

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda date: September 6, 2005

Date prepared: August 30, 2005

Reviewed by:_____

SUBJECT: Adoption of City Council Resolution #05-46 upholding the appeal by the Peralta Neighborhood Association of Planning and Zoning Commission decision concerning St. Mary's College High School amendment request

REPORT BY: Dave Dowswell, Planning Manager
Ann Chaney, Community Development Director

STAFF RECOMMENDATION

That the City Council adopt the attached Resolution #05-46 (Attachment A) supporting the action taken by the Council on July 5, 2005.

Alternative Recommendation

Receive new information offered at the September 6, 2005 meeting, close the public hearing and deliberate whether to adopt Resolution #05-46 or to amend it.

BACKGROUND

On July 5, 2005, the City Council upheld the appeal of the Peralta Park Neighborhood Association (PPNA) and overturned the decision of the Planning and Zoning Commission to: 1) amend CUP 93-27, Condition No. G-2b, to allow the gross square footage of the St. Mary's College High School classroom space to be increased by 3,032 square feet; and 2) amend Design Review 99-24, Condition No. 7, by eliminating the requirement that 3,032 square feet of building area be demolished or converted as follows: band pavilion/snack shop/2,380 square feet be demolished; and 652 square feet of additional building area be converted to a non-classroom use. In upholding the appeal, the Council voted to modify CUP 93-27 Condition G-2b and DR 99-24 Condition 7 to eliminate the demolition requirement, thereby allowing SMCHS to keep the two buildings intact (Band Pavilion and Snack Shop). The school however, would have to cease using the two buildings for classroom use and convert them to non-habitable space until a new master plan is approved.

On July 12, 2005, staff prepared a report recommending that the City Council postpone taking any action to adopt findings upholding the PPNA's appeal until September 19, 2005.

On July 15, 2005, the PPNA submitted a letter in response to the July 12 staff report. The letter requested the City Council not postpone adoption of a resolution confirming their July 5 decision. The letter also included a list of possible conditions of approval that the Council could/should adopt (Attachment B).

On July 18, 2005, Councilmember Javandel indicated that he did not want to postpone adopting the required findings for memorializing the Council's July 5 decision until September 19, 2005. Instead, he presented a draft resolution for Council's consideration for that evening. Other Council members, PPNA and SMCHS had not had an opportunity to review the draft resolution, so the City Council voted to continue this matter until a special meeting on August 8, 2005.

On August 8, 2005, the City Council considered adoption of a resolution (Attachment A) that memorialized the Council's decision of July 5, 2005. Prior to the Council meeting, SMCHS submitted a letter, dated August 4, 2005, urging the Council to reconsider their decision. The PPNA also submitted a letter commenting on the draft resolution included in the Council's packet. Based on information that efforts were being made to arrange a facilitated meeting between the PPNA and SMCHS, the Council voted to continue the matter to September 6, 2005. Specifically, the motion passed was to schedule another public hearing for September 6, 2005.

DISCUSSION

Since August 8, 2005, the facilitator hired by SMCHS (MIG, a firm that specializes in facilitation and mediation) has met separately and jointly with SMCHS and PPNA to discuss the disposition of the 3,032 square feet of building.

The facilitator met with both parties on August 26, 2005. The PPNA recognized, based on comments made by the school in their August 4 letter, that the band room had certain design features (sound proofing), which were irreplaceable. The PPNA indicated a willingness to allow the band room to remain and accept the conversion of other school space into non-useable space. Before the meeting PPNA walked the campus with representatives from the school and identified other equivalent classroom space equal to the size of the band room that could be removed from use. SMCHS continued to state that they needed to retain the use of all 3,032 square feet of building space in order to provide the required student curriculum and declined to discuss any reduction in square footage. SMCHS offered to continue to meet with the larger neighborhood to discuss the broader issues involving the school's day-to-day operations. A summary of the minutes from the two meetings and two letters from SMCHS (Attachment C) are included.

Recently the City has received numerous emails and letters, almost entirely in support of SMCHS request to keep 3,032 square feet of classroom space.

It is staff's understanding, based on the last communication with the PPNA, that its position continues to advocate the removal of 3,032 square feet of classroom area or equivalent space.

PROCEDURE

The Council made a decision on July 5 to uphold the appeal of the PPNA. That decision still stands and only needs Council adoption of the attached resolution to complete the decision-making process. If the Council wishes, it may open the public hearing to receive new information and either adopt the attached resolution or amend the resolution.

Attachments

- A. Resolution
- B. Letter from PPNA dated July 15, 2005
- C. Minutes summarizing the meetings of August 22 and 26, 2005