

July 4, 2012

To Members of the Albany Planning and Zoning Commission:

We are writing today to oppose granting St. Mary's College High School the right to add 2500 sq. ft. to the Brothers' Residence on campus.

As residents of Albina Ave. and Hopkins Ct. (at the corner of Albina), we represent eight households and a total of 13 young children. We are primarily clustered at the north end of the block, very near the entrance to the school. We are writing, as many of us have in the past, about our concern over the toxic air contaminants (TACs), dust, and noise produced by traffic on the street and prolonged construction on the campus.

Obviously, as parents we support providing quality educational facilities for students, so we understand St. Mary's need for periodic construction. We are resigned to the fact that the St. Mary's campus will be a construction zone on and off for years to come. That is why we were shocked to hear one or two commissioners at the June 12 public hearing suggest that construction which we feel is unsubstantiated, unrelated to the educational mission of the school, and which, as an expansion of a nonconforming use, is not allowed under Albany's ordinances (Albany Municipal Code Section 20.24.030), could be granted an exception and allowed to occur, thus unnecessarily prolonging our children's potential exposure to TACs.

The Brothers' 11,440 sq. ft. residence, a building we understand houses four people, supposedly needs a 2500 sq. ft. addition in order "to provide additional living and dining area and storage space for the Brothers who occupy the private residence." No further information is provided, even though it is not credible that such a huge structure would need this much additional space for the sole use of four adults in order to house them comfortably.

The Initial Study of Potential Environmental Impacts (IS) states that "construction of the proposed addition could take approximately nine months, and could be expected to require the movement of approximately 250 cubic yards of earth." It further states that the project "will require access from Albina Avenue." It declares that construction will expose sensitive receptors (defined, in part, as facilities that house or attract children, with residential areas given as an example) to substantial pollutant concentrations unless mitigation measures are incorporated into the use permit. While we know that mitigation measures would be attached as conditions of the use permit, we also know that nothing provides 100% assurance against harm.

As we understand it, variances are meant to accommodate specific physical conditions that make compliance with the zoning regulations onerous and would also deprive the owner of rights and enjoyments allowed others in basically similar circumstances minus the special conditions. They are not meant to allow uses prohibited by the base zoning.

We would therefore consider it an abuse of your discretion to grant an exception to Albany's zoning regulations for a project that does not conform to the City's own zoning requirements and for which the need is highly questionable at best, when it would potentially

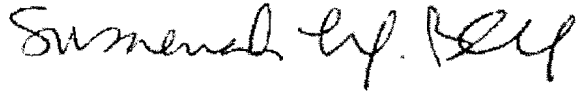
expose our precious 'sensitive receptors' to traffic, fumes, dust, noise, and all types of pollution for nine months more than the legitimate requests from the school will already subject them.

We respectfully request that you deny this portion of the application, which we strongly oppose.

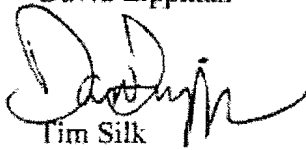
Sheryl Fishman 1298 B Albina



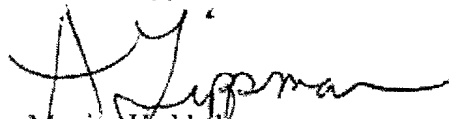
Susannah Bell



David Lippman 1298 A Albina



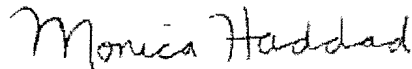
Astarte Lippman



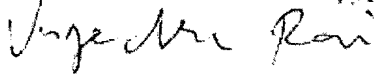
Tim Silk 1300 B Albina



Monica Haddad



Vin Rai 1302 Albina



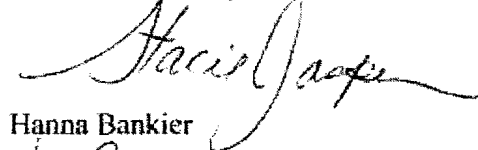
Angie Garling



Paul 'Lev' Jasper 8 Hopkins Ct.



Stacie 'Sarah' Jasper



Jean-Gabriel Bankier 1350 Albina



Hanna Bankier



Julie Quiroz-Martinez 1304 Albina #3



Jason Picard

1302 Albina

Luu Nguyen

Signed via email - Attached

Jason Picard and Luu Nguyen (1302A Albina Ave.) and their two children are in Vietnam for the summer. The following email was received by Angie Garling (1302B Albina Ave.) on Saturday, July 6.

Fri, July 6, 2012 2:19:56 AM

Re: Protecting Your Kids From Harmful Emissions Due To Construction at St. Mary's

From: Jason Picard <picard.ja@gmail.com>

Add to Contacts

To: Angie Garling <garling@gmail.com>

Cc: DONNA DEDIEMAR <dediemar@sbcglobal.net>

Jason (and Luu) here. Sorry we are only able to check email sporadically. We would certainly like to be signatories. Thanks!

ATTACHMENT

LAURIE CAPITELLI

Berkeley City Council
District 5

July 6, 2012

Anne Hersch, City Planner
City of Albany
1000 San Pablo Avenue
Albany, CA 94706.

Re: Initial Study of Potential Environmental Impacts of the Saint Mary's College High School
Use Permit Application (April 2011)

Dear Ms. Hersch,

As Councilmember of Berkeley's District 5, I have been included in many of the community conversations surrounding the impacts of St. Mary's College High School on the surrounding neighborhood. Though St. Mary's is technically in the City of Albany, the impacts of the school, primarily traffic, are felt most intensely by the adjacent Berkeley neighbors.

The residents of Albina in Berkeley already experience significant traffic impacts during peak morning times as students are driven through the Albina Gate to an approved drop-off area. These impacts will be exacerbated by the proposed increase in parking accessible through the Albina gate.

In addition, the Hopkins corridor between Sacramento St and Gilman Ave. is, with approximately 13,000 vehicles a day, already one of the most heavily congested residential corridors in Berkeley. (See pg. 43 of Attachment D of the Draft MND). St Mary's drop-off traffic that accesses the campus through the front entrance on Albina St. adds to the Hopkins congestion.

In order to mitigate some of the traffic impacts for both Albina and Hopkins, I suggest that St Mary's consider eliminating the front-entrance morning drop off and replacing it with one on the northeast corner of Hopkins and Monterey. There is already a bus stop at that corner that is dedicated for a week-day AC Transit trans-Bay route that operates only in the east bound direction, only in the afternoons.

This proposal would certainly require coordination with the City of Berkeley and with AC Transit. I am more than happy to assist St Mary's staff with that.

Thank you for the opportunity to comment on this project. Please include this statement with other public comment regarding the Initial Study.

Regards



Laurie Capitelli

1316 Albina Ave.
Berkeley, CA 94706
July 6, 2012

Honorable Commissioners Arkin, Panian, Moss, Eisenmann, and Maass
Planning and Zoning Commission
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Re: CEQA Initial Study of Saint Mary's College High School 2011 Application

Commissioners:

The Initial Study emphatically states that an “enrollment increase is **not** part of the application,” and it once again bases most of its conclusions that there are no significant impacts on that statement. Yet there is no documentation to show that 630 is the current enrollment, not an increase. Here are the facts:

1. The CEQA document from St. Mary's 1993 Application, in which the school requested an enrollment increase and permission to take the school coed, states: *The St. Mary's College High School campus site and facilities would be expanded to support a co-educational program for Fall, 1995. Enrollment would increase from approximately 375 Students (Fall, 1994) to a maximum of 600 students over a five year period (1995-1999.)*
2. The Conditional Use Permit resulting from the 1993 Application states: "St. Mary's College High School (SMCHS) may operate a co-educational high school facility for grades 9 through 12 beginning September, 1995, for up to 600 total students." It goes on to state "The maximum enrollment figures may be exceeded on an absolute basis by up to (emphasis added) five percent to allow for attrition and other student body changes." (Albany City Council Resolution #94-37, Par. G-2). It is not known when the provision for attrition was added, but it was not in the CEQA document and therefore an expansion to 630 was not anticipated and not evaluated.
3. The City of Albany Planning and Zoning Agenda Staff Report for the 2011 Application states: "St. Mary's College High School (SMCHS) is a co-educational high school with 630 students..." Yet in a letter dated 3/27/12 (attached), Anne Hersch shows that in the last five years St. Mary's has not once enrolled 630 students.

The 630 number came about several years ago when someone decided it would be easier to say and understand 630 than it is to say and understand "St. Mary's College High School (SMCHS) may operate a co-educational high school facility for grades 9 through 12 beginning September, 1995, for up to 600 total students. The maximum enrollment figures may be exceeded on an absolute basis by up to five percent to allow for attrition and other student body changes." While I agree that it is easier, it is simply not an accurate reflection of the enrollment cap instituted in 1994 CUP. Again, here are the facts:

1. In his July 8, 2005 letter to the Albany City Council addressing a decision made by the Council against St. Mary's, Brother Edmund Larouche wrote that "...each year we receive over 400 application for some 160 freshman seats..." He went on to write: "An enrollment increase is desirable, though the school realizes its own limitations."
2. In the December 9, 2008 Commission Hearing on St. Mary's then application, I spoke about this exact issue, making the case that the enrollment cap is 600, not 630. Twenty minutes later, Peter Smith, speaking as the attorney for the school and rebutting comments made by the public, in direct response to my comments stated about the issue of enrollment: "It's 600 now. We asked for no change in that number. We have recognized that there is a +5% bubble... fudge factor. We didn't ask for it to be described in any other way."
3. Enrollment is different from admittance. Under the current CUP, St. Mary's is entitled to enroll a maximum of 600 students. In prior hearings commissioners have expressed that it is reasonable that St. Mary's be allowed to admit more than 600 to end up with an enrollment of 600. In the current use permit St. Mary's is entitled to admit up to 630 in order to end up with an enrollment of 600. If the enrollment cap is raised to 630, certainly any reasonable person would assume that St. Mary's would be entitled to admit more than that in order to guarantee itself its ability to actually enroll to its cap.

Conclusion: St. Mary's has not enrolled 630 students in any of the past 5 years, and has vociferously denied requesting that the cap be changed from 600 to 630. No CEQA analysis has ever been done to measure the impact of an enrollment of 630. Therefore, it would be unreasonable for the staff to unilaterally change the maximum enrollment from 600 to 630, especially in the face of strong objection from the neighborhood. It would be better to rewrite the current cumbersome language in a manner true to the intent of the current CUP, such as:

The maximum enrollment at St. Mary's College High School is capped at 600. Each fall the school shall calculate the average attrition rate (in whole numbers, not as a percentage) from the prior three years, and may admit up to that many extra students to account for expected attrition. It is intended that the school operate at a level not to exceed 600 students.

Sincerely,

Donna DeDiemar

The NAIS reports that independent school standards are frequently 175-250 sq. ft. of facilities per student (150 sq. ft. in secondary public schools). With an enrollment of 600 St. Mary's would require 105,000 sq. ft. at the low end. And it has precisely what is frequently the standard: 104,930 sq. ft. Only when the enrollment cap is arbitrarily raised to 630 students, the school comes up 5320 sq. ft. short and is, according to its own words in the use permit application, condemned "to operating at a sub-standard level," a statement that the parents of current enrollees would probably take issue with.

St. Mary's currently has 29 classrooms. NAIS standards are 30 sq. ft. of space per student in each classroom, and it suggests that classes be sized for 25, even if current class size is as low as 15-20 students. That would mean that classrooms should average 750 sq. ft. With 29 of them, the school should have 21,750 sq. ft. of classroom space. In fact, it has 29,321 sq. ft. Even using the higher 900 sq. ft. per classroom inexplicably referred to in the NAIS document, the result would be less than the school currently has, at 26,100 sq. ft. The school is asking to increase the number of classrooms to 31, which would require 23,250 sq. ft. at 750 sq. ft. per room, or 27,900 sq. ft. at 900 sq. ft. per classroom – numbers still under the square footage it already has. This would indicate that St. Mary's already has more than enough classroom square footage, and could reconfigure it to create more classrooms, which would be far cheaper than any new construction.

1316 Albina Avenue
Berkeley, CA 94706
July 6, 2012

Honorable Commissioners Panian, Moss, Eisenmann, Maass, and Arkin
Planning and Zoning Commission
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Re: CEQA Initial Study of Saint Mary's College High School 2011 Application

Dear Commissioners:

When we moved to Albina Avenue in 1977, Saint Mary's was a relatively inconspicuous neighbor with a small enrollment. In 1993, relying on a Negative Declaration in the Initial Study of Environmental Impact and assurances from the city that the identified potential impacts would be mitigated successfully, neighbors by and large accepted the changes proposed by Saint Mary's and did not object to city approval of the school's expansion. In 1995, it began admitting girls and adding the requisite facilities and programs to serve the additional numbers, jumping to 600 plus students over a few years. An approximate 50 percent enrollment increase naturally brought more students and parents driving to and from campus. Residents around the school soon noted the resulting impact of more vehicle trips, parking conflicts, and noise in their neighborhoods. It became apparent that the Negative Declaration in these areas had been woefully wrong, and that the accompanying mitigation measures, some of which were never implemented, were completely inadequate and ineffective.

In 2002, Saint Mary's applied to the City to overturn key approval conditions from the 1995 permit that limited the size of classroom facilities, so neighbors took the opportunity to voice their feelings. They recognized that the negative declaration given for the school's enrollment increase had obviously incorrectly assessed the expected impacts. The real effects required stronger and enforceable mitigations. After an extended period of hearings on the issue, the city council determined that an increase in classroom facilities would unacceptably impact the surrounding community and denied the School's request to waive the cap in 2005. Nonetheless, since then, Saint Mary's has continued to seek expansion and has been working on the proposed CUP/Master Plan now before you.

Residents have made many proposals over the years to ameliorate adverse impacts of Saint Mary's operations. They have focused primarily, though not exclusively, on issues of excess traffic, parking conflicts, and noise. The school has adopted some suggestions, with varying degrees of commitment and success, which

July 6, 2012

the neighbors acknowledge. It has not, however, effected fundamental changes to fully address neighbors' concerns.

Over the years the neighbors have conscientiously and tirelessly corresponded with and listened to school officials. We have floated proposals. We have sought to negotiate resolutions. Jeff Bond facilitated face-to-face meetings. School representatives spoke congenially, but never in detail and never allowing us to broach conditions that might have resolved disputes. Frustrated after four such fruitless sessions, PPNA simply drafted a request for information keyed to the 2006 Master Plan Summary. School officials declined to answer the questions posed¹

Around the time of those same meetings, PPNA also proposed its own set of conditions, in order to have something in writing to which discussions might be addressed. The school never responded.

Once again, with this current application, a full description of the project and its components is vital for accurate analysis of environmental impacts. The city's environmental consultant has made numerous assumptions without a firm and documented basis, relying in too many instances on the school's assurances or other unsupported assumptions. Its Initial Study cannot therefore yield supportable conclusions.

Attached is our analysis of defects in the Initial Study. As possible project conditions have not been placed before the commission at this time, we will reserve comments on proposals as they develop. Also, we understand that staff has set a deadline of July 6, 2012, for submission of comments. While we are submitting these comments within that time period, in accordance with applicable law, we reserve our rights to submit additional comments on the project, orally and in writing, up until the time the city finalizes action on the MND.

Very truly yours,



Chris Hamilton

Donna DeDiemar

¹ Attached as Exhibit 1 is a page from city records showing that the school can definitely obtain such information and that the city staff considered it important for the analysis back in 1993.

Chris Hamilton/Donna DeDiemar Comments Re CEQA Initial Study 2011
Application

PROJECT DESCRIPTION

It is our understanding that staff is no longer requiring a separate Master Plan from St. Mary's and is instead allowing the Conditional Use Permit to serve as the MP (although the Staff Report for the June 12, 2012 hearing does in fact refer to the current application as a Master Plan). Therefore, when we refer to the combination CUP/Master Plan throughout our analysis it will always be in reference to the 2011 application.

The Initial Study emphatically asserts that this new application seeks no enrollment increase, inaccurately referring to "the enrollment cap of 630 students." (IS, p. 1) The 630 number was arrived at by incorporating 30 extra enrollees based on the 'plus up to five percent for attrition' provision from the current CUP (94-37). However, records of city action regarding campus enrollment leave no doubt that 600 is the legal cap, not 630. Every staff report to the commission stated some version of the following language found in the staff report for the April 13, 1994 commission meeting:

"A project description has been developed for purposes of the use permit and the required analysis under the California Environmental Quality Act (CEQA). This project description has been revised to reflect the slightly smaller parking lot now being proposed and more specific information about the enrollment increase. The St. Mary's College High School campus site and facilities would be expanded to support a co-educational program for Fall, 1995. Enrollment would increase from approximately 375 students (Fall, 1994) to a maximum of 600 students over a five year period (1995-1999)."²

The notices of action for CEQA tell the same story. The Notice of Intent to Adopt a Negative Declaration dated March 21, 1994 set forth a project description of enrollment changes virtually identical to that in the April 13, 1994 staff report

² See attached as Exhibits 2-5 the relevant portions of staff reports for the September 14, 1993; November 23, 1993; March 8, 1994; and April 13, 1994 meetings. Apparently believing the enrollment higher than subsequently discovered, the one from September 14, 1993 says: "For purposes of this use permit application and the environmental review requirements under the California Environmental Quality Act, presented below is the project description: The St. Mary's College High School campus site and facilities would be expanded to support a co-educational program for Fall, 1994. Enrollment would increase from approximately 475 students to a maximum of 600 students."

quoted above.³ The city's April 18, 1994 Notice of Determination filed with the California Office of Planning and Research, to which the city's planning director attached the Negative Declaration adopted by the commission on April 13, 1994, included a project description identical to the March 21, 1994 notice of intent.⁴ None of the notices included any factor above 600 for attrition or any other purpose. Clearly, the project intended a permanent enrollment of no more than 600 students.

Nevertheless, unnoted in the current CEQA documents, Planning and Zoning Commission Res. No. 94-01, adopted April 13, 1994, and Albany City Council Resolution No. 94-37, adopted June 6, 1994 contain an attrition allowance rather than a flat 5% enrollment allowance. The enrollment limit, identical in each resolution, states:

“St. Mary's College High School (SMCHS) may operate a co-educational high school facility for grades 9 through 12 beginning in September, 1995, for up 600 total students. Prior to September, 1995, the school is permitted to operate as a male-only school for grades 9 through 12 with a total enrollment not exceeding 420 students. The maximum enrollment figures may be exceeded on an absolute basis by up to five percent for attrition and other student body changes.”⁵

Both resolutions refer to the cited CEQA notices given to the public. Both incorporate an attached project description labeled Ex A. None of the notices the commission and the city council cited contain a project description that has an attrition allowance.⁶ The attrition language must, therefore, be taken as just what it purports to be: a method for the school to temporarily admit in excess of 600 students in order to permanently maintain a maximum enrollment of 600.

Elsewhere St. Mary's itself demonstrates it understands its enrollment cap to be 600. For example, the school applied in 2001 to the San Francisco Bay Regional Water Quality Control Board, the California Department of Fish and Game, and to the U.S. Army Corps of Engineers for permits. Representing that the City of Albany had approved the project after CEQA review, the school attached the very same April 18, 1994 Notice of Determination and April 13, 1994 Negative Declaration, with its project description lacking any attrition language.⁷

³ See attached as Ex. 6 the March 21, 1994 notice.

⁴ See attached Ex. 7, the documents mentioned.

⁵ See attached Ex. 8, the first page of Res. No. 94-01, and Ex. 9, City Council Res. No. 94-37. page 1.

⁶ Apparently, city staff can't find the Exhibit A incorporated into those resolutions, but they concede that the one without any attrition language is likely the one the city adopted in those two resolutions. See Ex. 10, attached pages from the December 8, 2008 staff report, showing Attachment 5 (erroneously listed as “1993 Conditional Use Permit” that is actually Albany City Council Res. No. 94-37 with the identified Exhibit A containing handwritten notations.

⁷ See attached as Ex. 11, SFBA JARPA VERSION 1.1 form, signed for the school by Ward Fansler on January 19, 2001, to which he attached as Ex. 8 and labeled “CEQA Report no significant impact on the environment” the CEQA review documents from 1994, including the April 18, 1994 Notice of Determination; April 13, 1994 Negative Declaration with its Attachment A project description.

The school's attorney, Peter Smith, also acknowledged the cap in responding to remarks to the commission at its December 9, 2008 meeting by Donna DeDiemar regarding staff's proposed increase to a flat 630:

"A lot of the comments about the increase in square footage – and it really ties back to a suspicion that there's going to be a greater level of activity, rather than focusing on the fact that there are not going to be more students coming to the campus. Ms. DeDiemar says that the enrollment number should be 600, not 630. It's 600 now and we asked for no change in that number. We have recognized that there's a plus or--plus five percent bubble or fudge factor. We didn't ask for it to be described in any different way." [Found at approx. 56:48 on recording]

Saint Mary's president has, however, previously expressed a desire to increase enrollment to 735.⁸ More recently, after citing the existing enrollment cap in a July 14, 2006 letter (p. 1), for example, the school president notes that school enrollment peaked in 1966 (when the campus served elementary as well as high school students) and then observes (p. 7): "For many years, the school has both enjoyed and been challenged by an applicant pool larger than the number of spaces available."⁹

Given this history of repeated expansion attempts by the school and the wider capacities that the current project plans would provide them, it does not appear to us that the 2011 Application description accurately states the full project aims, which could entail both an enrollment increase even beyond 630 and/or introduction of new uses or an intensification of already existing ones. This supposition is not just based upon the expanded capacities coupled with noncommittal descriptions of uses that the proposed facilities acknowledged in the IS would provide the school, though they could do just that. It is supported all the more because the application includes two wholly new buildings identified as "future projects" that are not analyzed at all in this Initial Study/Mitigated Negative Declaration.

By substituting a flat 630 in the current document (which is to serve as a guide for future development on the campus) for the specific language limiting enrollment numbers to 600 in the existing approval, members of the public who read the CUP/Master Plan any time in the future, as well as future Planning and Zoning Commission members, may be unaware of the limit on students for which the plan is supposedly designed. The document being examined in the Initial Study

⁸ See attached as Exhibit 12 the November 3, 1993 memo from former Saint Mary's President, Thomas Brady, showing historical enrollment figures, together with a December 19, 2002 letter from Brother Edmond Larouche, which was attached to the Staff Report for the March 25, 2003 Planning & Zoning Commission meeting. In the same letter Brother Edmond states: "For three years in a row we have received over 400 applications for some 160 freshman seats. Increased enrollment would permit more families to have the religious education and other educational opportunities they seek for their children."

⁹ Cited pages attached as Exhibit 13, July 14, 2006 letter from Brother Edmond to Ed Phillips, pp. 1, 7.

and therefore the project description is neither accurate, stable, nor finite, as the CEQA consultant Richard Grasseti notes the law requires.

The 600 limit was considered appropriate by the city in 1994, considering multiple factors, among them allowed square footage and environmental impacts of the large increase from 376 in 1993-94 (2006 MP, p. 2) to 600. A codified 630, however, would mean the school can remain at that level year round. The school has offered no justification for the change to allow it to keep its enrollment at a flat 630. Indeed, as noted above, it denies that it is applying for such an enrollment increase. Therefore, the cap must remain at 600 as set by the commission and the city council in 1994.

If, however, enrollment is to be capped at a flat 630, then the Initial Study can no longer rely on the no-increase-in-enrollment mantra as its justification of no significant impact in several areas. CEQA requires that this proposed permanent cap change be studied, together with those cumulative impacts and piecemealing.

Enrollment maximums are not the sole cap placed on St. Mary's to limit impacts on surrounding neighborhoods. Again, Planning and Zoning Commission Res. No. 94-01 from April 1994 approved revisions to Conditional Use Permit No. 93-27, subject to a square footage condition described as follows:

"The following enrollment limitations and restrictions on operation and activity are placed on the school:"

b. "Modifications to or expansion of classroom facilities including Cronin Hall and St. Joseph's Hall, shall not exceed the total, existing gross square footage as of April, 1994, including the two temporary classroom buildings. . . ."

Res. No. 94-01 made the finding to satisfy the applicable Albany City Code requirements regarding size, intensity, and location that the development was desirable and compatible with the neighborhood and the community because, among other things, it would be limited to "existing classroom space that does not exceed the total, overall classroom square footage as of April, 1994."¹⁰

St. Mary's did not appeal the square footage cap to the city council. However, in rejecting an appeal from a neighbor, the council reiterated in Res. No. 94-37 that the cap on gross square footage for "classroom facilities" was to remain at the level existing in April 1994, a figure to be provided by St. Mary's but apparently never requested by the city until many years later. When the school sought approval to construct a new classroom building in 1999, staff stated:

"As indicated in the initial staff report, this project is governed by Conditional Use Permit #93-27 which authorized selected improvements to the School campus including the construction of new classroom facilities. This Permit did, however, established [sic] limitations on the extent of new facility construction so authorized.

¹⁰ See Ex. 8 above, pp. 1, 2, and 10.

Specifically, the permit states that the gross square footage of new classroom facilities shall not exceed the existing classroom square footage as of April 1994. . . . Consequently, the staff interprets the Permit language to provide that, as a base, the gross square footage of classrooms in 1994 be established and that measurement is used for determining if the gross square footage of new classroom facilities (coupled with remaining classrooms) are [sic] within that square footage limitation. This would appear consistent with the desire to authorize new construction but provide some specific limitations on the size of new facilities otherwise authorized. Further, the size limitation would provide some physical limits on the intensity of use at the site and help maintain the 600+/- student limit imposed by the Permit." [Emphasis in original]¹¹

At the meeting on August 24, 1999, the city planner acknowledged to the commissioners that staff had no inventory of classroom square footage.¹² Thereafter city staff requested that information, and the school's architect provided an inventory of "classroom gross square footage as of April 1994" that totals 74,762.¹³ City staff included the document in the report for the October 12, 1999 meeting with the statement:

"This data is significant in that the construction of new educational facilities is limited so the proposed addition does not result in an inventory of educational facilities which exceed the square feet of classrooms existing as of April, 1994. Staff recommended conditions require that the School provide a listing of existing facilities which will be closed to maintain the required facilities square foot limits."¹⁴

Minutes of its October 26, 1999 meeting show that the commission found:
"5. Additions to existing buildings or new construction were authorized by Conditional Use Permit #93-27. . . .
"6. Conditional Use Permit #93-27 authorizes identified construction, including the construction of replacement classroom facilities, subject to terms and conditions. All those applicable terms and conditions apply to the construction of this project and are not modified by this approval. The conditions of approval contained as a part of this design review are directed toward the design and siting of this specific building and do not impact or modify the land use authorization and conditions of approval previously established by the Conditional Use Permit.

¹¹ See Ex. 14, Supplemental Staff Report dated August 17, 1999, pp. 1-3.

¹² See Ex. 15, August 24, 1999 minutes of the commission meeting, p. 5.

¹³ See Ex. 16, pp. 1 and 4 of Supplemental Staff Report dated October 7, 1999, showing Att. H, the October 7, 1999 letter from Dahanukar Brandes Architects with inventory for April 1994.

¹⁴ See Ex. 17, the staff report dated October 7, 1999 for the October 12, 1999 commission meeting, p. 2.

"7. Conditional Use Permit #93-27 provides that, as part of the Planning and Zoning Commission's action on the design review of classroom building replacements, a determination be made that the authorized new construction not exceed the classroom size limitations established by the permit. . . ." ¹⁵

In some unexplained manner, the allowed gross square footage for "classroom facilities" later somehow morphed to 90,675. ¹⁶ No document we have found explains the source of that elevated figure. As previously shown, the overreaching claims of the school itself only totaled 74,762 gross square feet. Those claims for classroom gross square footage in 1994 overreached because they included the entirety of Vellesian Hall, which contains administrative and maintenance offices; the old gymnasium; the bookstore; the snack bar; and the library, conference rooms, offices, and common shared/space in St. Joseph's Hall, Cronin Hall, and the science and classroom building. The city continued to employ the inaccurate and grossly inflated 90,675 figure for many years.

Staff eventually realized that a gross error had crept into the city's deliberations, as the staff report for the September 25, 2007 commission meeting included a summary of the existing use permit provisions that stated: "Modifications or expansions to classroom facilities, including replacements of existing buildings, were limited to gross square footage as of April 1994. (*Condition G-2.b.*) (Area was not stated in the resolution, but was inventoried elsewhere as 30,404 square feet.)" ¹⁷ The source of that figure has not been revealed, but it is at least much closer to accurate, given the figures totaling 29,321 square feet of classroom space St. Mary's provided when asked by staff upon request by letter from PPNA for this current application.

In any event, it is clear that the imposed square footage limitation had the beneficial purpose, together with the enrollment cap, of limiting the size and intensity of the effects of all campus-related activity on the surrounding neighborhood. It is also clear that assertions about square footage made in the April 2011 application are incorrect and therefore misleading. Unfortunately, St. Mary's appears to be trying to capitalize on a mix-up in numbers and terms by claiming in its April 2011 application that: "Limiting classroom facilities to only 90,675 allows only 144 square feet per pupil and condemns SMCHS to operating at a sub-standard level." ¹⁸ But the erroneous 90,675 square feet is not a measure of classroom facilities; it is much closer to a measure of overall facilities. Nor is the NAIS standard of 175-250 square feet/student the measure for classroom facilities. That, too refers to overall facilities. The NAIS standard for classroom facilities is 30 square feet/student, or 18,000 square feet for St. Mary's (600 students x 30 sq. ft./student).

Though use of the NAIS standards in and of itself is not CEQA-related, by using those standards as justification for facility expansion they become a CEQA

¹⁵ See Ex. 18, October 26, 1999 minutes of the commission, pp. 1-6.

¹⁶ See Ex. 19, the staff report dated March 25, 2003, pp. 1-2.

¹⁷ See Ex. 20, September 25, 2007 Staff Report, pp. 1, 14 and Att. M, Summary of Albany Res. No. 94-37.

¹⁸ See 2011 Application, p. 2 (not attached as exhibit).

issue. As such, the project must be evaluated on the basis of what it could accommodate were it approved, not on how many students are currently enrolled. If the entire project is granted, facility square footage rises from 116,370 sq. ft. to 148,570 sq. ft. Measuring for worst case usage, as required by CEQA, means that the school could accommodate 850 students and still meet NAIS standards (850 students x 175 sq. ft./student = 148,750 sq. ft.). Classroom square footage, which would rise from 29,321 sq. ft. to 31,636 sq. ft., would also meet the NAIS standard (850 students x 30 sq. ft./student = 25,500 sq. ft.). The project is therefore growth inducing, and that growth is required to be reviewed under CEQA.¹⁹

In the absence of greater specificity, neither members of the public nor the commission can determine with any accuracy or sense of surety of what the proposed project really consists or entails. It is inconstant, changeable, and unbounded. Analyzing every aspect of the proposed Master Plan/CUP with the yardstick of allegedly identical enrollment (questionable in any event, as noted above), falsely gauges prospective environmental impacts that expanded facilities would facilitate. Absent a clear, fixed, and stable project description, one can only guess to what uses the school will really put the space it seeks. Its desire for flexibility becomes a shield from viewing the true environmental effects. We are simply left to speculate.

In another defect in the project description, nowhere can we find anything saying clearly for what purposes the city will use this CEQA study. Is it, as staff suggested at the November 25, 2008 meeting, the only CEQA analysis to be performed for the CUP/Master Plan, leaving for Design Review all other decisions about specific uses, designs, programs, and operations in the buildings? Or is it, as some commissioners suggested, that CEQA review will be performed as each building mentioned in the CUP/Master Plan is actually proposed for construction? Note that staff asserted that Saint Mary's achieves "vested rights" upon approval of the CUP/Master Plan, which unless conditioned in appropriate ways, may leave the city obliged to allow the school's plans with little further input regarding environmental considerations. In that case, the Initial Study done at this stage could be the only review ever performed over the next 20 years regarding impacts the school's "flexible" development will have on the surrounding community.

Recall that the Initial Study with negative declaration in 1994, allowing 600 students, predicted no significant environmental impacts. Yet look how wrong the surrounding community found that analysis to be. The city's approach with the current Initial Study threatens to repeat the same mistakes.

Examples of the lack of specificity and inherent unbounded mutability are as follows:

1. Details showing present numbers or types of activities in currently existing spaces, during school day hours, after classes, in the evenings, and on

¹⁹ See Ex. 21, NAIS article on Master Planning and School Building, updated May 30, 2007.

weekends, are lacking, as well as frequency of space uses.²⁰ Similarly missing are details about planned uses of space to be added, data quantifying type and frequency of uses there, along with details showing the magnitude and intensity of future uses for spaces freed from conflicting claims on them, as well as for the new spaces/square footage. The school's 2011 application still simply alludes vaguely to "increasing scheduling flexibility" (Appn., p. 2). It remains unexplained how the school proposes to use all this added space it seeks for poorly specified additional activities not now permitted by its presently "aged and inadequate facilities such as the band room, student center snack bar kitchen, and small or inadequate classrooms." (Appn., p. 2) In the project description section (IS, p. 3), the CEQA consultant assumes no change in frequency of using resulting spaces, despite noting the large square footage increase, saying only:

"Under the proposed Use Permit, student activities would remain similar to those of today, with the opportunity to allow for more flexible scheduling. Student activities could be accommodated in more appropriate and updated facilities. Currently, activity space is limited and is shared so that multiple activities may be accommodated on campus."

It is notable that the statement is for types of activities, not quantities.

2. Not only can the public not determine planned uses, as just mentioned, it can't get much idea about functional design of the re-configured and new spaces either, other than for the music building submitted for design review. Only locations and heights of other proposed buildings in relation to existing ones appear on schematic site plans attached to the CUP/Master Plan. Floor plans showing how space inside these structures (including seating for the chapel) are now and ultimately to be configured, and the usage or alteration potentials that those configurations might allow, are undisclosed.

In the project description section, the city's CEQA consultant merely states that after approval of the CUP/Master Plan, the other major construction projects will require review of the project design. (IS for 2011 appn., Cronin, p. 9; Chapel, p. 10; St. Joseph's, p. 10; Brother's Residence, p. 11) Surely, the plan now must include design if no more CEQA review is to occur later. Further evidence of intention to defer CEQA review of various aspects of the impacts of these proposed structures appears in the geology and soils section (p. 41) and the traffic discussion (p. 77). In addition to consistent deferrals, there are many examples of ineffective wording, non-committal descriptions or assertions and undefined mitigations for

²⁰ The amended 2011 application lists "co-curricular programs" (p. 2), many of which will draw outsiders to campus, without specifying the spaces used or to be used, nor anything about intensity of uses, present and future.

identified impacts. For example, feasibility of treatment for runoff “will be evaluated” and “SCMHS will provide a signed statement accepting responsibility” (p. 50); noise issues “would need to be evaluated in a project-specific acoustical report as each individual project is formally proposed” (p. 66); the school “encourages” carpooling and AC Transit use (p. 73); construction traffic impacts “if not properly managed” (p. 78); “not expected to generate any additional normal school-day-related vehicle trips” (p. 78); chapel “will likely not be used for regular Sunday services” but “special services would occasionally be offered,” followed by a litany of other “likelys” and the school “should encourage all visitors for such events to use only on-campus parking” (p. 80); and, finally, “parents should be encouraged to use the Monterey Avenue drop-off zone, which is currently significantly underutilized” and public transit use “could be encouraged among, school students, faculty, and staff by providing incentives” (p. 82). The possible mitigations cannot be left so uncertain and/or left to later actions in this manner under CEQA.

An additional problem is the many assumptions the Initial Study makes to support its conclusions about amelioration of impacts. For example, it assumes that school monitors in the morning actually “ensure that students and parents do not use Hopkins Court” for driving to the campus without actually analyzing the veracity or efficacy of that assumption, or that the Monterey Market parking lot is used “as an overflow parking area during special events at the campus,” (p. 73), though school representatives have advised us that Monterey Market’s lot is used only one time per year, and even then is only available beginning two hours after the start of the event. It also assumes true the school’s assertion that it “has no information about the total number of students who currently use buses,” which would seem like basic and necessary information for an impact analysis (p. 74). The Initial Study also repeats the school’s continued assertion that speed bumps are an expedient available to curtail speeding on Albina Avenue, despite the fact that it has been pointed out that installing them is contrary to the City of Berkeley’s policies (p. 82). Finally, among numerous other examples of unexamined assumptions, the IS elects not to examine the assertion that Sunday services “likely” won’t be offered in the chapel.

3. Failure of Saint Mary’s to analyze present and proposed uses led the city’s CEQA consultant to make faulty assumptions, the major one of which is that no impacts on the environment will change because enrollment allegedly won’t increase. Because enrollment is irrelevant to out-of-hours use, it’s an inaccurate assumption. The limited description of uses for the music building, and linking the new parking lot with it, implies potential, perhaps a likelihood of, frequent programs drawing people to campus for events in that building (appn., p. 4) that don’t currently take place. The installation of a full kitchen along with a chapel assembly hall could allow for a number of extra events that the site is not currently capable of accommodating, but the Initial Study fails to analyze frequency, numbers of attendees, number of cars, etc. for the enlarged space compared with the outmoded music pavilion on campus now or the lack of assembly facilities.

4. The assumption that uses will just spread out and not expand is hard to believe, but it's impossible to accept that the school's expressed desire to ameliorate current conflicting uses won't at some point yield simultaneous events on campus described in the CUP/Master Plan, to say nothing of likely additional events that become possible with the addition of so many more square feet, particularly with the larger venues of the new music building and the chapel (able to accommodate 200 plus). That does not even consider possible simultaneous sports and/or non-sports events, the probability of which and impacts of which the consultant fails to consider.²¹ The IS seems to rely on the school's assertion that it won't schedule simultaneous events, assuming thereby that no mitigations are necessary. But as there is nothing in the application to prevent them from actually occurring it is necessary that the potential impacts of such events be analyzed and mitigated accordingly.

Again, the project description portion of the Initial Study lacks any analysis of the accuracy or reasonability of the basic assumption that supposed lack of enrollment change will not lead to any use changes, an assumption repeated throughout the document. The consultant acknowledged in the study for the revised 2008 Master Plan that "there may be some increase in the use of the campus after normal classroom hours, since both activities (basketball and theatrical rehearsals) could then be scheduled at the same time in different buildings." (2008 IS, pp. 8-9) Unlike the treatment given to the issue then, the consultant this time totally evades any consideration of environmental impacts of such expanded uses.

5. The revised 2008 Master Plan wasn't finite, because it said that Saint Mary's sought space with the express intent of achieving flexibility for "future program growth and development." (Rev. 2008 MP, p. 7) The 2011 application doesn't include the exact language, but continues to emphasize throughout the need for "flexibility," which we take as a likely euphemism for increased programs. The city's CEQA consultant utterly fails to examine the environmental implications of such potentials even though the project description does not rule them out. Again, the 2011 application fails throughout to explain adequately the future programs, given this legacy and continuing lack of clarity.

6. The amended Master Plan proposal a few times mentions the athletic field part of the original application to the City of Albany that also appeared in the original Master Plan Summary under consideration when the city approved permits for the field construction. It never, however, mentions the other construction projects with environmental impacts that Saint Mary's has

²¹ The gymnasium already has a capacity of 1178 and the 1995 gymnasium-auditorium 1000. (See pp. 1, 2, and 9 of the letter dated September 15, 2006 from Brother Edmond Larouche, attached as Exhibit 22.

completed in the past decade and their piecemeal and cumulatively incremental impacts, which the IS also neglects to review.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

XI. Noise

A notable defect in the Initial Study is failure to consider frequency or intensity of use for new and existing buildings as a result of the CUP/Master Plan. Absolutely no mention of evening or weekend use appears in the study. As Saint Mary's states it seeks new structures to diminish conflicts in uses, it is reasonable to assume that multiple events will occur simultaneously as space is freed in one venue and activities are transferred to a new one, despite statements to the contrary (Revised Traffic and Parking Management Plan December 2010, unnumbered p. 4, accompanying the 2011 appn.), absent appropriate mitigation. Noise that will result from those campus uses and from drawing more participants from off campus, as they travel through surrounding neighborhoods to attend the events, is ignored. The consultant states as fact, with no source or study cited: "routine use of the campus buildings by faculty, students and staff does not usually generate noise loud enough to be heard off-campus," (IS, p. 61) and then refers to noise from the athletic fields studied to be mitigated in the earlier Initial Study of the first phase of the original Master Plan. The Initial Study, however, fails to consider current noise production from the gymnasium-auditorium, or the other periodic non-athletic field outdoor gatherings of students and faculty during the school day, which most certainly do occur with some regularity, yielding notable ambient music and voices over loudspeakers. Nor does it even note the existence of events that occur from time to time at the Brothers Hospitality location, yielding significant, though so far unamplified voices from outdoor events.

Significantly, the consultant says nothing about potential noise generation (1) at the site of the proposed new chapel; (2) at the site of the new 26-space parking lot, which will be placed nearer residences at the outer edge of the campus, rather than shielded by any buildings; and (3) at the Shea Student Center, which is projected to have larger gatherings and which may have covered outdoor dining (as was put forth in the revised 2008 MP). The 2011 application stresses how the expanded kitchen facilities in Shea "will make it possible to accommodate both a snack bar and catering for occasional larger gatherings." (Appn., p. 5) The vague words "occasional" and "larger" elicited no analysis from the consultant of potential impacts.

Albany's noise ordinance exempts school athletic events, but not other school-generated noise. While the Initial Study cites an acoustic study of the existing music pavilion, the consultant failed to analyze whether the acoustic study could be considered at all comparable to noise one may reasonably expect from the new structure. It seems unlikely that testing can be considered adequately similar without analyzing the assumptions behind the sound study. For example, will the

size of the door openings be the same, does sound from the existing doors emanate in the same direction as it will from the new structure, will there be comparable size to the window openings and will they be located at comparable heights, will they be open or closed during hours of instrumental play or vocal sounds, will such sounds emanate only during regular school hours or also during evenings or weekends that would normally have lower levels of ambient noise?

Incredibly, the Initial Study states that construction work on CUP/Master Plan projects can occur on Sundays and legal holidays, and does not consider this a significant impact worthy of mitigation measures. (IS, p. 65)

Finally, this study fails to seriously consider either cumulative noise impacts from past projects in recent years with uses to be expected under the proposed projects or piecemealing of the campus development. Here, and throughout the whole Initial Study, not having inquired into current use patterns or what expected uses will be in the new structures, the study assumes away the critical issues.

XIII. Public Services

The Initial Study recognizes that “most of those using the campus are not residents of Albany.” (IS, p. 68) Focusing only on the City of Albany's public resources, the consultant assumes no significant impacts on public services in other cities or jurisdictions. However, visitors to St. Mary's have a bad habit of blocking the driveways of residents in the neighborhood. They also park in red zones, in front of wheelchair cuts, and on blind curves. When the problems are referred to St. Mary's personnel, neighbors are told to call local police to have cars towed. If, with expanded facilities, the school is able to hold more events, the problem will be exacerbated. Neither the cities of Berkeley nor Albany have the resources to commit to resolving this type of problem, and it is hard to see how they would consider such calls coming to them as insignificant, particularly if one involved an emergency.

Intensified uses, particularly potential simultaneous events, will likely affect fire and police protection needs in Albany and Berkeley. The Initial Study shows access of fire equipment is planned up Albina over the bridge spanning Codornices Creek to the portion of the campus where the new buildings will sit. (Sheet 4, Circulation & Parking Plan) If something were to happen to the bridge, there is the likelihood of a significant impact on the neighborhood surrounding St. Mary's, yet no alternative to this plan is offered in the IS. Should an earthquake or fire occur when school traffic is heavy, the absence of an alternative route would cause potentially catastrophic delays in timely access into campus or to residences on Albina or Hopkins Court.

XV. Transportation/Traffic

The consultant concludes that the proposed CUP/Master Plan construction will have virtually no impact, except during construction, on the single biggest problem the surrounding neighborhoods suffer from with Saint Mary's activities:

the traffic, parking, and speeding triple threat. It does so based on highly suspect data and reasoning. For instance:

1. The Turning Analysis relies on analysis of data collected on only one day during Easter Vacation (Thursday, 3/27/08), when no school was in session, comparing it to one day when school was in session (Tuesday, 4/1/08). (IS, p. 75) It fails, however, to take into consideration that April 1, 2008 was a Junior Class Retreat day, when a large number of the students who drive to school were not present during the day.²² Nor does it consider whether activities associated with other institutions or businesses might have made it an unwise choice as a "typical" day. It also ridiculously concludes "that some days some intersections appear to operate worse without the school in session than when the school is in session" and blames the difference on the variability of daily traffic conditions. (IS, p. 75) Obviously, a public street carries varying levels of traffic at different times and on different days, depending on conditions totally unrelated to the school (such as it being Easter vacation, when more people are potentially out and about). But when the school traffic is added to the mix, the result will always be worse, not better.²³

2. The Roadway Traffic Volumes were also measured during the same flawed time period, when many members of the Junior Class were on retreat. (IS, p. 75)

3. Both traffic and parking were measured for school impact on a single day, as if one day of data was statistically significant and could provide a basis for drawing conclusions. Neighborhood complaints about after hours traffic and parking are not primarily about regularly occurring events, such as coming to and leaving school during a normal school day. They are based on random, but frequent, events that cause the streets to be overloaded and over parked, generally in the evening and on weekends. The only way to measure this is to actually take counts on days with scheduled evening or weekend events, and to count several times to measure the impact of different types and sizes of events. For instance, a football or basketball game might have a large impact, while a volleyball match might have none. A Parents Association meeting might not bring in more cars than the parking lot can accommodate, but a class reunion, events in the expanded and more attractive Shea Student Center, in the new music building, in the new chapel, or in the enlarged Brother's Residence might overflow into the neighborhoods. The study does not examine the potential for simultaneous events. The parking measurement was taken on Feb. 4, 2008, when the only event scheduled was evening Advanced Placement testing for the 2008-2009 school year. (IS, p. 76)

²² See attached as Exhibit 23, calendar and description of what junior class retreats involve, particularly the clear implication that they occur away from campus.

²³ How could it be otherwise, if 97 percent of all traffic on Albina is related to Saint Mary's? (See Korve Traffic Study March 17, 2005, p. 11, attached as Exhibit 24.)

4. Speed Studies, as they apply here, are generally used to evaluate and determine proper speed limits and verify speed problems. The 50th percentile (where half of the traffic is above and half below the mean speed) determines the average speed of the traffic stream. The 85th percentile (speed at or below which 85% of the observed vehicles travel) is used to determine the likely posted speed limit, on the assumption that 85% of the drivers are traveling at a speed that they feel is safe. The Korve 2003 and 2005, as well as the DMJM Harris 2008, speed studies conclude that, because the 85th percentile is in the range of 25 mph, speeding is not a concern on Albina. In other words, it concludes that 17 and 18 year old drivers who FEEL safe at that speed ARE safe at that speed. It is a ridiculous conclusion, especially given the confines of the street (barely room for two cars to pass each other when there are any cars parked in the area), which the school acknowledged, as shown below, and the fact that it is not truly a "through" street (it is basically a long driveway ending up in the school parking lot), not to mention the well-known propensity of teenagers to speed. At least as early as the 2002-2003 school year, the Saint Mary's Student Handbook contained the following passage:

13.3.1 STUDENT DROP-OFF AND PICK-UP

Because Albina Avenue is narrow, Saint Mary's requests that students and parents observe a 15 mph speed limit while driving on Albina Avenue.²⁴

It is not known when nor why that passage was dropped from the handbook, but it is clear that street conditions are not better today than they were in 2002, when the school recognized the need for slower traffic. A reduced 15 mph speed limit, if authorized by ordinance or resolution in a residential district, is the prima facie speed limit in a school zone when approaching within 500 feet. (Calif. Dept. of Transportation Policy Directive, MUTCD sec. 7B.11, attached as Exhibit 26) Though as yet there has been no such ordinance or resolution passed in Berkeley, a "Slow - School" sign is posted no more than about 10 feet after the 25 mph sign, giving a bit of a mixed message, which should be resolved by drivers in favor of the slower, safer speed. It should be noted that the 2005 Korve Traffic Study reports that the posted speed limit on Hopkins Court was 25 mph. It has since been changed to 15 mph, which should also happen on Albina Avenue. (The matter has been referred to Berkeley City Councilman Laurie Capitelli.)

5. The Initial Study assumes that traffic outside of peak periods is not school related, which is incorrect. Albina Avenue residents observe that almost all traffic on the street is related to Saint Mary's, not only on school days but also on other days, and the Korve traffic analysis confirms that fact. Use of the campus is

²⁴ See attached as Exhibit 25, a letter dated April 17, 2003 from Brother Edmond Larouche, pp. 1, 4, together with his attachments of the letter to parents from the dean of students about driving carefully and the page from the 2002-2003 Student Parent Handbook containing the above-quoted passage.

now virtually unlimited, and constant campus-sponsored activities, combined with the school's expressed desire to have an open campus that can serve as a "sanctuary" for students at all times, draw vehicles. Albina also serves as the access road for almost all deliveries, visitors, sales calls, etc. Again, the 2005 Korve Traffic Study, which is Reference #5 in the Initial Study, states that "School traffic was approximately 97 percent of traffic on Albina in 2005," up from 70 percent in 2003.²⁵

XVII. Mandatory Findings of Significance

Because the consultant assumes "no substantial increase in use of the campus relevant to current use patterns," (IS, p. 85) cumulative impacts were not studied. Cumulative impacts of past projects, from 1994 onward, weren't even considered with the proposed CUP/Master Plan projects.

²⁵See IS Reference #5 (SMCHS Traffic Study by Korve, March 17, 2005, p. 11, Ex. 24 above).

May 14, 2007

Jeffrey Bond
Planning and Building Manager
City of Albany
1000 San Pablo Ave.
Albany, CA. 94706

Subject: CEQA Comments on Initial Study – Saint Mary's College High School Athletic Field Renovation Project

Dear Mr. Bond:

We live at 1304 Albina Avenue near the Albina Avenue gate of Saint Mary's College High School (Saint Mary's). The backyard of our apartment is adjacent to Codornices Creek and Saint Mary's southern boundary. Our comments are provided pursuant to the California Environmental Quality Act (CEQA) and our interests as neighbors of Saint Mary's.

We have lived here since 1992. We have concerns with traffic, parking, noise, loss of raptor and wildlife habitat, security, and cumulative flood risks which could occur with the proposed major athletic field renovation project. Our detailed comments are enclosed.

We note that there are already long-standing issues with traffic, parking, and noise. We fear that the proposed project will exacerbate these existing problems, and note that there have been recent incidents of parked cars damaged by cars exiting Saint Mary's at the Albina Gate and the lack of parking during school functions. We would have significant concerns with any increase in event frequency, size, and evening hours; student enrollment; and associated expansion of school facilities and infrastructure.

Although we requested a copy of the Initial Study in our comments on the NOP, we were only notified of this document through the Peralta Park Neighborhood Association. It is a concern that the City of Albany has failed to provide sufficient outreach to those who may be adversely affected by the project and with an interest in planning actions taken in regards to Saint Mary's College High School.

Please send us a copy of future environmental documents for this project, the City's final project decision, and notices of future planning actions regarding the school.

Sincerely,

/s/

Laura Fujii
Robert Wilkinson
1304 Albina Ave. Apt. #1
Berkeley, CA. 94706
fujiiwilkinson@yahoo.com

Comments on Initial Study of Athletic Field Renovation Project, Laura Fujii and Robert Wilkinson, 1304 Albina Ave. Apartment 1, Berkeley, CA. 94706
May 14, 2007

1. The need for this extensive renovation of the existing athletic field is not clearly stated or demonstrated. For instance, there is no evidence that a less extensive or invasive replacement of the old track would not be sufficient to meet the goals of Saint Mary's, especially since the Initial Study claims that the level of use would not substantively increase.

Recommendation:

We recommend subsequent environmental documentation for the Field Renovation clearly describe the need and purpose for these extensive renovations. Why are the field renovations needed now and at the level of intensity proposed? What are the reasons and purposes of the different project components? Is this extensive renovation consistent with the anticipated Master Plan and school goals and vision?

2. We are very concerned with the potential for displaced traffic during construction and as a result of additional playoff and league games. There are a number of small children and elderly who reside on our street. Incidents of damaged parked cars and pedestrians or bicyclists who were almost hit by speeding cars have already occurred. The Initial Study does not appear to evaluate the risk of traffic displacement during construction or of impacts of increased event traffic from additional games. We note that the renovation may involve up to 270 dump truck loads of dirt movement (p. 2).

Recommendation:

Subsequent environmental documentation should evaluate the risk of traffic displacement during construction and the potential increase in traffic from the additional playoff and league games.

Given the existing issues with the level of traffic and speeding, especially during school events, we urge the City of Albany and Saint Mary's to implement alternative transportation measures. For instance, transport other teams and families in buses or vans, provide a shuttle connection to BART, and encourage carpooling.

We also urge the City of Albany to work with the Berkeley Planning Department to implement additional traffic calming measures on Albina Avenue, such as a stop sign at the intersection of Albina Avenue and Hopkins, a small traffic island or stand-up markers in the intersection of Albina Avenue and Hopkins Court (see orange markers on Hopkins by Martin Luther King High School athletic field), and a stop sign at Saint Mary's Albina Gate bridge going into Albina Avenue.

3. Parking is a major concern for Albina neighbors. It is virtually impossible to find parking on our and surrounding streets during school events. As a result, the elderly and families with young children are forced to park several blocks away and walk to their homes; and later re-park their cars after the end of the event if they want easy access to their cars in the morning. This situation was especially aggravating when Robert had major hip replacement surgery and then colon surgery which required close car access to our apartment. Robert had to be dropped off or picked up as a separate action from parking the car. Finding parking would take 10-15 minutes of searching.

Recommendation:

To alleviate the parking problem, we urge the City of Albany and Saint Mary's to implement alternative transportation measures during school events, including non-athletic events. For instance, provide a shuttle connection to BART and encourage carpooling and other forms of access to the school (bus, walk).

4. We are also concerned with noise, especially of students and families accessing the athletic events via the Albina Avenue Gate. Sometimes, the celebrations, cheering, and general rowdiness of games and events can be quite loud and disruptive.

Recommendations:

We recommend approval of the athletic field renovation include the following clearly stated requirements:

- Restriction on the size, frequency and times for events,
- Mandatory implementation of identified measures to reduce activity noise levels--move starting line, evaluate quieter sources of starter noise, minimize use of whistles, re-orient the loudspeakers to minimize amplified sound (p. 62), and
- Mandatory noise analysis of the final new public address system to ensure that sound levels do not exceed, and in fact improve (as stated in the Initial Study), those generated by the existing system (p. 63).

5. Residences about the school campus and are in close proximity to the Field Renovation project site or roads that will be used by trucks and construction equipment. Children, students, the elderly, and other sensitive populations could be exposed to emissions from diesel engines that emit large amounts of nitrogen oxides and particulate matter, both known to contribute to serious public health problems. We note that the Federal Clean Air Act Diesel Rules may soon be in effect (Final Rule, Federal Register Volume 69, Number 124, June 29, 2004; <http://www.epa.gov/cleandiesel>).

Recommendation:

We recommend subsequent environmental documentation describe the requirements for the control of emissions from the diesel fleet and specific measures to avoid, minimize, and mitigate neighborhood exposure to diesel emissions.

To minimize air emissions, we recommend a commitment in subsequent environmental documentation and project approval to use of the cleanest on-road vehicles available and the most recent pollution control equipment for all off-road equipment, use of electrical power for all stationary equipment, reduction of haulage miles, and scheduling to minimize the overlap of emission producing activities in the neighborhood.

6. It is unfortunate that Saint Mary's and the City of Albany Planning Department chose to approve this project prior to completion of the over-arching Master Plan process. Prior approval is not sufficient rational to proceed with a project if it is clearly tied to the Master Plan. We believe implementation of the Field Renovation project prior to finalization of the Master Plan runs the risk of lost sunk costs and the construction of a project which may not adequately meet Master Plan goals. Proceeding with the separate field renovation project environmental analysis and implementation could also be construed as piecemealing linked projects.

Recommendation:

We recommend subsequent environmental documentation for the Field Renovation be tiered from the completed Master Plan. If the project and its environmental analysis proceeds prior to completion of the Master Plan process, its environmental documentation should clearly demonstrate that the field renovation project is separable and not inherently linked to the Master Plan or its parts.

7. The Initial Study states that drainage from the project site ultimately drains into Codornices Creek (p. 16). This creek is known to support sensitive anadromous fish and important riparian habitat. The Field Renovation proposes to replace the existing grass field with an impervious synthetic turf field. The Initial Study clearly states that it is highly likely that the renovations described within the anticipated Master Plan will increase permeable surface areas and storm water runoff (p. 43). We are concerned with the direct, indirect, and cumulative increase in drainage and contamination flowing into Codornices Creek.

Recommendation:

We recommend subsequent environmental documentation include a more detailed description of the existing and proposed drainage system and the measures taken to avoid and minimize adverse water quality impacts in Codornices Creek. We recommend that the updated Stormwater Pollution

Prevention Plan and monitoring and implementation plan be included as an appendix.

8. Removal of the existing eucalyptus trees along Posen Avenue is proposed due to safety and maintenance concerns (p.2). We note that other attempts to remove eucalyptus at Saint Mary's (i.e., along the banks of Codornices Creek) and in Berkeley (i.e., Strawberry Canyon) have had limited success.

Recommendation:

We recommend subsequent environmental documentation include additional information on anticipated removal methods, the potential use of herbicides, and the possibility for slope instability caused by the removal of large tree root balls. We note that there are chemically sensitive individuals who may have adverse and life-threatening reactions to the use of herbicides near the school boundaries.

Anne Hersch
City Planner
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

July 3, 2012

Subject: Comments on Saint Mary's College High School Use Permit Application (April 2011) and Initial Study to Allow Construction of New Building Space and Alterations

Dear Planning and Zoning Commission members and Anne Hersch:

Please consider these comments as you evaluate the St. Mary's application for a new Conditional Use Permit and Initial Study for Mitigated Negative Declaration (MND).

- 1. The rain garden will negatively impact Monterey neighbors and the creek.**
The 2,500-sq. ft. "rain garden" intended to absorb runoff from 14,000 sq. ft. of new roof and 24 cars' worth of new paved area (p. 79) poses potential problems, not fully addressed in the document. First, we near the creek are already within a FEMA flood zone, and this water runoff system will only make that flood threat worse. Second, the water table is very near the surface at our property at 1284 Monterey Ave.; in continuous wet weather our basement floods unless our sump pump runs constantly. More water saturating the dense slippery clays (p. 8) in this area will only make this problem worse, as it will for our neighbors. St. Mary's campus is entirely uphill from our property, so all the water from St. Mary's grounds will flow towards our property, other properties along lower Monterey, and the creek (p. 8). I am concerned about flooding, a soaked yard, and a wet basement, in spite of assurances to measure basement elevations. Third, the planned system simply does not seem sufficient to deal with the runoff from such a larger new non-absorbing area (pp. 52-54). Fourth, no matter how the rainwater enters the ground, some significant amount of it is going to end up in the creek, whether over a spillway, through pipes, or through groundwater. So impacts on the creek need to be analyzed fully and scientifically, not explained away as not likely to occur.

The document says "most of the detained runoff will be infiltrated back into the ground" (p. 5). That means in our water table, and likely in our basement. The map (p. 6) shows the retention area as within inches of our property line, and within approximately 25 feet of our house, where our basement gets very damp. This will similarly affect the property at 1292 Monterey, and likely the two properties south of that. I do not think this issue has been adequately analyzed in the document.

I further wonder about mosquito and other pest issues that will arise from so much retained and standing water and damp ground. Mosquito abatement is a significant city concern, isn't it?

As the rain garden will be within the boundaries of the City of Berkeley, Berkeley's planning department should be much more involved than it currently is. It is incumbent on St. Mary's and the City of Albany, not the neighbors, to involve Berkeley. The document indicates a ministerial building permit will be required from Berkeley, but has Berkeley done a substantive evaluation?

- 2. St. Mary's should reduce on-campus parking, not increase it.** Considering alternative and nearby convenient mass transit options, there is no need for St. Mary's to increase parking on campus by 24 spaces through Albina. Encouraging student and staff driving increases pollution and use of fossil fuels, encourages congestion, adds to noise, traffic, and parking problems, and impacts the neighboring houses and businesses, mine included at 1284 Monterey Ave., with light, noise, reduced natural landscaping, 22,500 total sq. ft. of asphalt parking space, and the like. Albina is already overloaded with traffic and should not be forced to handle more. And I don't appreciate looking out my back window and seeing the current parking area, much less an enlarged one.

The need to reduce parking specifically, and car trips to campus generally, is especially important given the requirements of the City's Climate Action Plan, slated to go into effect in 2015. The St. Mary's document does not address this angle at all.

- 3. St. Mary's should reduce car trips to campus through buses, BART shuttles, and incentives to students and parents.** With the transportation options available in the Bay Area, St. Mary's should be pushed by the City to establish shuttle vans from North Berkeley BART, more AC transit service to complement the 668 route, and work with students, staff, faculty, and parents to decrease car trips and increase the use of mass transportation, bicycles, and other alternatives. St. Mary's can and should work with its students, staff, faculty, and parents in this way for the good of the community, as Head-Royce and other private schools do. It should be part of the student/parent "contract."

St. Mary's should use Posen, non-rush-hour-side AC bus stops at Monterey/Hopkins, and other low-impact locations for pick-up and drop-off, to reduce the impact on Albina and the Monterey gate. High school kids can safely cross the street at crosswalks, and should not be troubled by a short walk to campus. Residents next to the school should not bear the brunt of this noise, traffic, and distraction so disproportionately.

- 4. St. Mary's provides more parking than any other local school.** St. Mary's has approximately 600 students. It has 173 current spaces (127 on-campus, 44 on Posen); the current ratio is 1 parking space for every 3.4 students. With 24 added parking spaces under the plan giving total parking including Posen of 197 spaces, that ratio will be 1 space for every 3.01 students. That is an outrageous ratio

compared to the numbers below, and even when considered in absolute terms, in an era of environmental sensitivity and decreasing resources.

By way of comparison, the parking space/student ratio for other area schools includes (numbers gathered in 2006):

- Albany High: 1,220 students, 0 provided spaces. Unmonitored street parking for students, faculty, staff.
- Berkeley High: 3,000 students, 300 spaces, none for students. Essentially no street parking. Ratio 1 to 10.
- Berkwood Hedge: 96 students, 7 spaces. Ratio 1 to 13.71.
- Crowden: 76 students, 18 spaces. Ratio 1 to 4.22.
- El Cerrito High: 1326 students, 20 spaces, none for students. Ratio 1 to 66.3.
- Prospect Sierra: 485 students, 25 spaces. Ratio 1 to 19.4.
- UC Berkeley: 31,600 students. Total spaces: approximately 6,000 on and off campus. 3,400 spaces for use by faculty, staff, and students. Ratio 1 to 9.29.
- Head-Royce: 800 students, an uncertain number of spaces, but looks to be about 75 on campus, for a projected ratio 1 to 10.6. Head-Royce is proactive in its dealings with neighbors on parking, traffic, and noise and actively reaches out to parents and students to be good neighbors and citizens, as well as enforcing this policy with consequences. This is a model St. Mary's should emulate, at the City's direction. The Head-Royce "Big 10 Driving Rules" are posted on its website at <http://www.headroyce.org/page.cfm?p=2467>

5. The City of Albany should involve the City of Berkeley. Although St. Mary's is officially and geographically in Albany, in fact more than half the impacts from St. Mary's activities are felt in Berkeley (for example, the entirety of the rain garden). As the City of Albany is the lead agency under CEQA, it is incumbent on the City to involve other affected agencies and governmental entities. Thus, Albany (and St. Mary's) should actively reach out to Berkeley for its input and coordination on traffic, noise, parking, and environmental issues on the St. Mary's MND, rather than depending on the surrounding neighbors to do so, which has been the de facto policy.

6. The environmental document is inadequate to judge the project. The information, history, current uses, and projected uses are covered in such minimal detail and a vague, conclusory fashion in the IS and MND that it is not possible for the Commission, Planning Department, and concerned neighbors to properly judge what has occurred in the past, what is proposed, and what the projected use levels are for the future. The Commission, not the neighbors, should demand that St. Mary's prepare a thorough evaluation that allows for a full review. St. Mary's may be the applicant, but the Commission is the gatekeeper, and must ensure St. Mary's adequately addresses or mitigates issues and concerns, not currently the case in the document.

It defies logic that a 30% increase in floor space (13,400 sq. ft. in the music building, 4,400 in the chapel, 14,000 in St. Joseph's Hall) and 24 new paved parking spaces on campus amounts to essentially a finding of "no significant impact," the purpose of a Mitigated Negative Declaration. Further, such an increase in square footage brings fears of induced growth, if not through current increased enrollment, then through future increased enrollment requests and greatly increased summer and other non-academic uses of campus, all of which impact the neighborhood in times we feel entitled to peace and quiet, and which fall outside the definition of 600 enrolled students.

- 7. The City must restrict the chapel to school-oriented events.** A significant worry for neighbors is how St. Mary's will use the new chapel. St. Mary's is a school, not a public church of community worship; at 4,400 square feet and 40 feet high, the chapel is three times as large as my house. We worry it will be used, whether rented or loaned, once built, for non-student activities including weddings, memorial services, religious holidays, and the like. The Commission must ensure its use is restricted to campus events for students, as are currently conducted elsewhere on campus. It must not become a rental venue.

Thank you for considering these items and forwarding to the Planning and Zoning Commission.

Andrew Watry
1284 Monterey Ave.
Berkeley, CA 94707

July 5, 2012

Albany Planning and Zoning Commission
1000 San Pablo Ave.
Albany, CA 94706

Re: St. Mary's Conditional Use Permit Application

Commissioners:

I have read the Application for Use Permit filed in April 2011 by St. Mary's College High School, and I have several concerns about its contents. I live at 15 Hopkins Court, right at the curve, and my backyard extends to the creek, directly across from the area behind Vellesian Hall. Current conditions involving the school are far from ideal for me, and I am afraid that they will only get worse with the proposed construction. The Initial Study/Mitigated Negative Declaration (IS) does not appear to consider items that I feel will affect the neighborhood negatively. The items that I am concerned about are as follows:

- 1.) I currently can see the parking lot lights from my home, so the addition of more parking and night lighting is troubling, particularly since it will be located at a high point on the St. Mary's site where it will be highly visible. The current parking lot is not landscaped or screened, and the new lot will be even more visible. I found no mention in the IS of mitigating the visual impact of the lot from the residential properties to the south, only those to the east.
- 2.) The IS mentions removal of four acacia trees on the property, but it doesn't specify which ones. As there are older acacias along the creek which at present provide significant screening for my property, I am concerned about this lack of specificity. Should any of those trees be removed, I will be negatively impacted by the straight on views of the parking lots and the music building.
- 3.) Because visitors to St. Mary's are not aware of driving restrictions, specifically the prohibition on using Hopkins Court as an access road to St. Mary's, the lack of description of the uses of the new chapel concerns me. If we don't know all the purposes to which the school will put the chapel, how is it possible to determine the impact of that huge new building? If events at the chapel aren't restricted to the events that are already held on campus, then the likelihood of increased traffic and noise rises dramatically. Hopkins Court can barely handle the traffic and parking of the people who live on the street; when outsiders come to campus, we regularly find our driveways blocked as well as people parked on the blind curves and in red zones.

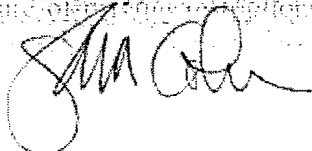
It is quite unsafe when this happens, yet there is nothing in the IS that even acknowledges the possibility that it could occur. Any new buildings on the campus that would potentially bring non-students to the school would increase traffic to the neighborhood.

- 4.) I am concerned about the additional parking lot increasing the lot coverage at the school. The Grading and Drainage map indicates that the increased runoff would be added to the existing storm drain system which exits to the creek, across from the rear of my property. Although there is a proposed "Rain Garden" or "bio-retention facility", the increased water flow during winter storms will impact the amount of water draining into the creek and could also negatively impact my property (as well as others on Hopkins Court) as well as raise the level of the creek during the storms.
- 5.) I am also concerned about emergency vehicle access in a fire emergency since impairment to the bridge might pose a greater risk to my home if a fire were to break out in school structures close to the creek. There seem to be no alternate emergency routes specified.

I feel the neighborhood has reached a saturation point in its ability to absorb impacts from expansions of St. Mary's High School. If the addition of large buildings that have unrestricted uses, as appears to be the case with the chapel and the music building, in any way would ease the way to eventual increased enrollment at St. Mary's, I would oppose construction of the facilities. The IS is deficient in that it does not evaluate the possibility that these proposed structures, in fact, would induce growth. Instead, it concentrates on the fact that St. Mary's has not requested an enrollment increase with this application. I do not feel that it is enough, and that we need to be assured that the school will not have an easier time of getting approval for an enrollment increase because the facilities are in place to handle it than it would have if the facilities had not been built.

It is my opinion that the IS needs more details. Until more information is provided, I oppose the St. Mary's CUP application.

Sincerely,



Sara Cohn
15 Hopkins Court
Berkeley

July 5, 2012

Anne Hersch
Albany City Planner
1000 San Pablo Ave.
Albany, CA 94706

Dear Ms. Hersch,

Over the past several years, the Peralta Park Neighborhood Association (PPNA) has requested that St. Mary's College High School provide usage figures for facilities on campus in order to be able to establish a baseline against which future growth can be measured. Each time the school has responded that all the relevant information is contained on the school's website calendar and on the mailers sent to residents within a 300' radius of the school. Therefore, PPNA accepted responsibility for compiling the data so that it would be available for use to evaluate the impact of any expansion contained in an application for a conditional use permit. This letter transmits that data.

We were able to pull calendars dating from January 2010 through August 2012 from the school's website. Monthly calendars were available for the 2012/13 school year, but it was deemed too early to consider these an accurate reflection of all scheduled events.

We then matched the website calendars against the semi-annual mailers and the postcards that had been sent out by the school over the same time period. In almost all cases, the calendars contained a more complete listing of events, but it was not generally possible to tell from that source whether the events would result in a large number of people driving to campus. The semi-annual mailers more consistently noted that an event would be considered major, which we understand to mean that parking will overflow that which is available on campus.

However, to verify our findings, Donna DeDiemar of PPNA contacted Herman Shum, Vice Principal of Student Affairs, provided a list of events, and asked that he indicate which ones were considered major. All were events that were either denoted as major on the calendars/mailers, had been reported to neighbors orally as major, or were obvious from their descriptions as major. The email exchange between Ms. DeDiemar and Mr. Shum is attached.

Also attached is the month by month listing of activities on campus showing which ones occurred in 2010, 2011, and/or 2012 (through August). Though athletic events may, in fact, be major (particularly football games), please note that they are not included on this list unless they occurred on a weekend or evening and are not listed as major in any case. Therefore this list is not a reflection of the total number of events which overflowed into the neighborhood.

Our reason for wanting to establish this baseline list is clearly underscored by St. Mary's current CUP application. The school has offered to limit major non-athletic events to a total of 10, which is 25% more than it currently and historically has had. It is clear evidence that it does not require an increase in enrollment for there to be an impact on the neighborhood, but without knowing baseline the changes cannot be evaluated.

Sincerely,


The Peralta Park Neighborhood Association

1312 Albina Ave.
Berkeley, CA 94706
July 4, 2012

REC'D JUL 06 2012

Anne Hersch
City Planner
City of Albany
1000 San Pablo Ave., Albany, CA 94706

Dear Ms. Hersch,

I would like to submit the following comments about the proposed project at St. Mary's College High School. The likelihood of an increase in traffic, noise, and congestion in my neighborhood, as well as the real possibility that St. Mary's will ultimately take advantage of all its new space by applying for an increase in enrollment, is of real concern to me since I am handicapped.

I must be able to park very close to my front door to be able to negotiate the distance between my car and home. The closest street parking is not close enough. I must use my driveway. During events when non-St. Mary's people are drawn to the campus, I face the very real possibility that my driveway will be blocked. This is disastrous for me, as I can't get to my home if that happens. Because of that, the proposed chapel, with no restrictions on its type or time of use, is a direct threat to my well-being.

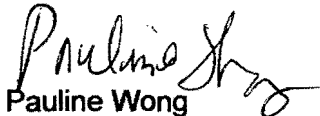
I also face the possibility of not being able to exit my driveway under these circumstances. It is very difficult for me to rotate my body, so having to back out into constant traffic is hazardous. I realize that, as the driver, it is my responsibility to make a safe entry onto the street, so increased congestion caused by additional activities at St. Mary's threatens to hold me hostage in my home.

If the chapel is used for events outside of normal school hours, and should it draw people unfamiliar with the neighborhood and the limited parking in the area, the chances of my being barred from my residence, or confined to it, by people who park badly goes up as the number of events goes up.

In addition, the street congestion, noise from slamming car doors, noise from people walking down the street and talking loudly after an event, noise from trucks coming and going in preparation for events, amplified noise - all these things are worrisome.

I do not see that these potential problems have been analyzed in any way. It is important that I know how the City of Albany will make certain that this expansion will not be full of unintended consequences because no one bothered to really think through how and when the new facilities would actually be used. I have the same concern over the new Music Building, or any other structure that will increase traffic and/or parking on Albina Ave.

Sincerely,


Pauline Wong

Planning and Zoning Commissioners
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Re: CEQA Initial Study/Mitigated Negative Declaration of St. Mary's College High School 2011
Application for a Use Permit

July 6, 2012

Commissioners:

I am writing to express my deep concern over the latest proposed development of St. Mary's College High School (SMCHS).

When I bought my house on Albina Avenue in 1994, what I was looking for was a little house on a quiet, safe street. Albina Avenue was perfect: a virtual dead-end, within walking distance to BART, with large trees and modest homes. It was the street where people came to walk their dogs, teach their kids to ride a bike or skateboard, or to wander over to talk with their neighbors with a cup of coffee in hand. In other words, it was an oasis of calm just off the busier streets of Hopkins and Gilman.

1994 was also the year the decision was made to open up the Albina Avenue gate to the school to access the new paved parking lot (required as a condition of the 1994 expansion) and the installation of a "small traffic circle".

None of the neighbors at that time had any inkling of what that change would mean, and the as-yet still unmitigated problems it would bring to our small, formerly dead-end street. Now almost 20 years later, I find myself sitting in the Planning meetings listening to our newer neighbors repeating the same concerns, and making the same polite suggestions that we started with so long ago, and that have still not been adopted. In fact you can identify how long someone has been in the neighborhood by the amount of exasperation and/or cynicism expressed during their public comments.

In my opinion, the decision to route the majority of St. Mary's traffic down a small street like Albina Avenue was one of the worst ever in terms of the impact on the neighborhood. Basic site planning covers the idea that locating the entrance to a high school on a small residential street will cause a tremendous impact compared to locating it on a street which already carries more through traffic.

If 97% of the traffic on the street is generated by St. Mary's, as cited by the Korve study in 2005, that is not a negligible impact, and as someone pointed out in the recent hearing, some of the measures that were supposed to mitigate this disaster were never, for a number of reasons, implemented. Therefore the neighbors are still dealing with effects of these previous expansions in a way that we were not supposed to have to do.

To those who would cite the fact that a school has been in this location for a hundred years and we knew that when we bought our homes here, I would respond that it was a very different school then. It is like arguing that someone who bought a homestead next to an empty field where they gave glider lessons on weekends should not be surprised to find themselves, after a few years, living next to LAX.

During the campus planning stage back in the early 90's a decision could have been made to access the campus from the Posen Street side and to have a road to the parking lot cross the school grounds, thereby limiting the effects on the neighbors. Of course that would divide the campus in two, and bring noise, pollution and dangers to pedestrians into the quiet of the campus space; in other words, exactly what the school has brought to our quiet and park-like neighborhood. It's no wonder such a plan was never proposed or implemented. Who would agree to such a thing?

The above example, while possibly absurd, does speak about the way the school is willing to forge ahead with its mission without making much of an effort to contain within its own boundaries the negative effects its growth brings to the surrounding neighborhood.

During the construction of the new playing field, for example, did the school explore an option for constructing the playing surface so that it could be used for parking during large, non-sporting events, so that the parking problems we experience on our streets during those events could be minimized? In spite of our many previous suggestions, has St. Mary's ever added language to its Student/Parent Handbook that lays out strict, enforceable conditions for the privilege of driving to campus, as the Head-Royce School does? Has the school been willing to limit the option for teens to drive off-campus at lunch, thereby immediately reducing the rush of lunchtime traffic on Albina?

If the school receives 4 applicants for every opening, it would seem that they have considerable leverage to control driving and parking behavior of their students and parents, should they choose to make it a condition of acceptance.

Why won't they do these things that would bring some relief for the neighbors and possibly bring about an atmosphere of increased trust and willingness to work together? Is it fair and right that one property owner should be able to negatively affect the lives of so many other residents?

Commissioners, you currently have the opportunity to direct and limit some of the St. Mary's juggernaut of expansion that threatens to further erode the livability of our neighborhood. I respectfully ask you to consider the following:

- 1) The residents of Albina Avenue and Hopkins Court are still dealing with parking, traffic and noise issues that were never properly mitigated in the first place.
- 2) Albina Avenue, at 32' wide and with a blind curve, is an insufficient and inappropriate conduit for accessing the high school and the many activities already held on campus.
- 3) Any building proposal, including more parking spaces, that increases vehicle access to the campus via Albina, especially during evenings, weekends and summers, will place a further and unfair burden on residents, who have a right to expect that the quiet and peaceful

surroundings that we moved here for will be maintained for all of us, including staff, students and visitors to the school, to enjoy.

Since we can't go back to change previous planning decisions, I ask you to please carefully consider any proposals for more buildings and events, and to ensure that any approvals come with strict, measurable and enforceable conditions regarding traffic, parking and frequency of events, so that our lives are not further disrupted, and now at times that we had previously thought of as safe from school traffic and parking.

Unless some restrictions and strict conditions are placed on the expansion plans of the school, I predict that 10, 15, and 20 years into the future, Planning Commissioners and Staff, neighborhood residents, and school representatives will still be hiring consultants, writing letters and spending countless hours at meetings, trying to resolve an untenable, and possibly irresolvable situation.

Thank you for your consideration of my point of view.

Respectfully,

Lisa Friedlander

Planning and Zoning Commissioners
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

July 6, 2012

Dear Albany Planning and Zoning Committee;

My name is Lori Copan. I am a resident at 1325 Albina Avenue in Berkeley. I have lived on Albina Avenue for more than a decade. Throughout the years I have attended a number of Albany Planning and Zoning meetings in which neighbors, including myself, have complained about the impact of traffic related to regular operations at Saint Mary's College High School (SMCHS), as well as to events held outside the school day.

It is astonishing to me that after a decade of dealing with the issue of traffic, speeding and parking on Albina, the school has yet to adequately address and mitigate this problem. Section XVI. Transportation/Traffic, of the Initial Study of Potential Environmental Impacts, falls short of truly reducing the existing problem and fails the concerns of Albina neighbors.

I want to be clear in stating that despite attempts to address speeding, traffic and parking on Albina in the past, previous CUPs designed to mitigate the problem, have clearly NOT WORKED. Therefore, conclusions of "no additional impact" fall short, as any resident of Albina Avenue will tell you that they are presently impacted.

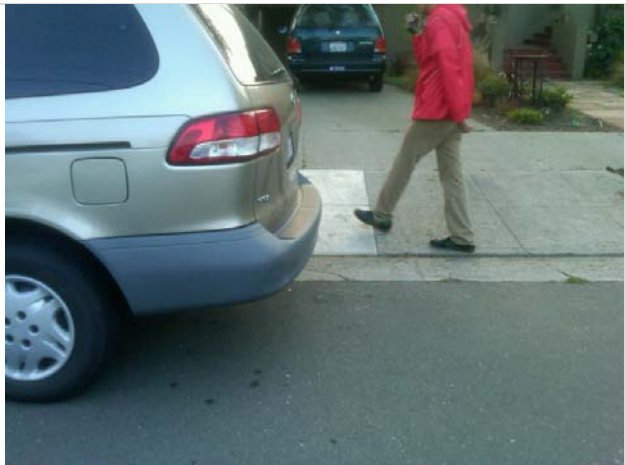
Albany Planning and Zoning must include a CUP mitigation measure that obligates SMCHS to perform calming measures for traffic, speeding and parking during regular school hours and ANY TIME an event is held at the school. As an illustration of this need, on Tuesday evening April 24th, SMCHS held a college fair (100 college representatives and parents were invited). Though neighbors received notification of the event, no school representative was posted in the neighborhood to preventing attendees from blocking driveways and creating a hazardous and frustrating situation in the neighborhood. Please see photos below:



Already narrow driveway blocked on Albina Ave during the event



Car parked over red zone at curve on Hopkins Court creating hazardous situation



Another driveway blocked on Albina

Following this event, members of the Peralta Park Neighborhood Association approached the school and reached agreement on safeguards the school would put into place when a large event is planned in order to prevent a similar situation from occurring in the future. There is no mention of this agreement anywhere in the current document. I request that this traffic and parking calming agreement be formally included as a condition in SMCHS's CUP.

Not only have SMCHS Albina neighbors had to initiate an agreement with the school to address parking concerns during events, in 2012 we have also posted our own signs along the street to petition drivers to slow down (see below). According to the 2005 Korve Traffic Study, average all-day speeds at the 50th percentile are 19mph and at the 85th percentile 25 miles per hour. These speeds are perceived by neighbors as being too fast for Albina Avenue. I would like to request that the City of Albany work with the City of Berkeley to reduce and post speeds of 15 mph on Albina and for this measure to become a condition for approval. There is precedence for this. As recently reported in the San Francisco Chronicle, San Francisco has followed the 2009 change in the law and has instituted 15 mph speed limits in school zones throughout the city. Additionally, with reduced speeds, the school should post at the beginning of each semester a speed measurement unit to provide feedback to drivers on their velocity.



Additionally, I'd like to make a few comments on existing mitigation measures quoted in the Transportation section of the Study.

- The school representative “posted at intersection of Albina and Hopkins Court (to monitor traffic speed, noise level, and student behavior and to ensure students and parents do not use Hopkins Ct...)” is completely ineffectual for decreasing speed the first 2/3 of Albina between Hopkins and Hopkins Ct. where my house is located. I would term this person as more of a ‘greeter’ than a monitor. In fact, on numerous occasions when out walking my dogs when the “monitor” is on duty, I’ve witnessed

cars using Hopkins Ct. to arrive and leave the school area. The monitor has never once stopped cars to reinforce the rules. I would like to request that the a condition be included in the CUP obligating the school to post a monitor closer to the Hopkins entrance on Albina, as well as at the Hopkins Ct. entrance. In addition, the monitor should be obligated to stay until at least 8:05. Currently the monitor leaves the Hopkins Ct./Albina post a few minutes before 8:00am exactly at the time when parents and students who are arriving late to school speed down the street. This condition should also be applied to the lunch time period and after school.

- Also, the document mentions the use of Monterey Market used as overflow parking. Monterey Market is open until 7:00pm, Monday through Friday, and until 6:00pm on Saturday and 5:00pm Sunday. Most school events, such as the college faire described above, begin between 5:00pm and 7:00pm. Since drivers begin to arrive at the school via Albina and Hopkins Ct. in advance of an event, the idea that Monterey Market is a viable alternative is erroneous. In fact, the only major event that I am aware could use the Monterey Market lot is the Crab Feed, which begins at 5:00pm on a Saturday, and even that event can only use the lot for extremely late comers.

In conclusion, the mitigation measures outlined in the Initial Study of Potential Environmental Impacts grossly underestimate current traffic impacts experienced by neighbors on Albina Avenue and the IS poses no additional mitigation measures to quell present and potential future impacts that would be experienced by new construction and additional parking. In summary, I am requesting the following conditions be added to the CUP:

- Inclusion of the recent agreement reached between SMCHS and PPNA to prevent a reoccurrence of traffic issues experienced on April 24th;
- Reduction of traffic to 15mph with a mechanism for velocity feedback to drivers at various intervals throughout the school year;
- Placement of traffic monitors towards Hopkins in addition to at Hopkins Ct. in the morning, at lunch, after school and during events;
- Enforcement of previous CUPs such as preventing the use of Hopkins Ct.

Thank you for your consideration,

Lori Copan

CITY OF ALBANY

JUL 05 2012

July 5, 2012

COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Commissioners and City Planner,

I am attaching my letter from 2008 to demonstrate some ongoing questions and issues in the hopes that mutual agreements are not vague nor incomplete. One primary concern that continues to resurface and which has been pointed out numerous times by the commissioners and neighbors alike, is that there are no consequences to not following the agreement. "No teeth," is how the City of Albany Planning and Zoning Commission (P&Z) has described it. (Please see page 4, Field Use for recent examples.) It has been suggested in the past that violations affect enrollment or use. Surely, if the school intends to follow the agreements, there can be no legitimate objection to adding such conditions.

To distill down my concerns in a nutshell, with many lingering issues left on the table, the current proposal substantially increases the square footage available which could easily parlay into increasing the number of activities possible and therefore result in increasing noise, traffic, and parking to the surrounding neighborhood. (For the record, concerns listed within each of the following sub-headings are not limited to the respective buildings but may be most salient in conjunction with the respective buildings' uses.)

THE MUSIC BUILDING

During the normal school day there is certainly ambient noise but even SMCHS website describes our neighborhood in the following way: "the Saint Mary's park-like campus is located in North Berkeley and occupies a beautiful 13-acre site tucked inside of a quiet residential neighborhood." SMCHS advertises the quietude of the surrounding neighborhood as something that contributes to the quality of the school. The school does not contribute to that quietude; it detracts from it. While it is reasonable to have some noise intrusion during the school day, it is unreasonable to continue it into the evening and on weekends. No neighbor should have been required to anticipate that SMCHS' would one day build a state of the art music building or increase field use or add any other project, and that therefore the neighbors are expected to suffer the consequences of whatever use the school wishes to add or change.

The Music Building application should state exactly how the building will be used outside of the normal school day and how often, its hours of operation, whether vocal, instrumental, or recorded music (for dance) will be allowed simultaneously, whether audiences will ever be present, the maximum number of events to held there including rehearsals and performance, and any additional data that might relevantly and reasonably provide for an accurate evaluation of the project. The Initial Study (IS) should then measure the impact of these activities in terms of noise, traffic, and parking. Comments on why the Music Building noise study should be considered incomplete and irrelevant follow.

At the 6/12/12 hearing, I was confused by a discrepancy between Vivian Kahn's testimony and the IS document. She asserted that the noise study was done with the current building closed and then with all the doors and windows open. The IS says it was done with the doors closed and the doors open and no mention of windows at all. Does Ms. Kahn have relevant information that is not included on the actual report or did she misspeak?

The time chosen for the noise study is probably the peak time of use in our vibrant neighborhood, so contrasting ambient noise with the music practice would certainly be less obvious--unless this means that the Music Building will only be used during school hours. This should be specifically confirmed or corrected. If it might be used outside of the regular school day (either before or after), contrasting day and evening times for ambient noise is an essential component of any complete and accurate noise study.

Further, the new plan for the Music Building has a soaring height of 33 feet. Windows now moved to a physically higher location will allow noise to flow into the neighborhood at a different height. Also, since the building adds more windows and skylights for ventilation, this would obviously allow more noise to escape.

The additional allowable space for use (from 1,930 square feet to 13,400 square feet!!) would have a pronounced effect on the amount of noise produced as well. Separate rooms are being created in the building so that up to five rooms might be used concurrently. This would create a raucously discordant sound and must be accurately assessed for the sake of the neighbors.

From my layman's understanding of the drawings, it appears that the windows and doors will also have different orientations than the old building which would no doubt affect the direction of any noise.

To ignore all this new information is to render the noise study deficient in its aims. All this must be taken into consideration in any meaningful noise study, especially the contrasting day and night norms. We know from the Posen Avenue neighbors what a cacophonous shift there was with the building of the new gym.

The hours of use are important not only for the noise study but might also effect light or glare and that would be particularly dramatic for folks on Posen Avenue, Beverly Place, and possibly Sonoma Avenue whose homes open toward the field. These issues must be addressed.

THE CHAPEL

When SMCHS lists what uses *might* be included, that is not very helpful in determining the impact on the neighborhood. Our concern is that the Chapel becomes yet another venue for use by the SMCHS community-at-large and we foresee still more traffic and parking issues from weddings, funerals, etc. Also when SMCHS' representative, Vivian Kahn, refers to this as just a one story chapel, that seems disingenuous as it is a 40' tall

structure, not a simple one story building. Ultimately, without more detailed information about the chapel building and its uses, the chapel cannot be allowed to move forward under the current IS.

THE BROTHERS' RESIDENCE

This seems like a rather large expansion. What additional purpose would the addition to the Brothers' Residence serve? They live in an 11,440 square foot structure, for what use do they need the space? Who else outside of the brothers themselves could use it? When specifically would it be used (e.g., hours, days, seasons)? At the June 12 P&Z meeting, the zoning for SMCHS was described as Public Facilities, which prohibits residences. Given that, what is the specific basis for making an exception here for a non-conforming use, particularly given that it is a nine-month construction project and the description provides little grounds for its purpose?

OTHER BUILDINGS

SMCHS made a point of saying that the Multi-use Building, classroom building, and athletic training and weight room facilities are not being discussed; however, that glosses over the point that while they are not on this particular request, they are still a part of future development to the point that their outlines remain on the plans. As it seems apparent that SMCHS intends to build them at some point, they should be defined and their use and potential impacts reviewed under CEQA.

The Site of Future Projects document would appear to represent the area of the phantom Multi-use Building as encompassed by document 2011-09-27 within the larger outline of the project on page 2 if cross-referenced by their Use Permit Application, page 30. Is the project no longer viable there because of the parking lot and therefore should not be showing up there or is the parking lot somehow a stepping stone to the building? I would appreciate clarification.

The wording too can be quite misleading. The City of Albany Staff Report Attachment 3 indicates that there is a decrease of 12,520 in square footage requested but, once again, the buildings that are not included in this current project (which alone constitute another 26,300 square feet of space) are not off the table, just not a part of this project.

SCHEDULING CHANGES

Another SMCHS stated project objective is to increase scheduling flexibility. SMCHS declares that they continue to explore new schedules that better support student-centered, constructivist learning. Innovative schedules such as blocks and trimesters call for more flexible use of space to meet the educational needs of students. None of these concepts are defined and, as such, their CEQA impact has not been measured should any of these "innovative schedules" extend the school day or the school year. An impact, in this case, would potentially occur even with no increase in enrollment.

OTHER COMMENTS

SQUARE FOOTAGE: SMCHS' Use Permit Application says it is asking for about 32,000 square feet of new building space (Appendix A) but Albany P&Z lists it as Adding 35,700 sq. ft. Which is it and if there is the additional square footage, where is it? I feel like I am putting together a puzzle and I constantly have to search for missing pieces.

FIELD USE: In Albany's Staff Report, it mentions how operating provisions from the 2007 field expansion are being rolled into this current CUP. For the record, we would vigorously oppose any shift of field use unless it was to use the field LESS! As previously mentioned, consequences for violating that agreement must be imposed.

To illustrate the importance of this contention, the following represents just two recent examples where we have made SMCHS aware of violations in our field use agreement and their responses. For your convenience, I include the relevant verbiage from the Use Permit Application by SMCHS included in the appendix associated with this current request: *These restrictions include ending team practice by 6:30 p.m. and not using whistles or allowing batting-cage practice after 6 p.m. on weekdays. The only exception is to allow practice (without whistles or batting practice) to continue to 7:15 p.m. seven times during the spring season.*

April 11, batting practice to 6:10; April 16, 6:05, April 19, 6:12. SMCHS responded with an apology and a promise to speak with the coaches. April 26, batting practice ran to 6:07 with the same coach. SMCHS acknowledged that coach had been spoken with and offered to "again sit him down and make him realize the importance of our agreement." May 8, 6:10, with different coach. SMCHS acknowledged the infraction and assured us they will speak with coaches. May 31, 6:20: Again, infraction acknowledged and another assurance that they will talk to the coach.

Just last week, I brought up the fact that cheerleaders were working on the field well past the agreed ending time of 5:00 during summer season. One night they left the field at 6:45! I asked that anyone working/coaching at SMCHS be made aware of the field use restrictions. It seems not only unfair but a lack of compliance that when a violation occurs, it is written off as an oversight and we receive assurances that it will be corrected, only to have it happen again and we receive the same assurances, and often a repetition of the same violation. The onus should be on SMCHS to ensure compliance by their personnel. In an e-mail exchange with Mr. Imperial, I was informed that my "expectation that there never be a mistake is unattainable."

ENROLLMENT: Let's confirm what the admissions numbers are and be accurate about using them. The permit should be written to reflect that the school enrollment is 600 and that they can only admit as many people as its average attrition calls for, not a blanket 630, to account for attrition.

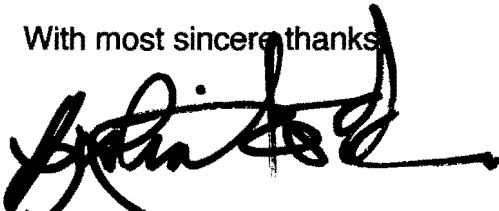
PARKING: I beg to differ with the IS assertion that there is no evidence that vehicles parked on surrounding streets are associated with the school. Traffic monitors in the

morning appear to have diminished the number of students parking on Monterey but, according to our neighbors, the students have been pushed onto Carlotta, Acton, and Ordway. This emphasizes how the problem of too many students driving to school is not solved, it is just becomes someone else's problem. Are the monitors a permanent addition? With respect to the number of students driving or being driven in, can we find out exactly what SMCHS requests of families, how SMCHS plans to enforce this, including what the consequences are for families violating this agreement? Head Royce has a strong agreement that could be used as a model.

TRAFFIC: Finally, in the IS, there is no measure of the impact another parking lot with access via Albina will have on traffic in that area, even though the addition of the lot is intended to contain all of St. Mary's mandated parking on campus. Implicit are additional car trips during the school day on Albina and on the already congested Hopkins Street, as well as additional car trips on those streets for evening and weekend events. It is a basic restructuring of traffic from the Posen side of campus to the Albina side, and its impact was not measured in the IS. As a member of the Monterey neighborhood, I staunchly refuse to let some neighbors suffer so that my particular block benefits. Also, as mentioned before, we don't know how the creation of this parking lot affects the future Multi-use Building previously located there.

I look forward to a comprehensive response as I can imagine that P&Z is as tired of the same old unanswered questions that the neighbors are.

With most sincere thanks



Kristine Fowler

Attachment

December 8, 2008

Dear Commissioners,

I am frankly more puzzled than anything else after looking through the Initial Study of Potential Environmental Impacts (IS). Given the level of acrimony caused by past disagreements between St. Mary's College High School (SMCHS) and the neighborhood, and the comments from the last Planning and Zoning Commission meeting I attended where commissioners flatly stated that it would be hard to approve the Master Plan as it lacked detail and enforcement, I expected SMCHS to be more forthcoming and the IS to be more rigorous.

On IS, pp. 8-9, it is acknowledged that "once the proposed Multi-Use Facility is in operation, there may be some increase in the use of the campus after normal classroom hours, since both activities (basketball and theatrical rehearsals) could then be scheduled at the same time in different buildings." It might be prudent to consider this more than just possible but almost certain. After all, isn't the need for concurrent activities the purpose behind building additional space? With no details about times of day, number of days, and numbers of people expected to converge on campus for various events, must we not assume a worst-case scenario?

As we must assume that many of these events will occur outside the normal school day, we want to know how already-prickly neighborhood issues about parking, traffic, and noise will be addressed. We want to keep our neighborhood quiet in the evening and at night. No minimum nor maximum number of evening events are provided; in fact, a baseline of current events is not even provided. This makes the plan seem fraught with potential pitfalls.

While SMCHS does distribute a newsletter to the neighborhood, they are quick to remind us that updates are done on the website as new activities are added or changes in scheduling occur. It is worth mentioning that this puts an ongoing burden on the citizens to remain actively informed as to how their lives will be impacted by our largest neighbor.

In any case, surely SMCHS tracks all their events and can publish a comprehensive list of activities including dates, times, and attendance figures for years past as well as provide a relatively accurate predictor of future activities, especially for the newly available spaces they plan to have. Only with these figures in hand might one be able to establish a baseline and correctly assess the level of impact on the neighborhood in terms of parking, traffic, and noise.

The huge increase in square footage (from 93,707 to 141,147 square feet) strikes terror deep in our hearts as well. There has been a consistent leap-frogging of needing more space for SMCHS students, then having enough space for more students, then needing more space to accommodate the new students and so on. Are there any provisions being made to prevent this from happening over and over? I also noticed that there are places in these documents where the enrollment is set at 630. It used to be 600 plus five percent for attrition. Is it now 630 plus five percent? That would constitute an increase in enrollment. We need clarification.

In fact, since the last enrollment, the neighbors are evermore affected. Currently, the school has parking and traffic monitors. Are they a permanent solution or a temporary measure? There are concerns that they are only in place while the MP is being negotiated.

With respect to SMCHS and parking, is it rather odd to consider public parking spaces as part of its own parking management program, especially after normal school hours? Don't neighbors have an equal claim on those spots, particularly upon returning home at the end of the workday? The MP and IS frequently mention all the new performance spaces and how concurrent events are now possible and might occur outside the school day. Are neighborhoods expected to just absorb all of this extra noise, traffic, and parking? Are people still discouraged from parking on certain streets in the evenings as they are during the school day? Will there be monitors in the evenings and at nights, too? What is the worst-case scenario on this and what recourse do neighbors have?

Many of the descriptions are so vague as to make it impossible to accurately assess impacts. The following provides some examples:

On I.S., p. 2, a proposed "covered outdoor dining" for large gatherings and catered events is mentioned. What are the limits on its use in terms of days and times and numbers of people? Sounds like it could be noisy for neighbors and bring in traffic and parking problems, too.

On IS, p. 4, the multi-use facility will be offering performing arts for band, choral, and dance performances, assemblies, banquet facilities, and recreation. There were no specific limits on hours for these uses. Will they occur in the evenings and at night? This multi-use building will be located directly behind a number of homes offering performances to a house of 750 seats and a maintenance shed below. It's hard to imagine that no parking, traffic, noise, lighting issues will affect the neighbors, especially if the buildings can be in use up to 10:30 p.m. or 11 p.m. By the way, which is it as I saw both listed in separate places? Would there

be doorways that open to the neighborhood that could be disruptive to folks late in the evening or at night? If these things have not yet been planned, then how are we to be protected? We would very much prefer to have this written in to the overall plan, even if the design is not immediately forthcoming.

The Schematic Site Sections on pages 105 and 106 appear to show the multi-use building compared to other campus buildings, but not to the neighbors' homes. It is hard to imagine that we will not be seeing the building from the neighborhood. Could a more accurate schematic be done and include landscaping? Does this building require the removal of any trees, etc.? Many of us are already mourning the loss of tall trees from their current renovations.

Also, if the existing softball infield is being displaced as mentioned on page 7, to where will it be moved? Is it moving to the athletic field? Neighbors bordering the field already feel overwhelmed by noise generated by so much use.

On page 5, the outline of the chapel's activities does not list weddings, funerals, or any similar offerings to the SMCHS community-at-large. Any of those activities would certainly impact neighbors in terms of parking, traffic, and noise and even more so if they occur outside the hours of a normal school day. Are there any limits on its use?

On page 6, I noticed that the new Classroom Building will also house fine and performing arts. Will that also affect parking, traffic, and noise? What are the limits of operations?

On page 8, how could all the planned construction which "would require access from the Albina Avenue side of the campus" not affect such a sleepy little street? On Monterey, we have been hammered by the tamping down of the ground, noise, dust, and traffic issues from the current field renovation. The MP renovations would last much longer and would funnel the traffic down a smaller, quieter residential street. What actions are being taken on behalf of those neighbors?

Also, would there really be construction allowed seven days a week? How can that not be viewed as excessive to neighbors?

After delineating in detail the agreements reached with the neighborhood, a line on page 52 caught my eye. Normal activities associated with the day-to-day operation of the campus, including use of the athletic field, are also subject to existing use permit conditions; however, there are essentially no noise-related restrictions on the use of the athletic field or

campus buildings in the approved use permit (CUP #93-27, as revised). I, for one, was under the impression that these Athletic Field Use Restrictions were to be rolled into the MP. Perhaps I misunderstand, could you please clarify?

Speaking of field issues, the field is not to be used on Sundays by Saint Mary's athletic teams or by outside organizations. Does this mean that individuals can use it? This has happened several times in the past. It was brought up in front of P&Z before and we were reassured by SMCHS. Unfortunately, it has happened again since then. We really want to depend on quiet Sundays. Please require that they correct the language and that there are consequences to the organization for violations per your recommendations.

We neighbors have spent countless hours before the Planning and Zoning Commission complaining again and again about parking, traffic, and noise. With the increase in campus use, it is almost certain to increase these problems. What effective strategies will be in place to contend with these issues? Will there be enforcement? Commissioners have advised us in the past to get enforceable agreements but there seem to be no penalties nor consequences in these documents. If SMCHS intends to comply with all agreements, surely they do not fear fines or other punishments. If they did ignore current agreements, we would have some recourse. It is hard to imagine an argument against this as the Commissioners have time and again advised us to ask for them.

If there is a disinclination in this regard, I would stress that neighbors have bought into this neighborhood and plan to stay. SMCHS students, faculty, and administration as well as P&Z Commissioners will come and go in that time. Feeling distrustful from the results of the last MP, we feel compelled to tidy things up a bit for the sake of all concerned. This MP is likely to stay in place for the next 10-20 years.

We citizens look to you for guidance in these affairs. It gives me great hope that SMCHS stated in their Master Plan Background & Supporting Information that they are "committed to the good and welfare of the neighborhood" and want "what is good for the neighborhood." We support SMCHS in their educational mission but we do not want unchecked growth at the expense of our own quality of life. Please help keep the peace in our neighborhood by guiding these proceedings so that all may benefit.

Many thanks,
Kristine Fowler
1208 Monterey Avenue

From Jeff Kaplan

July 5, 2012

Planning and Zoning Commissioners
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Re: CEQA Initial Study/Mitigated Negative Declaration of St. Mary's College High School 2011 Application for a Use Permit

Commissioners:

We are neighbors of St. Mary's College High School who live a short distance from the school on Hopkins Court and Albina Avenue. We are very concerned with the inadequacy of the Initial Study of the 2011 Application for Use Permit in measuring impacts of proposed changes to the school. Specifically, we are alarmed by what appears to be an almost total reliance in the CEQA analysis on assertions made by St. Mary's in its application, with no objective verification of data or pronouncements of fact, and on very old, unrelated data. It is our understanding that the findings of the Initial Study must be supported by facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Speculation, unsubstantiated opinion or narrative, and evidence which is clearly inaccurate or erroneous may not be used.

Basic Errors in Information Provided by St. Mary's that are Simply Repeated in the IS

1. Page 4 discusses earth movement for the Music Building. It is estimated that 3900 cu. yd. of earth will have to be moved, as well as 50-100 cu. yd. of demolition materials. Approximately 200 truck trips total are estimated to be required to haul all this material at 15 cu. yd. per load. However, simple math shows that the number of trips will be approximately 260, not 200 - a 30% increase over what is stated and thus a 30% greater impact.
2. On page 9 the chapel is referred to as a one-story building, when, at 40 ft. high, it is actually three stories. Certainly what is meant is that it is one floor. But given the location of the chapel, the difference between one story and three is significant to the neighbors whose windows face onto the campus.
3. In the Transportation section, on page 73, the IS asserts that 40 students coming to campus do so by bus #688. It later says that that information is three years old, which means that the majority of the people the fact is based on are no longer students at the school. The same section says that St. Mary's is actively promoting the creation of another dedicated bus route, while at the same time stating that St. Mary's has no idea how many students currently use buses. And yet this is supposed to make residents feel confident that St. Mary's is trying to reduce traffic in our neighborhood.

Basic Assertions of Fact with Nothing to Back Them Up

1. The most obvious of all the baseless assertions throughout the entire IS analysis is that no increase in enrollment means no increase in activities. But analyzing the addition of more than 30,000 square feet of new building space and concluding that no

enrollment increase will result from the addition is downright naïve. By the standards St. Mary's wants to use (National Association of Independent Schools - NAIS), that amount of space will support an enrollment increase of 200 people. Add to it the surplus floor space the school already has and it would be possible for the school to grow to 850 students and still be within NAIS guidelines. While it is unlikely that St. Mary's would ever apply for such a huge increase all at once, it is not hard to imagine the school asking for 30-50 people at a time, letting that settle in, then asking for another 30-50 people, thus increasing the enrollment significantly over time. Likewise, it is not hard to imagine the commission granting the enrollment increase because it would not require new construction and would appear to be incrementally small (only 5-8%). The CEQA analysis would undoubtedly result in another Mitigated Negative Declaration, but the neighborhood would be left with unending, unabated disturbance.

2. On page 5 it says the rain garden will detain 80% or more of average annual runoff from the impervious portions of the drainage area, and that most of the detained runoff will be infiltrated into the ground. Yet nowhere do we find any information about the volume of water being talked about, so we are left with an unsubstantiated claim that is tantamount to saying whatever the average annual runoff is, the rain garden is bound to be able to handle it. Given that the rain garden is in a floodplain, neighbors are rightfully concerned about whether the proposed site will actually be able to handle the volume of water that will reach it without causing a rise in the water table that will cause flooding of residences.
3. Under Parking, on page 11, it is stated that there will be a net increase of 24 on-site parking spaces under this Use Permit. It asserts that, despite this, there will be no additional parking demand during a normal school day because enrollment will not increase. But it stands to reason that, if there is more parking, more people may be able to get parking permits and be able to drive to school. Absent a statement (or mitigation measure) saying that St. Mary's will continue to restrict the number of parking permits to the current level or less, this is an unmeasured consequence of the project. It matters greatly to residents of Albina and Hopkins Court, since the traffic accessing the new parking lot will do so through our neighborhood.
4. On page 16, in the discussion of the proposed new parking lot, the IS repeats St. Mary's assertion that the addition of 26 on-campus parking spaces would not be expected to require any substantive increase in existing parking area lighting. Even though this new space is less than half the size of the existing parking lot, it is situated higher on the hill and it will be lit. Should anything happen to the screening materials currently situated along the creek, these lights could well be visible from residences on Albina and Hopkins Ct. Lighting from the lower lot already is.
5. Under Air Quality Plans on page 21, the conclusion is drawn that no increase in student enrollment means there will be no substantive increase in the use of campus, which means there won't be any change in existing traffic patterns or volumes, which means there would be no conflict with the Bay Area Clean Air Plan. However, there is no substantiation for the assertion. There are no studies offered showing that, contrary to logic, newer, larger facilities do not get utilized more than older, smaller ones; there are no mitigations requiring that facility usage be capped at its current level; there aren't even any representations from St. Mary's that it will keep activities at or below current levels. In fact, the school has offered to cap its Major Events (non-

athletic events that overflow on-campus parking capacity) to 10, which is a 25% increase over the number of major events currently held on campus.¹

6. On page 25, under Odors, the IS concludes that the Project would not result in the development of any new facilities that emit odorous compounds, and would therefore have *no impact* in relation to odors. But a major aspect of the renovation of Shea is the inclusion of a new fully equipped kitchen. Much is made of the fact that many juniors and seniors now leave campus at lunchtime because the current kitchen has limited food options, and that the expanded kitchen will make it possible to provide catering for larger gatherings. Implicit is that food will be produced in the new kitchen, rather than being brought in by vendors. Yet there is no discussion of a ventilation system to control odors (though we can rest easy knowing that there will be a sink large enough for washing kitchen mats!). As anyone whose home abuts a restaurant can tell you, cooking odors can be significant.
7. On page 64, under the section on Sound from the Music Building, the IS uncritically accepts the results of a sound study that bases its conclusions on what currently exists, not what is proposed in the application. Basically, it says that the current building doesn't cause a problem during mid-day, whether the doors are open or closed. But there is no discussion (other than mention of the size) about the differences between the old and new buildings (new one is higher, has more apertures, will contain more activities than the old one, may contain activities occurring simultaneously, etc.). And because there is no information in the Application about the hours of use of the building, a measurement of sound at 2:30 in the afternoon is meaningless if activities are allowed in the building into the evening. As mentioned, we reside fairly close to the school and would be impacted by loud noises emanating from the building.
8. The Transportation section states that the effect of school traffic on intersection performance is most noticeable at the intersections of Hopkins St./Albina Ave., Hopkins St./Hopkins Ct., and Albina Ave./Hopkins Ct. (page 78). With the addition of a 26 space parking lot accessible through the Albina Ave. entrance, traffic will be rerouted from Posen through the three intersections mentioned above. Yet the IS concludes that school related traffic volumes will not increase as a result of the development of the school under the Use Permit. Even if it doesn't increase overall, it will certainly increase at the worst performing intersections in the study. We already feel we handle too much traffic for our winding and narrow streets.
9. There is an unsubstantiated bit of St. Mary's advocacy inserted into the last paragraph on page 81 (Transportation section) which, given that the school was allowed to comment on the IS before it was released to the public, looks strangely like it was placed there by the school (it is in a larger typeface, much as if it was cut and pasted into the document). It states: "If the school receives complaints that identify specific vehicles, it follows up by contacting the likely driver or drivers. If complaints indicate that speeding on Albina is a problem, the school can also post a monitor on Albina closer to Hopkins. The school has contacted the City of Berkeley about creating a three-way stop at Hopkins Ct. and reducing the speed limit on Albina." Let us clarify this matter. First, we have basically given up on reporting problem drivers to St. Mary's. It is ineffectual, and it is difficult to take down the license on a speeding car, especially when you are not expecting it and you have nothing available to write on. Second, the morning monitors are also ineffectual. The one at Albina/Hopkins Ct. often sits and reads, and the one supposedly placed mid-block on Albina is rarely

¹ See Ex. 1, 5/29/12 Email from Herman Shum on the subject of major events

there. And finally, are they out of their minds! A three-way stop at Albina and Hopkins Ct. would create a traffic nightmare at peak times, and the repercussions would be felt all the way out to Hopkins St. and perhaps Sacramento and Gilman. Any serious discussion of slowing down students as they exit the school would revolve around an armed gate at the bridge, which would slow people coming out of St. Mary's without inconveniencing any of the neighbors.

To summarize, the failures of this Initial Study leave us with the following major concerns:

- There are going to be a lot of trucks going in and out of the neighborhood over the next 5-7 years, and the effects of these trucks has not been fully measure or effectively mitigated.
- The potential aesthetic impact of a three-story chapel is not even acknowledged, let alone addressed.
- More students may be arriving on campus by way of cars than in the past because the school does not keep track of the number of people arriving by alternated means of transportation (or, at least, by bus).
- Homes near the rain garden may suffer increased incursions of water due to inadequate planning.
- More cars will now access campus by way of Albina and Hopkins Ct., both during the school day and after hours and on weekends because of the additional parking lot.
- Lights (both from the parking lot and from the cars in it) and noise may flow down from the new parking lot because it is situated higher on the property.
- Despite assertions to the contrary, new, larger facilities will generate greater use and the ensuing problems that accompany such use.
- The neighborhood could encounter unappealing odors from the new kitchen.
- Sound will not be contained sufficiently from the Music Building.
- Traffic at the intersections around Albina and Hopkins Ct. will be further degraded.
- Someone might actually take seriously the harebrained idea of a three-way stop on Albina.

We respectfully request that you send this document back to the drawing board for an impartial party to take an honest look at it, make note of the real impacts that are potentially negative for the neighbors, and suggest some mitigations with real teeth (not things like: 'the school should try to...', or 'the school should encourage people to...')

Sincerely,


Jeffrey Kaplan


Marilyn Simons

27 Hopkins Court
Berkeley, CA 94706

CITY OF ALBANY

JUL 02 2012

COMMUNITY DEVELOPMENT
DEPARTMENT

7/1/2012

To Members of the Albany Planning and Zoning Commission:

I am a resident of Albina Ave and I represent my wife, Hanna and my two boys, Julian (age 7) and Oliver (age 4). I am writing because I believe that the idea that the development will have "no impact" on traffic is a canard. I respectfully request that this project address the issue of "impact" in a meaningful and accountable manner before granting the application.

I attended the open hearing, held on June 12 (I think), at the city hall. There were a couple of things that became clear to me.

- 1) It is not reasonable to imagine that the school will at 30% capacity and yet there will be no impact; no increase in activities at the school. I have no doubt that the school will find a wide range of uses for these structures over time.
- 2) Without clear and enforceable conditions, there is no way to hold the school accountable to agreements after the fact. (The story told about the administration disregards the concerns of neighbors who call attention to the fact that practice is being extended past the agreed upon time was very disconcerting.)
- 3) Traffic on Albina is a big issue. The cars move fast and drivers are frustrated. It isn't an ideal situation but at least traffic is limited to Mon-Fri mornings and early afternoons during the academic calendar year. I am concerned that there is nothing in place that restricts these new buildings to curricular activities during the academic year. Without some restrictions there is nothing to limit significant traffic on weekends, over the summers and holidays.

Sincerely,



Jean-Gabriel Bankier

Jean-Gabriel Bankier
1350 Albina Ave
Berkeley, CA
94706

1314 Albina Ave.
Berkeley, CA 94706
July 5, 2012

REC'D JUL 06 2012

Anne Hersch
City Planner
City of Albany
1000 San Pablo Ave., Albany, CA 94706
ahersch@albanyca.gov

RE: St. Mary's College High School Use Permit Application

Dear Ms. Hersch,

I am writing to convey some of my concerns regarding the California Environmental Quality Act (CEQA) Initial Study (IS) for the above mentioned project.

My concerns revolve mainly around traffic and congestion in our highly residential, family-type neighborhood. I find that the drivers traveling to St. Mary's, particularly during the morning commute, are very aggressive, too fast, and too numerous. Because one of my neighbors is handicapped and necessarily blocks our driveway with her car, I have to park across the street from my home. Since there are no crosswalk zones on Albina, it is very difficult to get across the street during drop off/pick up times at St. Mary's, when drivers are in too big a hurry to stop to let me cross. I generally feel the speed draft from the cars in my hair or coat as they pass closely by me. It is a very uncomfortable feeling. There is usually a monitor at the corner of Hopkins Court and Albina, but that person doesn't really do anything about the traffic or speeding. I'm actually not sure why he/she is there.


Because we are such a narrow street, with many residences within 10-15 feet of the sidewalk, with much more traffic we will begin to function and feel like a commercial district. Because of that, I was alarmed to see that the IS did not find any possibility of increased traffic/noise/congestion from the addition of a 200 person chapel right at the entrance to the school. I saw no mention of restrictions on this building, and can only imagine that it will become a sought after venue for many kinds of celebrations: weddings, memorials, quinceaneras, reunions, etc. I fail to see how that will not have an impact on the neighborhood.

I also noted that the school has proposed another parking lot on the campus, with access from Albina. Yet the IS says there will be no change in traffic patterns on/around the campus. I am fairly sure that, if the school feels it needs a parking lot, cars will probably end up being parked in it. They may just be transferring from one side of campus to the other; they may represent an increase in overall traffic if the school is able to give out more parking permits; they may represent an increase because the school is now able to have more large events without overflowing into

the neighborhood. Whatever the cause, they represent more traffic on Albina, and that is not good.

I am very disappointed that the environmental review was so lacking in depth of thought and analysis. It leaves me quite concerned that there is no real consideration given to discovering the true impacts of construction projects such as this one. The neighborhood is already relegated to suffering through 10 or more years of being the gateway to a giant construction project. The least the environmental study could do is honestly and fully discuss the very real possibilities of negative impacts so we - and you - can best figure out how to deal with them.

Sincerely,



Jana Lalander

July 5, 2012

Planning and Zoning Commissioners
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Re: CEQA Initial Study/Mitigated Negative Declaration of St. Mary's College High School 2011 Application for a Use Permit

Commissioners:

We are neighbors of St. Mary's College High School who live a short distance from the school on Hopkins Court and Albina Avenue. We are very concerned with the inadequacy of the Initial Study of the 2011 Application for Use Permit in measuring impacts of proposed changes to the school. Specifically, we are alarmed by what appears to be an almost total reliance in the CEQA analysis on assertions made by St. Mary's in its application, with no objective verification of data or pronouncements of fact, and on very old, unrelated data. It is our understanding that the findings of the Initial Study must be supported by facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Speculation, unsubstantiated opinion or narrative, and evidence which is clearly inaccurate or erroneous may not be used.

Basic Errors in Information Provided by St. Mary's that are Simply Repeated in the IS

1. Page 4 discusses earth movement for the Music Building. It is estimated that 3900 cu. yd. of earth will have to be moved, as well as 50-100 cu. yd. of demolition materials. Approximately 200 truck trips total are estimated to be required to haul all this material at 15 cu. yd. per load. However, simple math shows that the number of trips will be approximately 260, not 200 - a 30% increase over what is stated and thus a 30% greater impact.
2. On page 9 the chapel is referred to as a one-story building, when, at 40 ft. high, it is actually three stories. Certainly what is meant is that it is one floor. But given the location of the chapel, the difference between one story and three is significant to the neighbors whose windows face onto the campus.
3. In the Transportation section, on page 73, the IS asserts that 40 students coming to campus do so by bus #688. It later says that that information is three years old, which means that the majority of the people the fact is based on are no longer students at the school. The same section says that St. Mary's is actively promoting the creation of another dedicated bus route, while at the same time stating that St. Mary's has no idea how many students currently use buses. And yet this is supposed to make residents feel confident that St. Mary's is trying to reduce traffic in our neighborhood.

Basic Assertions of Fact with Nothing to Back Them Up

1. The most obvious of all the baseless assertions throughout the entire IS analysis is that no increase in enrollment means no increase in activities. But analyzing the addition of more than 30,000 square feet of new building space and concluding that no

enrollment increase will result from the addition is downright naïve. By the standards St. Mary's wants to use (National Association of Independent Schools - NAIS), that amount of space will support an enrollment increase of 200 people. Add to it the surplus floor space the school already has and it would be possible for the school to grow to 850 students and still be within NAIS guidelines. While it is unlikely that St. Mary's would ever apply for such a huge increase all at once, it is not hard to imagine the school asking for 30-50 people at a time, letting that settle in, then asking for another 30-50 people, thus increasing the enrollment significantly over time. Likewise, it is not hard to imagine the commission granting the enrollment increase because it would not require new construction and would appear to be incrementally small (only 5-8%). The CEQA analysis would undoubtedly result in another Mitigated Negative Declaration, but the neighborhood would be left with unending, unabated disturbance.

2. On page 5 it says the rain garden will detain 80% or more of average annual runoff from the impervious portions of the drainage area, and that most of the detained runoff will be infiltrated into the ground. Yet nowhere do we find any information about the volume of water being talked about, so we are left with an unsubstantiated claim that is tantamount to saying whatever the average annual runoff is, the rain garden is bound to be able to handle it. Given that the rain garden is in a floodplain, neighbors are rightfully concerned about whether the proposed site will actually be able to handle the volume of water that will reach it without causing a rise in the water table that will cause flooding of residences.
3. Under Parking, on page 11, it is stated that there will be a net increase of 24 on-site parking spaces under this Use Permit. It asserts that, despite this, there will be no additional parking demand during a normal school day because enrollment will not increase. But it stands to reason that, if there is more parking, more people may be able to get parking permits and be able to drive to school. Absent a statement (or mitigation measure) saying that St. Mary's will continue to restrict the number of parking permits to the current level or less, this is an unmeasured consequence of the project. It matters greatly to residents of Albina and Hopkins Court, since the traffic accessing the new parking lot will do so through our neighborhood.
4. On page 16, in the discussion of the proposed new parking lot, the IS repeats St. Mary's assertion that the addition of 26 on-campus parking spaces would not be expected to require any substantive increase in existing parking area lighting. Even though this new space is less than half the size of the existing parking lot, it is situated higher on the hill and it will be lit. Should anything happen to the screening materials currently situated along the creek, these lights could well be visible from residences on Albina and Hopkins Ct. Lighting from the lower lot already is.
5. Under Air Quality Plans on page 21, the conclusion is drawn that no increase in student enrollment means there will be no substantive increase in the use of campus, which means there won't be any change in existing traffic patterns or volumes, which means there would be no conflict with the Bay Area Clean Air Plan. However, there is no substantiation for the assertion. There are no studies offered showing that, contrary to logic, newer, larger facilities do not get utilized more than older, smaller ones; there are no mitigations requiring that facility usage be capped at its current level; there aren't even any representations from St. Mary's that it will keep activities at or below current levels. In fact, the school has offered to cap its Major Events (non-athletic events that overflow on-campus parking capacity) to 10, which is a 25% increase over the number of major events currently held on campus.

6. On page 25, under Odors, the IS concludes that the Project would not result in the development of any new facilities that emit odorous compounds, and would therefore have *no impact* in relation to odors. But a major aspect of the renovation of Shea is the inclusion of a new fully equipped kitchen. Much is made of the fact that many juniors and seniors now leave campus at lunchtime because the current kitchen has limited food options, and that the expanded kitchen will make it possible to provide catering for larger gatherings. Implicit is that food will be produced in the new kitchen, rather than being brought in by vendors. Yet there is no discussion of a ventilation system to control odors (though we can rest easy knowing that there will be a sink large enough for washing kitchen mats!). As anyone whose home abuts a restaurant can tell you, cooking odors can be significant.
7. On page 64, under the section on Sound from the Music Building, the IS uncritically accepts the results of a sound study that bases its conclusions on what currently exists, not what is proposed in the application. Basically, it says that the current building doesn't cause a problem during mid-day, whether the doors are open or closed. But there is no discussion (other than mention of the size) about the differences between the old and new buildings (new one is higher, has more apertures, will contain more activities than the old one, may contain activities occurring simultaneously, etc.). And because there is no information in the Application about the hours of use of the building, a measurement of sound at 2:30 in the afternoon is meaningless if activities are allowed in the building into the evening. As mentioned, we reside fairly close to the school and would be impacted by loud noises emanating from the building.
8. The Transportation section states that the effect of school traffic on intersection performance is most noticeable at the intersections of Hopkins St./Albina Ave., Hopkins St./Hopkins Ct., and Albina Ave./Hopkins Ct. (page 78). With the addition of a 26 space parking lot accessible through the Albina Ave. entrance, traffic will be rerouted from Posen through the three intersections mentioned above. Yet the IS concludes that school related traffic volumes will not increase as a result of the development of the school under the Use Permit. Even if it doesn't increase overall, it will certainly increase at the worst performing intersections in the study. We already feel we handle too much traffic for our winding and narrow streets.
9. There is an unsubstantiated bit of St. Mary's advocacy inserted into the last paragraph on page 81 (Transportation section) which, given that the school was allowed to comment on the IS before it was released to the public, looks strangely like it was placed there by the school (it is in a larger typeface, much as if it was cut and pasted into the document). It states: "If the school receives complaints that identify specific vehicles, it follows up by contacting the likely driver or drivers. If complaints indicate that speeding on Albina is a problem, the school can also post a monitor on Albina closer to Hopkins. The school has contacted the City of Berkeley about creating a three-way stop at Hopkins Ct. and reducing the speed limit on Albina." Let us clarify this matter. First, we have basically given up on reporting problem drivers to St. Mary's. It is ineffectual, and it is difficult to take down the license on a speeding car, especially when you are not expecting it and you have nothing available to write on. Second, the morning monitors are also ineffectual. The one at Albina/Hopkins Ct. often sits and reads, and the one supposedly placed mid-block on Albina is rarely there. And finally, are they out of their minds! A three-way stop at Albina and Hopkins Ct. would create a traffic nightmare at peak times, and the repercussions would be felt all the way out to Hopkins St. and perhaps Sacramento and Gilman. Any serious discussion of slowing down students as they exit the school would revolve

around an armed gate at the bridge, which would slow people coming out of St. Mary's without inconveniencing any of the neighbors.

To summarize, the failures of this Initial Study leave us with the following major concerns:

- There are going to be a lot of trucks going in and out of the neighborhood over the next 5-7 years, and the effects of these trucks has not been fully measure or effectively mitigated.

- The potential aesthetic impact of a three-story chapel is not even acknowledged, let alone addressed.

- More students may be arriving on campus by way of cars than in the past because the school does not keep track of the number of people arriving by alternated means of transportation (or, at least, by bus).

- Homes near the rain garden may suffer increased incursions of water due to inadequate planning.

- More cars will now access campus by way of Albina and Hopkins Ct., both during the school day and after hours and on weekends because of the additional parking lot.

- Lights (both from the parking lot and from the cars in it) and noise may flow down from the new parking lot because it is situated higher on the property.

- Despite assertions to the contrary, new, larger facilities will generate greater use and the ensuing problems that accompany such use.

- The neighborhood could encounter unappealing odors from the new kitchen.

- Sound will not be contained sufficiently from the Music Building.

- Traffic at the intersections around Albina and Hopkins Ct. will be further degraded.

- Someone might actually take seriously the harebrained idea of a three-way stop on

Albina.

We respectfully request that you send this document back to the drawing board for an impartial party to take an honest look at it, make note of the real impacts that are potentially negative for the neighbors, and suggest some mitigations with real teeth (not things like: 'the school should try to...', or 'the school should encourage people to...')

Sincerely,

Diana J. Smith

12 HOPKINS CT. BERKELEY

John Quinn

12 HOPKINS CT, Berkeley

Jay Jones

23 Hopkins Ct. Berkeley.

Chit. Todman

1342 ALBINA A. BERK.

Kathryn Jordan

1338 Albina, Berkeley

Jamie Jordan

1338 Albina Ave, Berkeley

Emily Martinson

1334 Albina Ave, Berkeley CA

Jim Cohen

15 Hopkins Court, Berkeley



July 2, 2012

REC'D JUL 05 2012

Anne Hersch, City Planner
Community Development Department
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

Re: Notice of Availability of a Mitigated Negative Declaration for St. Mary's College High School Conditional Use Permit/Master Campus Plan, Albany

Dear Ms. Hersch:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration for the St. Mary's College High School Conditional Use permit/Master Campus Plan located in the City of Albany (City). EBMUD has the following comments.

WATER SERVICE

EBMUD's Aqueduct Pressure Zone, with a service elevation between 100 and 200 feet, serves the existing parcel. If additional water service is needed, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing additional water service to the existing parcel. Engineering and installation of water services requires substantial lead-time, which should be provided for in the project sponsor's development schedule. Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daa Rehnstrom', is written over the typed name.

WRK William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:ELE:djr
sb12_118.doc

cc: Saint Mary's College High School
375 ELEVENTH STREET • OAKLAND • CA 94607-4240 • TOLL FREE 1-866-40-EBMUD

D. Kevin Shipp
1310 Albina Avenue
Berkeley, CA 94706
510-409-6744
dkevinshipp@yahoo.com

July 3, 2012

VIA E-MAIL

Ms. Anne Hersch
City Planner
Community Development Department
City of Albany
1000 San Pablo Ave.
Albany, CA 94706
ahersch@albanyca.org

Re: Saint Mary's College High School Use Permit Application (April 2011)
State Clearing House Number: No number assigned

Dear Ms. Hersch:

I am submitting these comments on the Draft Mitigated Negative Declaration ("MND") prepared for the Saint Mary's College High School Use Permit Application ("Project"). My wife and I live in close proximity to the Saint Mary's College High School ("Project Site") and will be impacted by it. In addition, I am an attorney with a practice that focuses, in part, on CEQA litigation. These comments supplement my oral comments made at the end of the public hearing on June 12.

As a preliminary matter, I understand that the City of Albany ("City") has set a deadline of July 6, 2012, for submission of comments. While I am submitting these comments within that time period, you should recognize that in accordance with applicable law, I reserve my rights to submit additional comments, orally and in writing, up until the time the City takes final action on the MND.

Introduction

Unfortunately, the MND is highly deficient in its analysis of the potential environmental impacts of the Project. Accordingly, at a minimum the City should not certify this deficient MND, and should instead revise it, and then recirculate it for public comment.¹

Enacted in 1970, CEQA embodies the entwined themes of substantive environmental protection, information disclosure, and governmental accountability. (Pub. Res. Code § 21100 *et seq.*) CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, and to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal. 3d 376, 392.) "The foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.'" *Id.* at 309 (quoting *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. 3d 247, 259.) An agency's determinations must be supported by substantial evidence, which includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts" and excludes "[a]rgument, speculation, unsubstantiated opinion or narrative, [and] evidence which is clearly inaccurate or erroneous..." (Pub. Res. Code §21082.2(c).) An agency abuses its discretion when its failure to include relevant information precludes informed decision making and informed public participation, thereby

¹ All documents referenced in this letter are hereby incorporated by reference hereto and should be included in the Administrative Record.

thwarting the statutory goals of the CEQA process. (*Dry Creek Citizens Coalition v. County of Tulare*, 70 Cal. App. 4th 20, 26 (1999); Pub. Res. Code §21005.) An Environmental Impact Report (“EIR”) must be prepared whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (*No Oil, Inc. v. City of Los Angeles*, 13 C3d 68, 75 (1974).) This standard sets a low threshold for preparation of an EIR. (*Nelson v. County of Kern*, 190 CA4th 252 (2010).) Even if the agency is presented with substantial evidence that a project will have no significant effect, an EIR must be prepared if the agency is also presented with substantial evidence the project will have a significant effect.

The City Used An Improper Baseline For Finding No Significant Effect

The MND finding that there will be no significant impacts relies heavily on the misleading statement that the cap on enrollment is 630 students and that cap is not being changed. This conclusion fails to consider actual past and projected future enrollment numbers, fails to consider the increase in the types and number of events and activities that will occur at the Project Site, and fails to consider impacts from non-students.

The current cap on students is 600 students, with a five percent allowance to account for attrition, not 630 students. Further, the MND only discloses the actual enrollment as of February 16, 2012 (609 students). Past enrollment numbers and projected future enrollment numbers are not provided. Without this information, it is impossible to conclude that impacts directly related to the number of students enrolled would not increase. For example, if enrollment numbers would decrease without the Project, then impacts would

be increased even though current average enrollment is only being maintained. In addition, because the improvements increase enrollment capacity,² and an enrollment cap increase may be sought (as it has been in the past), those facts need to be considered.

In addition, the enrollment cap says little to nothing about impacts from non-students. Until the impacts related to the increased use of the Project Site by non-students are addressed, it will be impossible to conclude that the Project will not have any significant impacts.

It is wrongly stated in the MND that current uses of the Site would be unchanged and thus no impact will occur. One specific purpose of the Project is to increase the types and frequency of events that can occur at the Project Site. For example, the Site does not currently contain a Chapel. Although some activities will be transferred to the Chapel from other areas of the campus, the Chapel will allow for new activities and events that will create new impacts. This is particularly true for activities and events that will occur outside of the time school is in session, and uses of facilities by non-students. Further, freeing up spaces where current activities and events take place will allow for new activities and events to take place in those spaces. In addition, the discussion of the Music Building makes it clear the intent is to increase capacity so that activities and events can be carried out simultaneously. This necessarily means there will be an overall increase in the level of activities and events at the Site. Another improvement that will increase the level of activities and events at the Site is the Shea Student Center renovation and kitchen addition.

² In addition, as described by the Project Applicant at the June 12 Public Hearing, the Chapel is designed to hold an entire grade, of up to 200 students, at once. If each grade consists of 200 students, enrollment at Saint Mary's will be 800 students, not 600 (or even 630).

The purpose is to allow for food to be provided for larger gatherings. All of the proposed improvements will very likely significantly increase many impacts, including noise, traffic, and nighttime lighting. These new Project related impacts during school hours, and on nights, weekends, holidays, and summers will not only impact local residents, they will impact wildlife in and around the Project Site.

To be sufficient, the MND must disclose and analyze how actual enrollment will likely change in the future. It must also disclose what impacts will result from the increased level of activities and events at the Site, considering both student and non-student uses.³

The Project Has Been Improperly Piecemealed And The Project Description Is Unstable

All aspects of the Applicants Master Plan need to be addressed to avoid improper piecemealing, including demolishing Vellesian Hall. In addition, because activities such as demolishing Vellesian Hall are indicated in the supporting documentation but not included in the Project description, the Project description is not stable. A more suitable way to address the planned actions at the Site is preparation of a Program EIR. This would avoid improper piecemealing and would allow for later analysis to tier to the Program EIR.

³ The documentation mentions a need to meet national standards for independent schools. What are those specific standards? How specifically do the changes achieve those standards? Does the purported need to meet the standards assume an enrollment greater than 600 students?

The Discussion Of Aesthetic Impacts Is Not Sufficient

The determinations addressing Aesthetic Impacts in the MND are based on three sources, none of which provide a sufficient basis for the conclusions made. First is the 1992 Albany General Plan. The reader is not told where this document can be located and where the referenced information can be found in that document. In addition, General Plans should typically be updated every ten years. The City should clarify if the 1992 Plan is in fact the applicable General Plan and why it was appropriate to rely on a twenty year old document that could not have considered this Project.

Second, the discussion refers to a site inspection by John Courtney in August, 2011. The reader is not informed what exactly happened at that site visit. Any methodology used during the site visit and any resulting report must be provided. The reader should also be provided with Mr. Courtney's qualifications for assessing aesthetic impacts.

The third source is the April, 2011, St. Mary's Permit Application and supporting materials. The specific pages and sections of those documents being referred to must be provided to the reader.

Additional sources of information are needed to truly assess the magnitude of the impacts. Pictures of the Site, which would give the reader a frame of reference and an ability to independently evaluate the conclusions made are needed. In addition, input from residents whose view will be altered should be provided.

The analysis of lighting provides very few facts. The analysis simply assumes no impacts but provides no evidence to support the conclusion. The MND must disclose the past, present, and future impacts from lighting. This should include lighting from car headlights, from buildings, and lighting for parking.

The Discussion Of Air Quality Impacts Is Not Sufficient

An adequate analysis of air quality impacts is vital considering the large number of children that live in the surrounding neighborhoods and those who will be attending the high school. For the reasons discussed above, it was improper to conclude that no impacts would occur because an increase in the enrollment cap would not occur at this time. It was also improper to rely on past traffic studies that did not consider the increase in level and types of uses of the Site (including construction traffic). The MND must disclose past, present, and likely future traffic levels associated with the school, including all activities and events and trips by students and non-students. This is particularly important for traffic levels on nights, weekends, and summers when there is currently very little traffic (absent an event at St. Mary's). Further, a sufficient analysis needs to consider hot spots created by traffic congestion causing cars to back up on Albina Ave. and other local roads.

In addition, the MND relies on a March 17, 2005 Traffic Study but the reader is not told where that report can be located or where in the report the referenced information can be found.

All construction emissions need to be addressed, not just emissions associated with the Music Building. It would be improper for the City to grant approval for

construction of other aspects of the Project without any consideration of likely emissions.

Further, the MND assumes that air quality impacts from construction can be reduced below a level of significance but provides no support for that assumption. The Project approval should be conditioned on credible evidence that impacts will in fact be reduced below a level of significance.

The MND Fails To Address Cumulative Impacts

It is stated with no factual support or analysis, that there will be no cumulatively considerable impacts. Cumulatively considerable means “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (Guidelines Section 15064(h)(1)). It does not appear that any other past, present, or reasonably foreseeable future projects are considered in the analysis, including projects listed on the City’s website. The MND must disclose and analyze project specific and cumulative impacts for the entire project. This analysis should be based on the entire Master Plan.

The Discussion Of The Rain Garden Is Not Sufficient

The discussion of the rain garden identifies “popular plant choices.” The MND must identify specific plants and their potential impact to the nearby riparian area and beyond. The MND should address the wildlife value of vegetation and whether it will be invasive.

The MND must disclose what types of pollutants are likely to enter the rain garden. The MND must address whether pollutants such as petroleum hydrocarbons, fertilizers, and pesticides will accumulate in the rain garden or in nearby soil and groundwater. If so, will this contamination be left in place or removed periodically? Is there a potential hydrological connection to the creek and/or the bay?

Figure 4 shows a “Typical Rain Garden Cross Section.” A figure depicting the actual rain garden to be constructed at the Site is needed.

The MND makes an unsupported assumption regarding the likely direction groundwater flows. Data on groundwater levels and flow should be provided and considered in the analysis.

The MND does not address how wildlife will be impacted. What is the current composition of species located in or making use of the area? How will that change?

Will regular sweeping of parking surfaces occur to minimize pollutants in runoff?

The Discussion Of Biological Impacts Is Not Sufficient

It does not appear that a biologist was consulted or any surveys performed. Further, little to no discussion is provided for any species beyond certain trees and birds.

The MND must identify other species on the site and how they may be impacted. This is particularly important because the project is adjacent to Codornices Creek. There is no analysis of potential noise, traffic and lighting impacts (including car

headlights and lighting for parking). There is no discussion of any planning documents or work being done by other agencies. For example, will restoration work or habitat improvement for endangered fish will be impeded by the Project?

What is the basis of the conclusion that the trees do not support any candidate, sensitive, or special-status species? Were surveys completed? What about other habitat such as the soil, the creek, and vegetation other than trees?

It is assumed that all birds nest in trees; this is not accurate. For example, California Towhees breed in riparian thickets among other places. Moreover, the use of habitat for courtship, migration, roosting, dispersal, foraging, etc. needs to be considered. The MND needs to identify species likely to be found on the Site and when and where they nest. Migration patterns need to be considered as well. Breeding season surveys need to identify all species protected by the Migratory Bird Act. As stated, it covers almost all avian species.

Further, there is no support for the conclusion that no surveys are needed for certain times of the year.

The Discussion Of Traffic Impacts Is Not Sufficient

For the reasons stated above, reliance on old traffic studies that did not consider the Project was improper. In addition, some residents that have knowledge of school activities and the surrounding neighborhood have questioned the timing of the past traffic study prepared by the Project Proponent. The MND should thus address whether the

study was based on an adequate sample. Data was collected in late March/early April, 2008. SAT and ACT testing occur in this time period. The Project Proponent also holds an enrichment week and spring vacation during this time. <http://www.saintmaryschs.org/student-life/college-counseling/junior-year-timeline/>. Student retreats may also occur during this time period. If these events were taking place when data was collected, the resulting analysis would not be based on normal traffic patterns. In addition, the data is now four years old and does not account for any changed conditions in the surrounding area.

The discussion of mitigation is particularly troubling for traffic impacts. The Project Proponent is only required to continue methods of mitigating traffic that have proven ineffective. Moreover, the mitigation is non-binding and lacks criteria for demonstrating compliance. For example, the Project Proponent is only to encourage car pooling and use of public transportation. This is not a true mitigation measure and has been proven ineffective. The MND does not even disclose what “encouragement” will be used and how the City will enforce the measures.

The finding that speeding is not significant and not related to school traffic is not credible. I and many other residents on Albina Ave. regularly observe speeding cars entering and leaving the school site. It may be that not all speeding is carried out by motorists traveling to and from the school. But there should be no doubt that the vast majority is. Besides low density residential uses, there are no destinations other than the school for vehicles on Albina and Hopkins Court. Further, it can not be assumed that parking and speeding restrictions will be followed or enforced because that does not happen on a normal basis. Public testimony and complaints provide substantial evidence of this. No

evidence has been provided that circumstances will change in the future. Therefore, enforceable mitigation is needed, including monitoring and mandatory penalties for violations.

The Discussion Of Noise Impacts Is Not Sufficient

It is stated that construction could occur during certain hours on weekends. However, the analysis assumes no construction on weekends. The City should prohibit construction and construction traffic on weekends.

The discussion refers to a Noise Analysis but it is not disclosed where that analysis can be found or what specific portion of that document supports the conclusion made.

Impacts to wildlife must be considered, both for the construction phase and operational phase. This is particularly important because new sources of noise will be introduced in a riparian area.

Mitigation Measures are Not Adequate

Enforceable mitigation measures must be adopted now. Formulation of many of the mitigation measures is improperly deferred until a later date. It can not be assumed that potentially significant impacts can be mitigated until the actual mitigation measures are disclosed and analyzed. In addition, the California Supreme Court has held that if a Project will cause impacts outside the agency's jurisdiction, consultation and payment of money to a third party to mitigate those impacts is potentially feasible.

Mitigation measures for future construction should require the best available technology to be used at the time of construction and adherence to current applicable regulations.

Consultation With Expert And Responsible Agencies

There is no evidence the City consulted with any expert or responsible agencies. This should have been completed before the circulation of the MND. Based on the discussion at the public hearing, it was concluded that the City of Berkeley must be consulted. Other agencies, such as ones with expertise and/or responsibility for biological resources, should be consulted as well.

Conclusion

I appreciate your consideration of these comments, and request that you not certify this MND and that you instead engage in the additional analysis required. I also request that you provide me with all notices regarding this Project issued by the City, or any department thereof.

Thank you.

Very truly yours,



D. Kevin Shipp

1316 Albina Avenue
Berkeley, CA 94706
July 6, 2012

Honorable Commissioners Panian, Moss, Eisenmann, Maass, and Arkin
Planning and Zoning Commission
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Re: CEQA Initial Study of Saint Mary's College High School 2011 Application

Dear Commissioners:

When we moved to Albina Avenue in 1977, Saint Mary's was a relatively inconspicuous neighbor with a small enrollment. In 1993, relying on a Negative Declaration in the Initial Study of Environmental Impact and assurances from the city that the identified potential impacts would be mitigated successfully, neighbors by and large accepted the changes proposed by Saint Mary's and did not object to city approval of the school's expansion. In 1995, it began admitting girls and adding the requisite facilities and programs to serve the additional numbers, jumping to 600 plus students over a few years. An approximate 50 percent enrollment increase naturally brought more students and parents driving to and from campus. Residents around the school soon noted the resulting impact of more vehicle trips, parking conflicts, and noise in their neighborhoods. It became apparent that the Negative Declaration in these areas had been woefully wrong, and that the accompanying mitigation measures, some of which were never implemented, were completely inadequate and ineffective.

In 2002, Saint Mary's applied to the City to overturn key approval conditions from the 1995 permit that limited the size of classroom facilities, so neighbors took the opportunity to voice their feelings. They recognized that the negative declaration given for the school's enrollment increase had obviously incorrectly assessed the expected impacts. The real effects required stronger and enforceable mitigations. After an extended period of hearings on the issue, the city council determined that an increase in classroom facilities would unacceptably impact the surrounding community and denied the School's request to waive the cap in 2005. Nonetheless, since then, Saint Mary's has continued to seek expansion and has been working on the proposed CUP/Master Plan now before you.

Residents have made many proposals over the years to ameliorate adverse impacts of Saint Mary's operations. They have focused primarily, though not exclusively, on issues of excess traffic, parking conflicts, and noise. The school has adopted some suggestions, with varying degrees of commitment and success, which

July 6, 2012

the neighbors acknowledge. It has not, however, effected fundamental changes to fully address neighbors' concerns.

Over the years the neighbors have conscientiously and tirelessly corresponded with and listened to school officials. We have floated proposals. We have sought to negotiate resolutions. Jeff Bond facilitated face-to-face meetings. School representatives spoke congenially, but never in detail and never allowing us to broach conditions that might have resolved disputes. Frustrated after four such fruitless sessions, PPNA simply drafted a request for information keyed to the 2006 Master Plan Summary. School officials declined to answer the questions posed¹

Around the time of those same meetings, PPNA also proposed its own set of conditions, in order to have something in writing to which discussions might be addressed. The school never responded.

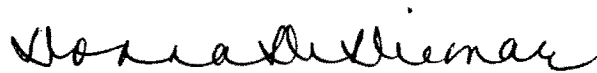
Once again, with this current application, a full description of the project and its components is vital for accurate analysis of environmental impacts. The city's environmental consultant has made numerous assumptions without a firm and documented basis, relying in too many instances on the school's assurances or other unsupported assumptions. Its Initial Study cannot therefore yield supportable conclusions.

Attached is our analysis of defects in the Initial Study. As possible project conditions have not been placed before the commission at this time, we will reserve comments on proposals as they develop. Also, we understand that staff has set a deadline of July 6, 2012, for submission of comments. While we are submitting these comments within that time period, in accordance with applicable law, we reserve our rights to submit additional comments on the project, orally and in writing, up until the time the city finalizes action on the MND.

Very truly yours,



Chris Hamilton



Donna DeDiemar

¹ Attached as Exhibit 1 is a page from city records showing that the school can definitely obtain such information and that the city staff considered it important for the analysis back in 1993.

Chris Hamilton/Donna DeDiemar Comments Re CEQA Initial Study 2011
Application

PROJECT DESCRIPTION

It is our understanding that staff is no longer requiring a separate Master Plan from St. Mary's and is instead allowing the Conditional Use Permit to serve as the MP (although the Staff Report for the June 12, 2012 hearing does in fact refer to the current application as a Master Plan). Therefore, when we refer to the combination CUP/Master Plan throughout our analysis it will always be in reference to the 2011 application.

The Initial Study emphatically asserts that this new application seeks no enrollment increase, inaccurately referring to "the enrollment cap of 630 students." (IS, p. 1) The 630 number was arrived at by incorporating 30 extra enrollees based on the 'plus up to five percent for attrition' provision from the current CUP (94-37). However, records of city action regarding campus enrollment leave no doubt that 600 is the legal cap, not 630. Every staff report to the commission stated some version of the following language found in the staff report for the April 13, 1994 commission meeting:

"A project description has been developed for purposes of the use permit and the required analysis under the California Environmental Quality Act (CEQA). This project description has been revised to reflect the slightly smaller parking lot now being proposed and more specific information about the enrollment increase. The St. Mary's College High School campus site and facilities would be expanded to support a co-educational program for Fall, 1995. Enrollment would increase from approximately 375 students (Fall, 1994) to a maximum of 600 students over a five year period (1995-1999)."²

The notices of action for CEQA tell the same story. The Notice of Intent to Adopt a Negative Declaration dated March 21, 1994 set forth a project description of enrollment changes virtually identical to that in the April 13, 1994 staff report

² See attached as Exhibits 2-5 the relevant portions of staff reports for the September 14, 1993; November 23, 1993; March 8, 1994; and April 13, 1994 meetings. Apparently believing the enrollment higher than subsequently discovered, the one from September 14, 1993 says: "For purposes of this use permit application and the environmental review requirements under the California Environmental Quality Act, presented below is the project description: The St. Mary's College High School campus site and facilities would be expanded to support a co-educational program for Fall, 1994. Enrollment would increase from approximately 475 students to a maximum of 600 students."

quoted above.³ The city's April 18, 1994 Notice of Determination filed with the California Office of Planning and Research, to which the city's planning director attached the Negative Declaration adopted by the commission on April 13, 1994, included a project description identical to the March 21, 1994 notice of intent.⁴ None of the notices included any factor above 600 for attrition or any other purpose. Clearly, the project intended a permanent enrollment of no more than 600 students.

Nevertheless, unnoted in the current CEQA documents, Planning and Zoning Commission Res. No. 94-01, adopted April 13, 1994, and Albany City Council Resolution No. 94-37, adopted June 6, 1994 contain an attrition allowance rather than a flat 5% enrollment allowance. The enrollment limit, identical in each resolution, states:

"St. Mary's College High School (SMCHS) may operate a co-educational high school facility for grades 9 through 12 beginning in September, 1995, for up to 600 total students. Prior to September, 1995, the school is permitted to operate as a male-only school for grades 9 through 12 with a total enrollment not exceeding 420 students. The maximum enrollment figures may be exceeded on an absolute basis by up to five percent for attrition and other student body changes."⁵

Both resolutions refer to the cited CEQA notices given to the public. Both incorporate an attached project description labeled Ex A. None of the notices the commission and the city council cited contain a project description that has an attrition allowance.⁶ The attrition language must, therefore, be taken as just what it purports to be: a method for the school to temporarily admit in excess of 600 students in order to permanently maintain a maximum enrollment of 600.

Elsewhere St. Mary's itself demonstrates it understands its enrollment cap to be 600. For example, the school applied in 2001 to the San Francisco Bay Regional Water Quality Control Board, the California Department of Fish and Game, and to the U.S. Army Corps of Engineers for permits. Representing that the City of Albany had approved the project after CEQA review, the school attached the very same April 18, 1994 Notice of Determination and April 13, 1994 Negative Declaration, with its project description lacking any attrition language.⁷

³ See attached as Ex. 6 the March 21, 1994 notice.

⁴ See attached Ex. 7, the documents mentioned.

⁵ See attached Ex. 8, the first page of Res. No. 94-01, and Ex. 9, City Council Res. No. 94-37, page 1.

⁶ Apparently, city staff can't find the Exhibit A incorporated into those resolutions, but they concede that the one without any attrition language is likely the one the city adopted in those two resolutions. See Ex. 10, attached pages from the December 8, 2008 staff report, showing Attachment 5 (erroneously listed as "1993 Conditional Use Permit" that is actually Albany City Council Res. No. 94-37 with the identified Exhibit A containing handwritten notations.

⁷ See attached as Ex. 11, SFBA JARPA VERSION 1.1 form, signed for the school by Ward Fansler on January 19, 2001, to which he attached as Ex. 8 and labeled "CEQA Report no significant impact on the environment" the CEQA review documents from 1994, including the April 18, 1994 Notice of Determination; April 13, 1994 Negative Declaration with its Attachment A project description.

The school's attorney, Peter Smith, also acknowledged the cap in responding to remarks to the commission at its December 9, 2008 meeting by Donna DeDiemar regarding staff's proposed increase to a flat 630:

"A lot of the comments about the increase in square footage – and it really ties back to a suspicion that there's going to be a greater level of activity, rather than focusing on the fact that there are not going to be more students coming to the campus. Ms. DeDiemar says that the enrollment number should be 600, not 630. It's 600 now and we asked for no change in that number. We have recognized that there's a plus or--plus five percent bubble or fudge factor. We didn't ask for it to be described it any different way." [Found at approx. 56:48 on recording]

Saint Mary's president has, however, previously expressed a desire to increase enrollment to 735.⁸ More recently, after citing the existing enrollment cap in a July 14, 2006 letter (p. 1), for example, the school president notes that school enrollment peaked in 1966 (when the campus served elementary as well as high school students) and then observes (p. 7): "For many years, the school has both enjoyed and been challenged by an applicant pool larger than the number of spaces available."⁹

Given this history of repeated expansion attempts by the school and the wider capacities that the current project plans would provide them, it does not appear to us that the 2011 Application description accurately states the full project aims, which could entail both an enrollment increase even beyond 630 and/or introduction of new uses or an intensification of already existing ones. This supposition is not just based upon the expanded capacities coupled with noncommittal descriptions of uses that the proposed facilities acknowledged in the IS would provide the school, though they could do just that. It is supported all the more because the application includes two wholly new buildings identified as "future projects" that are not analyzed at all in this Initial Study/Mitigated Negative Declaration.

By substituting a flat 630 in the current document (which is to serve as a guide for future development on the campus) for the specific language limiting enrollment numbers to 600 in the existing approval, members of the public who read the CUP/Master Plan any time in the future, as well as future Planning and Zoning Commission members, may be unaware of the limit on students for which the plan is supposedly designed. The document being examined in the Initial Study

⁸ See attached as Exhibit 12 the November 3, 1993 memo from former Saint Mary's President, Thomas Brady, showing historical enrollment figures, together with a December 19, 2002 letter from Brother Edmond Larouche, which was attached to the Staff Report for the March 25, 2003 Planning & Zoning Commission meeting. In the same letter Brother Edmond states: "For three years in a row we have received over 400 applications for some 160 freshman seats. Increased enrollment would permit more families to have the religious education and other educational opportunities they seek for their children."

⁹ Cited pages attached as Exhibit 13, July 14, 2006 letter from Brother Edmond to Ed Phillips, pp. 1, 7.

and therefore the project description is neither accurate, stable, nor finite, as the CEQA consultant Richard Grasseti notes the law requires.

The 600 limit was considered appropriate by the city in 1994, considering multiple factors, among them allowed square footage and environmental impacts of the large increase from 376 in 1993-94 (2006 MP, p. 2) to 600. A codified 630, however, would mean the school can remain at that level year round. The school has offered no justification for the change to allow it to keep its enrollment at a flat 630. Indeed, as noted above, it denies that it is applying for such an enrollment increase. Therefore, the cap must remain at 600 as set by the commission and the city council in 1994.

If, however, enrollment is to be capped at a flat 630, then the Initial Study can no longer rely on the no-increase-in-enrollment mantra as its justification of no significant impact in several areas. CEQA requires that this proposed permanent cap change be studied, together with those cumulative impacts and piecemealing.

Enrollment maximums are not the sole cap placed on St. Mary's to limit impacts on surrounding neighborhoods. Again, Planning and Zoning Commission Res. No. 94-01 from April 1994 approved revisions to Conditional Use Permit No. 93-27, subject to a square footage condition described as follows:

"The following enrollment limitations and restrictions on operation and activity are placed on the school:"

b. "Modifications to or expansion of classroom facilities including Cronin Hall and St. Joseph's Hall, shall not exceed the total, existing gross square footage as of April, 1994, including the two temporary classroom buildings. . . ."

Res. No. 94-01 made the finding to satisfy the applicable Albany City Code requirements regarding size, intensity, and location that the development was desirable and compatible with the neighborhood and the community because, among other things, it would be limited to "existing classroom space that does not exceed the total, overall classroom square footage as of April, 1994."¹⁰

St. Mary's did not appeal the square footage cap to the city council. However, in rejecting an appeal from a neighbor, the council reiterated in Res. No. 94-37 that the cap on gross square footage for "classroom facilities" was to remain at the level existing in April 1994, a figure to be provided by St. Mary's but apparently never requested by the city until many years later. When the school sought approval to construct a new classroom building in 1999, staff stated:

"As indicated in the initial staff report, this project is governed by Conditional Use Permit #93-27 which authorized selected improvements to the School campus including the construction of new classroom facilities. This Permit did, however, established [sic] limitations on the extent of new facility construction so authorized.

¹⁰ See Ex. 8 above, pp. 1, 2, and 10.

Specifically, the permit states that the gross square footage of new classroom facilities shall not exceed the existing classroom square footage as of April 1994. . . . Consequently, the staff interprets the Permit language to provide that, as a base, the gross square footage of classrooms in 1994 be established and that measurement is used for determining if the gross square footage of new classroom facilities (coupled with remaining classrooms) are [sic] within that square footage limitation. This would appear consistent with the desire to authorize new construction but provide some specific limitations on the size of new facilities otherwise authorized. Further, the size limitation would provide some physical limits on the intensity of use at the site and help maintain the 600+/- student limit imposed by the Permit." [Emphasis in original]¹¹

At the meeting on August 24, 1999, the city planner acknowledged to the commissioners that staff had no inventory of classroom square footage.¹² Thereafter city staff requested that information, and the school's architect provided an inventory of "classroom gross square footage as of April 1994" that totals 74,762.¹³ City staff included the document in the report for the October 12, 1999 meeting with the statement:

"This data is significant in that the construction of new educational facilities is limited so the proposed addition does not result in an inventory of educational facilities which exceed the square feet of classrooms existing as of April, 1994. Staff recommended conditions require that the School provide a listing of existing facilities which will be closed to maintain the required facilities square foot limits."¹⁴

Minutes of its October 26, 1999 meeting show that the commission found:
"5. Additions to existing buildings or new construction were authorized by Conditional Use Permit #93-27. . . .
"6. Conditional Use Permit #93-27 authorizes identified construction, including the construction of replacement classroom facilities, subject to terms and conditions. All those applicable terms and conditions apply to the construction of this project and are not modified by this approval. The conditions of approval contained as a part of this design review are directed toward the design and siting of this specific building and do not impact or modify the land use authorization and conditions of approval previously established by the Conditional Use Permit.

¹¹ See Ex. 14, Supplemental Staff Report dated August 17, 1999, pp. 1-3.

¹² See Ex. 15, August 24, 1999 minutes of the commission meeting, p. 5.

¹³ See Ex. 16, pp. 1 and 4 of Supplemental Staff Report dated October 7, 1999, showing Att. H, the October 7, 1999 letter from Dahanukar Brandes Architects with inventory for April 1994.

¹⁴ See Ex. 17, the staff report dated October 7, 1999 for the October 12, 1999 commission meeting, p. 2.

"7. Conditional Use Permit #93-27 provides that, as part of the Planning and Zoning Commission's action on the design review of classroom building replacements, a determination be made that the authorized new construction not exceed the classroom size limitations established by the permit. . . ."15

In some unexplained manner, the allowed gross square footage for "classroom facilities" later somehow morphed to 90,675.¹⁶ No document we have found explains the source of that elevated figure. As previously shown, the overreaching claims of the school itself only totaled 74,762 gross square feet. Those claims for classroom gross square footage in 1994 overreached because they included the entirety of Vellesian Hall, which contains administrative and maintenance offices; the old gymnasium; the bookstore; the snack bar; and the library, conference rooms, offices, and common shared/space in St. Joseph's Hall, Cronin Hall, and the science and classroom building. The city continued to employ the inaccurate and grossly inflated 90,675 figure for many years.

Staff eventually realized that a gross error had crept into the city's deliberations, as the staff report for the September 25, 2007 commission meeting included a summary of the existing use permit provisions that stated: "Modifications or expansions to classroom facilities, including replacements of existing buildings, were limited to gross square footage as of April 1994. (*Condition G-2.b.*) (Area was not stated in the resolution, but was inventoried elsewhere as 30,404 square feet.)"¹⁷ The source of that figure has not been revealed, but it is at least much closer to accurate, given the figures totaling 29,321 square feet of classroom space St. Mary's provided when asked by staff upon request by letter from PPNA for this current application.

In any event, it is clear that the imposed square footage limitation had the beneficial purpose, together with the enrollment cap, of limiting the size and intensity of the effects of all campus-related activity on the surrounding neighborhood. It is also clear that assertions about square footage made in the April 2011 application are incorrect and therefore misleading. Unfortunately, St. Mary's appears to be trying to capitalize on a mix-up in numbers and terms by claiming in its April 2011 application that: "Limiting classroom facilities to only 90,675 allows only 144 square feet per pupil and condemns SMCHS to operating at a sub-standard level."¹⁸ But the erroneous 90,675 square feet is not a measure of classroom facilities; it is much closer to a measure of overall facilities. Nor is the NAIS standard of 175-250 square feet/student the measure for classroom facilities. That, too refers to overall facilities. The NAIS standard for classroom facilities is 30 square feet/student, or 18,000 square feet for St. Mary's (600 students x 30 sq. ft./student).

Though use of the NAIS standards in and of itself is not CEQA-related, by using those standards as justification for facility expansion they become a CEQA

¹⁵ See Ex. 18, October 26, 1999 minutes of the commission, pp. 1-6.

¹⁶ See Ex. 19, the staff report dated March 25, 2003, pp. 1-2.

¹⁷ See Ex. 20, September 25, 2007 Staff Report, pp. 1, 14 and Att. M, Summary of Albany Res. No. 94-37.

¹⁸ See 2011 Application, p. 2 (not attached as exhibit).

issue. As such, the project must be evaluated on the basis of what it could accommodate were it approved, not on how many students are currently enrolled. If the entire project is granted, facility square footage rises from 116,370 sq. ft. to 148,570 sq. ft. Measuring for worst case usage, as required by CEQA, means that the school could accommodate 850 students and still meet NAIS standards (850 students x 175 sq. ft./student = 148,750 sq. ft.). Classroom square footage, which would rise from 29,321 sq. ft. to 31,636 sq. ft., would also meet the NAIS standard (850 students x 30 sq. ft./student = 25,500 sq. ft.). The project is therefore growth inducing, and that growth is required to be reviewed under CEQA.¹⁹

In the absence of greater specificity, neither members of the public nor the commission can determine with any accuracy or sense of surety of what the proposed project really consists or entails. It is inconstant, changeable, and unbounded. Analyzing every aspect of the proposed Master Plan/CUP with the yardstick of allegedly identical enrollment (questionable in any event, as noted above), falsely gauges prospective environmental impacts that expanded facilities would facilitate. Absent a clear, fixed, and stable project description, one can only guess to what uses the school will really put the space it seeks. Its desire for flexibility becomes a shield from viewing the true environmental effects. We are simply left to speculate.

In another defect in the project description, nowhere can we find anything saying clearly for what purposes the city will use this CEQA study. Is it, as staff suggested at the November 25, 2008 meeting, the only CEQA analysis to be performed for the CUP/Master Plan, leaving for Design Review all other decisions about specific uses, designs, programs, and operations in the buildings? Or is it, as some commissioners suggested, that CEQA review will be performed as each building mentioned in the CUP/Master Plan is actually proposed for construction? Note that staff asserted that Saint Mary's achieves "vested rights" upon approval of the CUP/Master Plan, which unless conditioned in appropriate ways, may leave the city obliged to allow the school's plans with little further input regarding environmental considerations. In that case, the Initial Study done at this stage could be the only review ever performed over the next 20 years regarding impacts the school's "flexible" development will have on the surrounding community.

Recall that the Initial Study with negative declaration in 1994, allowing 600 students, predicted no significant environmental impacts. Yet look how wrong the surrounding community found that analysis to be. The city's approach with the current Initial Study threatens to repeat the same mistakes.

Examples of the lack of specificity and inherent unbounded mutability are as follows:

1. Details showing present numbers or types of activities in currently existing spaces, during school day hours, after classes, in the evenings, and on

¹⁹ See Ex. 21, NAIS article on Master Planning and School Building, updated May 30, 2007.

weekends, are lacking, as well as frequency of space uses.²⁰ Similarly missing are details about planned uses of space to be added, data quantifying type and frequency of uses there, along with details showing the magnitude and intensity of future uses for spaces freed from conflicting claims on them, as well as for the new spaces/square footage. The school's 2011 application still simply alludes vaguely to "increasing scheduling flexibility" (Appn., p. 2). It remains unexplained how the school proposes to use all this added space it seeks for poorly specified additional activities not now permitted by its presently "aged and inadequate facilities such as the band room, student center snack bar kitchen, and small or inadequate classrooms." (Appn., p. 2) In the project description section (IS, p. 3), the CEQA consultant assumes no change in frequency of using resulting spaces, despite noting the large square footage increase, saying only:

"Under the proposed Use Permit, student activities would remain similar to those of today, with the opportunity to allow for more flexible scheduling. Student activities could be accommodated in more appropriate and updated facilities. Currently, activity space is limited and is shared so that multiple activities may be accommodated on campus."

It is notable that the statement is for types of activities, not quantities.

2. Not only can the public not determine planned uses, as just mentioned, it can't get much idea about functional design of the re-configured and new spaces either, other than for the music building submitted for design review. Only locations and heights of other proposed buildings in relation to existing ones appear on schematic site plans attached to the CUP/Master Plan. Floor plans showing how space inside these structures (including seating for the chapel) are now and ultimately to be configured, and the usage or alteration potentials that those configurations might allow, are undisclosed.

In the project description section, the city's CEQA consultant merely states that after approval of the CUP/Master Plan, the other major construction projects will require review of the project design. (IS for 2011 appn., Cronin, p. 9; Chapel, p. 10; St. Joseph's, p. 10; Brother's Residence, p. 11) Surely, the plan now must include design if no more CEQA review is to occur later. Further evidence of intention to defer CEQA review of various aspects of the impacts of these proposed structures appears in the geology and soils section (p. 41) and the traffic discussion (p. 77). In addition to consistent deferrals, there are many examples of ineffective wording, non-committal descriptions or assertions and undefined mitigations for

²⁰ The amended 2011 application lists "co-curricular programs" (p. 2), many of which will draw outsiders to campus, without specifying the spaces used or to be used, nor anything about intensity of uses, present and future.

identified impacts. For example, feasibility of treatment for runoff "will be evaluated" and "SCMHS will provide a signed statement accepting responsibility" (p. 50); noise issues "would need to be evaluated in a project-specific acoustical report as each individual project is formally proposed" (p. 66); the school "encourages" carpooling and AC Transit use (p. 73); construction traffic impacts "if not properly managed" (p. 78); "not expected to generate any additional normal school-day-related vehicle trips" (p. 78); chapel "will likely not be used for regular Sunday services" but "special services would occasionally be offered," followed by a litany of other "likelysts" and the school "should encourage all visitors for such events to use only on-campus parking" (p. 80); and, finally, "parents should be encouraged to use the Monterey Avenue drop-off zone, which is currently significantly underutilized" and public transit use "could be encouraged among school students, faculty, and staff by providing incentives" (p. 82). The possible mitigations cannot be left so uncertain and/or left to later actions in this manner under CEQA.

An additional problem is the many assumptions the Initial Study makes to support its conclusions about amelioration of impacts. For example, it assumes that school monitors in the morning actually "ensure that students and parents do not use Hopkins Court" for driving to the campus without actually analyzing the veracity or efficacy of that assumption, or that the Monterey Market parking lot is used "as an overflow parking area during special events at the campus," (p. 73), though school representatives have advised us that Monterey Market's lot is used only one time per year, and even then is only available beginning two hours after the start of the event. It also assumes true the school's assertion that it "has no information about the total number of students who currently use buses," which would seem like basic and necessary information for an impact analysis (p. 74). The Initial Study also repeats the school's continued assertion that speed bumps are an expedient available to curtail speeding on Albina Avenue, despite the fact that it has been pointed out that installing them is contrary to the City of Berkeley's policies (p. 82). Finally, among numerous other examples of unexamined assumptions, the IS elects not to examine the assertion that Sunday services "likely" won't be offered in the chapel.

3. Failure of Saint Mary's to analyze present and proposed uses led the city's CEQA consultant to make faulty assumptions, the major one of which is that no impacts on the environment will change because enrollment allegedly won't increase. Because enrollment is irrelevant to out-of-hours use, it's an inaccurate assumption. The limited description of uses for the music building, and linking the new parking lot with it, implies potential, perhaps a likelihood of, frequent programs drawing people to campus for events in that building (appn., p. 4) that don't currently take place. The installation of a full kitchen along with a chapel assembly hall could allow for a number of extra events that the site is not currently capable of accommodating, but the Initial Study fails to analyze frequency, numbers of attendees, number of cars, etc. for the enlarged space compared with the outmoded music pavilion on campus now or the lack of assembly facilities.

4. The assumption that uses will just spread out and not expand is hard to believe, but it's impossible to accept that the school's expressed desire to ameliorate current conflicting uses won't at some point yield simultaneous events on campus described in the CUP/Master Plan, to say nothing of likely additional events that become possible with the addition of so many more square feet, particularly with the larger venues of the new music building and the chapel (able to accommodate 200 plus). That does not even consider possible simultaneous sports and/or non-sports events, the probability of which and impacts of which the consultant fails to consider.²¹ The IS seems to rely on the school's assertion that it won't schedule simultaneous events, assuming thereby that no mitigations are necessary. But as there is nothing in the application to prevent them from actually occurring it is necessary that the potential impacts of such events be analyzed and mitigated accordingly.

Again, the project description portion of the Initial Study lacks any analysis of the accuracy or reasonability of the basic assumption that supposed lack of enrollment change will not lead to any use changes, an assumption repeated throughout the document. The consultant acknowledged in the study for the revised 2008 Master Plan that "there may be some increase in the use of the campus after normal classroom hours, since both activities (basketball and theatrical rehearsals) could then be scheduled at the same time in different buildings." (2008 IS, pp. 8-9) Unlike the treatment given to the issue then, the consultant this time totally evades any consideration of environmental impacts of such expanded uses.

5. The revised 2008 Master Plan wasn't finite, because it said that Saint Mary's sought space with the express intent of achieving flexibility for "future program growth and development." (Rev. 2008 MP, p. 7) The 2011 application doesn't include the exact language, but continues to emphasize throughout the need for "flexibility," which we take as a likely euphemism for increased programs. The city's CEQA consultant utterly fails to examine the environmental implications of such potentials even though the project description does not rule them out. Again, the 2011 application fails throughout to explain adequately the future programs, given this legacy and continuing lack of clarity.

6. The amended Master Plan proposal a few times mentions the athletic field part of the original application to the City of Albany that also appeared in the original Master Plan Summary under consideration when the city approved permits for the field construction. It never, however, mentions the other construction projects with environmental impacts that Saint Mary's has

²¹ The gymnasium already has a capacity of 1178 and the 1995 gymnasium-auditorium 1000. (See pp. 1, 2, and 9 of the letter dated September 15, 2006 from Brother Edmond Larouche, attached as Exhibit 22.

completed in the past decade and their piecemeal and cumulatively incremental impacts, which the IS also neglects to review.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

XI. Noise

A notable defect in the Initial Study is failure to consider frequency or intensity of use for new and existing buildings as a result of the CUP/Master Plan. Absolutely no mention of evening or weekend use appears in the study. As Saint Mary's states it seeks new structures to diminish conflicts in uses, it is reasonable to assume that multiple events will occur simultaneously as space is freed in one venue and activities are transferred to a new one, despite statements to the contrary (Revised Traffic and Parking Management Plan December 2010, unnumbered p. 4, accompanying the 2011 appn.), absent appropriate mitigation. Noise that will result from those campus uses and from drawing more participants from off campus, as they travel through surrounding neighborhoods to attend the events, is ignored. The consultant states as fact, with no source or study cited: "routine use of the campus buildings by faculty, students and staff does not usually generate noise loud enough to be heard off-campus," (IS, p. 61) and then refers to noise from the athletic fields studied to be mitigated in the earlier Initial Study of the first phase of the original Master Plan. The Initial Study, however, fails to consider current noise production from the gymnasium-auditorium, or the other periodic non-athletic field outdoor gatherings of students and faculty during the school day, which most certainly do occur with some regularity, yielding notable ambient music and voices over loudspeakers. Nor does it even note the existence of events that occur from time to time at the Brothers Hospitality location, yielding significant, though so far unamplified voices from outdoor events.

Significantly, the consultant says nothing about potential noise generation (1) at the site of the proposed new chapel; (2) at the site of the new 26-space parking lot, which will be placed nearer residences at the outer edge of the campus, rather than shielded by any buildings; and (3) at the Shea Student Center, which is projected to have larger gatherings and which may have covered outdoor dining (as was put forth in the revised 2008 MP). The 2011 application stresses how the expanded kitchen facilities in Shea "will make it possible to accommodate both a snack bar and catering for occasional larger gatherings." (Appn., p. 5) The vague words "occasional" and "larger" elicited no analysis from the consultant of potential impacts.

Albany's noise ordinance exempts school athletic events, but not other school-generated noise. While the Initial Study cites an acoustic study of the existing music pavilion, the consultant failed to analyze whether the acoustic study could be considered at all comparable to noise one may reasonably expect from the new structure. It seems unlikely that testing can be considered adequately similar without analyzing the assumptions behind the sound study. For example, will the

size of the door openings be the same, does sound from the existing doors emanate in the same direction as it will from the new structure, will there be comparable size to the window openings and will they be located at comparable heights, will they be open or closed during hours of instrumental play or vocal sounds, will such sounds emanate only during regular school hours or also during evenings or weekends that would normally have lower levels of ambient noise?

Incredibly, the Initial Study states that construction work on CUP/Master Plan projects can occur on Sundays and legal holidays, and does not consider this a significant impact worthy of mitigation measures. (IS, p. 65)

Finally, this study fails to seriously consider either cumulative noise impacts from past projects in recent years with uses to be expected under the proposed projects or piecemealing of the campus development. Here, and throughout the whole Initial Study, not having inquired into current use patterns or what expected uses will be in the new structures, the study assumes away the critical issues.

XIII. Public Services

The Initial Study recognizes that "most of those using the campus are not residents of Albany." (IS, p. 68) Focusing only on the City of Albany's public resources, the consultant assumes no significant impacts on public services in other cities or jurisdictions. However, visitors to St. Mary's have a bad habit of blocking the driveways of residents in the neighborhood. They also park in red zones, in front of wheelchair cuts, and on blind curves. When the problems are referred to St. Mary's personnel, neighbors are told to call local police to have cars towed. If, with expanded facilities, the school is able to hold more events, the problem will be exacerbated. Neither the cities of Berkeley nor Albany have the resources to commit to resolving this type of problem, and it is hard to see how they would consider such calls coming to them as insignificant, particularly if one involved an emergency.

Intensified uses, particularly potential simultaneous events, will likely affect fire and police protection needs in Albany and Berkeley. The Initial Study shows access of fire equipment is planned up Albina over the bridge spanning Codornices Creek to the portion of the campus where the new buildings will sit. (Sheet 4, Circulation & Parking Plan) If something were to happen to the bridge, there is the likelihood of a significant impact on the neighborhood surrounding St. Mary's, yet no alternative to this plan is offered in the IS. Should an earthquake or fire occur when school traffic is heavy, the absence of an alternative route would cause potentially catastrophic delays in timely access into campus or to residences on Albina or Hopkins Court.

XV. Transportation/Traffic

The consultant concludes that the proposed CUP/Master Plan construction will have virtually no impact, except during construction, on the single biggest problem the surrounding neighborhoods suffer from with Saint Mary's activities:

the traffic, parking, and speeding triple threat. It does so based on highly suspect data and reasoning. For instance:

1. The Turning Analysis relies on analysis of data collected on only one day during Easter Vacation (Thursday, 3/27/08), when no school was in session, comparing it to one day when school was in session (Tuesday, 4/1/08). (IS, p. 75) It fails, however, to take into consideration that April 1, 2008 was a Junior Class Retreat day, when a large number of the students who drive to school were not present during the day.²² Nor does it consider whether activities associated with other institutions or businesses might have made it an unwise choice as a "typical" day. It also ridiculously concludes "that some days some intersections appear to operate worse without the school in session than when the school is in session" and blames the difference on the variability of daily traffic conditions. (IS, p. 75) Obviously, a public street carries varying levels of traffic at different times and on different days, depending on conditions totally unrelated to the school (such as it being Easter vacation, when more people are potentially out and about). But when the school traffic is added to the mix, the result will always be worse, not better.²³

2. The Roadway Traffic Volumes were also measured during the same flawed time period, when many members of the Junior Class were on retreat. (IS, p. 75)

3. Both traffic and parking were measured for school impact on a single day, as if one day of data was statistically significant and could provide a basis for drawing conclusions. Neighborhood complaints about after hours traffic and parking are not primarily about regularly occurring events, such as coming to and leaving school during a normal school day. They are based on random, but frequent, events that cause the streets to be overloaded and over parked, generally in the evening and on weekends. The only way to measure this is to actually take counts on days with scheduled evening or weekend events, and to count several times to measure the impact of different types and sizes of events. For instance, a football or basketball game might have a large impact, while a volleyball match might have none. A Parents Association meeting might not bring in more cars than the parking lot can accommodate, but a class reunion, events in the expanded and more attractive Shea Student Center, in the new music building, in the new chapel, or in the enlarged Brother's Residence might overflow into the neighborhoods. The study does not examine the potential for simultaneous events. The parking measurement was taken on Feb. 4, 2008, when the only event scheduled was evening Advanced Placement testing for the 2008-2009 school year. (IS, p. 76)

²² See attached as Exhibit 23, calendar and description of what junior class retreats involve, particularly the clear implication that they occur away from campus.

²³ How could it be otherwise, if 97 percent of all traffic on Albina is related to Saint Mary's? (See Korve Traffic Study March 17, 2005, p. 11, attached as Exhibit 24.)

4. Speed Studies, as they apply here, are generally used to evaluate and determine proper speed limits and verify speed problems. The 50th percentile (where half of the traffic is above and half below the mean speed) determines the average speed of the traffic stream. The 85th percentile (speed at or below which 85% of the observed vehicles travel) is used to determine the likely posted speed limit, on the assumption that 85% of the drivers are traveling at a speed that they feel is safe. The Korve 2003 and 2005, as well as the DMJM Harris 2008, speed studies conclude that, because the 85th percentile is in the range of 25 mph, speeding is not a concern on Albina. In other words, it concludes that 17 and 18 year old drivers who FEEL safe at that speed ARE safe at that speed. It is a ridiculous conclusion, especially given the confines of the street (barely room for two cars to pass each other when there are any cars parked in the area), which the school acknowledged, as shown below, and the fact that it is not truly a "through" street (it is basically a long driveway ending up in the school parking lot), not to mention the well-known propensity of teenagers to speed. At least as early as the 2002-2003 school year, the Saint Mary's Student Handbook contained the following passage:

13.3.1 STUDENT DROP-OFF AND PICK-UP

Because Albina Avenue is narrow, Saint Mary's requests that students and parents observe a 15 mph speed limit while driving on Albina Avenue.²⁴

It is not known when nor why that passage was dropped from the handbook, but it is clear that street conditions are not better today than they were in 2002, when the school recognized the need for slower traffic. A reduced 15 mph speed limit, if authorized by ordinance or resolution in a residential district, is the prima facie speed limit in a school zone when approaching within 500 feet. (Calif. Dept. of Transportation Policy Directive, MUTCD sec. 7B.11, attached as Exhibit 26) Though as yet there has been no such ordinance or resolution passed in Berkeley, a "Slow - School" sign is posted no more than about 10 feet after the 25 mph sign, giving a bit of a mixed message, which should be resolved by drivers in favor of the slower, safer speed. It should be noted that the 2005 Korve Traffic Study reports that the posted speed limit on Hopkins Court was 25 mph. It has since been changed to 15 mph, which should also happen on Albina Avenue. (The matter has been referred to Berkeley City Councilman Laurie Capitelli.)

5. The Initial Study assumes that traffic outside of peak periods is not school related, which is incorrect. Albina Avenue residents observe that almost all traffic on the street is related to Saint Mary's, not only on school days but also on other days, and the Korve traffic analysis confirms that fact. Use of the campus is

²⁴ See attached as Exhibit 25, a letter dated April 17, 2003 from Brother Edmond Larouche, pp. 1, 4, together with his attachments of the letter to parents from the dean of students about driving carefully and the page from the 2002-2003 Student Parent Handbook containing the above-quoted passage.

now virtually unlimited, and constant campus-sponsored activities, combined with the school's expressed desire to have an open campus that can serve as a "sanctuary" for students at all times, draw vehicles. Albina also serves as the access road for almost all deliveries, visitors, sales calls, etc. Again, the 2005 Korve Traffic Study, which is Reference #5 in the Initial Study, states that "School traffic was approximately 97 percent of traffic on Albina in 2005," up from 70 percent in 2003.²⁵

XVII. Mandatory Findings of Significance

Because the consultant assumes "no substantial increase in use of the campus relevant to current use patterns," (IS, p. 85) cumulative impacts were not studied. Cumulative impacts of past projects, from 1994 onward, weren't even considered with the proposed CUP/Master Plan projects.

²⁵See IS Reference #5 (SMCHS Traffic Study by Korve, March 17, 2005, p. 11, Ex. 24 above).

Saint Mary's College High School
 Calendar Summary—Facility Use by Saint Mary's College High School
 Weekday Events After the End of the School Day @ 5:00 PM and All Weekend Events

Date	Start Time	End Time	Category	Description	# People
Thursday, September 16, 1993	7:30 PM	9:00 PM	Social-Other	Back to School Night	299
Albina entry: 100 cars/250 people park on campus. 15 cars/37 people park in Posen St. lot; 5 cars/12 people park on Posen St. and other Albany/Berkeley streets.					
Saturday, October 2, 1993	11:00 AM	4:30 PM	Athletic	Football-Kennedy	248
50 dropped off/walk on Albina and 50 dropped off/walk on Posen St. Albina entry: 25 cars/62 people park on campus; 5 cars/12 people park on Albina/Hopkins Court. 15 cars/37 people in Posen St. lot; 15 cars/37 people park on Posen St. and other Albany/Berkeley streets.					
Friday, October 8, 1993	8:00 PM	11:30 PM	Social-Student	Homecoming Dance	303
150 dropped off/walk on Albina and 30 dropped off/walk on Posen St. Albina entry: 15 cars/37 people park on campus; 5 cars/12 people park on Albina/Hopkins Court. 15 cars/37 people in Posen St. lot; 15 cars/37 people park on Posen St. and other Albany/Berkeley streets.					
Saturday, October 9, 1993	11:00 AM	4:30 PM	Athletic	Football-Piedmont	508
50 dropped off/walk on Albina and 50 dropped off/walk on Posen St. Albina entry: 105 cars/262 people park on campus; 10 cars/22 people park on Albina/Hopkins Court. 15 cars/37 people in Posen St. lot; 35 cars/87 people park on Posen St. and other Albany/Berkeley streets.					
Saturday, October 16, 1993	11:00 AM	4:30 PM	Athletic	Football-Bishop O'Dowd	898
150 dropped off/walk on Albina and 150 dropped off/walk on Posen St. Albina entry: 130 cars/324 people park on campus; 20 cars/50 people park on Albina/Hopkins Court. 15 cars/37 people in Posen St. lot; 75 cars/187 people park on Posen St. and other Albany/Berkeley streets.					
Thursday, October 21, 1993	7:30 PM	9:00 PM	Academic	College Information Night	49
0 dropped off/walk on Albina and 0 dropped off/walk on Posen St. Albina entry: 15 cars/37 people park on campus; 0 cars/0 people park on Albina/Hopkins Court. 5 cars/12 people in Posen St. lot; 0 cars/0 people park on Posen St. and other Albany/Berkeley streets.					
Sunday, October 24, 1993	3:00 PM	5:30 PM	Cultural	Jazz Concert	87
Albina entry: 25 cars/62 people park on campus. 10 cars/25 people in Posen St. lot.					
Saturday, October 30, 1993	6:00 PM	9:30 PM	Social-Other	Saint La Salle Society Dinner	50
Albina entry: 20 cars/50 people park on campus.					
Thursday, November 4, 1993	7:30 AM	9:00 AM	Academic	Report Card Night	274
Albina entry: 85 cars/212 people park on campus. 15 cars/37 people park in Posen St. lot; 10 cars/25 people park on Posen St. and other Albany/Berkeley streets.					

PLANNING AND ZONING STAFF REPORT

Item No. 4

Report Date: 9/10/93
Meeting Date: 9/14/93

TO: PLANNING AND ZONING COMMISSION

FROM: CLAUDIA CAPPIO, PLANNING DIRECTOR *CC*

RE: 1) PUBLIC HEARING - ST. MARY'S COLLEGE HIGH SCHOOL - CONSIDERATION OF NEGATIVE DECLARATION FOR MASTER PLAN AMENDMENT AND EXPANSION OF GYMNASIUM, SITE MODIFICATIONS AND EXPANDED ENROLLMENT.
2) PUBLIC HEARING - CONDITIONAL USE PERMIT FOR MASTER PLAN AMENDMENT, EXPANSION OF GYMNASIUM, SITE MODIFICATIONS AND EXPANDED ENROLLMENT
3) DESIGN REVIEW FOR PARKING LOT AND SITE MODIFICATIONS AND NEW GYMNASIUM BUILDING

LOCATION: PERALTA PARK - ALONG POSEN AVENUE

APPLICANT: ST. MARY'S COLLEGE HIGH SCHOOL (MARQUIS ASSOCIATES, ARCHITECTS)

OWNER: DELASALLE INSTITUTE

ZONE: R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT)

CEQA STATUS: This project is subject to review under the California Environmental Quality Act. An initial study was completed, with the finding that a negative declaration may be adopted for the project. A notice of intent to adopt a negative declaration was published and circulated for public comment on August 20, 1993.

Prior to taking any action to approve the conditional use permit or the design review applications for the project, the Planning and Zoning Commission must first review and consider the environmental information which has been completed, and any public comments and testimony, and approve the negative declaration. Approval of the negative declaration means that the Commission believes that sufficient environmental information has been assessed about the project, and that measures to reduce or eliminate the significant, adverse environmental impacts have been identified. If the Commission chooses to deny the conditional use permit, no further action on the negative declaration is required.

ZONING
ORDINANCE
REFERENCES:

Section 20-2.6.b: Requires a conditional use permit for schools educational activities in an R-1 Residential District.

Section 20-4: Sets forth the conditional use permit requirements and procedures.

Section 20-10: Sets forth the design review requirements and procedures.

EXHIBIT 2

COMMISSION

PROCEDURE: This hearing is the first time that the Commission will have the opportunity to hear public comments and concerns about the project. After taking public testimony, Commissioners may review various aspects of the project, the proposed mitigation measures, conditions and requirements for the use permit, and any other items that warrant review. The Commission may then give direction to the applicant and staff about one of the following courses of action:

--If the Commission wishes to approve the use permit, staff will prepare a final draft of the conditions and requirements, as discussed, and schedule this item for the September 28 or October 13, 1993 meeting. A draft set of findings pursuant to CEQA and to Section 20-3.5 of the Albany City Code will also be prepared.

--If the Commission chooses to deny the application, staff will prepare a draft set of findings for the September 28, 1993 meeting.

--If the Commission needs more information about an issue, or changes need to be made in the design, this hearing can be continued to September 28 or October 13, 1993, pending submittal of the new items.

BACKGROUND:

This use permit application and design review application involves a series of changes to the St. Mary's High School facility in Albany. In June, 1993, St. Mary's reviewed proposed changes to the master plan and site facilities for the campus with the Planning Commission and the public. Since that time, St. Mary's staff, the architects and City staff have been working on addressing the concerns which have been raised and completing the environmental review. This public hearing includes the review of the proposed environmental document, the project, and other information and analysis that has been developed as part of the project.

Various master plan schemes have been presented to the City in the past. Part of this use permit review includes compiling and organizing various phases, conditions and requirements for future campus improvements into a master document. Such a document will provide the basis for any further review and changes in the future.

For purposes of this use permit application and the environmental review requirements under the California Environmental Quality Act, presented below is the project description:

The St. Mary's College High School campus site and facilities would be expanded to support a co-educational program for Fall, 1994. Enrollment would increase from approximately 475 students to a maximum of 600 students. (The enrollment was as high or higher than 600 students during the late 1960's and early 1970's).

The existing gymnasium would be expanded by removing the original locker rooms and replacing them with a new, 26,000 sq.ft. structure. This building would include locker rooms, restrooms, offices, a lobby and weight rooms. The proposed structure would match adjacent buildings with light colored stucco finish and may reach 55 feet to the top of the roofline at its highest point.

Other site modifications are also proposed as part of this project. First, a new 40 space parking lot will be constructed along the northwest edge of the campus, with access from Posen Avenue. Two temporary classroom buildings would be removed to accommodate the new parking area and to facilitate modification or expansion of Cronin Hall and St. Joseph's Hall to account for the increased number of students. No physical expansion beyond the existing total square footage of the two temporary classroom buildings, Cronin Hall and St. Joseph's Hall is proposed. Expansion and modification of the playing fields along the

east portion of the site may also be incorporated.

If the Commission reviews and approves this use permit, the master plan for the campus will then incorporate the above proposed changes. It would not include the performing arts center, the new parking lot area at the southeast corner of the campus, and the removal of Cronin Hall, since these changes are speculative at this time.

STAFF FINDINGS:

Both the Commission and the public have generally reacted favorably to the proposed changes for this campus. Through the course of the environmental and public review, four major issues have been identified which warrant special attention. These issues are the focus of this staff report. They are addressed in more detail below, with options for action:

1) Site Drainage. A number of serious drainage concerns have been raised, both in relation to existing problems and the potential for more problems as a result of the new parking lot and gymnasium. There is a significant grade difference between the St. Mary's property and two adjacent residential properties (1508 and 1510 Posen.)

In response, St. Mary's has retained a civil engineer who has prepared a comprehensive drainage plan.

Recommended action: A final, detailed drainage plan should be prepared and submitted as part of the grading and improvement plans for the parking lot. This plan should include full calculations and documentation to demonstrate that all surface run-off is being captured and directed toward Posen, and that all remedial drainage problems have been solved, particularly with regard to the properties at 1508 and 1510 Posen Avenue. This plan should be reviewed by an independent civil engineer, retained by the City at the applicant's expense.

2) Traffic and Parking. Three problems were identified: the increased number of trips generated by the larger number of students, the existing problems with the character of the teenage drivers (i.e., speed of cars, inexperience, periodic "crazy" driving), and the potential for increased on-street parking on residential streets. (Noise and parking lot disturbances are discussed in #3, below.)

Average daily traffic will increase by approximately 300 trips/day with the maximum number of students projected. The increase will occur over a two to three year period. A somewhat conservative trip generation number was used due to the large geographic area that this facility serves (1.7 trips/student.) Both Albina and Posen have adequate capacity to accommodate this increase.

Under the proposed plan, the daily school traffic will be distributed on both Albina and Posen. This change will be positive for residents along Albina and Monterey Court, because Posen will for access for those students who drive themselves to school.

Recommended actions: There are a number of solutions available to manage the potential traffic problems. Staff suggests that St. Mary's develop a traffic management plan as part of their use permit requirements, with three levels of magnitude. Initially, a series of measures should be automatically instituted as a first phase. The second and third phases would be required if the first phase fails to adequately manage the problems. A monitoring plan should also be incorporated.

The measures could include but not be limited to the following:

Management techniques:

PLANNING AND ZONING COMMISSION STAFF REPORT

Item No. 9

Report Date: 11/18/93
Meeting Date: 11/23/93

TO: PLANNING AND ZONING COMMISSION

FROM: CLAUDIA CAPPIO, PLANNING DIRECTOR *CC*

RE: STUDY SESSION - ST. MARY'S COLLEGE HIGH SCHOOL - CONSIDERATION OF MASTER PLAN AMENDMENT FOR EXPANSION OF GYMNASIUM, SITE MODIFICATIONS AND EXPANDED ENROLLMENT.

LOCATION: PERALTA PARK - ALONG POSEN AVENUE

APPLICANT: ST. MARY'S COLLEGE HIGH SCHOOL (MARQUIS ASSOCIATES, ARCHITECTS)

OWNER: DELASALLE INSTITUTE

ZONE: PF - Public Facilities and PF:W - Watercourse Combining District due to proximity of creek (Underlying zoning district is R-1 - SINGLE FAMILY RESIDENTIAL)

CEQA
STATUS:

This project is subject to review under the California Environmental Quality Act. An initial study was completed, with the finding that a negative declaration may be adopted for the project. A notice of intent to adopt a negative declaration was published and circulated for public comment on August 20, 1993.

Prior to taking any action to approve the conditional use permit or the design review applications for the project, the Planning and Zoning Commission must first review and consider the environmental information which has been completed, and any public comments and testimony, and approve the negative declaration. Approval of the negative declaration means that the Commission believes that sufficient environmental information has been assessed about the project, and that measures to reduce or eliminate the significant, adverse environmental impacts have been identified. If the Commission chooses to deny the conditional use permit, no further action on the negative declaration is required.

ZONING
ORDINANCE
REFERENCES:

Section 20-2.6.b: Requires a conditional use permit for schools educational activities in an R-1 Residential District.

Section 20-4: Sets forth the conditional use permit requirements and procedures.

Section 20-10: Sets forth the design review requirements and procedures.

COMMISSION

PROCEDURE: This session has been scheduled to review new information and responses to the public's and Commission's direction at the September public hearing on this matter. Prior to scheduling a second public hearing, staff recommends that the Commission review the changes and other information about the project, and give staff and the applicant any remaining direction or

comments. It is Commission policy that comments made at a study session are for information purposes only, and are not binding on the Commission. Any comments made by the public will become part of the public record for the project.

Staff suggests that a second public hearing be scheduled for December 14, 1993, to review the draft set of conditions and requirements for the project, the completed environmental document, and to take action on the project.

BACKGROUND:

Proposed Project. This use permit application and design review application involves a series of changes to the St. Mary's High School facility in Albany. A project description has been developed as follows for purposes of the use permit and the required analysis under the California Environmental Quality Act (CEQA):

The St. Mary's College High School campus site and facilities would be expanded to support a co-educational program for Fall, 1994. Enrollment would increase from approximately 475 students to a maximum of 600 students. (The enrollment was as high or higher than 600 students during the late 1960's and early 1970's).

The existing gymnasium would be expanded by removing the original locker rooms and replacing them with a new, 26,000 sq.ft. structure. This building would include locker rooms, restrooms, offices, a lobby and weight rooms. The proposed structure would match adjacent buildings with light colored stucco finish and may reach 55 feet to the top of the roofline at its highest point.

Other site modifications are also proposed as part of this project. First, a new 40 space parking lot will be constructed along the northwest edge of the campus, with access from Posen Avenue. Two temporary classroom buildings would be removed to accommodate the new parking area and to facilitate modification or expansion of Cronin Hall and St. Joseph's Hall to account for the increased number of students. No physical expansion beyond the existing total square footage of the two temporary classroom buildings, Cronin Hall and St. Joseph's Hall is proposed. Expansion and modification of the playing fields along the east portion of the site may also be incorporated.

NOTE: Various master plan schemes have been presented to the City in the past. Part of this use permit review includes compiling and organizing various phases, conditions and requirements for future campus improvements into a master document. Such a document will provide the basis for any further review and changes in the future. If the Commission reviews and approves this use permit, the master plan for the campus will then incorporate the above proposed changes. It would not include the performing arts center, the new parking lot area at the southeast corner of the campus, and the removal of Cronin Hall, since these changes are speculative at this time.

Previous Review. In June, 1993, St. Mary's reviewed proposed changes to the master plan and site facilities for the campus with the Planning Commission and the public. In September, 1993, the Commission held a public hearing about this proposal, and received public testimony about the design and potential impacts of the new parking lot off of Posen; drainage concerns; traffic and safety concerns about the speed and style of drivers particularly along Albina and Hopkins Court; and the potential visual impacts of the new gymnasium expansion.

STAFF FINDINGS:

Both the Commission and the identified concerns about the proposed project. Commissioners also gave staff and the applicant direction regarding changes in the project and further information that should be submitted. This

Exhibits

Attachment A

The St. Mary's College High School campus site and facilities would be expanded to support a co-educational program for Fall, 1995. Enrollment would increase from approximately 375 students (Fall, 1994) to a maximum of 600 students over a five year period (1995-1999.) (The enrollment was as high 790 students during the late 1960's and early 1970's).

The existing gymnasium would be expanded by removing the original locker rooms and replacing them with a new, 26,000 sq. ft. structure. This building would include locker rooms, restrooms, offices, a lobby and weight rooms. The proposed structure would match adjacent buildings with light colored stucco finish and may reach 54 feet to the top of the roofline at its highest point along the west elevation.

Other site modifications are also proposed as part of this project. First, a new, 33 space parking lot will be constructed along the northwest edge of the campus, with access from Pease Avenue. Two temporary classroom buildings would be removed to accommodate the new parking area and to facilitate modification St. Joseph's Hall, demolition of Crown Hall and building new classroom facilities to account for the co-educational enrollment and the increased number of students. No physical expansion beyond the existing total square footage of the two temporary classroom buildings, Crown Hall and St. Joseph's Hall is proposed. Expansion and modification of the playing fields along the east portion of the site may also be incorporated.

This use permit and amendment to the master plan (CUP # 587) does not include the new performing arts building or associated parking lot off of Albina Avenue.

Exhibit 8 (Continued)

Saint Mary's College High School
Peralta Park
Albany, California

Wednesday, November 3, 1993

To: Claudia Cappio
Principal Planner
City of Albany

From: Thomas M. Brady
President

Re Enrollment Statistics and Projections

Year	High School	Grammar School	Total
1960-61	604	157	761
1961-62	582	153	735
1962-63	554	142	696
1963-64	556	139	695
1964-65	588	155	743
1965-66	611	180	791
1966-67	575	135	710
1967-68	517	134	651
1968-69	498	117	615
1969-70	512	0	512
1970-71	507	0	507
1971-72	484	0	484
1972-73	478	0	478
1973-74	422	0	422
1974-75	414	0	414
1975-76	416	0	416
1976-77	418	0	418
1977-78	421	0	421
1978-79	433	0	433
1979-80	403	0	403
1980-81	422	0	422
1981-82	427	0	427
1982-83	429	0	429
1983-84	410	0	410
1984-85	412	0	412
1985-86	436	0	436
1986-87	470	0	470
1987-88	445	0	445
1988-89	445	0	445
1989-90	395	0	395
1990-91	393	0	393
1991-92	393	0	393
1992-93	376	0	376
Average (33 years)	468	40	508

EXHIBIT 12



SAINT MARY'S COLLEGE HIGH SCHOOL

PERALTA PARK • 1294 ALBINA AVENUE • BERKELEY • CALIFORNIA 94706-2599
TELEPHONE (510) 559-6220 • FAX (510) 559-6277 • WWW.SAINTMARYSCHS.ORG

OFFICE OF THE PRESIDENT

December 19, 2002

Mr. Dave Dowswell, AICP
Planning and Building Manager
City of Albany
1000 San Pablo Avenue
Albany, California 94706

CITY OF ALBANY

DEC 19 2002

COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Mr. Dowswell:

We thank you, Ann Chaney, and Billy Gross for meeting with Ward Fansler and me on November 13, 2002, to discuss changes to Saint Mary's conditional use permit. To follow up on our meeting, we herein enclose our application for a new conditional use permit along with a check in the amount of \$1,000 toward payment of the application fee.

With this application and as a part of it, we are also enclosing a copy of our November 1, 2002, letter to you, and a copy of the letter from our attorney, Harold P. Smith, to the city attorney, Robert Zweben.

As stated in our November letter and discussed at our November meeting, we are seeking changes to our conditional use permit that will allow us to better achieve our religious and educational mission and align us with the City of Albany's Community Services and Facilities Goals and Policies that support efforts to improve existing school facilities and provide for expanding enrollments as articulated in the City's General Plan 1990 - 2010.

Specifically, we seek:

1. A floor area ratio (FAR) that is in accord with the City's General Plan 1990 - 2010 and similar to the FARs enjoyed by Albany High School, other public schools, and other public facilities. This change will allow us to retain all the facilities we now have, including the "excess" 3,032 square feet of educational facilities that the City is currently requiring Saint Mary's to remove, and to plan for future facility improvements, such as additional offices, conference rooms, storage areas, classrooms, updated band room, and chapel.
2. An enrollment of 735 students. For three years in a row we have received over 400 applications for some 160 freshman seats. Increased enrollment would permit more families to have the religious education and other educational opportunities they seek for their children.

ATTACHMENT A

Hence, at this time, we request that the square foot limitation that is currently in effect be increased at least to allow for these facilities to remain.

We have reviewed the City of Albany zoning ordinance and *General Plan 1990-2010*. We find that the 17% FAR that the City of Albany is imposing on Saint Mary's is inequitably restrictive in light of all other land uses in the City of Albany.

Albany High School, the only other high school in the city, enjoys an FAR of approximately 64%. Elementary and middle schools enjoy a range of FARs from 40% to 65% (Exhibit 2). Residential Zoning enjoys an FAR of 50%. Commercial Zoning enjoys an FAR of 100%. Public and Quasi Public Zoning enjoys an FAR of 95%. These FARs are in stark contrast to the FAR of 17% imposed on Saint Mary's (Exhibit 3).

Over the next ten to fifteen years, Saint Mary's hopes to further develop its facilities so that it may more effectively accomplish its religious mission. We have no definitive plans as of yet. These will be developed as we are able to raise the necessary funds. However, we hope to construct additional classrooms, offices, and storage areas. We also hope to construct a chapel.

Saint Mary's finds that the current square footage limitation denies Saint Mary's of its rights as a property owner, including the right to construct needed facilities and to expand its offerings. The limitation, while it does not further any apparent compelling governmental interest, hampers Saint Mary's free exercise of its religious mission of providing a Christian and human education to young people, especially the poor.

Thus, we further request that Saint Mary's be treated equitably and be accorded the same FAR rights accorded schools in the city's general plan (Exhibit 4).

Next, we seek some relief from the cap that the City of Albany has imposed on enrollment. Currently we are restricted to an enrollment of 630 students. We wish a small increase. By way of comparison, Albany High School enjoys an enrollment of some 970 students.

For each of the last three years Saint Mary's has received over 400 applications for some 165 to 175 freshman seats. Thus we have had to deny admission to many qualified students. The experience of not being accepted is one of great disappointment and pain for these young people and their families. To ameliorate this situation, we would like the enrollment cap expanded to 700 students. ~~We would phase the increase over a three year period.~~ This increase would be welcomed by many families and would allow them the freedom to obtain the religious education they seek for their children. Saint Mary's is a non-profit religious organization. Our interest is to be of greater service to young people and their families if at all possible. During the 1960s the Peralta Park property supported student populations in the 700s. In the 1965-1966 academic year, enrollment peaked at 791 students.

Lastly, we ask that you please consider our requests for an equitable FAR and increased enrollment in consultation with the City Attorney and in light of the "Religious Land Use and Institutionalized Persons Act of 2000" (RLUIPA) that was signed into law by then President Clinton on September 22, 2000. It is our hope that the City of Albany may find RLUIPA to be a good resource in its efforts to establish a supportive rationale for responding favorably to our requests.

Also please find enclosed Exhibit 5 that maps the locations of the Public/Quasi Public Institutions in the City of Albany.

We wish to take this opportunity to thank you, Ann Chaney, and staff for all of your past support and assistance, especially with the construction of Frates Memorial Hall. It has been much appreciated.

We look forward to receiving your response to our above requests.

Sincerely,

Brother Edmond Larouche, FSC

Brother Edmond Larouche, FSC
President

C: Ann Chaney, Director, Community Development



INITIAL APPLICATION
REC'D 7/19/06

SAINT MARY'S COLLEGE HIGH SCHOOL

PERALTA PARK • 1294 ALBINA AVENUE • BERKELEY • CALIFORNIA 94706-2599
TELEPHONE (510) 559-6220 • FAX (510) 559-6277 • WWW.SAINTMARYSCHS.ORG

OFFICE OF THE PRESIDENT

July 14, 2006

page 7 item 6
paragraph 2

Mr. Ed Phillips, Staff Consultant
Mr. Jeff Bond, Planning and Building Manager
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

**RE: Saint Mary's College High School
Master Plan**

Dear Mr. Phillips and Mr. Bond:

Thank you for your assistance in the preparation of the Master Plan for Saint Mary's College High School. The Master Plan, Application, and other requested items of information are attached. The following is a response to Ed's letter of March 22, 2006 to Hal Brandes:

1. Existing Conditions

The Peralta Park campus has been home to Saint Mary's College High School since 1927, when it moved from Oakland; the school was founded as part of Saint Mary's College in San Francisco in 1863. The De La Salle Christian Brothers purchased the Peralta Park property in 1903 and opened a Catholic grammar school for boys that same year. The grammar school moved to Napa in 1969, at which time the boarding department for the high school, operating since 1927, also closed. In 1995, Saint Mary's became a coeducational school, offering Lasallian Catholic education to young women from families from throughout the East Bay and beyond. Between 1903 and 1969, an estimated 1,900 students graduated from the grammar school, and since 1927, the high school has graduated over 7,200 students.

Improvements to the campus continue to serve the needs of the school community and provide the Catholic education of young people that is Saint Mary's mission. The student population was capped at 600 + 5% in 1995. By comparison, over the past 46 years, that population numbered 761 in 1960 (604 high school, 157 grammar school), peaked at 791 in 1966 (611 high school, 180 grammar school), and had fallen to 308 (all high school) the year before coeducation in 1994.

- a. The campus of Saint Mary's College High School consists of twelve acres bordered by Codornices Creek to the south, Posen Avenue to the northwest, and homes on Monterey Avenue on the east, and on Ordway on the west. The campus has a general slope from north to south – toward the creek. The main entrance is and has historically been from Albina Avenue. Secondary access is from both Posen and Monterey Avenues. The campus is organized around a plaza in the center of the site; parking and landscaping are generally toward the perimeter.

The buildings presently comprising the school are a diverse assortment of structures, having been constructed over a period of fifty-eight years. Buildings range in height from single to

5. Schedule (Master Plan Facilities and Phasing)

- a. Saint Mary's College High School is dependent on donations for its new facilities; this leads to an uncertain project schedule. The priorities for projects are as follows:
 1. Athletic field renovation – to start construction in spring 2007.
 2. Music Building, Athletic Facilities, and Student Center Renovation – to start construction within 5 years.
 3. Chapel - to start construction within 5 years.
 4. Saint Joseph's Hall renovation and expansion - to start construction within 5 years.
 5. Other projects within 10 to 20 years.

6. Athletic Field Renovation (Beals Alliance)

Thirty-six years after the addition of the track and more than sixty years after the restoration of the athletic field, these facilities are in dire need of repair and renovation in order to provide upgraded track and field facilities that will enhance students' physical education, inspire young athletes to excel, and provide the player comfort and safety that is so important. With the number of athletes and sports programs using the track and field on a daily basis, renovation is critical and is at the top of the school's facilities planning list.

As a result of the small overall campus area, many athletic needs are not met. For most schools this size, field space would be provided for football, soccer, baseball and softball, track and field. The campus area is not adequate to accommodate all. Many practice and competition activities must be held off-campus. A new all-weather synthetic surface would provide a better playing surface for current programs; the current surface is dangerously sub-standard. New bleachers and field house are intended to meet the operational needs of the school and provide spectators with a safe, pleasant place to view athletic contests. A noted athletic field facilities developing firm that visited the school early in project discussions commended Saint Mary's, remarking that they "had never seen so much done in so little space." Out of continued consideration for the neighboring community, light standards have never been added to the track and field complex, further limiting its use only till dusk during much of the school year.

7. Sustainability

- a. Policies will be reviewed in the initial design of each project.

8. Conclusion

Providing students with good educational facilities serves the school's mission and enhances students' motivation to achieve academically. This is certainly true at Peralta Park, whether on the field, in the classroom, music room, gym, or in the science lab. The effects of Saint Mary's distinctive history and spirit are far-reaching. Every part of Peralta Park is a result of the dedication of generations of people who believe in Saint Mary's Lasallian Catholic educational mission. Annually, virtually all Saint Mary's seniors are accepted to colleges and universities throughout the United States and abroad. For many years, the school has both enjoyed and been challenged by an applicant pool larger than the number of spaces available.

Saint Mary's has always been an inclusive community. Enormous effort is made to fund tuition assistance for students from middle- and low-income families. For the 2005-2006 school year, 166 students received over \$885,000 in financial assistance. For 2006-2007, the school anticipates that tuition assistance will exceed \$1 million. The three-centuries-old Lasallian commitment to providing education

**City of Albany
Planning and Zoning Commission
Supplemental Staff Report**

Report Date: 8-17-99
Meeting Date: 8-24-99

To: Planning and Zoning Commission

From: Community Development Department

Subject: Design Review #99- 24, Request by St. Mary's College High School to construct a new two-story, 7 classroom building of approximately 9500 square feet.

Location: 1600 Block of Posen Avenue

Applicant: Dahanukar Brandes Architects for Saint Mary's College High School

Zoning: PF (Public Facility)

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the application based upon the recommended Findings and subject to the recommended Conditions of Approval. This recommendation assumes the Commission determines the applicant's proposal for maintaining new campus classroom square footage is consistent with the 1994 Conditional Use Permit authorizing the project. The recommendation includes the proposal to construct a new building and the relocation of the existing Coleman Hall to a new on-campus site.

BACKGROUND

The subject application was originally scheduled and heard at the Planning and Zoning Commission's July 13th meeting. The staff recommended the hearing be opened but continued to provide opportunity for the staff and applicant to provide additional information and proposals relating to the project. Additionally, the Planning and Zoning Commission requested additional information related to the project. This Supplemental Staff Report provides additional information, analysis and recommendations on the following issues and questions relating the project.

1. Relocation of Existing Classroom on Campus: The report analyzes the applicant's proposal to relocate the existing classroom building to a new campus location.

EXHIBIT 14

2. Proposal Addressing Building Limitations of the Conditional Use Permit: The report reviews the applicant's proposal and provides further staff analysis regarding square foot limitations of the project permit.
3. Planning and Zoning Commission's Questions from the July 13th Meeting: The report responds to the five questions raised at the previous Commission meeting.
4. Information and Clarifications: Written and verbal testimony raised issues of fact that the staff has attempted to clarify or address.

This Staff Report is intended to supplement the previous July 8th Staff Report. However, that Report's recommended Findings and Conditions of Approval are attached to this report. Additions and amendments to the original Findings and Conditions are noted in that attachment.

1. RELOCATION OF EXISTING CLASSROOM BUILDING

The School proposes the relocation of the existing Coleman Hall as part of this project proposal. The three-classroom building would be moved to a location east of the Student Center and south of the Band building. The classroom building would be reconfigured into a "L" shape to fit the relatively small site. The intent, as stated by the applicant, is to use the relocated classrooms for school uses, including classrooms, as necessary during the School's long range building programs. Ultimately, the building would be removed, as part of the overall planned campus building program. The proposed new building site is generally level, and has no apparent physical constraints to the relocation of the classroom building. The one-story building would be visible off site, but would not have a significant visual impact from adjoining properties. The relocation of the classroom building to the new site does not present any significant site planning issues. The staff recommended conditions require final staff approval of the site plan, building color and immediate landscape improvements. The continued use of this building does present issues regarding conformance with the School's Conditional Use Permit conditions regarding total square feet of building authorized. This issue is discussed further below.

2. PERMIT LIMITATION ON SCHOOL CLASSROOM SPACE

As indicated in the initial staff report, this project is governed by Conditional Use Permit #93-27 which authorized selected improvements to the School campus including the construction of new classroom facilities. This permit did, however, established limitations on the extent of new facility construction so authorized. Specifically, the permit states that the gross square footage of new classroom facilities shall not exceed the existing classroom square footage as of April 1994. (Emphasis added.) Consequently, the staff interprets the Permit language to provide that, as a base, the gross square footage of classrooms in 1994 be established and that measurement is used for determining if the gross square footage of new

classroom facilities (coupled with remaining classrooms) are within that square footage limitation. This would appear consistent with the desire to authorize new construction but provide some specific limitations on the size of new facilities otherwise authorized. Further, the size limitation would provide some physical limits on the intensity of use at the site and help maintain the 600+/- student limitation imposed by the Permit.

The applicant's original proposal provided that the Permit's square footage limitation could generally be met, but only over an extended time frame to account for the School's long range building program. The staff did not consider this proposal responsive to the Permit language and the applicant has offered an alternative proposal. This new proposal would permit new facility construction to exceed the square foot limits, but provide that such excess area would not be used for active educational purposes. Essentially, this approach would permit the School to maintain building/classroom areas "in storage" to be used for accommodating student educational programs during future facility renovation and/or new construction. Within some limits, the staff supports this approach as consistent with the intent of the Permit language. The recommended conditions of approval provide that prior to issuance of the new building permit, the School provide a listing of the facilities to be placed in storage and the technique used to decommission their active use. Annually, thereafter, by November 1st, the listing shall be resubmitted for staff concurrence that these buildings or building areas are not used for educational or other active uses. To provide a reasonable limitation on the new facility development under this program, the condition provides that no more than 5100 square feet of facilities may be placed in inactive status under this provision. Needs in excess of this limitation, can be addressed by requesting amendment to the project Conditional Use Permit.

3 RESPONSE TO PLANNING & ZONING COMMISSION QUESTIONS

At its July 13th meeting, the Commission requested the staff response to the following issues:

- A. *The allowable square footage (gross vs. net) per the Conditional Use Permit.*
The Conditional Use Permit uses the terms "gross square feet" and "square feet" in its description of the applicable condition. A careful review of the condition provides that 1994 classrooms are to be totaled based on classroom (not building) square footage. New construction is to utilize "gross square footage" of facilities in applying the size limitation. (The Permit does not use numbers of classrooms in its condition except as an identifier.) According to the applicant's submittal, this new building will be approximately 7300 gross square feet (exclusive of arcades). This number is to be used in administering the Permit condition, regardless of the number of classrooms or other activities in the building.

- c. **St. Mary's College High School.** Design Review #99-24. A request for approval of a new classroom building.

Staff recommendation: approve with conditions

CEQA Status: A Mitigated Negative Declaration for this project was previously prepared.

Planner Brown presented the staff report.

Commissioner Feiner asked if there had been an inventory of classroom space on campus at the time of the 1994 Conditional Use Permit. Planner Brown responded that there was no such inventory in the city's files; he stated that condition of approval A-6 requires the applicant to provide the city with a complete inventory.

The Commissioners further discussed the staff report. Chair Brokken noted that the Commissioners had received several late pieces of correspondence and he directed staff to include this correspondence in the project record.

Chair Brokken opened the public hearing.

Speaking generally in favor of the project as proposed were the following individuals:

Brother Edmond LaRouche of St. Mary's High School
Hal Brandes, Dahanukar Brandes Architects, project architect
Colbert Davis, teacher, St. Mary's High School
Jay Lawson, Dean of Students, St. Mary's High School
Dr. Jose David, 816 Key Route Boulevard
Joyce Kessler, parent of a St. Mary's student
Alexis Popov, Albany resident
Beatrice Cain, 1100 Neilson
Terry Chala, Albany resident and St. Mary's faculty member
Jerry Keedan, president of the St. Mary's board of trustees
Peter Dolman, Albany resident and parent of a St. Mary's student

The points expressed by the individuals can be summarized as follows:

- Representatives of St. Mary's presented a photo looking west from atop a scaffold placed where the new building is proposed. Brother LaRouche and Mr. Brandes stated that the photo indicates that a

**City of Albany
Planning and Zoning Commission
Supplemental Staff Report**

Report Date: 10-7-99
Meeting Date: 10-12-99

To: Planning and Zoning Commission

From: Community Development Department

Subject: Design Review #99- 24, Request by St. Mary's College High School to construct a new two-story, 7 classroom building of approximately 9500 square feet and relocated existing building.

Location: 1600 Block of Posen Avenue

Applicant: Dahanukar Brandes Architects for Saint Mary's College High School

Zoning: PF (Public Facility)

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the application based upon the recommended Findings and subject to the recommended Conditions of Approval. This recommendation assumes the Commission determines the applicant's proposal for maintaining new campus classroom square footage is consistent with the 1994 Conditional Use Permit authorizing the project. The recommendation includes the proposal to construct a new building and relocate the existing Coleman Hall to a new on-campus site.

BACKGROUND

The subject application was originally scheduled and heard at the Planning and Zoning Commission's July 13th meeting. The staff recommended the hearing be opened but continued to provide opportunity for the staff and applicant to provide additional information and proposals relating to the project. Additionally, the Planning and Zoning Commission requested additional information related to the project. The item was again heard at the Commission's meeting of August 24, 1999. At that meeting, additional testimony was heard and the Commission asked for additional information on selected issues relating to the project. This Supplemental Staff Report transmits additional project related information as requested. This report is intended to supplement the Staff Reports and Recommendations prepared for the Commission meetings of July 13 and August 24, 1999.

EXHIBIT 16

Attachments:

- C. Additional information regarding on-site storm water drainage facilities proposed for the project.
- D. Revised landscape proposals along the project's west facing elevation.
- E. Potential revisions to window treatment at west elevation of the new building.
- F. Additional information on the City program to improve storm drainage facilities in the Posen Avenue area.
- G. Staff reports (without attachments) prepared for Commission meetings of July 13 and August 24, 1999. (Commission only)
- H. Applicant's transmittal letter of Oct. 1999 describing additional material submitted.
- I. Site plan and building elevation for the proposed new classroom building.
- J. Staff recommended Findings supporting Design Review approval of the proposed project.
- K. Staff recommended Conditions of Approval for the Design Review approval of the proposed project.

APPEALS: The Albany municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council, if such appeal is filed within 10 days of the date of the Commission's action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter at the next available City Council meeting.

Rec'd 10/7/99

DAHANUKAR BRANDES ARCHITECTS
ARCHITECTURE PLANNING INTERIOR DESIGN
907 GREENHILL ROAD, MILL VALLEY CA, 94941 415.383.7625 FAX 415.383.7625

7 October, 1999

Ms. Ann Chaney and Mr. Robert Brown
City of Albany
1000 San Pablo Avenue
Albany, CA

RE: Saint Mary's College High School
Peralta Park, 1294 Albina Avenue
Berkeley, CA 94706-2599

Classroom Building

Dear Ms. Chaney and Mr. Brown:

We have had an opportunity to review the Planning and Zoning Commission questions and comments. The following are our responses to those comments.

Inventory of classroom square footage as of April 1994: The attached is the requested tabulation of the existing and proposed building areas. The number of classrooms is included.

We propose to use the relocated Coleman Hall for temporary classrooms during construction and for a period of not to exceed 1 year following the Certificate of Occupancy of the new building. Saint Mary's College High School would lock out or remove excess active academic building areas from campus within two years of the Certificate of Occupancy or apply for an amendment to the Conditional Use Permit.

Preliminary drainage plan: We have forwarded the Commission comments to Jacobs Engineers, Civil Consultants. They have reviewed the drainage for both proposed classroom building and relocated Coleman Hall. His evaluation and proposals have been forwarded under separate cover.

ATTACH H

Status of Permit Conditions of Approval for Gymnasium Expansion: We have reviewed the conditions with a similar result to your summary. As you have requested, Saint Mary's College High School has prepared a schedule of on-going monitoring requirements.

Boundary Landscaping: As we have previously illustrated in photographs and site section, the specified pittosporum screen, in the form of a 15' hedge, will serve the view and privacy function. We do not believe taller trees are necessary. However, if required, as a good faith gesture to the Commission, we would propose to provide 2 trees at the property line (trimmed to a maximum 25' height) and 3 trees near the face of the building (thinned and promoted to full height growth). The trees would be the varieties and box sizes proposed in prior staff recommendations. See the attached alternative to the planting plan.

Windows: Attached is an elevation illustrating a possible reduction of the current window sizes. If required by the Commission, we are willing to make this reduction.

However, given our studies, it is our view that the 15' hedge on the property line will provide the required privacy for the neighbors. We are intending to install operable horizontal blinds in each of the windows. We are also proposing to add the trees at the face of the building as indicated above. It is the preference of Saint Mary's College High School, and in our opinion to the benefit of the building design, to keep the window pattern as previously proposed and submitted (without this reduction).

Please contact us if you have any questions or comments. It is our intention to work with you in any way that will result in a positive response to our proposal.

Sincerely yours,



Hal Brandes, AIA
Dahanukar Brandes Architects

c. Brother Edmond Larouche, FSC

SAINT MARY'S COLLEGE HIGH SCHOOL

COMPARISON OF CLASSROOM GROSS SQUARE FOOTAGE AS OF APRIL 1994 (CONDITIONAL USE PERMIT) WITH EXISTING, PROPOSED, AND FUTURE SQUARE FOOTAGE

Building	Existing 1994 Sq. Ft. (prior to new Gym) ⁱ	No. of Classrooms	Existing 1999 Sq. Ft. (including new Gym)	Classrooms	Existing plus Phase I Classroom Building New GSF ⁱⁱ	Classrooms	Future Phase 2	Classrooms	Future Phase 3	Classrooms
St. Joseph's Hall										
Ground Floor Classroom 804	770	1	770	1	770	1	770	1	770	1
Ground Floor Room	500		500		500		500		500	
Library	5,000		5,000		5,000		5,000		5,000	
Classrooms First Fl. (740 SF ea.)	1,480	2	1,480	2	1,480	2	1,480	2	1,480	2
College Study Room	600	1	600	1	600	1	600	1	600	1
Conference Second Floor	600		600		600		600		600	
Offices, Work Areas Second Floor	4,210		4,210		4,210		4,210		4,210	
Common/Shared Area - Ground	810		810		810		810		810	
Common/Shared Area - First	970		970		970		970		970	
Common/Shared Area - Second	2,040		2,040		2,040		2,040		2,040	
Total Gross Square Feet	16,980		16,980		16,980		16,980		16,980	
Cronin Hall										
501	973	1	973	1	973	1	973	1		
502	973	1	973	1	973	1	973	1		
503	973	1	973	1	973	1	973	1		
504	973	1	973	1	973	1	973	1		
505	1,002	1	1,002	1	1,002	1	1,002	1		
510	1,361	1	1,361	1	1,361	1	1,361	1		
514	907	1	907	1	907	1	907	1		
511	973	1	973	1	973	1	973	1		
516	973	1	973	1	973	1	973	1		
Office	459		459		459		459			
Common/Shared Areas	510		510		510		510			
Total Gross Square Feet	10,077		10,077		10,077		10,077		0	
Student Center										
Student Center	4,590		4,590		4,590		4,590		4,590	
Classroom	1,140	1	1,140	1	1,140	1	1,140	1	1,140	1

ATTACHMENT A

Classroom	1,140	1	1,140	1	1,140	1	1,140	1	1,140	1
Offices	490		490		490		490		490	
Kitchen	650		650		650		650		650	
Common/Shared Areas	1,620		1,620		1,620		1,620		1,620	
Total Gross Square Feet	9,630		9,630		9,630		9,630		9,630	
Band Room/Pavilion										
Pav	1,920	1	1,920	1	1,920	1				
Old SnackBar	460		460		460					
Common/Shared Areas	0		0		0					
Total Gross Square Feet	2,380		2,380		2,380		0			
Coleman Hall (temporary) ⁱⁱⁱ										
600	990	1	990	1	990	1				
601	996	1	996	1	996	1				
602	990	1	990	1	990	1				
Common/Shared Areas	320		320		320					
Total Gross Square Feet	3,296		3,296		3,296		0			
Temporary (removed 1994)										
200	1,136	1								
201	1,136	1								
Common/Shared Areas	0									
Total Gross Square Feet	2,272		0							
Science and Classroom Building										
210 Classroom	682	1	682	1	682	1	682	1	682	1
222 Classroom	682	1	682	1	682	1	682	1	682	1
224 Classroom	695	1	695	1	695	1	695	1	695	1
220 Classroom	695	1	695	1	695	1	695	1	695	1
226 Biology	1,406	1	1,406	1	1,406	1	1,406	1	1,406	1
228 Biology	1,406	1	1,406	1	1,406	1	1,406	1	1,406	1
214 Chemistry	1,406	1	1,406	1	1,406	1	1,406	1	1,406	1
212 Physics	1,406	1	1,406	1	1,406	1	1,406	1	1,406	1
Media	620	1	620	1	620	1	620	1	620	1
Offices and Prep. Room	620		620		620		620		620	
Common/Shared Areas	832		832		832		832		832	
Total Gross Square Feet	10,450		10,450		10,450		10,450		10,450	

Old Gymnasium									
Gymnasium	8,700		8,700		8,700		8,700		8,700
Lockers, showers	5,397		0		0		0		0
Common/Shared Areas (2 levels)	1,180		1,180		1,180		1,180		1,180
Total Gross Square Feet	15,277		9,880		9,880		9,880		9,880
Gymnasium Auditorium									
Gymnasium/Auditorium			7,300		7,300		7,300		7,300
Stage ^{lv}			1,330		1,330		1,330		1,330
Mezzanine			150		150		150		150
Weight Room			840		840		840		840
Lockers, etc.			6,000		6,000		6,000		6,000
Common/Shared Areas			5,690		5,690		5,690		5,690
Total Gross Square Feet			21,310		21,310		21,310		21,310
Vellesian Hall									
Offices, conference, shop, etc.									
Common/Shared Areas									
Total Gross Square Feet	3,900		3,900		3,900		3,900		3,900
Old Bookstore (removed in 1994)	500		0						
PROPOSED PROJECTS - 1999									
Phase 1 Classroom									
3 units @ 1,000 ea.					3,000	3	3,000	3	3,000
4 units @ 1,070 ea.					4,280	4	4,280	4	4,280
Workroom					1,000		1,000		1,000
Common/Shared Areas					820		820		820
Total Gross Square Feet					9,100		9,100		9,100
Phase 2 Classroom									
Classrooms - 6 Units							6,000	6	6,000
Common/Shared Areas							120		120
Total Gross Square Feet							6,120		6,120

ATTACH. A

Phase 3 Classroom									2,000	2
Classrooms - 2 Units									860	
Common/Shared Areas									2,860	
Total Gross Square Feet										
TOTAL										
Total	74,762	30	87,903	28	97,003	35	97,447	37	90,230	30
Plus/Minus				-2	+9,100	+5	+9,544	+7	+2,327	+0

ⁱ Exclusive of arcades.

ⁱⁱ Including new and existing areas; not including areas removed from active service.

ⁱⁱⁱ Relocation proposed for new Classroom Building, Phase 1.

^{iv} Stage is used as a classroom for related programs.

This report presents the following information requested by the Planning and Zoning Commission:

1. Inventory of classroom space on the campus as of April 1994.

This data is significant in that the construction of new educational facilities is limited so the proposed addition does not result in an inventory of educational facilities which exceed the square feet of classrooms existing as of April, 1994. Staff recommended conditions require that the School provide a listing of existing facilities which will be closed to maintain the required facilities square foot limits.

This inventory was developed by the School and reviewed by the staff and is presented in Attachment A.

2. Review of compliance of City permit conditions of approval relating to the construction of the gymnasium in 1995-96.

Research data and conclusions on this issue were developed by City staff and are presented for information in Attachment B.

3. Additional information on storm drainage facilities proposed for the new classroom building and the relocated Coleman Hall building.

This information expands on the written description of the project storm drainage proposal presented at the Commission's August 24 meeting. The expanded description includes a site drawing of proposed new facilities, preliminary calculations of storm waters, descriptions of sediment and erosion control structures and related narrative on the drainage system proposals. The submittal also includes a brief narrative description of the proposed drainage system at the new relocated Coleman Hall site. The proposals are generally consistent with City policy. These drainage system details will be subject to subsequent review and approval by the City Engineer prior to the issuance of building or grading permits as stated in the staff recommended conditions.

The information and drawings were developed by the applicant's engineer and are presented in Attachment C.

4. Proposals for the placement of landscaping along the project area westerly property boundary.

As part of the Commission's discussions on the new building's visual impact on adjunct residents, the Commission requested clarification and/or revisions of the landscape proposals at the project area west boundary line. The applicant has submitted a revised landscape plan, which proposes to provide two new trees at the property boundary area, and three new trees near the west face of the new building. These trees would be in addition to the earlier proposed "pittosporum" shrub screen along the property line. The tree size and species are proposed to reflect the previous staff recommendations for this area landscaping. The staff recommendation continues to propose five trees along the west property boundary.

The applicant's revised landscape proposal is presented in Attachment D.

City of Albany
Planning and Zoning Commission
Approved Minutes of October 26, 1999 Meeting

1. Call to order

The meeting of the Planning and Zoning Commission was called to order by Chair Brokken in the City Council Chambers at 7:35 p.m. on Tuesday, October 26, 1999.

2. Pledge of Allegiance

3. Roll Call

Present: Brokken, Feiner, Flavell, and Kimmerer

Absent: Hays

4. Public Comment on non-agendized items

No one wished to address the Commission at this time.

5. Consent

[Consent Agenda items are scheduled for action under one motion. If any person--citizen, commissioner, or staff--wishes to remove an item in order that it be considered separately, please inform the P & Z Commission Chair.]

a. Minutes, October 12, 1999

Staff recommendation: approve

- b. St. Mary's College High School. Design Review #99-24.** A request for approval of a new classroom building. Review of proposed findings and conditions of approval. Continued from October 12, 1999 to allow time for preparation of requested findings and conditions of approval.

Staff recommendation: approve with conditions

CEQA Status: A Mitigated Negative Declaration for this project was previously prepared.

- c. 733 Carmel Avenue. Planning Application #99-64.** A request for Design Review approval of an accessory building in the rear yard. Planning and Zoning Commission voted on October 12, 1999 to deny this project. Review of proposed findings of denial. Applicant: Gerald Pearlman.

Staff recommendation: accept findings, deny project.

CEQA Status: Denied projects are statutorily exempt per Section 15270, 1999 CEQA Guidelines.

- d. **1026 Santa Fe Avenue. Design Review #99-03.** A request for modifications to approved plans for a second story addition. Applicant proposes an additional 144 square foot addition on second story. Previously approved by the Planning and Zoning Commission at its meeting of March 9, 1999. Applicant: Peg and Joe Healy.

Staff recommendation: approve with conditions

CEQA Status: Categorically exempt, Section 15301(e), CEQA Guidelines

- e. **1027 Santa Fe Avenue. Planning Application #99-75. Design Review.** A request for approval for a 398 square foot addition for a new bedroom and bath to a single story residence. Applicant: Robert Seares and Roseli Perrone

Staff recommendation: approve with conditions

CEQA Status: Categorically exempt, Section 15301(e), CEQA Guidelines

- f. **1045 Neilson Street. Planning Application #99-76. Design Review and Front Yard Parking Exception and Parking Waiver:** A request for approval of: (1) an addition of 328 square feet to an existing one story residence; (2) an exception to allow one off-street parking space to encroach into the front yard setback area; and (3) waiver of one off-street parking space. Applicant: Jon Sutton.

Staff recommendation: approve with conditions

CEQA Status: Categorically exempt, Section 15301(e), CEQA Guidelines

g. Administratively Approved Home Occupations

1. **1026 Stannage Avenue – mail order (internet) jewelry business.**

Staff recommendation: file, rendering the applications immediately approved

CEQA Status: Statutorily exempt per Section 15268, CEQA Guidelines

Commissioner Flavell stated that he wished to remove from consent items 5c, 5d, 5e, and 5f.

Director Chaney made remarks on item 5b, the St. Mary's findings and conditions of approval. She stated that she had spoken with both the City Attorney and former Community Development Director Claudia Cappio. She stated that she concluded that the presented findings and conditions of approval meet the letter of the law. She stated that she believed that the

inclusion of the "snack bar" in the area to be removed was acceptable per the conditions of the CUP.

The Commissioners briefly discussed the matter. Chair Brokken stated that a letter dated October 22, 1999 from the City Attorney would be included in the record on this matter.

Commissioner Kimmerer moved approval of consent items 5a (10/12 minutes), 5b (St. Mary's) and 5g (1026 Stannage). Commissioner Flavell seconded.

Vote to approve consent agenda items 5a, 5b, and 5g:

Ayes: Brokken, Feiner, Flavell, Kimmerer
Noes: None
Absent: Hays

Motion carried, 4-0-1.

FINDINGS

Item 5b: St. Mary's College High School: Findings for Design Review approval

1. Design Review of the proposed project was performed both under the terms of City's Design Review ordinance and the terms and conditions of City Conditional Use Permit #93-27. *That review concluded that the project's design features, such as scale, massing, and consistency of architectural colors, materials and design have been adequately considered and reflect many of the design features of other campus buildings. Further, based on the plans submitted, as amended by the conditions of approval, the proposed two story, 9100 square foot classroom building and the related improvements are in scale with and harmonious with existing development of the campus and surrounding properties.*
2. Under the terms and conditions of the project's conditional use permit, vehicle and pedestrian access to the site was found safe and convenient, and otherwise consistent with City policy and ordinance requirements. The proposed site plan and building improvements do not modify the earlier approved access and parking requirements established in the permit. *As such, the project continues to provide safe and convenient access consistent with City policy.*

3. The proposed new building is located within an intensely developed area of the campus. The building's proposed site is presently partly occupied by an existing classroom building, Coleman Hall. That building is proposed to be temporarily relocated elsewhere on campus. Portions of the existing vegetation, including two mature trees, will be removed from the building site to accommodate the new building and landscape program. The applicant proposes to retain a large magnolia tree, located just north of the existing building. The conditions of approval require retention of that tree or replacement if subsequent damage to the tree occurs. The conditions of approval also require the planting of a minimum of five additional trees along the westerly property boundary in the vicinity of the new classroom building. These trees are to replace mature trees previously removed in that general location. The condition requires these new trees be maintained at a height of at least 20 feet. Some excavation and grading will occur to accommodate the new building. However, the building's design features reduce the visual impact of these grade changes. The conditions of approval require the City Engineer's review and approval of final grading plans (to include a hydrologic report and drainage and erosion control plans). *Based on the project plans, as modified by the conditions of approval, the proposed project will not have a significant visual impact.*
4. The proposed building is located on an existing high school campus, at a location that has operated as an educational facility for over 60 years. The proposed building is sited 60 feet from its property boundary with residential uses. As conditioned, trees and other vegetation will be planted to reduce the impact of the new building on residential properties. (Also, refer to Finding #3.) *The project's siting and design have considered impacts on surrounding residential properties and provide adequate buffering between the uses.*
5. Additions to existing buildings or new construction were authorized by Conditional Use Permit #93-27. As conditioned, the design and siting of the new building and the temporary relocation of Coleman Hall are consistent with that approval. The proposed building is located on a site within the Public Facility - PF zoning district. The School is authorized by a valid Conditional Use Permit per the requirements of that zoning district. *As conditioned, the proposal is consistent with the City's General Plan, and the applicable provisions of the zoning ordinance. (Amended)*

6. Conditional Use Permit #93-27 authorizes identified construction, including the construction of replacement classroom facilities, subject to terms and conditions. All those applicable terms and conditions apply to the construction of this project and are not modified by this approval. *The conditions of approval contained as a part of this design review are directed toward the design and siting of this specific building and do not impact or modify the land use authorization and conditions of approval previously established by the Conditional Use Permit.*
7. Conditional Use Permit #93-27 provides that, as part of the Planning and Zoning Commission's action on the design review of classroom building replacements, a determination be made that the authorized new construction not exceed the classroom size limitations established by the permit. The Commission finds that the new building will add approximately 9100 square feet of educational facilities to the School. Subsequent to the issuance of the Conditional Use Permit in 1994, the School removed 2772 square feet of building area space comprising a temporary classroom (2272 square feet) and bookstore building (500 square feet). The School now proposes to remove Coleman Hall (3296 square feet) and, the existing Band Room/Pavilion/Snackbar (2380 square feet) following occupancy of the new classroom building. The removal of these two existing facilities total an additional 5216 square feet and when combined with previous demolition, provide a total of 8448 square feet of credit for new construction. The new building size (9100 sq. ft.) exceeds that credit by approximately 652 square feet.

This increase in campus building square footage can be found consistent with the Conditional Use Permit only if the School removes an equal amount of existing classroom building area. The conditions of approval require that, following completion of the new building, the School remove a minimum of 652 square feet of existing educational facilities.

Alternatively, the Conditions of Approval provide that this excess in authorized new building area can be reconciled by decreasing the proposed size of the new building by 652 square feet. This alternative would be accomplished without apparent modifications to the design appearance and siting of the proposed building. The conditions of approval provide that this alternative may be used individually or in conjunction with the removal of other campus building area. The reduction in the proposed building size of up to

652 square feet would continue to be consistent with the Design Review approval of this proposed building.

As conditioned, the project proposal is consistent with the standards and requirements established in the authorizing Conditional Use Permit.

8. California Environmental Quality Act (CEQA): The construction of new replacement classroom buildings was authorized, subject to limitations, by the City's approval of Conditional Use Permit #93-27. As part of that permit approval, the City adopted a "Mitigated Negative Declaration" concluding that, with identified conditions and mitigations, the project would not have a significant impact on the environment. The Commission finds that there have not been significant changes in the physical setting or public policy objectives and standards which would cause the reexamination of that previous determination. As such, the Design Review of the proposed new classroom building is found to be adequately addressed by the adoption of the previous environmental document. Mitigation and monitoring measures have been incorporated into the conditions of approval as appropriate for this project.

5c. **733 Carmel Avenue. Planning Application #99-64.** A request for Design Review approval of an accessory building in the rear yard. Planning and Zoning Commission voted on October 12, 1999 to deny this project. Review of proposed findings of denial. Applicant: Gerald Pearlman.

Planner Cook presented the staff report and recommended findings of denial.

Commissioner Flavell suggested an alternative finding that included reference to the applicant's testimony that he planned to use the accessory building as habitable space.

Chair Brokken stated that the suggested findings mask what occurred at the previous meeting. Planner Cook stated that the Commissioners could modify the suggested findings.

Commissioner Feiner moved to modify the findings. He suggested that the first finding be that the location of the building was found to be

City of Albany
Planning and Zoning Commission
Staff Report

Agenda Item : 6a.

Meeting Date: March 25, 2003

Subject: **Conditional Use Permit (CUP) 93-27 Amendment.** A request to amend a previously approved condition, Condition G2b, which limits the maximum allowable building square footage to 90,675. The applicant also wants to discuss their plans to expand the school by increasing the enrollment and number of classroom facilities.

Location: 1600 Posen Avenue - Saint Mary's College High School

Applicant: Saint Mary's College High School

Zoning: PF - Public Facility and PFWC - Public Facility/Watercourse Combining District

Surrounding Property Use: North - SFD East - SFD (Berkeley)
South - SFD (Berkeley) West - SFD

Attachments:

- A. Letter from Brother Edmond Larouche, FSC, dated December 19, 2002, and November 1, 2002
- B. Planning Commission minutes dated October 12, and October 26, 1999
- C. City Council Resolution 94-37
- D. Floor Area Ratio comparison chart
- E. Letter from Harold Smith dated November 20, 2002
- F. Letter from Maurice Kaufman dated March 20, 2003

Recommendation

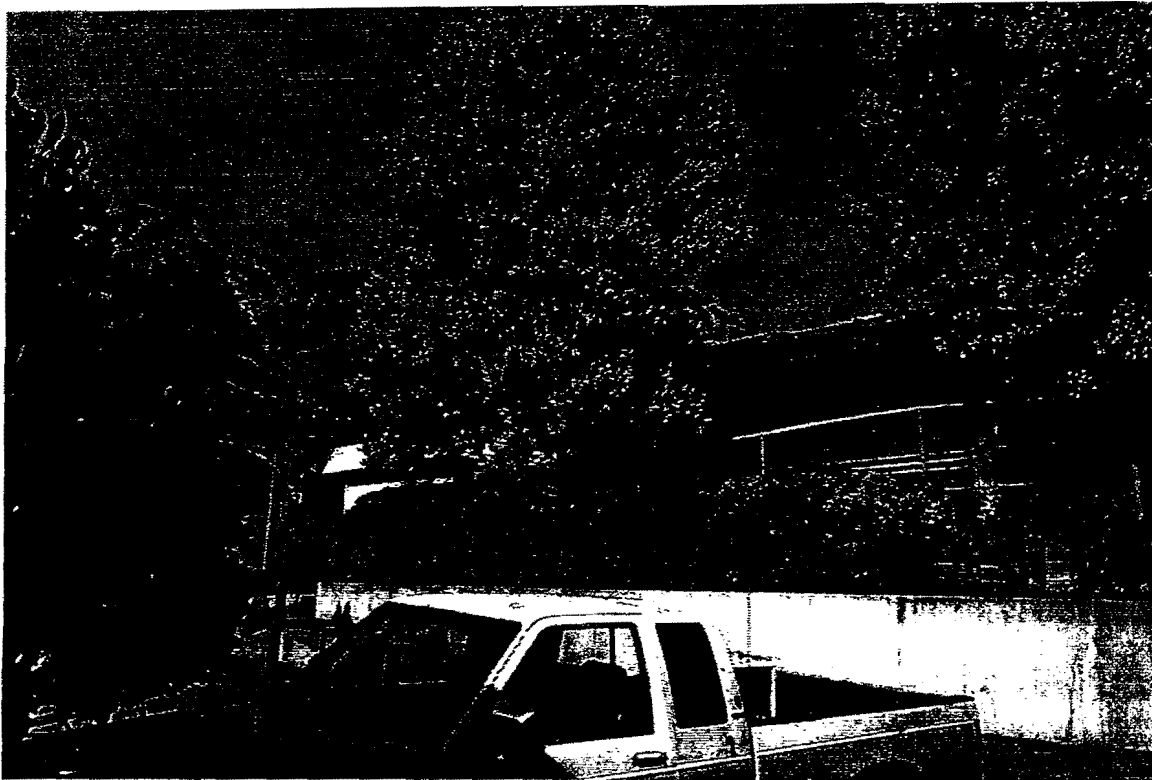
Staff recommends that the Planning and Zoning Commission:

1. Amend CUP 93-27 Condition No. G-2b, to allow the gross square footage of the classroom facilities to exceed the amount that existed in April 1994, and amend Design Review 99-24 Condition No. 7, by eliminating the requirement that 3,032 square feet building (Band Pavilion (2,380 square feet) and 652 square feet of additional building) be removed, subject to the attached findings; and
2. Take testimony from the applicant and residents, ask questions of the applicant and staff, but take no action on the applicant's plans for future expansion.

EXHIBIT 19

Project Description

The applicant, St Mary's College High School, is requesting CUP 93-27 Condition G-2b and Design Review Condition No. 7, which limit the amount of building square footage the school is allowed to have to what existed in April 1994, (maximum of 90,675 square feet) be modified or eliminated. Modifying or eliminating these conditions will allow the school to keep 3,032 square feet of existing buildings, which they believe are needed to avoid putting a burden on their ability to continue to offer music to the students and because the school has a limited amount of office and storage space. The applicant is also requesting an increase in their allowable Floor Area Ratio, an increase in their enrollment from 600 to 735 students, and elimination of the restrictions on parking and evening hours of operation (Attachment A).



Background

On October 12 and October 26, 1999, the Planning and Zoning Commission approved Design Review 99-24, a request to construct a two-story, 7 classroom, approximately 9,100 square foot building. One of the conditions, Condition 7, required St Mary's School to remove 3,032 square feet of existing buildings (2,380 square foot Band Pavilion and 652 square feet of other buildings), so that the total building square footage located on the campus did not exceed 90,675 square feet. The excess classroom square footage

City of Albany
Planning and Zoning Commission
Staff Report

Meeting Date: September 25, 2007

Prepared by: EP

Agenda Item: 7b

Reviewed by: JB

Subject: 1600 Posen Avenue, Albany*. Planning Application 06-091. Design Review. Request for Design Review of structural and landscape elements of the Saint Mary's College High School Athletic Field Renovation Project. Mitigated Negative Declaration proposed.
(*The site is also known by the mailing address of 1294 Albina Avenue, Berkeley)

Applicant/Owner: Dahanukar Brandes Architects/Saint Mary's College High School

Recommendation

Staff recommends that the Planning and Zoning Commission hold a public hearing on the proposed designs of structural and landscape elements of the Field Renovation Project.

1. Approve the proposed mitigated negative declaration, and
2. Approve design review subject to findings, applicable mitigation measures, and additional design conditions recommended by staff per (Attachment A - Findings, and Attachment B - Conditions of Approval.)

Previous Actions

Saint Mary's College High School (SMCHS) operates under a City of Albany Conditional Use (CUP) that was approved by the Planning and Zoning Commission in 1993 and was upheld in 1994 by City Council Resolution No. 94-37, following an appeal. The CUP allowed an expanded, co-educational enrollment, an expansion of the gymnasium and a new parking lot. The approval superseded Conditional Use Permit No. 587. The approval was based on a Negative Declaration. The 1994 action included design review and a variance of four feet on the height of the gymnasium. (Resolution No. 94-37 is attached for reference, with a covering summary. See Attachment M)

In 1999 the Commission approved DR 99-24 to allow construction of Frates Hall, a classroom building. In order to maintain compliance with a limitation, established by CUP 93-27, on the allowable square footage of classroom space, a design review condition required removal of 3,032 square feet of classroom space through a combination of demolition and conversion to non-habitable space. In 2005 the Commission approved an application by SMCHS for a use permit amendment to avoid the loss of the 3032 square feet. However that action was overturned on appeal to the City Council.

EXHIBIT 20

potential water quality impacts from runoff. While concerns have been expressed regarding potential leaching of synthetic materials, the literature shows conflicting data, particularly for crumb rubber, which has been used widely in playgrounds and athletic fields. Regarding Mr. Grasetti's comment on the lack of analysis of potential impacts of future master plan development, no design plans have been developed for any projects beyond the field improvements, and it is thus impossible to develop estimates of runoff from future projects with any accuracy. Conversely, runoff calculations related to the athletic field have been based on precise design plans and an extensive drainage study.

Conclusions on Mitigated Negative Declaration

As noted in a prior paragraph, Lamphier-Gregory has completed responses to each comment received from the public. Taking into account the changes that the applicant has made to the project, such as substituting an ornamental fence for the retaining wall along Posen, and revised materials on the storage building, no additional significant impacts have been identified, and no additional mitigation measures have been recommended. A number of conditions of design review approval are recommended by staff (Attachment B), but these conditions are not proposed for the purpose of mitigating significant environmental impacts. Staff recommends that the Commission approve the mitigated negative declaration, with the first finding stated in Attachment A, prior to final action on design review.

Attachments:

Design Review:

- A. Findings for Design Review approval
- B. Conditions of Design Review approval
- C. Letter from Verde Design, August 3, 2007, re: design changes
- D. Grading plans (Cover and Sheets L-1 through L-7)
- E. Bleacher plans (Sheets 1 of 2 and 2 of 2)
- F. Landscaping plans (Drawings 1 through 7)
- G. Architectural Plans for Storage Building (Sheets 1 and 2)
- H. Additional architectural materials on storage building and fencing.

Environmental Review:

- I. Draft Mitigated Negative Declaration
- J. Mitigation Monitoring Program
- K. Initial Study of Potential Environmental Impacts (*electronic file*)
- L. Response to Comments document

Other references:

- M. Summary of current Use Permit (with copy of City Council Resolution No. 94-37)
- N. Sound System Study, Salas O'Brien Engineers

SUMMARY OF CURRENT USE PERMIT
FOR SAINT MARY'S COLLEGE HIGH SCHOOL
(Albany City Council Resolution No. 94-37)

(Summary prepared 9-7-07)

References in this summary are to City Council Resolution No. 94-37, a copy of which is attached to the summary.

The 1994 approval "supercedes and incorporates all previous use permits" for the campus. Specifically, the resolution authorized gymnasium expansion and a new parking lot on Posen (*Condition G-1*)

The use permit resolution allows the operation of a co-educational high school for a total of 600 students in grades 9-12. The maximum enrollment may be exceeded by up to 5%. (Previously the permit was for a male-only enrollment of 420.) Summer programs are also allowed for children in grades K-12, and for training of teachers, subject to traffic, parking, noise and activity limitations that otherwise apply. (*Condition G-2*)

Other conditions of a general nature required a mitigation monitoring program (*Condition G-3*) and an annual notification of scheduled campus activities to be sent to neighbors within 300 feet of campus boundaries (*Condition G-4*).

The following limitations were imposed:

- Enrollment increases on a per year basis from 1995-1999 were not exceed the 163 parking spaces available, on and off campus, for students faculty and staff. (*Conditions G-2.a. and TCP-6.*)
- Modifications or expansions to classroom facilities, including replacements of existing buildings, were limited to gross square footage as of April 1994. (*Condition G-2.b.*) (Area was not stated in the resolution, but inventoried elsewhere as 30,404 square feet.)
- A performing arts center, as proposed in 1993, was specifically not included in the use permit approval. (*Condition G-2.c.*)

Environmental mitigation measures were imposed, pursuant to CEQA, to address potentially significant impacts, as follows:

- Soils, geology, drainage and erosion control: Seismic safety and groundwater were required to be mitigated through engineering design requirements (*Conditions SGD-1 and SGD-4.*) Mitigation measures further required detention basins to be designed and maintained to avoid increased storm water impacts on Posen and Ventura Avenues, and SMCHS was assessed a pro-rated share of the cost of future drainage system improvements for the Posen /Ventura area (*Conditions SGD-2 and SGD-4.*) An additional condition (*SGD-5*) was added to control potential erosion related to the parking lot and improvements along Posen, although erosion had not been identified as a significant adverse impact.

Statistics

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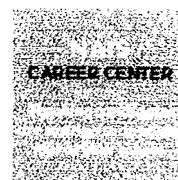
The following outline indicates the key steps in the planning and execution of a school or campus building plan:

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- **Mission and Program Review:** Refine and recommit to the mission and vision statements as well as the strategic plan of the school. These documents should guide all planning and be the theoretical blueprints for any building plan. Note especially challenges and opportunities of the uses of educational spaces, technology, and long-range development scenarios.
- **Survey of Constituents:** A survey is recommended to determine current satisfaction levels and areas needing improvement in program and operation, some of which may well have facilities ramifications.
- **Building Feasibility Study:** Assess the current facilities (or any facilities one is considering to purchase or lease) to determine the extent to which renovations and additions can meet the future needs of the program and vision as outlined above: inventory of current space; assessment of structural/mechanical condition of facilities; determination of current code issues; flexibility for future modifications and growth; etc. Develop a projection of square footage requirements based on per/pupil ratio (check on local code and public school requirements), multiplied by typical local construction costs per square foot. (See The National Clearinghouse for Educational Facilities website for current data on typical classroom and building sizes, constructions costs, etc.) For the project costs, multiply construction price times 130 percent, to include site development (not site purchase), architectural and engineering costs, fees for consulting services, furnishings, contingency budget, etc. Even if current class sizes are restricted to 15-20, figure on 25 per class times 30 square feet per pupil per self-contained classroom (i.e., 750-900 square feet per classroom), as a general rule of thumb. Multiply designated space requirements (classrooms, offices, gymnasium, library, cafeteria, etc.) times 125 percent at a minimum to determine total square footage inclusive of hallways, stairwells, storage, restrooms, etc. Realistically, school buildings cost in the neighborhood of some multiple of \$1 million dollars, depending on the number of classrooms/facilities built. Square-foot-per-pupil totals for overall space in the public school domain (classroom, offices, libraries, gyms, storage, etc.) are 100' (elementary), 125' (middle school), 150' (secondary school), at a minimum. Current independent school standards frequently in the 175-250 square-foot-per-pupil range.
- **Develop the Master Plan:** Often schools hire a campus planner to develop a two- or three- dimensional plot plan of site and buildings. At this point, the school/campus planner would plan focus group discussions with faculty, trustees, and parents to explore varying priorities and preferences for space utilization, movement patterns, common spaces, etc. in an attempt to create structures that are reflective of the mission and culture of the school as well as meeting the projected needs of the program. A planning committee would also visit other schools that have recently completed construction projects to glean ideas and to discuss problems that arose in the process.
- **Selection of an Architect:** Determine a short list of prospective architectural firms, especially those with experience in school design and solicit interest, eventually inviting up to three firms to make a presentation before the planning committee. Two-hour interviews should address a firm's philosophy, examples of its work, fee structure, and general questions and answers: What are its trademark flourishes, the "catch your breath" touches (the Palladium entranceway, the corridor crannies, etc.)?
- **Site Selection:** Establish a site selection committee to secure a suitable site. ISM recommends a range of 40-100 acres to provide for the exigencies of the next 100 years. Schools that cannot afford the entire land package should secure an option and first right of refusal on contiguous acreage. Minimum requirements: 500 square feet per pupil for building site (i.e., including covered areas, courtyards, approachways, etc.). Site criteria include demographics of neighborhood and area, zoning and planning considerations, environmental matters (water table, soil samplings), utilities, road access, affordability, fire and police services, etc. The planning committee should camp out on the site for a day and night, just to get the feel



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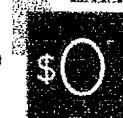


EXHIBIT 21

of the location and to discern any unforeseen environmental factors.

- **Building Interiors:** Do substantial explorations of key interiors issues: wiring for the new technologies, acoustics, windows, lighting, color schemes, flooring, and furnishings. Remember to ask, "Who is the client?" as interior design decisions are made. Remember, the three most important design elements that are typically under-represented (and later regretted) are the following: provisions for technology, raw space/flexible space, and storage.
- **Design-Testing:** After another round of architect-lead focus group discussions, the architect creates preliminary drawings. The drawings become the basis of this stage of capital campaign fund raising.
- **Fund Raising/Capitalizing:** For start-up operations, as for established schools wishing to expand significantly, the typical pattern is for a small number of major donors or families to be the funding impetus behind the building plan, usually funding around one-third of the total costs (with outright gifts or with loans, the latter perhaps donated eventually). The remainder of the principal needed is typically generated by a combination of constituency-wide capital campaign, one-time capital assessments, and/or borrowing. Schools increasingly utilize publicly financed bonds as a very attractive borrowing option. (See the monograph on the NAIS website on *Tax-Financed Bonds*.)
- **Construction Management:** Consider employing an onsite construction manager as the interface among the architect, planning committee, and construction contractor, the overseer of the construction process in charge of schedule, quality control, site supervision, and budget.

Aside from the act of school foundation itself, the bricks and mortar work of building a school or major addition can be one of the most galvanizing and fulfilling activities of any school community, encouraging dialog, visioning of the future, stretching in terms of fund raising, and collaboration that can and should carry well beyond the physical manifestation of success, the new facility.

See also the on the NAIS website the monograph, *Campus Planning*.

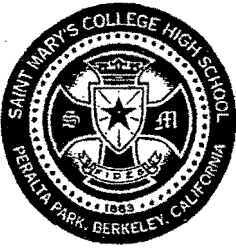
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PAGE 14 paragraph 1

September 15, 2006

SEP 18 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Mr. Ed Phillips, Staff Consultant
Mr. Jeff Bond, Planning and Building Manager
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

**RE: Saint Mary's College High School
Master Plan**

Dear Mr. Phillips and Mr. Bond:

Thank you for your assistance in the preparation of the Master Plan for Saint Mary's College High School. The Master Plan, Application, and other requested items of information are attached. The following is a response to Ed's letter of March 22, 2006 to Hal Brandes, with an update of the original letter of July 12 to include the information requested in response to Ed's letter of August 2, 2006 and the request for additional details to complete Saint Mary's Master Plan application. Please note that the legal name for the school spells out the word "Saint" rather than the abbreviation, "St."

This application is being made to permit the implementation of the proposed Master Plan (see attached Master Plan) by amendment to the existing Conditional Use Permit. In general, the amendment would delete limitations on gross square feet. Enrollment increase is not a part of this application. We also request that the existing Conditional Permit be modified to remove language that is ambiguous or no longer applicable. We request the opportunity for a detailed review of the language of the Conditional Use Permit with the City in a meeting with City staff.

The basis for the application is the changes to educational programs and the facilities that support them, in the years since the Conditional Use Permit was drafted. Classrooms are needed to replace existing substandard rooms, incorporate new technologies, reduce class sizes, and allow more flexible room scheduling. Old classrooms will be converted to student activity spaces (currently non-existing). The music program needs state-of-the-art facilities. Offices need to be removed from Vellesian Hall and centralized on campus. Additional space is needed for offices, meeting rooms, and student life. The expression of religious beliefs and values of the community needs to be strengthened and developed.

The facilities program for the master plan has three priorities:

1. Replace and update aged or inadequate facilities (field, band room, student center kitchen, small or inadequate classrooms) and provide for flexibility in program scheduling.
2. Reinforce the community values of a Lasallian education (smaller class size, chapel, multi-use meeting spaces, student activities spaces).

3. Consolidate and improve central functions (administrative offices, library, remove Vellesian).

(See the attached Master Plan Summary for a description of needed facility improvements or expansion.)

We request that the field replacement be permitted as the first phase priority. This is an urgent need. The track surface is failing due to underlying ground conditions; the soil for the field has become uneven and unsuitable for maintenance of an acceptable grass surface. These conditions are resulting in an unsafe environment for the students using the track and field. In addition, the hazard of falling tree limbs in areas frequently used by students, staff and neighbors along Posen Avenue should be corrected.

We also express the need for flexibility in the implementation of the Master Plan. Our vision of the plan may need to evolve, as it has over the past forty years, with project donations and funding and with changes to educational programs and approaches.

1. Existing Conditions

The Peralta Park campus has been home to Saint Mary's College High School since 1927, when it moved from Oakland; the school was founded as part of Saint Mary's College in San Francisco in 1863. The De La Salle Christian Brothers purchased the Peralta Park property in 1903 and opened a Catholic grammar school for boys that same year. The grammar school moved to Napa in 1969, at which time the boarding department for the high school, operating since 1927, also closed. In 1995, Saint Mary's became a coeducational school, offering Lasallian Catholic education to young women from families from throughout the East Bay and beyond. Between 1903 and 1969, an estimated 1,900 students graduated from the grammar school, and since 1927, the high school has graduated over 7,200 students.

Improvements to the campus continue to serve the needs of the school community and provide for the Catholic education of young people that is Saint Mary's mission. The student population was capped at 600 + 5% in 1995. By comparison, over the past 46 years, that population numbered 761 in 1960 (604 high school, 157 grammar school), peaked at 791 in 1966 (611 high school, 180 grammar school), and fell to 308 (all high school) in 1994, the year before coeducation.

- a. The campus of Saint Mary's College High School consists of twelve and a half acres bordered by Codornices Creek to the south, Posen Avenue to the northwest, and homes on Monterey Avenue on the east and on Ordway on the west. The campus has a general slope from north to south – toward the creek. The main entrance is and has historically been from Albina Avenue. Secondary access is from both Posen and Monterey Avenues. The campus is organized around a plaza in the center of the site; parking and landscaping are generally toward the perimeter.

The buildings presently comprising the school are a diverse assortment of structures, having been constructed over a period of fifty-eight years. Buildings range in height from single to three stories. The existing buildings to be retained include: the Gymnasium Building (single story - 1948) and Saint Joseph's Hall (originally a student dormitory and library, two and three story - 1956), Cronin Hall (classrooms, two story - 1952 and 1959), Student Center (two-story - 1977), Murphy Hall Science and Classroom Building (two story - 1986), Gymnasium Auditorium (three story – 1995), and Frates Memorial Hall classroom building (two-story - 2002). The site is also shared with the Brothers Residence (1978).

Vellesian Hall (originally a worker dormitory, now offices and shop – 1959) is proposed to be removed.

aforementioned subjects like Computer Education, Visual & Performing Arts, and Advanced Placement courses in a variety of subjects. (See the Master Plan Facilities and Phasing for the number of classrooms by project phase.)

- Educational Support Spaces include the library with a capacity of 20 books per student, 10,000 total volumes, a 32-station computer center for student use, and tables with seating for about fifty students, generally used for quiet study. The library's size is adequate; however, the library presently doubles as a computer lab, and when computer courses are offered, half the library is unavailable to other students. Additionally, the library is often used for meetings. Updated facilities and technologies are needed to offer technology-related courses like Web-Page Design, Computer Programming, and Digital Video & Audio. In addition, student support space is needed to provide academic support for students with identified learning differences and for personal and academic counseling. Space such as this differs from additional classroom space alone. Suites of offices for individualized and small-group learning and instruction are called to enhance student learning and personal social growth, and to address areas of academic weakness.

Existing Library: 5,000sf, 100 occupants (maximum), used during and after school, not typically used on weekends.

- Student Center for meetings, gatherings, activities, prayer services, socials, and dining. The Student Center provides the on-campus food service. The small snack bar is unable to meet the food-service demands of the student body; consequently, many upper-division students opt to leave campus for lunch.

Existing Student Center: 4,590sf, 656 occupants in the existing space; 726 with the 490sf east room included (maximum per Building Code, Assembly Occupancy); used during school hours, after school, and weekends on occasion. With completion of the proposed classroom building, the fine arts classrooms in the lower level will be converted to student center activity use.

- Athletic Facilities include a full size competition Gymnasium with bleachers, a practice Gymnasium with limited bleachers, a weight room, lockers, showers, offices, and storage. The practice Gymnasium also serves as the Auditorium. These are among the most overused facilities on campus. Dance, Chorus, Theatre Arts, and physical education classes are held here, as well as intramural sports competitions, student rallies, the annual Baccalaureate Mass, fundraising events, alumni events, open house, and the many prayer services and liturgies that are an integral part of Saint Mary's life.

Gymnasium: 1,178 maximum occupancy; used during school hours, after school, and weekends on occasion. Gymnasium/Auditorium (combined with performing arts): 1,000 maximum occupants; used during school hours, after school, and weekends on occasion.

- Performing and Fine Arts Spaces: The Gymnasium Auditorium supports the annual Fall Drama and Spring Musical performances, Winter and Spring band and choral concerts, dance performances, student meetings, an annual formal dinner for school donors, various fundraisers, gatherings, and a number of religious services for the school community. Periodic meetings to which the neighborhood community is invited sometimes take place in the Auditorium. The Arts programs are compromised by the

Junior Retreats



The Junior Retreat focus on "*Values and Making Choices.*" Students will have the opportunity to reflect on the values that have been developing these many years, values that help them make choices and decisions. The role of family and friends is critical on the formation of these values. The retreat provides time for students to reflect and pray about the things that are most important to them.

Since Junior year is full of demands and expectations about college and the future, students on the retreat will explore the many choices that lie ahead of them. In small groups, through times of personal reflection, and times of quiet, Junior will take time away from the pressures of Junior year.

Juniors who want to go on the retreat will have the opportunity to choose between a fall retreat and a spring retreat. Students are encouraged to choose a retreat time that best suits their schedule and other commitments.

Fall Junior Retreat - November 6-8

Spring Junior Retreat - April 1-3

[Click here for Permission Forms and a Packing List](#)

SAINT MARY'S COLLEGE HIGH SCHOOL TRAFFIC STUDY

TABLE 5: PEAK PERIOD TRAFFIC VOLUMES AT LOCATION 5 (POSEN AVE EAST OF VENTURA AVE)

Time	Eastbound			Westbound		
	2003	2005	Change	2003	2005	Change
7:00am - 7:15am	8	6	(2)	4	5	1
7:15am - 7:30am	17	17	0	4	9	5
7:30am - 7:45am	37	36	(1)	18	14	(4)
7:45am - 8:00am	71	97	26	36	33	(3)
8:00am - 8:15am	20	34	14	18	25	7
8:15am - 8:30am	16	7	(9)	14	11	(3)
AM Peak Period Total	169	197	28	94	97	3
2:00pm - 2:15pm	8	5	(3)	10	8	(2)
2:15pm - 2:30pm	23	8	15	31	13	(18)
2:30pm - 2:45pm	15	11	(4)	21	15	(6)
2:45pm - 3:00pm	14	13	(1)	16	7	(9)
3:00pm - 3:15pm	22	12	(10)	13	8	(5)
3:15pm - 3:30pm	16	34	18	14	18	4
PM Peak Period Total	169	197	28	94	97	3

Figures 12 and 13 illustrate school and non-school traffic volumes on Albina Avenue south of Hopkins Court in 2005. Typical weekday traffic volumes on Albina Avenue south of Hopkins Court were approximately 1,140 vehicles and 1,030 vehicles in 2003 and 2005 respectively. School traffic was approximately 70 percent (800 vehicles), and non-school traffic was 30 percent (340 vehicles) in 2003. School traffic was approximately 97 percent (1,000 vehicles) of traffic on Albina Avenue in 2005.

EXHIBIT 24



SAINT MARY'S COLLEGE HIGH SCHOOL

PERALTA PARK • 1294 ALBINA AVENUE • BERKELEY • CALIFORNIA 94706-2599
TELEPHONE (510) 559-6220 • FAX (510) 559-6277 • WWW.SAINTMARYSCHS.ORG

OFFICE OF THE PRESIDENT

CITY OF ALBANY

APR 17 2003

COMMUNITY DEVELOPMENT
DEPARTMENT

April 17, 2003

Mr. David Dowswell, Planning Manager
City of Albany
1000 San Pablo Avenue
Albany, California 94706-2295

Dear Dave:

Thank you for your letter of March 27 following up on the March 25 Conditional Use Permit Hearing and Workshop. I very much appreciate your continuing the Saint Mary's issues until the May 13 Commission meeting. Saint Mary's administrators will plan to attend that evening.

I recently met with a number of school administrators to review the list of issues, comments, and questions discussed at the March meeting that you outlined in your letter. We would like to respond to each item raised in the order you list them, as below:

Staff

1. Status of each of the mitigation measures adopted as part of the environmental document for CUP 93-27:

Your letter states that Albany staff will provide this information. For the record, I have enclosed a copy of "Attachment B: *Summary Status of Selected Conditions of Approval for Conditional Use Permit #93-27; St. Mary's College High School, Gymnasium Addition.*" This document was one of a number of reports that accompanied an October 7, 1999 report by the Albany Community Development Department to the Planning and Zoning Commission. The report was developed by City staff and includes information provided by Saint Mary's. This document represents the most recent formal summary of mitigation compliance, and contains information that may be helpful in answering some of the issues presented in your March 27 letter, as well as questions raised by the neighbors at the March Commission meeting.

2. Why have not mitigation measures TCP-1 and TCP-2 ever been implemented?

Your letter states that you will contact the City of Berkeley about the matter. These issues are addressed in items 3 and 4 of the 1999 *Summary Status* described above. A neighbor who attended the March 25 meeting also commented on the fact that the plan for speed bumps on Albina was not allowed by Berkeley.

EXHIBIT 25

permit application.)

3. How close will the proposed chapel be to the creek?

The chapel will be sited away from the creek bank on the north side of a private road that separates the creek bank from the campus.

4. If Cronin Hall is replaced, how many stories will the new building be?

There are no plans to replace Cronin Hall in the near future, and hence, no thought has been given to the number of stories its replacement would have. Cronin Hall will remain for at least another five years. Also, Cronin Hall may well be renovated instead of replaced.

5. Did the City and SMCHS try to implement a residential permit parking system and the majority of the property owners oppose it?

Yes. Please see the 1999 *Summary Status* attached. This topic is addressed in item 2.

In conclusion, Saint Mary's plans to meet with neighborhood residents sometime in the near future about our future plans and the neighbors' traffic concerns.

A list of reports sent to the City of Albany by the school about Saint Mary's compliance with a number of the mitigations in CUP #93-27 is attached. The dates of these reports and a summary of their contents are included.

Dave, again thank you for your assistance and communications regarding Saint Mary's requests and proposals. We look forward to continuing our work with you and with the City of Albany. Please don't hesitate to contact me at (510) 559-6220 should you have any questions or need any information.

Sincerely,



Brother Edmond Larouche, FSC
President

cc: Ann Chaney, Community Development Director
Billy Gross, Associate Planner

Encl.: 1999 City of Albany *Summary Status*

April 1, 2003 letter from Dean of Students to Saint Mary's Parents

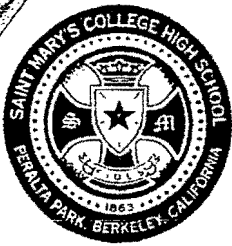
2002-2003 Student-Parent Handbook pages re: school policies

2002-2002 Student-Parent Handbook agreement

2002-2003 Faculty/Staff Driving Contract

2002-2003 Student Driving Contract

Student Parking [Permit] Application



SAINT MARY'S COLLEGE HIGH SCHOOL

PERALTA PARK • 1294 ALBINA AVENUE • BERKELEY • CALIFORNIA 94706-2599
TELEPHONE (510) 526-9242 • FAX (510) 559-6277 • WWW.SAINTMARYSCHS.ORG

Dear Parents,

This letter is an urgent plea to all parents who drop off and pick up students at Saint Mary's College High School. **Please, at all times, drive slowly in the neighborhood of Saint Mary's College High School, specifically on Albina Avenue, Posen and Ordway Streets. Additionally, please be advised that Hopkins Court is not to be used as an access to or egress from Saint Mary's College High School at any time.**

There are important reasons for this plea. First, there are several families in our neighborhood with small children. There are also several people on Albina Avenue, Hopkins Court, Ordway, and Posen Streets who have articulated that they are fearful of the way Saint Mary's College High School drivers come to and depart from campus. Saint Mary's is a great school on a beautiful campus. One reason it is so beautiful, is that it is nestled in a residential neighborhood. Given that we are in a residential neighborhood, we are compelled to respect the community of neighbors around us. Saint Mary's community members who speed on the streets around the school produce unneeded disturbances and extreme danger to the residents.

Saint Mary's College High School is currently attempting to make improvements, as well as, build new buildings on campus. To improve or build on campus, Saint Mary's needs the approval of the City of Albany. Tuesday, March 25th we made a presentation to the City of Albany Planning and Zoning Commission. Before the commission will approve such improvements to the school, we must show that we are acting in accordance with our conditional use permit with the city. One condition of this permit is that we are purposeful and vigilant in our regulation and enforcement of school traffic and driving policies. There were a number of neighbors present at this meeting who vocalized their concerns. Specifically, there were several complaints to the commission regarding the way parents were coming to and leaving from the campus. As such, it is imperative that the Saint Mary's community strive to respect our residential placement, enforce the conditions of our conditional use permit, city traffic laws, and the community of our neighbors.

Lastly, if your son or daughter drives to school, please remind him or her to drive slowly on these streets. Students found speeding or using Hopkins Court as access to or egress from campus will face disciplinary consequences.

Thank you for your understanding and compliance in this matter. Feel free to contact me with any questions, concerns, or suggestions that you may have.

Sincerely,

Bill Boselli
Dean of Students
bboselli@stmchs.org
510-559-6256

4/1/03

13.3 STUDENT DROP-OFF AND PICK-UP

Because Albina Avenue is narrow, Saint Mary's requests that students and parents observe a 15 mph speed limit while driving on Albina Avenue. Those who drive students to school must respect all speed limits and exhibit safe driving practices for the safety of our students and neighbors. Parents and students may not enter the Posen Street parking lot for morning drop-off or for the first 20 minutes after school.

CHAPTER 14: APPEARANCE CODE

Saint Mary's College High School expects that its students will demonstrate good taste and modesty in their appearance, as is appropriate to a Catholic, Lasallian community. The administration and faculty will monitor all questions regarding student appearance. The dean of students, in consultation with the principal, will have ultimate responsibility and authority for all issues pertaining to the dress code. Appearance code infractions will result in a detention.

The following are to be observed by all:

1. Shoes must be worn; the absence of shoes will be allowed only for a demonstrated medical necessity.
2. Clothing which allows undergarments to be visually observed is not permitted. Sports bras are undergarments and must be covered.
3. Bare midriffs are not permitted.
4. Halter, tube, or strapless tops are not permitted. Straps on tops must be at least two inches in width (e.g. no spaghetti straps). Overalls over spaghetti straps are not permitted.
5. Lycra and spandex tights may be worn under clothing that meets other school guidelines.
6. Shirts, tops, blouses, and sweater tops must be buttoned at all times.
7. Bathing suits are not permitted (except for PE).
8. Short shorts that allow undergarments to be seen are not permitted.
9. Dresses, skirts, and pants still more than six inches above the knee, are not permitted.
10. Tattered clothes are not permitted.
11. Dyed hair may be black, brown, red, or blonde but must be one uniform color.
12. Male students may wear neatly trimmed beards and moustaches.
13. Facial piercing of any kind is not permitted. Pierced jewelry is allowed only in the ears.
14. Sweatshirts with appropriate logo or graphics are permitted. Lined outer shirts may be worn as a jacket.
15. Hats or any headgear are not permitted.
16. Bandanas and headbands are not permitted.
17. Sunglasses may not be worn inside any school building.
18. Athletic department issued hats may be worn only during team practice and contests.

14.2 DRESS-UP DAYS

The administration reserves the right to make final decisions regarding student grooming and appearance. This dress code is in full effect from the time students arrive on campus until the end of the presentation that day both inside and outside of class.

On certain occasions and during special presentations such as liturgies, academic assemblies, graduation, and other designated assemblies, male students are required to wear a dress shirt and tie. A dress, skirt and blouse, or dress pants and blouse are required of female students. At other times and because of particular school or class activities, the dress code may also be modified. Neither male nor female students may wear jeans or shorts.

CHAPTER 15: MISCELLANEOUS

15.1 BICYCLES, SKATES, SCOOTERS, AND SKATEBOARDS

Students are not to ride bikes, skateboards, scooters, or roller blades on campus at any time.

15.2 COMMUNICATION DEVICES

It is the philosophy of Saint Mary's College High School that cell phones and pagers create a distraction to an educational environment. Therefore, students may not carry pagers and cellular phones during the school day.

The school day is defined as follows:

- Monday, Thursday, and Friday, 8:00 AM – 3:00 PM
- Tuesday, 8:00 AM – 3:25 PM
- Wednesday, 8:50 AM to 3:25 PM

Students with visible or audible possession of pagers and/or cell phones at school will have them confiscated and they will be given to the dean of students. Parents/Guardians will be allowed to pick up the confiscated pagers and cell phones.

15.3 MUSICAL DEVICES

Students may not listen to headphones, nor wear them around their necks, during class time. They will be confiscated and given to the dean of students.

Boom boxes are not permitted on campus and will be confiscated.

CHAPTER 16: CAMPUS MINISTRY

The Campus Ministry Program is the specialized and focused means by which students, faculty, and staff establish and develop a Christian and Lasallian community. Campus ministry is responsible for the nurturing of the faith community and gives expression to its identity in every aspect of school life through its various programs.

16.2 GOALS OF THE CAMPUS MINISTRY PROGRAM

1. To develop an environment within the school where students, faculty, and staff live out the gospel of Christ.
2. To provide resources for the human and spiritual growth of the school community.
3. To foster the living tradition of the Church through the service of others, reflection on experiences, prayer, and liturgical celebration.
4. To provide opportunities for the community to put into practice the gospel call to justice and the rich tradition of the Church's social teaching.
5. To provide various opportunities for ministry by the students, faculty, and staff.

16.3 CHRISTIAN COMMUNITY SERVICE PROGRAM

Saint Mary's College High School strives to educate each student about the connection of Christian faith and action. The Christian Community Service Program (CCSP) exists to help fulfill the school's mission to "give special attention to raising awareness of the poor and oppressed in our society, and to demonstrating this concern and sensitivity through Christian service." The CCSP is an integral part of the complete education of the Saint Mary's student. It is a project-based program in which students demonstrate a progression from involvement to leadership in self-directed projects.

The lower division introduces students to service learning and our prayer service reflection model in small, faculty-led groups, partnering with a local service agency.

Upper division students commit to an individual service project of at least 40 hours with an approved service agency or commit to develop an independent service project.

Guidelines for upper division Christian Community Service Independent Project (CCSIP):

1. Students must complete a CCSIP proposal and submit this to the CCS Program director by May 1st of their sophomore year.
2. The CCSIP work is strictly voluntary, not paid.
3. The CCSIP must work directly with people in need.
4. CCSIP may not work with a for-profit or a political organization.
5. CCSIP expects students to meet all project goals and time commitments as described in the CCSIP proposal.

On 6/21/12 1:20 PM, "DONNA DEDIEMAR" <dediemar@sbcglobal.net> wrote:

Herman,

Would it be possible to get a list of the major events (non-athletic) on campus (the ones that cause overflow parking) and the months in which they occur? I was trying to compile a list from the website so I could send out the information to everyone when I see it on the calendar, but I'm not sure I can really tell the things that are big. Of course I know about the Crab Feed, CASE Studies Workshop, Recognition Awards Night, and Baccalaureate, but I'm not really sure about some of the events listed below. I have not included any dances, since it is my understanding that the Albina entrance is closed for those, nor have I included reunion lunches/dinners (I assume those would not be large). If I have missed anything big, please add it to the list. Thanks so much for your help.

Donna

August: Freshman and New Parent Information Night (this was in November in 2011);
Mandatory Sports Meeting for Parents and Students

September: Learning Differences Parent Meeting; Back to School Night; College Information
Night for Seniors

October: SAT Testing Day; Fall Drama; Alumni Homecoming Barbecue

November: Winter Concert (this was in December in 2010); Open House; Alumni Memorial
Mass (may not occur any more; I last saw it listed in 2010)

December: College Financial Aid Night; Winter Concert (this was in November in 2011);
Football Dinner at Shea

January: Admissions Placement Test Day; Financial Aid Workshop; Sophomore Parent Evening;
Junior Parent College Information Night; Alumni Super Bowl
Lunch at Shea (held in 2011, but not 2012); AP Information Night (held in February in 2010,
2011)

February: Crab Feed; AP Information Night (held in January in 2012); Incoming Freshman
Interview Night; Music Concert (2012 only)

March: Spring Musical (this was in April in 2011)

April: CASE Studies Workshop (not held at St. Mary's in 2011); Sixth and Seventh Grade
Information Night; Freshman Placement Testing; Freshman
Orientation (held in May in 2010, 2011)

May: Recognition Awards Night; Baccalaureate Mass (in 2010 and 2011); Seventh Grade Day
(not held in 2011)

June: Baccalaureate Mass (in 2012); Golden Graduates Mass and Lunch

ATTACHMENT 1

Fri, June 29, 2012 2:35:20 PM

Re: St. Mary's Major Events

From: "Shum, Herman" <hshum@stmchs.org>

[View Contact](#)

To: DONNA DEDIEMAR <dediemar@sbcglobal.net>

Cc: "Headley, Mark" <mheadley@STMCHS.ORG>

Dear Donna,

Here is a list of major events (non-athletic) that have historically impacted parking in the neighborhood:

August 30 – Back to School Night

October 6 – Homecoming Alumni BBQ

November 18 – Open House

February 2 – Crab Feed & Silent Auction

April 23 – Case Studies

April 27 – Freshman Orientation

May 16 – Academic Recognition Awards

June 8 – Baccalaureate Mass

In addition to the above list, next summer on June 15, we will be holding the Sesquicentennial Celebration of Saint Mary's College High School. We anticipate that this one-time event will impact neighborhood parking.

You can always refer to the school website at saintmaryschs.org and click on "school calendar" for a complete list of events. The calendar will be updated regularly as the information becomes available. In addition, our communications office will continue to mail letters and postcards updating the neighborhood community of Saint Mary's news, events and activities.

I hope you have a good summer.

Herman Shum

Vice Principal of Student Affairs

Saint Mary's College High School

1294 Albina Avenue

Berkeley, CA 94706

(510) 559-6256 office

(510) 559-6277 fax

ATTACHMENT 2

Major, Evening, and Weekend Events at St. Mary's College High School Jan. 2010 - August 2012

<u>January</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Admissions Placement Test (Sat event)	X	X	X
Parent Assn Mtg (evening event)	X		X
Financial Aid Wkshp (evening event)	X	X	2
Sophomore Parent Evening	X	X	
Junior Parent College Info Night	X	X	X
Principle Mtg w/Parents (evening event)	X		
BINGO Night at Shea	X		
Presentation by Dr. M. Carotta (evening event)		X	
Alumni Super Bowl Lunch at Shea (Sunday event)		X	
Winter Ball			X
AP Information Night (held in Feb. in 2010,11)			X
Sports Evening/Weekend Events:			
Women's V. Basketball	X	4	4
Men's V. Basketball		3	2
W/M V. Basketball	2	X	
<u>February</u>			
AP Info Night (mandatory for sr, jr, soph in AP classes)	X	X	(held in Jan. in 2012)
Crab Feed (Major Event)(Saturday event)(Evening)	X	X	X
Incoming Freshman Interview Night	X	X	X
Parent Info Night	X		
School Dance at Shea (evening event)	X		X
Enrichment Wk Parent Mtg (evening event)	X	X	X
Info Session w/ Pete Imperial (evening event)		X	
Music Concert (evening event)			
Sports Evening/Weekend Events:			
Women's V. Basketball	X	2	X
Men's V. Basketball		X	2
W/M V. Basketball	2		
Men's V. Baseball (Saturday event)	X		
BSAL Basketball Playoff Game	?	X	
<u>March</u>			
Spring Musical (evening event)	3	(April in 2011)	3 (plus 1 date in April)
Sports Evening/Weekend Events:			
JV Baseball	X		
V Baseball	X		
NCS M/W Basketball Playoffs		X	
NorCal M/W Playoffs		X	

<u>April</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Class of 1936 Reunion (Sat. event)	X		
Brothers Auction Dinner (Sat eve event)	X		
CASE Studies Wkshp (Major evening event)	X		X
Sixth and Seventh Grade Info Night	X	X	X
Senior and Junior Prom (Sat evening event)	X	X	
Freshman Placement Testing (Sat event)	X	X	X
AP Art Show (evening event)	X		
Parent Assn Mtg (evening event)		X	
Spring Musical (evening, Sat. event)	(Mar. in 2010)	3	X(plus 3 in Mar.)
Dance Concert (evening event)		X	
Freshman Orientation (Sat. event)	(May in 2010,11)	X	X

Sports Evening/Weekend Events:

JV Baseball (Sat event)	X		
V Baseball	X		

May

Freshman Orientation (Sat. event)	X	X	(April in 2012)
Student Directed One Act Plays (evening event)	3	3	
Seventh Grade Day (Sat. event)	X		X
Academic Recognition Awards Night		X	X
Spring Music Concert (evening event)	X	X	X
LaCrosse Dinner (evening event)	X		
Track and Field Dinner (evening event)	X		
Baccalaureate Mass (major Saturday evening event)	X	X	(June in 2012)
AP Art Show (evening event)			X
Prom (Sat. evening event)			X

June

Baccalaureate Mass (major Sat. evening event)	(May in 2010,11)	X	X
Golden Graduates Mass & Lunch (Sat event)			X

July

August

Class of 1995 Reunion (Sat event)	X		
Freshman and New Parent Info Night	(Nov In 2010)	X	
Immersion Info Night		X	
Mandatory Sports Mtg for Parents & Stud. (Sat event)		X	

<u>September</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Learning Differences Parent Mtg (evening event)	X	X	
Back to School Night (evening event)	X	X	
Welcome Back Dance (evening event)	X	X	
Immersion Mtg (evening event)	X		
College Info Night for Seniors (evening event)	X	X	X
Admissions Info Night	X		X
Class of 1966 Reunion Lunch (Sat event)		X	
Mother and Son Dance		X	X
Parent Book Club (evening event)		X	
Sports Evening/Weekend Events:			
Football (Sat. afternoon)		X	
<u>October</u>			
Class of 1975 BBQ Lunch (Sat. event)	X		
Class of 1991 Reunion Dinner		X	
Class of 1981 Reunion (evening event)		X	
SAT Testing Day (Sat. event)	X		
Enrichment Week Info Night (evening event)	X		
Parent Assn Mtg (evening event)	X		
Fall Drama (Evening event)	3	3	
Coaches Post-Game Social at Shea (Sat. event)		X	
Father-Daughter Dinner Dance (evening event)		X	
Alumni Homecoming BBQ (sat event)		X	
Homecoming Dance (Sat evening event)		X	
Aaron Owens at Shea (evening event)		X	
Sports Evening/Weekend Events:			
V/JV Football (Sat afternoon events)	2	2	
<u>November</u>			
Homecoming Dance	X		
"Race to Nowhere" (evening event)	X		
Alumni Memorial Mass (Sat event)	X		
Freshman Parent Info Night	X	(Aug in 2011)	
Enrichment Week Info Night (evening event)		X	
Music Concert (evening event)		X	
Mandatory Winter Sports Mtg for Par/Stud (Sat event)		X	
Open House (Sunday event)		X	

November (cont.)

Sports Evening/Weekend Events:

V/JV Football (Sat afternoon event)

X

V Football (Sat afternoon event)

X

December

2010

2011

2012

College Financial Aid Night

X

Winter Concert (evening event)

X

Football Dinner at Shea

X

Parent's Assn Mtg (evening event)

X

Enrichment Week Mtg (evening event)

X

Sports Evening/Weekend Events:

Women's V. Basketball

3

X

Men's V. Basketball

4

2

KEY

X indicates event occurred once in the month

A number indicates the number of times the event took place in a month (generally associated with performances or sporting events)

Highlight indicates major event, as verified by Herman Shum

5 July 2012

Cynthia Perry
1317 Albina Ave
Berkeley, CA 94706

Anne Hersch, Albany City Planner

via email to ahersch@albanyca.org

Re: Comments submitted in response to the Saint Mary's College High School Application for a Conditional Use Permit

Dear Ms. Hersch:

I live at 1317 Albina Ave with my 15-yr old daughter. My parents purchased the house in 1995; my daughter and I moved here from another North Berkeley location in 2011 but I expect to live here for many years. My daughter is a student at an independent school in Oakland and I am wholeheartedly in favor of independent schools. As a Civil Engineer, I am also wholeheartedly in favor of facilities performing voluntary seismic upgrades of outdated facilities. Nevertheless, if the current request for an increase of square footage on campus is used in the future as a rationale for increasing the student population, or if the proposed chapel is used for many events during non-school hours, there would almost certainly be an increase in the traffic on Albina Ave. If the traffic, parking, and noise on Albina Ave. were to increase substantially, it would have a negative impact on my enjoyment of my home.

To state the obvious, students and parents of SMCHS have a 4-year time horizon; SMCHS staff may have a longer time horizon, but many neighbors may be affected by SMCHS policies for 10, 20, or 50 years. The demeanor of the school population may impact both the quality of life and the real estate values in the surrounding neighborhoods; similarly, a neighborhood full of disgruntled and hostile neighbors might have a negative influence on the smooth operations of the school. It is in the interest of all involved parties to come to an agreement that enhances the school operations without a negative impact on the surrounding neighbors.

I realize that neighbors on different sides of the SMCHS campus may have differing and even conflicting issues depending on whether they are affected by noise, lights, traffic, traffic safety concerns, parking, pedestrians, etc. As a resident of Albina Avenue, I have summarized my own concerns below.

Parking/Driving Restrictions on Residential Streets Surrounding SMCHS

It is often difficult to get in and out of my driveway at peak traffic hours on school days and during school events. Vehicles coming and going from SMCHS are often going too fast for a small residential street. As a parent at another independent school located in a residential neighborhood, I have annually registered my vehicle with the school and signed a contract with the school that states in part that I will abide by the school traffic and parking rules; as such, I think it is not unreasonable to expect a similar commitment from the SMCHS community. Other than cars with parking permits, it is not apparent that vehicles associated with SMCHS are registered in any way or that members of the SMCHS community

are asked to sign a statement acknowledging the traffic and parking rules and restrictions in the Student & Parent Handbook. At some point in the application it stated that traffic infractions had probably been committed by those not associated with the school community. How would you know? Has any student or parent ever been cited for a traffic infraction? What are/were the consequences? Has any student ever been reprimanded or suspended for speeding, parking in a restricted area, or some other infraction of the driving or parking rules? Does the school make any effort to inform other members of the community who visit SMCHS for Open House, athletic events, or other school events about these traffic and parking restrictions? I think it would help if staff, students, and parents were asked to register vehicles used for parking, drop off, or pick up; if students and parents signed an acknowledgement of the traffic and parking policies; and if the school monitored compliance more actively than at present.

Emergency Access

The Albany Police and Fire Departments provide emergency services to SMCHS, yet they currently have to drive many blocks out of Albany and into Berkeley to access the Albina Street entrance to campus. What Albany fire station is the first to respond to a call from SMCHS and how many blocks do they have to detour to access the campus from the Berkeley side? How many minutes does this delay their response time? Ironically, there is a Berkeley Fire station within 6 blocks of the Posen Street side of campus in Albany. The Albina Ave entrance requires access to SMCHS across a vintage concrete bridge. Who is responsible for the maintenance of the bridge? Is the bridge adequate to handle traffic loads due to emergency vehicles and the many construction vehicles required for the proposed construction work? In the event that the bridge is damaged in an earthquake, how will emergency vehicles access the campus? Why has the City of Albany agreed with past and current revisions to the campus plan that restrict emergency access from the Albany side of campus? Since the application involves an increase of roughly 32,000 sq feet, with a consequent increase in fire and seismic risk, what provisions are proposed to improve the emergency access from the Albany side of campus?

Proposed Chapel

The documents provided show this as a 4400 square-foot one-story building, yet the plan shows a footprint of 52x78 feet or 4056 sq. feet. The application includes very little information about this proposed chapel. Does the building have a basement or mezzanine that accounts for the other 344 sq feet? Based on square footage alone, a space of 4400 sq. feet can accommodate many more than 200 folding chairs. Will the chapel have permanent seating that limits the occupancy to 200? What is the basis for the number 200 in the application? Many types of chapel functions are listed in the application (see below); which of these take place during the school day and involve only the school population and which of these are expected to take place outside of normal school hours and involve those other than the normal school population? For instance, "observation of the liturgical year" could cover a whole range of activities.

- Adoration of the Blessed Sacrament
- Class Masses
- Brothers Community Masses and Morning and Evening Prayers
- Masses during lunch, especially during Advent and Lent

- Alumni Masses
- Group Prayer Services (immersion programs, athletic teams, faculty and staff, new teachers, student leadership, etc.)
- Memorial Services, especially on All Soul's Day and throughout November
- Observance of Liturgical Year
- Programmatic: Ritual and Worship Class, World Religion Class, Reconciliation Services, Day of the Dead prayer service, etc.

Weddings are not included on the list above, although they might fit into the category of "alumni masses." One of the neighborhood concerns regarding the chapel is that it would be used nights, weekends, and summers for weddings and receptions and thus increase the parking and traffic around the school during non-school hours. Please clarify what impact the proposed chapel will have on the noise, lights, traffic and parking in the surrounding neighborhoods, particularly during non-school hours.

Seismic Vulnerability Assessment and Seismic Design Criteria

The application states that in an emergency "the campus can function as a disaster center for the surrounding community." What is the basis for this assertion? Except for the fact that the campus has large open spaces, what campus building(s) have been judged to have sufficient seismic resilience that they might function as a disaster center following an emergency? Does the school have an agreement with structural engineering professionals to perform post-earthquake damage assessment so they can readily assess which buildings are safe to occupy following an earthquake?

Has SMCHS ever commissioned an assessment of the seismic vulnerability of the structural and nonstructural facilities on campus or of the access bridge on Albina Avenue? Are there buildings on campus with known seismic vulnerabilities such as unreinforced masonry structures, buildings with soft stories, or constructed of non-ductile concrete? The proposed changes include seismic renovation of some existing facilities as well as new construction. What are the seismic design criteria being used for this work? Are these criteria that apply to standard construction in California, to school buildings in California, or some other performance criteria with a target either higher or lower than current code requires? For portions of the project where the seismic upgrade is voluntary, what criteria will be used? For portions where the extent of work triggers code compliance as a minimum, what criteria will be used? For new construction, what criteria will be used? Have other campus buildings not affected by the proposed work have been evaluated for their seismic resistance? Is a report of any findings available? Does the proposed work include any provisions for bracing and anchoring nonstructural components?

Emergency Planning

Similar to the comments above, what elements of the school's emergency plan are consistent with those required for a disaster center? It appears the campus population may be somewhere between 700-800 people during the school day. The application states there are emergency procedures in place, as well as food and water, although no mention is made of provisions for sanitary waste disposal for the

SMCHS population if the city sewer is compromised. The proposed work includes plans for control of runoff under normal circumstances but have any provisions been made for sanitary waste disposal if the school community is required to shelter in place for some extended period of time following an earthquake or other disaster in the absence of a functioning sewer? Have any provisions been made to prevent broken sewer lines from draining into the creek? It also appears that a relatively small segment of the school population live within walking or bicycle range of campus. What provisions have been made to release students to leave campus to find their way home under circumstances where BART and AC Transit are both temporarily disabled? Are students required to wait for a parent to come to campus to get them? Does the school maintain a list of out-of-area contacts for each student that could be contacted if local phone lines are down? If the Brother's Residence is damaged, will this affect the staff's ability to cope with a disaster? Does the school have an emergency generator, emergency communications equipment, emergency medical supplies, or other provisions or procedures in place that would help to manage a stranded population of 700-800 people or administer to the needs of others in the community?

Regards, Cynthia Perry

cc: Donna Diedemar, Peralta Park Neighborhood Association



Ms. Anne Hersch
City Planner
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

July 3, 2012

**SUBJECT: REVIEW OF INITIAL STUDY FOR THE PROPOSED ST. MARY'S
COLLEGE HIGH SCHOOL USE PERMIT PROJECT**

Dear Ms. Hersch;

Grassetti Environmental Consulting (GECO) has been retained by the Peralta Park Neighborhood Association (PPNA) to review the California Environmental Quality Act (CEQA) Initial Study (IS) for the St. Mary's College High School Conditional Use Permit Project. This review is based on a review of the IS, its supporting technical documents, and numerous background documents provided to me by the PPNA. I have assessed the above-referenced documents for compliance with CEQA statute and guidelines. The analyses and conclusions herein represent my expert opinion developed through my over 30 years of experience reviewing and preparing CEQA documents. My qualifications are attached to this letter.

The information reviewed indicates that the CEQA documentation for the project is inadequate and incomplete. Specific deficiencies noted in my review include inadequate project description, potential piecemealing of the project, defective technical analyses, and failure to adequately consider cumulative impacts. It is my professional opinion that these deficiencies are of sufficient magnitude to render the IS inadequate to meet CEQA's basic goals of full disclosure, informed decision-making, and minimizing the project's environmental impacts. Major deficiencies in the document are discussed below.

MAJOR ISSUES

Piecemealing and/or Failure to Assess Cumulative Impacts of the Project. CEQA Guidelines Section 15378 defines a project as "the whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change to the environment.

“Project” is given a broad interpretation in order to maximize protection of the environment. In general, the lead agency must fully analyze each project in a single environmental review document. In performing its analysis, the agency should not piecemeal or segment a project by splitting it into two or more segments (Bozung v. Local Agency Formation Commission, 1975; McQueen v. Board of Directors of the Mid Peninsula Open Space District, 1988).

In this case, St. Mary's submitted an application for a Master Plan in 2006 that included the proposed CUP projects along with the previously approved athletic field project and a number of other likely future projects, some of which are still shown as “future projects” on the CUP application materials (see Figure 3 on Appendix A to the IS). Later, as the overall Master Plan processing slowed in response to questions from the City and local community, the City made the decision to conduct independent CEQA reviews first of the athletic fields project and then of the of the five CUP-project buildings, in effect piecemealing review and approval of the larger Master Plan through incremental approvals of its components. We understand that the school proposes staged implementation of the various projects included in the former Master Plan. In that case, the proper CEQA review sequencing would be to first conduct the programmatic analysis of the Master Plan. Then, if the analysis therein is not specific enough to fully address the various building projects, a separate IS should “tier” off of the Master Plan IS or EIR.

The City may argue that the CUP project has independent utility from the “future projects” shown on Appendix A, Figure 3, and is therefore permissibly separated for environmental review under CEQA. However, under the *Arviv Enterprises Inc. v. South County Planning Commission* (2002) decision, a lead agency can require CEQA review for what the lead agency reasonably discerns to be an integrated larger project where the agency possesses conclusive evidence of the applicant's intent to proceed with the entire larger, integrated project. The applicant's filing of serial applications for individual pieces of the larger project (or, in this case, the larger project itself), has tended to obscure the overall impacts of the larger project such that they might not be adequately addressed, and the environmental effects of the various pieces of the project are overlapping and interrelated and can best be addressed by viewing the pieces as part of a larger whole. If the City moves ahead with approval of this project/IS, it will foreclose any opportunity to meaningfully assess the overall impacts of the Master Plan, and also foreclose mitigation options (such as relocation of facilities) inherent in the Master Plan process.

Even if the currently proposed Use Permit project buildings were determined to be independent of the other future buildings, the IS is still required to analyze the cumulative impacts of the Use Permit project and the Master Plan Project. CEQA Guidelines Section 15130 requires that impacts of past, present, and probable future projects be analyzed in CEQA documents. This requirement is reflected in question XVII (b) in the City's CEQA checklist. The response to this question in the IS is “Since development under the Use

Permit would not result in any substantive increase in the use of the campus relative to current use patterns, there would be no "cumulatively considerable" impacts associated with the project." This statement appears to be in error in three areas: 1) the project would include new uses on the site associated with the proposed chapel, with potential new impacts on noise and traffic; 2) the project would have construction impacts that may overlap with other construction impacts; and 3) the project would alter the visual character of the site. All of these project impacts could overlap with cumulative impacts associated with buildout of the unanalyzed "future projects" as well as other development that may be proposed in nearby areas of Albany and/or Berkeley. The IS is deficient in that it provides no information regarding these issues.

Inadequate Project Description. In addition to the piecemealing/cumulative projects issues discussed above, the IS's project description is inadequate to allow meaningful assessment of the impacts of the Use Permit project itself. "An accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR" (County of Inyo v. City of Los Angeles, 1977). This concept also applies to Initial Studies. That case also concluded that "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, [and] assess the advantage of terminating the proposal..."

This Initial Study is a mish-mash of project- and program-level analyses intended to cover five building projects, only one of which is currently proposed for Design Review approval (music building). As described earlier, two "future buildings" may or may not be ultimately developed on the site. Yet no subsequent CEQA analyses are proposed for the future buildings (either the four additional buildings included in the Use permit or those called out as Future Buildings) in the CUP application (IS Appendix A).

The IS does not identify discretionary actions beyond the Use Permit (except for the Music Building, which is supposed to be addressed through Design Review). It is unclear if the Initial Study is solely a program-level review of the Use Permit or also is intended for CEQA compliance on future project-level Design Review approvals for the other buildings. The level of detail that needs to be in the document, and the level of detail of supporting studies, needs to be commensurate with the permit that's being requested that has triggered the IS in the first place. If the IS is intended to be adequate to cover the Design Review applications for the other buildings, then it should address each of the proposed buildings and associated features (including the rain garden) in enough detail for impacts associated with those facilities to be clearly identified, including detailed plans of building locations and facades, as well as landscaping plans, floor plans, and visual simulations. If it also will be used for the grading permit, detailed grading plans also should be included. The Use Permit application includes plans and elevations for some of the proposed buildings – yet the IS fails to address those either in its project description or impacts analyses. As written,

the current IS contains inadequate detail (both project description and impact analysis) to permit its use for the approval of any subsequent buildings.

The IS project description's failures in providing adequate detail on the proposed buildings included in the CUP application are summarized below:

- The one plan included in the IS (Figure 2) is unclear regarding which buildings are existing and which are proposed for new construction, modification, or expansion.
- The two-page description of the chapel fails to include any quantified description of proposed uses that can support subsequent impact analyses, or any floor plans or elevations of the structure. It is not possible to accurately identify the project's impacts without those descriptions and plans. That discussion needs to include an estimate of maximum permitted use of the chapel and expanded dining facilities, including anticipated numbers of evening and weekend events and the number of people potentially attending each event as determined by maximum permissible occupancy levels. It should clearly state whether outside (i.e. non-school) uses may occur at the chapel and, if they would, how often and at what times of the day. Absent this information, it is not possible for the IS to adequately assess noise and traffic impacts.
- Similarly, the use, plans, and elevations of the expanded (14,000+ sq. ft.) Brother's Residence is not described. How many people will live there? What will be the uses (in addition to residential) of the extremely large house (at 14,000+ sq. ft., the residence may well be the largest house in Albany)? What will be its visual impacts?
- The description of the rain garden is presented in excruciating detail (not just once, but twice), yet fails to address the critical issue of the details of the outlet structure and associated potential for erosion in Codornices Creek. It also uses imprecise terms such as "the surface area may be...up to 2500 sq feet" (what's critical for environmental review is its minimum size), and "popular plant choices..." (their popularity isn't important for CEQA review, but the specific proposed species might be).
- The description fails to describe existing trees on the site, their size, and which are proposed for removal. (There is some discussion of this in the application, but it is not assessed in the IS).
- The IS implies (and the Use Permit Application specifically states) that the project is necessary to meet minimum space requirements for 630 students. Yet the school is only permitted for 600 students (with a temporary permitted fluctuation up to 630 to allow for attrition, etc). According to the space-needs factors presented in the Application (Appendix A, p. 2), the school has adequate space for 600 students.

Therefore the Application's stated need for overall expansion is unsupported. If the school is proposing an expansion to 630 permanent students, this increase should be specifically called out in the Project Description.

- The Project Description fails to include plans and elevations of the buildings essential to consideration of aesthetic impacts (some of these are included in the application, but they are not carried over to/evaluated in the IS). Deferral of analysis of known information to future review is not permissible under CEQA.
- The discussion of Use Permit phasing on p. 11 is inconsistent with the timing of proposed structures presented in the earlier descriptions (in the Use Permit application and Project Description) of the proposed buildings.
- The discussion of parking spaces says that no new spaces would be required because no enrollment increase is proposed. However the statement also fails to account for possible additional residents of the Brothers' house; it does not address possible additional staff at the expanded school; and it fails to address possible additional parking needs associated with new uses at the proposed Chapel or expanded kitchen facilities used individually or in tandem.
- The Project Description states this is a new use permit and that many of the existing conditions in the school's current use permits would be carried over to the new use permit. This opens the question as to which will and will not be carried over. The IS Project Description should include a list of proposed Use Permit conditions to be carried over, as well as any proposed modifications to those conditions or new conditions, or if these conditions to be deleted or modified were mitigations from previous CEQA analyses and why the impacts necessitating those mitigations for the school's current facilities are now deemed avoided.

Given this vague Project Description, the IS should consider the worst-case potential use of the site, including potential nighttime, summer, and expanded enrollment uses. Alternately, the IS Project Description should be augmented to address these deficiencies.

In addition, the Project Description (as well as the technical sections) include vague statements regarding various impact-avoidance and reduction strategies, yet they are not specifically described in the IS as either part of the project or mitigation measures. For example, the IS (p. 11) states, "...the Applicant will work with the City to tailor other measures that will be taken to minimize construction impacts." The IS must disclose those measures in order for the reader to understand whether an impact is fully mitigated. Mere compliance with regulations does not assure reduction of impacts to less-than-significant levels. Deferral of mitigation to future studies is prohibited under CEQA case law applicable to Initial Studies (see for example, *Sundstrom v. County of Mendocino*).

The end result of these deficiencies is a Project Description that is vague, unstable, and not well enough defined to facilitate meaningful environmental review.

Technical Issues. In addition to the above structural issues, several of the IS technical analyses are deficient in fully assessing and describing actual project impacts. These are summarized below:

Aesthetics: Conclusions of "less than significant" impact must be clearly documented and supported by evidence. With respect to visual quality (and also noise), the general public's experiences must be considered in determining significance (see *Pocket Protectors v. City of Sacramento*). The aesthetics analysis lacks any photographs, photo-simulations, photos of story poles, or light-trespass evaluation of the project site and proposed new facilities. Given that the project would involve substantial expansion of campus structures as well as vegetation removal/replanting, those changes should be carefully evaluated in the IS. The CUP application includes building plans, elevations, and landscape plans for some of the proposed new development yet the IS does not show or evaluate the potential effects of those plans. The IS characterizes these new features in a single sentence, stating that "...basic visual elements of the campus...would remain generally similar in visual appearance to what's currently seen on the campus, although placement of buildings and parking areas on some portions of the campus would be modified to some extent." This is "bolstered" by a statement that "the school has indicated that the Use Permit projects are intended to improve and enhance the visual elements of the campus...". The light and glare discussion is similarly vague and unsupported by evidence. Further, it also relies on unsupported intentions of the school, stating, "...the proposed increase of existing floor space under the Use Permit would not be expected to represent a new source of substantial light and glare, given the intent of Saint Mary's College High School to maintain its current approach to lighting..."

CEQA does not deal in intentions, it deals in facts. This "analysis" does not address views of the site at all, nor is it supported by evidence in the document.

In order to address this deficiency, we suggest the IS be expanded to include detailed photosimulations of the project as viewed from representative sites along the surrounding streets, as well as a light trespass analysis. The CUP application shows that the proposed buildings are in various states of design. For the not-yet-designed buildings, massings could be used. As written, the discussion does not contain sufficient evidence to support its conclusions of non-significance.

Air Quality. The air quality analysis focuses on emissions from the music building as representative of a "worst-case" scenario. Given the vague schedule for the

remaining structures, it is possible that their construction may overlap. This should be addressed in the analysis.

The air quality impact analysis indicates that cancer risk from diesel emissions would be significant if not mitigated and then includes a very generic mitigation that says, in effect, the project should reduce these emissions by 50%. In order for this mitigation to be adequately documented, the feasibility of this reduction should be evaluated and supported by evidence. As it is written, the mitigation does not offer adequate evidence supporting its feasibility or effectiveness. Similarly, construction-related air quality mitigation is vague and unenforceable.

Finally, the greenhouse gas reduction plan under air quality is based upon the assumption of no new enrollment (and not actual facilities), which is an erroneous metric. Also, this analysis assumes conformance with Climate Action Plan based upon compliance with existing building codes which is also erroneous

Biological Resources. The biological resources assessment includes no description of existing site resources. Trees are not described or located, potential species that may nest in the trees are not identified, nesting seasons are not identified, and any existing nests are not discussed. Absent this setting information, it is not possible to identify the project's potential impacts.

The impacts discussion is similarly inadequate. Specific trees to be removed or disturbed are not identified. Sensitive species that may be affected also are not identified. The MBTA is discussed, but this discussion should be expanded to include applicable species protected by the Bald Eagle Protection Act (which also applies to other raptors) and state and federal Endangered Species Acts. Tree removal should be assessed for all of the proposed buildings to determine potential impacts to visual and biological resources. The mitigation should be clarified/expanded to address construction noise disturbance of off-site nests. It also should address whether the buffer requirement for nesting birds is feasible and what buffer distance would be appropriate.

With respect to Codornices Creek, the analysis assumes that compliance with RWQCB requirements would reduce any impacts to a less-than-significant level. However there is no discussion of the habitat that may be affected or the potential effects. This problem is compounded by the lack of detail on increased runoff from the site and the failure of the project to include a draft SWPPP for evaluation in the IS.

The IS should ensure that the recent Codornices Creek fishery enhancements and restoration are not adversely affected by the proposed school expansion (e.g.,

additional flows or nonpoint pollution from runoff would not harm fish, no new fish barriers, no increase in trash). Fisheries agencies (e.g., California Department of Fish and Game, National Marine Fisheries Service, and US Fish and Wildlife Service) may need to be consulted by Saint Mary's if anadromous fish (steelhead trout, salmonids) have been seen using the creek for spawning, migration, resting, etc.

Hazardous Materials. This section should be revised to address the potential for asbestos insulation and lead-based paints that may enter the environment as a result of demolition/modification of existing older buildings.

Hydrology and Water Quality. The hydrologic assessment includes a great deal of discussion of impervious surfaces and the proposed rain garden, but fails to answer the basic questions of how much more additional runoff will be generated by the proposed Use Permit development, and whether the proposed rain garden and other detention/storage features would have adequate capacity/effectiveness to result in no net increase in peak runoff or contaminants in the design storm. Additionally, the required Stormwater Pollution Prevention Plan has not yet been prepared, therefore its adequacy is not evaluated in the IS. Similarly, the long-term Stormwater Control Plan has not been developed or described, nor have the Low Impact Development treatment measures to be used on the site been identified. Absent this information, there is no evidence to support the IS's conclusions that the project would have no potential to significantly affect sensitive resources in Codornices Creek, including impacts from erosion/sedimentation, increased runoff, and increased urban pollutants. A conceptual drainage plan (including pre-and post- project runoff calculations and a discussion of the adequacy of the proposed rain garden in reducing/treating flows) and draft SWPPP should be prepared and analyzed for adequacy in the IS. The change in outflow and any changes in the discharge structure to Codornices Creek also should be evaluated for potential erosion issues, and any resulting impacts to biological resources.

As written, the section fails to provide adequate discussion of hydrologic and water quality impacts or mitigation.

Land Use. The IS concludes that the proposed Use Permit would comply with all applicable City plans and policies, but does not include any supporting discussion of those plans or policies. In particular, it would appear that the Residence expansion conflicts with provisions in the City Zoning Ordinance that prohibit residential uses in the PF Zone, and which prohibit the expansion or enlargement of structures used for non-conforming uses. At the Planning Commission's public hearing on the Draft IS, several commissioners suggested the possibility of granting a variance to allow for the non-permitted residential use. It would indeed be inappropriate to consider a variance for the Brother's residence addition. Variances

are intended to accommodate specific physical conditions that make compliance with the zoning regulations onerous and would also deprive the owner of rights and enjoyments allowed others in basically similar circumstances minus the special conditions. They are not meant to allow uses prohibited by the base zoning. That could only be accomplished only through a Zoning Change.

The Use Permit application also states that the chapel "will likely not be used for regular Sunday services." If it will not be so used it should be stated as such in the project description. Otherwise, it also could conflict with the PF Zoning, which does not allow Religious Assemblies.

The discussion should be expanded to include a comparison of the project structures/development to applicable City plans and policies. Given that a portion of the project would be in the City of Berkeley, the IS also should address compliance of that portion of the project with applicable Berkeley land use plans, policies, and regulations.

Noise. The IS's noise assessment fails to analyze the key noise sources of concern to the sensitive receptors (neighbors), and uses inappropriate noise parameters, metrics, and methodologies, which downplay the project's potential impacts. Numerous documented noise complaints to the City and St. Mary's have not been disclosed or assessed. In addition, the IS uses criteria of significance that are inapplicable to assessment of this type of noise impact. These issues are described below:

Failure to Address Key Noise Sources of Concern: As documented in numerous letters, emails, and phone calls of complaint to the City and school, neighbors have experienced repeated disturbance from noise associated with school activities. The specific noise sources of concern with respect to the non-athletic-field school sources are repeated single event noise from traffic and students. These noise concerns are central to an adequate impact assessment, yet they have not been discussed or documented in the IS. Given that the proposed Chapel and Music Building may result in additional evening and weekend activities occurring on campus, it is important that the existing and post project noise environments be described/evaluated.

Use of Inappropriate Noise Parameters and Criteria of Significance. CEQA case law has repeatedly determined that repeated single-event noise can constitute a significant impact requiring mitigation, and that neighbors who have experienced past noise of similar types and from similar sources as project noise can be considered "experts" with respect to those noise impacts. (See Berkeley Keep Jets Over the Bay v. Board of Port Commissioners, 2001, and Oro Fino Gold

Mining Corp. v. County of El Dorado, 1990). In Berkeley KJOB, the court specifically found that it is state legislative policy to “take all action necessary to provide the people of the state with...freedom from excessive noise”, and to “require governmental agencies at all levels to consider qualitative factors as well as technical ones”, and further noted that the lead agency “cannot simply ignore the CEQA standard of significance for assessing noise [could it disturb people]...the impact of single event noise, and public concern over the noise created [by the project]”. The analysis of potentially significant impacts in this IS, instead focuses primarily on time-averaged noise levels (Leq).

In Oro Fino the court was willing to treat as substantial evidence citizens' personal observations about how the proposed project could affect their neighborhoods, since the observations were based on the neighbors' past experience with single-event noise from a similar project in the same area. This is exactly the same situation as with the St. Mary's IS. Further, the Oro Fino case declared that mere compliance with general plan noise standards cannot be used to determine impact significance but, rather, significance of an impact must be determined by the actual effects of the noise on the local population. Contrary to this dictum, the St. Mary's IS repeatedly uses the City of Albany's exemption of school activities from its noise ordinance as part of the reason to find less than significant impacts.

The IS uses a time-averaged 3-dBA increase as its only noise significance metric. This metric is inadequate to address potential impacts of ongoing, repeated single event noise sources such as construction truck and equipment noise, noise from students late at night, and late-night traffic noise. The IS should include an additional metric for evaluating the significance of repeated single-event noise impacts. In addition, noise impacts resulting from additional evening and weekend activities associated with the chapel should be evaluated. This is especially important given that the existing noise generated by school activities has been documented as disturbing the neighbors.

Problems with Music Building Noise Study. Noise was measure coming through the doors of the one-story building at 2:30 in the afternoon. The new building will be 40' high, much larger than the test building, have two potential sources of simultaneous noise, and will be ventilated with high windows and skylights, which may allow more noise to escape than currently. There does not appear to be any restriction on hours of use of the building, which means that noise could be emanating from it during the evening, when the ambient noise is reduced and the noise coming from the building would be more prominent. One neighbor on Monterey reported that he did, in fact, clearly hear the acoustic test, despite the

fact that the IS says the ambient level stayed at 45 dBA with or without the band playing.

Traffic. The traffic analysis relies on a 2005 traffic study that may be outdated. Given that the 2005 study noted increased traffic from 2003, it is possible that traffic has increased further in the seven years since 2005. The IS should include an update to this study. Field observations of traffic also were conducted in 2008. The 2008 study states, "Based on observations of existing conditions, more consistent school enforcement of traffic rules and regulations is recommended." This makes it clear that the current traffic control plan was not effective in mitigation traffic and parking impacts. In addition, the neighbors have noted that days sampled in the 2008 study may have been partial school days when exams were being given, and which let out early, which may have resulted in reduced afternoon traffic parking and traffic levels. Finally, the traffic analysis fails to address the impact of greatest concern to Albina Street residents, namely that school-related congestion results in repeated long queues on Albina Street and may interfere with emergency access to that street. These issues should be specifically addressed in the IS, and any increase in the frequency and/or magnitude of these queues associated with the use of the new/expanded buildings/uses should be documented.

The traffic mitigation discussion is also vague and should be tightened up. Specifically, the paragraph on p. 78 starting "It should also be noted..." appears to be mitigation but is not included as a formal mitigation measure. We suggest revising that in the form of a mitigation measure to assure that truck traffic is clearly limited to off-peak hours and that a Construction Traffic Management Plan be reviewed by both the City of Albany and the City of Berkeley be required, not merely a possibility.

With respect to the parking discussion, the chapel uses discussion makes assumptions on use levels and timing that are not supported by any limitations in the proposed Use Permit. That discussion also says that visitors should be encouraged to use on-campus parking. This should be revised in the form of a mitigation measure to say that the school shall be required to provide on-campus parking for these events and shall notify event attendees that they must park on campus.

Traffic and parking impacts from possible overlapping uses of the chapel and other school functions should be evaluated.

The traffic and parking management plan provisions for non-athletic events limits those events to "an average of ten per year". This seems unenforceable and

provides no information regarding the averaging period. The limit should be a clearly specified number and not a vague average. In addition, since the IS does not include any baseline on event frequency, it is unknown whether this is, in fact, and increase to the number of large events on campus.

The last paragraph on p. 81 of the IS appears to include general discussions of possible speeding impacts and mitigation measures, but is couched in vague and unenforceable language such as "...would seem to benefit all stakeholders..." and "if speeding is perceived as a serious issue". We request that this information be reworded in the form of specific impacts and accompanying enforceable, monitorable mitigation measures. Further the effectiveness of these proposed measures should be evaluated in the IS. Neighbors have commented that the speed monitors are ineffective when they are present and they are not present often; a three way stop at Albina and Hopkins Ct. could result in substantial traffic impacts, which need to be evaluated in the IS; and the proposed measures make the neighbors the de facto enforcers, requiring them to continue complaining before the school will post a monitor. It ends with a suggestion of speed bumps that might work but that requires concurrence from Berkeley to happen, and provides no other mitigation possibility should Berkeley not approve speed bumps, which are unenforceable.

Emergency access issues associated with potential increased use of the site, including the limited fire access that requires Albany Fire Department trucks access the site from the Berkeley side should be discussed.

Construction traffic access and associated impacts to congestion, safety, and parking should be described in detail. This impact has been entirely omitted from the traffic analysis (it is obliquely referenced in the noise discussion). How many truck and worker trips are expected during which hours? What is the anticipated construction duration of all of the buildings proposed in the Use Permit? Will there be overlapping construction for the various buildings? Will construction traffic overlap with school event traffic? What will the impacts be to parking and emergency access? What are the impacts to congestion and safety on Albina and other nearby streets?

Infrastructure/Utilities/Services. The project proposes an increase in floor area of over 30,000 square feet. The IS assumes no new service or utility demand because of an assumed no-increase in enrollment. The new buildings will be used and will, therefore, add to service and utility needs, including possible police and fire calls, and use of energy, water, and sewer services. The IS needs to assess the potential impacts of the proposed Use Permit development on these resources.

Growth Inducement. The project would increase the size of the school by nearly 30%. While the school maintains that no increase in enrollment is proposed, this increase in capacity would physically facilitate an increase in enrollment. The overall floor area would be well in excess of that required for 600 students. The IS should discuss the potential for growth in enrollment at the campus associated with this large increase in floor area (and potential future expansion shown on the plans), and generally assess the potential impacts associated with such growth.

CONCLUSIONS

It is my professional opinion that the deficiencies described above are substantial and render the IS inadequate to meet basic CEQA analysis and disclosure standards. In addition, it appears that the project would result in potentially significant environmental impacts triggering preparation of an EIR. The City should prepare a revised IS addressing the deficiencies identified in this letter and recirculate it for public review. I appreciate the opportunity to review this document and am available to answer any questions that you may have regarding these comments.

Sincerely



Richard Grassetto
Principal
Grassetto Environmental Consulting

Richard Grassetti

PRINCIPAL

Expertise

- CEQA/NEPA Environmental Assessment
- Project Management

Principal Professional Responsibilities

Mr. Grassetti is an environmental planner with over 30 years of experience in environmental impact analysis, hydrologic and geologic assessment, project management, and regulatory compliance. He is a recognized expert on California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) processes, and has served as an expert witness on CEQA and planning issues. Mr. Grassetti regularly conducts peer review and QC/QA for all types of environmental impact analyses, and works frequently with public agencies, citizens groups, and applicants. He has managed the preparation of over 50 CEQA and NEPA documents, as well as numerous local agency planning and permitting documents. Mr. Grassetti has prepared over 200 hydrologic, geologic, and other technical analyses for CEQA and NEPA documents. He has analyzed the environmental impacts of a wide range of projects throughout the western U.S. In addition to his consulting practice, Mr. Grassetti is an adjunct professor at California State University, East Bay, where he teaches courses on environmental impact assessment, among others.

Professional Services

- Management and preparation of all types of environmental impact assessment and documentation for public agencies, applicants, citizens groups, and attorneys
- Peer review of environmental documents for technical adequacy and regulatory compliance
- Expert witness services
- Assisting clients in CEQA and NEPA process compliance

- Preparation of hydrologic and geologic analyses for EIRs and EISs
- Preparation of project feasibility, opportunities, and constraints analyses, and mitigation monitoring and reporting plans

Education

University of Oregon, Eugene, Department of Geography, M.A., Geography (Emphasis on Fluvial Geomorphology and Water Resources Planning), 1981.

University of California, Berkeley, Department of Geography, B.A., Physical Geography, 1978.

Professional Experience

1992-Present	Principal, GECO Environmental Consulting, Berkeley, CA
1994-Present	Adjunct Professor, Department of Geography and Environmental Studies, California State University, Hayward, CA
1988-1992	Environmental Group Co-Manager/ Senior Project Manager, LSA Associates, Inc. Richmond, CA
1987-1988	Independent Environmental Consultant, Berkeley, CA
1986-1987	Environmental/Urban Planner, City of Richmond, CA
1982-1986	Senior Technical Associate - Hydrology and Geology - Environmental Science Associates, Inc. San Francisco, CA
1979-1981	Graduate Teaching Fellow, Department of Geography, University of Oregon, Eugene, OR
1978	Intern, California Division of Mines and Geology, San Francisco, CA

Professional

Member and Past Chapter Director, Association of

Affiliations

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Member, International Association for Impact Assessment

***Publications
and Presentations***

Grassetti, R. *Addressing Climate Change in Environmental Impact Assessment – The California Experience*. Paper Presented at International Association for Impact Assessment Conference, Porto, Portugal. May 2012.

Grassetti, R. *NEPA Improvement Or Dismemberment? An Analysis of The Recent Efforts on Improving and Updating The National Environmental Policy Act*. Paper Presented at International Association for Impact Assessment Conference, Stavanger, Norway. May 2006.

Grassetti, R. *Round Up The Usual Suspects: Common Deficiencies in US and California Environmental Impact Assessments*. Paper Presented at International Association for Impact Assessment Conference, Vancouver, Canada. May 2004.

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