20 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 ne 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 [Note – Vice-Chair] 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]

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1 MOTION AMENDED BY THE MAKER

2

3 Commissioner Riggs: So, I will amend my own motion consistent with Commissioner

4 [Note- Vice-Chair] Monk's desire and your suggestion to strike Number One and in Section 1-A

5 and I apologize Mr. Chair if I'm a little out of turn here.

6

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

8

9 Commissioner Riggs: I'm trying to [unintelligible] that it should read an application for

10 Conditional Use Permit to allow a capital Community capital Center as defined by the Municipal

11 Code on the site was submitted on November 14th, 2017. Do I have a second that?

12

13 SECOND TO AMEND THE MOTION

14

15 Commissioner Alcheck: Second.

16

17 Commissioner Riggs: Thank you.

18

19 Chair Lauing: Now you can go ahead with others Commissioner [Note – Vice-Chair] Monk.

20

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1 Vice-Chair Monk: Great. Another suggested edit that I'm not totally tied to but I was a little
2 concerned about enforcement and I definitely want to go into enforcement. I think that's a
3 really important issue and to that, we want to craft a document that is enforceable and has
4 some bite to it so I'd like to see language in here that will allow for that. To get started on it
5 partially and I'm still on Packet Page 91 on under hours of operation where they're being
6 required that events shall be separated by 50 [note-15?] -minute intervals. While I think that's a
7 standard that should be followed to require it and make it something that they can violate the
8 CUP on and let's say they violate it what's their punishment to me can lead to problems. So, I
9 would rather see something along the lines of striking the shall be too good faith effort. So, it
10 would read community center events shall occur... shall not occur at the same time and there
11 shall be a good faith effort to separate by 15-minutes. And again, my reason for that is so that
12 we can actually put some teeth into enforcing other pieces of the CUP. Is that's something
13 that's agreeable?

14
15 Commissioner Riggs: I won't accept that.

16
17 Commissioner Alcheck: Yeah, I'll just say I don't think... I think, shall we... I see what you're
18 saying. I read in the... it was my impression that you're already doing that. You're already
19 staggering it so I don't know that it makes sense to not require something that they're already
20 doing.

-
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1

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

3

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

6

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

9

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

14

15 Chair Lauing: Commissioner Riggs.

16

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

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

3
4 Mr. Owen: So, I can speak to that. Here's what I've come up with in terms of kind of a
5 monitoring plan condition. Applicant shall prepare an annual monitoring plan that documents
6 adherence (interrupted)

7
8 Commissioner Riggs: I'm sorry Graham. I'm really having trouble hearing people tonight and it
9 may be just me or the volumes a little down but (interrupted)

10
11 Mr. Owen: Sure, I'll speak into the microphone. Applicants shall prepare an annual monitoring
12 plan that documents adherence of Conditions of Approval of this Conditional Use Permit. This
13 monitoring plan shall be submitted each 1st of July to the Planning Director and to all residences
14 within 600-feet of the property. I picked 1st of July as just a random date.

15
16 Commissioner Riggs: Would you accept that?

17
18 Commissioner Gardias: No that's not what I meant. This is totally different, right?

- 19
-
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1 Mr. Lait: It would be helpful for us if you could articulate very clearly what the Condition is that
2 you want to see added to the motion.

3

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

6

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

9

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

12

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

14

15 Commissioner Alcheck: [unintelligible -off mic]

16

17 Mr. Lait: Right so it's a little bit difficult to track this when we're not sticking to a program but I
18 believe Commissioner Riggs asked a question of Staff. Staff responded to it, Commissioner Riggs
19 then asked Commissioner Gardias if that was acceptable, at that point Commissioner Gardias
20 informed us that that was not at all what he had in mind and so we were engaging in that

-
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1 conversation. So, if we want to... we're here to support you so you tell us how you want to
2 resolve that issue or do we want to go back to I think Commissioner [Note-Vice-Chair] Monks
3 the one who actually has the floor.

4
5 Commissioner Riggs: I think that we have a little more work to do. I'm sorry you asked me a
6 question Commissioner [Note-Vice-Chair] Monk. I was responding (interrupted)

7
8 Vice-Chair Monk: So, I had made a proposal (interrupted)

9
10 Commissioner Riggs: Graham responded and I think that we have a little bit more work to do on
11 what Graham's answer to my question was so sorry to interrupt your train of thought.

12
13 Vice-Chair Monk: Alright so the proposed amendment wasn't accepted and I'm just wondering
14 if there's likelihood if I should turn it into an amendment to (interrupted)

15
16 Commissioner Alcheck: Wait a minute. Are you comfortable with the suggestion... you asked a
17 question about enforcement (interrupted)

18
19 Chair Lauing: Wait.

- 20
-
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1 Commissioner Alcheck: And Graham suggested an enforcement change. Are you comfortable
2 with that? If you move that I would accept that change.

3

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

5

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

7

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

9

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

11

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

13

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

15 Commissioner [Note -Vice-Chair] Monk thank you.

16

17 Vice-Chair Monk: Alright so moving on from my other discussion on hours of operations it
18 sounds like that discussion is finished so I will move onto enforcement. Ok so no it wasn't clear
19 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
2 Noise Ordinance? Are neighbors going to be able to call, we'll send out (interrupted)

3

4 Mr. Owen: Yeah of course.

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

7

8 Mr. Owen: Absolutely.

9

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

14

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

18

19 Chair Lauing: So, if you have an amendment.

20

-
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1 Vice-Chair Monk: Then I would like to propose an amendment that if there are more than eight
2 Noise Ordinance related complaints from eight different residents. I don't know how to qualify
3 it frankly but I would (interrupted)

4

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

7

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

10

11 Mr. Lait: Maybe I can asker this question.

12

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

14

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

20

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

6

7 Commissioner Alcheck: I think (interrupted)

8

9 Chair Lauing: Commissioner Riggs.

10

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

18

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

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1 period of vacating. I don't think we need to make that decision so far in advance of a situation. I
2 think we can rely on the Commission then.

3

4 Chair Lauing: Next.

5

6 Vice-Chair Monk: I guess the same thing as enforcement in regards to the drop off and pickups.

7 I don't know how that can be enforced as well. It seems problematic to me how it's drafted. If

8 Staff can care to comment on it. I don't know if we can... I just again am looking at this as a

9 document that can and should be enforced and should be easily followed by the applicant, that

10 its attainable by the applicant and not set in a way that the applicant won't be able to meet the

11 criteria. And so, I don't know how Number Twelve will be enforced so I just wanted to invite

12 the maker of the motion to see if there's a way to cause additional enforcement of that.

13

14 Chair Lauing: Commissioner Riggs.

15

16 Commissioner Riggs: Well my understanding is that Twelve is actually somewhat enforced by

17 Thirteen. That it's operationalized by Thirteen to a certain extent and maybe Staff can clarify

18 that but I don't have a problem doing this. And again, my hope is that maybe there's an

19 opportunity that we could have with this thing... sentence that hopefully is being written that

20 may allow for some self-policing but also some community-based monitoring.

-
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Mr. Owen: Commissioner Riggs if I could add to that? So, it's also operationalized by Number Four which is the requirement for a point of contact for most regular events.

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

Vice-Chair Monk: I just had a question on the last page the last paragraph. Can you just tell us what's happening there?

Mr. Owen: Last page of which (interrupted)

Vice-Chair Monk: Of the CUP Page 94.

Mr. Owen: So basically, if they don't adhere to the Conditions of Approval and some of these are performance measures.

Mr. Yang: Sorry Vice-Chair Monk this is just a standard condition. It just means that they need to actually take advantage of the CUP within 12-months otherwise it expires. You know I mean we don't foresee it being an issue.

Vice-Chair Monk: Thank you.

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1

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

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

13

14 Chair Lauing: Commissioner Gardias.

15

16 FRIENDLY AMENDMENT #2

17

18 Commissioner Gardias: I have the language so this is the language of the amendment. The
19 applicant shall propose continuous improvement plan to address traffic, noise, vehicle
20 circulation, all those items except of nascence issues that are on Packet Page 90. Right so let me

-
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1 just read it again. The applicant shall propose continuous improvement plan to address traffic,
2 noise, vehicle circulation and queuing, passengers loading etc. Plan and attainment to its goals
3 to be submitted annually to the Director of the Planning Department and made public to the
4 neighborhood. Yeah, I have to rewrite it because it's not beautiful.

5
6 Chair Lauing: Commissioner Riggs.

7
8 Commissioner Gardias: Sure, and I'm going to include all those items that are on Page 90 like
9 including noise, vehicular circulation, queuing, passenger loading, parking spill over onto
10 neighborhood blocks. So, the applicant shall propose continuous improvement plan to address
11 traffic, noise, vehicular circulation blah blah blah. Plan and attainment to its goals to be
12 submitted annually to the Director of the Planning Department and made public to the
13 neighborhood.

14
15 Commissioner Riggs: So, did you say compose or propose?

16
17 Commissioner Gardias: Proposed. The applicant shall propose continuous improvement plan to
18 address traffic, noise, vehicular circulation, all those items. Plan and attainment to its goals to
19 be submitted annually to the Director of the Planning Department and made public to the
20 neighborhood.

-
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1

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

6

7 Chair Lauing: Did you want to respond Jonathan?

8

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

12

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

14

15 Commissioner Riggs: I will accept that.

16

17 Chair Lauing: Commissioner Alcheck.

18

19 Commissioner Alcheck: I just a quick question of clarification Commissioner Gardias. I want to
20 create a collaborative approach here. This is my question, in my mind, something can only get

-
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1 so good and so what's the continuous improvement? My only question is are we going to
2 suggest that let's say they say our goal is to continue to do what we're doing because we fine...
3 they reached this moment where they're doing everything right. I don't like the idea that like
4 oh well the best... it would really improve if you just stopped existing. That would get better
5 than last year. Right last year we had 10 people here, now we have 5 and next year 0 we're
6 improving. So, I just want to be clear here because I want to suggest to you that I love the idea
7 of continuous engagement and fulfillment of this. I think you're trying to create
8 communication. If you could just add the word like reasonable improvement that would make
9 we happier.

10
11 Commissioner Gardias: I can add this word but you know I think that this is reasonable right
12 because all around the world right this is just a normal practice and, of course, you're a great
13 optimist. Probably we can achieve the state of absolute happiness one day but it hasn't
14 happened so the process continues in perpetuity. That's what it does. There's always
15 something that you can do better but I can add reasonably word if that is what makes you
16 happy.

17
18 Commissioner Alcheck: Now are you comfortable with that?

19
20 Chair Lauing: Commissioner Riggs is ok with that? Ok.

-
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1

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

3

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

5

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

9

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

13

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

17

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

19

20 Commissioner Alcheck: I seconded it.

-
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1

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

9

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

14

15 Chair Lauing: Ok as I say it also begs a question of where would it go? On the lawn or you got to
16 knock down part of the building so I know it's not a trivial issue but given that you can do the
17 math fairly comfortably around the 50 in terms of the 8 spots and carpooling. And that takes
18 care of 24 when somebody comes to an event and another 24 spread in another 8 cars or even
19 10 cars is not too much of an impact on the community street parking which is valid parking.
20 But when you're spreading 120 people out there it just I think that based on what we're hearing

-
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1 from the neighbors that's just too much so I would ask that we go back to the 50 instead of the
2 120 which would be an amendment that I would make.

3

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

7

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

13

14 Commissioner Riggs: And if I can just add to my logic which is actually looking at this from a
15 traffic engineering standpoint which is why I was super surprised to hear the Level of Service. I
16 mean a Level of Service A... I mean the traffic flow on this street is outstanding. I mean I was
17 really surprised to see that and this is one of those locations where I think that the
18 neighborhood is well of this use would overwhelmingly benefit from the roundabout. So, it's
19 one of those unfortunate timing things where I think that if that project would go forward soon
20 that this project and this use would benefit from that. But I think that just to also [unintelligible]

-
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1 your concern is that I also see opportunities... I don't think the applicant has gotten creative
2 about how to park more vehicles there. If you look at it from just purely an engineering and a
3 special dimension standpoint it looks like the stalls are over 12-feet stalls. In San Francisco
4 where stalls are 8-feet so I think that actually, they can squeeze probably three or four more
5 cars into that lot if they changed the configuration of the parking. They should explore the re-
6 striping it. I mean that's just a professional recommendation but I mean think the general
7 recommendation is that there are opportunities to potentially squeeze more cars on the site in
8 respective what they're saying are the number of stalls right now.

9
10 Chair Lauing: True although they don't have a particular incentive to do that if we don't require
11 it so.

12
13 Commissioner Alcheck: It could be apart of Commissioner Gardias's suggested action
14 (interrupted)

15
16 Chair Lauing: Continuous improvement.

17
18 Commissioner Riggs: Yeah, I can think of three or four things that I would suggest for
19 continuous improvement that would demonstrate good faith in the neighborhood right away.

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

6

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

8

9 Chair Lauing: Sure.

10

11 Commissioner Riggs: I do... before we vote I think it's important to underscore the way that
12 Commissioner Alcheck started the hearing which this is a backward process and it's really
13 important to emphasize that the code is no longer relevant for this type of use. And if there was
14 one thing that we... I don't know if we should make a formal recommendation but it's
15 important to capture in the minutes that I think there is a general consensus that maybe this
16 isn't the best conduit for doing what we should do which is ultimately revise the way that
17 zoning considers religious serving uses. And I think that is... I recognize that concern meaning I
18 go to a Church that has fish fries during and I'm not going to say it because I don't want your
19 Code Enforcement people to go after them.

20

-
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1 Chair Lauing: I think that's perfectly acceptable that after we get done with this motion you can
2 make that second one. I think that's perfectly appropriate.

3

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

6

7 Chair Lauing: Any other comments on this motion?

8

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

10

11 Chair Lauing: Wait, hang on.

12

13 Commissioner Alcheck: Oh sorry.

14

15 Chair Lauing: Sorry Commissioner Gardias had his light on.

16

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

19

20 Chair Lauing: Commissioner Alcheck.

-
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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?

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1 Mr. Lait: I think that was actually a part of the motion and if it wasn't maybe you can just
2 acknowledge that now but I thought Commissioner Riggs moved the Staff report
3 recommendation and then proceeded to make changes to the resolution? So, is that correct
4 Commissioner Riggs? Was it your intent to acknowledge that we've made this exempted from
5 CEQA?

6

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

9

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

11

12 Commissioner Riggs: It is Section 2.

13

14 Vice-Chair Monk: Thank you.

15

16 VOTE

17

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

-
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1 raising your hand aye. Five and opposed? One. 5-1 with one recusal. Now back to Commissioner
2 Gardias I think you had a comment.

3

4 Commissioner Gardias: I just want to make a comment about the roundabouts and I have
5 always... it's beyond the motion. I have always been an opponent of the roundabouts
6 specifically in this place. When we had a discussion about the bike boulevard I expressed that, it
7 has been noted, you can go back to those minutes and I believe that roundabout there is
8 nothing... there is no scientific proof of the roundabouts. However, they are being forced upon
9 us and I believe that the discussion that is happening on the bike boulevard on Ross Street is
10 the result of pretty much forcing upon the community some solutions that have no scientific
11 evidence in implementation. Thank you.

12

13 Chair Lauing: Commissioner Summa did you want to speak to dissent on the motion?

14

15 Commissioner Summa: I think everybody knows what I think already so I don't need to say
16 anything else.

17

18 Chair Lauing: Your lights still on I'm sorry.

19

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

6
7 Chair Lauing: Commissioner Alcheck.

8
9 **MOTION #2**

10
11 Commissioner Alcheck: So, I just I think I'm going to jump in. I think I would also like to partner
12 this recommendation with a second recommendation in anticipation of what will likely be
13 potentially more CUPs for religious facilities. I think it would be... I would recommend... I will
14 make a motion recommending that our City Council empower Staff to bring to the
15 Commissioner a discussion about amending the definition in our code for uses under the
16 designation Church so that we can modernize it. Yeah, that's the motion I shouldn't say why.

17
18 Chair Lauing: Don't say so that yeah and I'll give you the honor of seconding that if you 'd like
19 Commissioner Riggs.

-
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1 SECOND

2

3 Commissioner Riggs: Well I'll second that I suggested it.

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

5

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

7

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

10

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

12

13 VOTE

14

15 Chair Lauing: Ok so counsels opined that it's valid. Any other discussion points about that? Does

16 Staff have a comment? Ok. Any Commissioners with comments on that? Ok then lets all vote on

17 it. All in favor of the motion please raise your hand. Four and opposed? Two with on absence.

18 Ok thank so that wasn't an easy one for anyone; Staff and both sides of the issues and the

19 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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1 ~~b. Rehearsals, programs and performances by non-profit~~
2 ~~musical groups~~

3 ~~c. Ancillary counseling and psychotherapy offices~~
4

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

8
9 2. COUNSELING AND PSYCHOTHERAPY OFFICES. Counselors
10 or psychotherapists shall be permitted at any time as an ancillary
11 use to the church and community center.
12

13 5. ~~AMPLIFIED MUSIC. Amplified music is prohibited during~~
14 ~~community center events.~~
15

16 9. OCCUPANCY. The maximum number of people attending
17 or affiliated with any community center event, except for
18 counseling and psychotherapy uses, collectively, at any time, shall
19 not exceed 120 persons.
20

21 12. CURB SITE LOADING ZONES.

- Applicant shall provide a parking attendant during
23 peak hours and special events.

24 •
25 14. SPECIAL EVENTS. In addition to Community Center events
26 authorized by these conditions of approval, applications for up to
27 twelve (12) temporary use permits may be filed each calendar year
28 to allow for community center events that exceed the permitted
29 hours of operation or occupancy limitations set forth in these
30 conditions.
31

32
33
34 Motion passed 5-1 (Summa)-1 (Waldfogel absent/recused)

-
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1
2
3 A second motion was made by Commissioner Alcheck and seconded by Commissioner
4 Riggs to:

- 5
6 1. Recommend that the applicant shall propose a continuous improvement plan to
7 address traffic, noise, vehicle circulation and queuing, loading, and parking spill-
8 over. The plan and reasonable attainment of its goals, shall be submitted
9 annually to the department and the neighbors.
10
11 2. Recommend that the City Council empower staff to bring to the PTC a discussion
12 of the uses that should be considered under the definition of a church
13

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

15 **Approval of Minutes**

16 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

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

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

20 MOTION
21

22 Commissioner Alcheck: Motion to approve.
23

24 Chair Lauing: Motion to approve. Second?
25

26 SECOND
27

28 Commissioner Gardias: Second.

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1

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

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

5

6 Commissioner Alcheck: I first it, Gardias seconded.

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

9 **Committee Items**

10 **Commissioner Questions, Comments, Announcements or Future Agenda Items**

11

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

14

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

17

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

19

20 Vice-Chair Monk: I just wanted to report out very briefly that I attended the Commissioner...
21 Planning Commissioners Academy last week in Monterey and it was very, very useful, very

-
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1 insightful, I got a lot of information that I would like to pass on to the Commission. I'm still
2 assembling it in my head and looking at my notes but there's some legislative update that I'd
3 like to rely to you. Also, some tips and some suggested rules of order that they went over. One
4 of them was called Rosenberg's Rules I believe and they were designed by a Planning
5 Commissioner so I will get you a more deeper summary. There's also slide decks from the entire
6 3-day training that are available on the California City's Association website. So, I'll pull out
7 some of the key slides and maybe pass that along when it's not so late because it's already
8 10:30 and go into a deeper dive another time.

9
10 Chair Lauing: Ok any other comments? Commissioner Gardias.

11
12 Commissioner Gardias: Yes, thank you so I just want to share with you that I talked to the City
13 Manager Jim Keene and the Chair about scheduling a meeting of the PTC with the City Council
14 and this is about the same what I have been proposing for the many years. I believe that we
15 should have early within the year alignment with the City Council on the topics that are of their
16 priority or of our priority. So, the question came of the same aspect that we were asked before,
17 what's the expectation from the meeting and I pass this question onto the Chair because Jim
18 Keene wants to know pretty much what's the expectation... what is our expectation? What
19 would be on the agenda at this meeting with the City Council?

-
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1 Chair Lauing: So procedurally you might just want to comment on how that came up? You
2 happened to be at the Council meeting and chatted with him beforehand so just wanted to put
3 that on the record. So yeah, I think we can do some background information and then possibly
4 bring it to the next meeting to discuss that as a group.

5
6 Commissioner Riggs: If you don't mind?

7
8 Chair Lauing: Go ahead sure.

9
10 Commissioner Riggs: I just need to let Staff know that I won't be able to attend the next
11 meeting. I have a childcare conflict. My wife is out of town.

12
13 Chair Lauing: That's the 11th right? No, no, sorry.

14
15 Commissioner Riggs: It should be the 24th.

16
17 Chair Lauing: Yeah 24th.

18
19 Commissioner Riggs: 24th.

20

-
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1 Chair Lauing: Yep sorry.

2

3 Commissioner Riggs: 25th excuse me.

4

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

6

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

10

11 Mr. Lait: I mean there's (interrupted)

12

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

14

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

16

17 Chair Lauing: It's not an action item now. It's a report that you're going to submit very similar to
18 the first item on the agenda tonight. Just I want people to understand the kind of size of the
19 agendas and that's going to be minor.

20

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1 Mr. Lait: Yeah ok the 2017 Housing Element that's just an information item. The ADU Ordinance
2 that's a continuation from the conversation you've had. You've acted on [unintelligible]
3 (interrupted)

4

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

9

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

11

12 Chair Lauing: Well we'll get to that if we get consensus on that so that we all can read it, think
13 about it and so on. And secondly, if there's a way to condense that discussion in the meeting
14 potentially even down as low as saying... because Staff wants to get the ADU thing going. It
15 could even go down as low as saying here's 15 other items that we want to discuss in the next
16 4-months but we don't want to hold up this first draft coming to you. That wasn't articulated
17 specifically but we're trying to find a way that we don't spend another 4-hours on ADUs if
18 possible given the rest of this agenda. So, the starting point is if we could get those ideas from
19 Commissioners to go into the Packets so what date did you need?

20

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

2

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

4

5 Mr. Lait: Actually probably (interrupted)

6

7 Chair Lauing: Sorry?

8

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

10

11 Chair Lauing: No.

12

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

14

15 Commissioner Alcheck: I mean can I just ask a quick question? The idea is if I have a bunch of
16 amendments I can share them with you so I don't have to go through with them as much... with
17 as much time. You'll be somewhat familiar with them and I can say the reason for this one is
18 this and the reason for this.

19

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1 Chair Lauing: Right and it also gives us an order of magnitude because if there are three or
2 thirty.

3

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

6

7 Chair Lauing: That's exactly, that's perfect.

8

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

10

11 Chair Lauing: Tuesday night.

12

13 Commissioner Alcheck: [unintelligible -off mic]

14

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

17

18 Mr. Lait: Yeah next Tuesday.

19

20 Chair Lauing: So, the 18th.

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1

2 [Note- multiple people talking at once]

3

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

6

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

8

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

12 **Adjournment**

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Palo Alto Planning & Transportation Commission

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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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