

**CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT**

Agenda date: 12/08/08

Prepared by: JB

Reviewed by: AC

ITEM: 6a

SUBJECT: Public Hearing to Receive Comments on a Draft Mitigated Negative Declaration of Environmental Significance for St. Mary's College High School.

SITE: 1600 Posen Avenue (mailing address 1294 Albina Ave, Berkeley)

RECOMMENDATION

Continue the public hearing opened on November 25, 2008, take testimony from the public, and provide direction to staff and consultant on the draft document. No action on the proposed project is to be taken at this meeting.

BACKGROUND

St. Mary's College High School is an existing co-educational high school serving 630 students on a 12.5-acre site. The school is seeking modifications to an existing conditional use permit to allow an expansion of campus facilities to a maximum of 141,147 usable square feet (not including bathrooms and mechanical equipment). No increase in enrollment is proposed as part of the project. Elements of the project include:

- New performing arts music building
- Expansion of athletic training and offices
- Renovation and expansion of Shea Student Center
- New multi-use building, primarily for performing arts use
- Renovation and expansion of existing St. Josephs Hall
- New 200-seat school chapel
- Construction of a new classroom building
- Renovation of Cronin Hall, including reinstatement of one classroom in Cronin Hall removed from service per existing conditional use permit
- Renovation of Murphy Hall classrooms into offices
- Expansion of on-campus parking and circulation

The staff report from the March 25, 2008 study session is attached (Attachment 1). Although there have been some modifications to the phasing and size of element of the master plan, the discussion of the planning process and planning issues are relevant.

DISCUSSION

The California Environmental Quality Act requires that an analysis be prepared when a government agency makes a discretionary decision on a project that will result in a physical

change in the environment. The purpose of the analysis is to disclose potential impacts and determine appropriate actions that should be taken to mitigate potential impacts. The preparation of a CEQA document includes preparing an "Initial Study," is based on a checklist of environmental subject areas.

Unless a project is exempt from CEQA, the review process and preparation of the initial study results in either: a negative declaration if there is no environmental impacts from the project; a mitigated negative declaration if the potential impacts are resolved; or an environmental impact report (EIR) if the technical analysis concludes that the project will result in environmental impacts. The decision-making process associated with determining the level of review is summarized in Attachment 2.

The City has retained the consulting firm of Lamphier Gregory to prepare the CEQA analysis for the proposed St. Mary's conditional use permit and associated master plan. As indicated in the environmental checklist, the proposed project could create potentially significant issues in the following subject areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and soils
- Hydrology & Water Quality
- Transportation & Traffic

Because mitigations have been identified that are expected to reduce these impacts to less than significant levels, a draft mitigated negative declaration is proposed (copy of draft Mitigated Negative Declaration previously provided and available on www.albanyca.org).

Attached are written comments received as of mid-day, Friday, December 5th (Attachment 3). Following the close of the public comment period on December 12, 2008, the consultant will prepare responses to questions and comments received at the hearing and in writing. If necessary, the document can be revised if comments reveal that additional analysis is necessary. The mitigated negative declaration will then be brought back to the Commission for action, along with the proposed conditional use permit and associated master plan. Staff anticipates that action on the school's application could occur in the first quarter of 2009.

Master Plan

Based on feedback received from the Commission and the public in March, the school modified its master plan to provide more background and context for the school's programmatic objectives. In addition, refinements have been made to the plan, particularly as it related to parking lot layout and footprint of adjacent buildings. The revised master plan is included as an attachment to the mitigated negative declaration.

Also attached is a summary of the major elements of the master plan by phase and by usable square feet (Attachment 4). As a point of reference, the summary also includes the square footage in the year 1993, when the current CUP was approved (Attachment 5).

Draft Conditions of Approval

As part of the discussions between City staff, neighborhood representatives, and school facilities, staff has prepared administrative draft conditions of approval (Attachment 6). Normally, the preparation of conditions of approval is one of the last things that staff does in preparing an application for Commission consideration. They are prepared late in the process in order to capture any refinements in the project application and to respond to issues and concerns raised in public comments. In this situation, however, there are neighborhood concerns about the proposed projects and operations of the school that are not necessarily appropriate as a CEQA mitigation or as an element of the project description. The Commission, through the conditional use permit, may wish to refine the elements of the master plan to address neighborhood issues. Staff hopes that the administrative draft conditions of approval advance the dialogue on some of these issues. The conditions of approval, however, are very much a work in progress, and intended to provide interested parties a sense of the basic format and level of detail.

Requests for Additional Information

The City has received from Chris Hamilton, resident on Albina Street, a request for detailed information on the master plan. A copy of this request was provided to the Commission at the November 25th meeting, and is attached (Attachment 7). For various elements of the master plan, the request seeks detailed information on the patterns of use during the past two years and detailed information on anticipated use of specific facilities in the future. Staff has provided this list to the school when it was first received earlier this year, but has not required that the school provide a response as a condition of proceeding with consideration of the application.

While this information could be useful in illuminating the details of the operation of the school, in general the level of detail sought does not correspond to the level of detail that staff needs to craft conditions of approval. In establishing conditions of approval, staff will be recommending conditions that effectively address areas of concern, are based on the City's existing legal authority, are relatively easy for the City to monitor, and flexible enough to allow some degree of evolution of programs without frequent amendments of the conditional use permit.

Staff recommends that the current hearing should be focused on the CEQA document and process, and the conditions of approval can be discussed in greater detail as they become better developed and when the project comes back to the Commission for action. Although neighborhood issues seem primarily focused on operational aspects of the school rather than the particulars of the building program, staff would note that in many cases, good design is self-regulating, and thus consideration should be given to trying to address neighborhood issues through physical design.

Attachments:

1. March 25, 2008 Staff Report
2. Lead Agency Decision to Prepare an EIR
3. Written Comments Received as of December 5, 2008
4. Summary of Master Plan
5. 1993 Conditional Use Permit
6. Administrative Draft Conditions of Approval for New Conditional Use Permit
7. Correspondence from Chris Hamilton regarding Request for Information

Draft Mitigated Negative Declaration and Attachments (including proposed master plan)
available online www.albanyca.org

City of Albany
Planning and Zoning Commission
Study Session Staff Report

Meeting Date: **March 25, 2008** Prepared by: _____

Agenda Item: **6f** Reviewed by: _____

Subject: **Saint Mary's College High School, 1600 Posen Avenue (The site is also known by the mailing address of 1294 Albina Avenue, Berkeley). Study Session associated with a new master plan and conditional use permit for the St. Mary's College High School Campus**

Applicant/
 Owner: **St. Mary's College High School/Hal Brandes**

Recommendation

Discuss the proposed project. Receive testimony from the applicant and members of the public. Provide direction to staff on issues of interest during the review process. *No action is to be taken at this time.*

Project Description

The proposed conditional use permit would allow construction of new grade 9-12 educational facilities on the 12.5 acre St. Mary's College High School campus. Current school enrollment stands at a maximum of 630 students, and an enrollment increase has not been proposed as part of the application.

The program for the school involves the upgrading and expansion of facilities serving the school's instructional program, student activities, and campus administration. At build out of the proposed master plan, total campus gross square footage would increase from 95,207 square feet to 148,447 square feet.

Current Campus Gross Square Footage

| <i>Campus Building (Year built - primary function)</i> | <i>Gross Sq Ft</i> |
|--|--------------------|
| Gymnasium (1948) | 9,880 |
| Cronin Hall (1952 & 1959 - classrooms) | 10,077 |
| St. Joseph's Hall (1956 - classrooms & administration) | 16,980 |
| Vellesian Hall (1946 - administration) | 3,900 |
| Band & Snack (1959) | 2,380 |
| Shea Center (1977 - student activities) | 9,630 |
| Murphy Hall (1986 - classrooms) | 10,450 |
| Gymnasium Addition (1995) | 21,310 |
| Frates Hall (2002 - classrooms) | 9,100 |
| Athletic Field Storage Building (2008) | 1,500 |
| Total Campus | 95,207 |

ATTACHMENT 1

Proposed Campus Development Program by Phase

| <i>Phase 1 (corresponds to 3a, 3b, & 3c on site plan)</i> | <i>Gross Sq Ft</i> |
|---|--------------------|
| Demolish Existing Band & Snack | (2,380) |
| New Band | 7,500 |
| New Snack | 1,000 |
| New Weight Room | 4,000 |
| Shea Center Kitchen Addition | 1,300 |
| Reactivation of existing unused space | N/A |
| Net New | 11,420 |
| Total Campus | 106,627 |
| <i>Phase 2 (corresponds to 4 on site plan)</i> | |
| New Chapel | 4,000 |
| Total Campus | 110,627 |
| <i>Phase 3 (corresponds to 5 on site plan)</i> | |
| Addition to St. Joseph's | 11,520 |
| Total Campus | 122,147 |
| <i>Phase 4 (corresponds to 6 & 7 on site plan)</i> | |
| Demolish Vellesian Hall | (3,900) |
| New Multi-Use Facility | 9,000 |
| New Maintenance & Storage (in Multi-Use Facility) | 5,500 |
| New parking area on southern portion of campus | N/A |
| Total Campus | 136,647 |
| <i>Phase 5 (corresponds to 7 & 8 on site plan)</i> | |
| Classroom Building | 11,800 |
| Total Campus | 148,447 |

Many of the land use issues associated with the application are related to the use of student activity venues. Current there are three principal venues:

1. Outdoor Athletic Field;
2. Gymnasium/Auditorium; and
3. Shea Student Center.

At build out of the proposed master plan, two additional principle venues would be added:

4. Chapel (200 seats); and
5. Multi-Purpose Facility (750 seats).

Vehicle access to the campus is currently both from Albina Avenue from the south and Posen Avenue from the north. No change to vehicle access is proposed in the master plan. (At one point, an additional vehicle exit from the south side of campus to Monterey Avenue was introduced, but has been dropped

by the campus. Such an access is within the jurisdiction of the City of Berkeley.) Pick-up/drop-off and bus parking area on the south portion of the campus would be substantially improved, allowing buses to wait on campus rather than off campus, and incorporating traffic calming measures to help address neighborhood concerns about speeding on residential streets.

Currently, on-campus parking is provided on the south side of campus with 69 spaces in the main parking lot. In addition, 35 parking spaces are available in the parking lots accessed from Posen Avenue and 18 parking spaces adjacent to the Brother's Residence. Pursuant to the 1993 conditional use permit approval, 44 street parking spaces along the south side of Posen Avenue adjacent to campus have historically been counted as part of the school's parking inventory. Build out of the proposed project would include an increase in the on-campus parking on the south side of campus from 69 spaces to 81 spaces, resulting in a total increase in parking from 163 to 178 spaces.

The proposed project is anticipated to require routine upgrade to on-campus infrastructure and utility systems. No major off-site improvements are expected to be required to serve the campus.

Background on Application

General Plan Policies – The land use designation for the site in the current General Plan is "Public-Quasi Public," with a creek conservation zone along the southern edge of the property. For Public/Quasi-Public land uses, the General Plan *recommends* an FAR of 0.95. There is no other guidance in the General Plan that is specific to the St. Mary's campus.

Planning and Zoning Code – The St. Mary's campus is designated on the Zoning Map as a Public-Quasi Public Facility (PF District). Private schools are allowed in a PF district with a conditional use permit. The only site regulation specified in for the PF district is a maximum building height of 40 feet, leaving the Commission responsible for determining other site regulations on a use permit/design review basis. Parking standards call for one parking space per employee plus one space per ten students.

Existing Conditional Use Permit (CUP)- The school currently operates under a conditional use permit that was adopted by the City Council in 1994 on appeal (City Council Resolution 94-37) of an action by the Planning and Zoning Commission (Conditional Use Permit 93-27). The 1994 action allowed an increase in enrollment from 375 students to 600 students plus 5% for attrition and other student body changes. It also allowed for expansion of the gymnasium. The CUP stated that gross square feet of "classroom facilities" shall not exceed the 90,675 square feet that existed as of April 1994. In addition, the existing CUP has a condition of approval that attempts to limit the number of students that are allowed to park off-campus on public streets. Between 1999 and 2005, various applications for design review of Frates Hall and amendments to the conditional use permit applications were processed, with the school seeking to amend the condition of approval limiting square footage. Ultimately, Frates Hall was approved, and in 2005, the City Council acting on an appeal of a Planning and Zoning Commission action, modified the conditional use permit, requiring the school to convert 460 square feet of snack bar space and 652 square feet of classroom space to uninhabitable space.

Religious Land Use and Institutionalized Persons Act (RLUIPA) – In 2000, Federal law was approved that states that a government agency may not impose a land use regulation in a manner that imposes a substantial burden on religious exercise unless that government agency can demonstrate that the regulation is in furtherance of a compelling government interest and that the regulation is the least

restrictive means of furthering that interest. Staff' preliminary conclusion is that conditions of approval on instructional and student activities venues are not as much of a potential legal issue as are conditions of approval affecting the use of the chapel for customary religious activities.

Field Renovation Project - The Field Renovation project was approved y the Commission in October 2007. The school has submitted plans and documents necessary for building and grading permits. It is expected that the renovation project will occur in 2008 as planned. The removal of the Eucalyptus trees will begin during the school's Easter break, in order to minimize disruption to traffic and parking while school is in session. The school final plans are available in the Community Development Department offices for public review. Staff would recommend that the conditions of approval associated with the Field Renovation project be incorporated into any future conditional use permit so that there internal consistency with one principle reference document to guide the master plan.

Key Elements of the City Planning Process

Conditional Use Permit - The proposed master plan requires Commission approval of a conditional use permit (CUP) that would reference the school's site plan and master plan summary, site regulations as determined by the Commission, as well as include standard conditions of approval, special conditions of approval needed in order to support making findings of approval, mitigations that come out of the CEQA review process, and if desired by the Commission design guidelines for future campus buildings.

California Environmental Quality Act Review - The City has retained the consultant firm of Lamphier Gregory to prepare an environmental analysis pursuant to the requirements of CEQA. An administrative draft has been prepared. Staff has requested that additional traffic and parking analysis be undertaken by the consultant before the release of a draft environmental review document for public comment. Although it is not required by CEQA, staff intends to request that the consultant prepare written responses to any substantive comments received by members of the public.

Design Review -Staff requests that the Commission discuss the potential for design guidelines to serve as a framework for future buildings to ensure the use of materials and design themes that are consist with the campus. In addition, staff believes that the design of the chapel presents an opportunity for a building of particularly important architectural character. It should be noted that the school is exploring the potential for submitting an application for design review approval of the proposed Music Building concurrent with the CUP approval process.

School-Neighborhood Work Sessions - Following Commission approval of the Athletic Field renovation project in October 2007, staff, school representatives, and neighborhood representatives agreed that large public meetings did not lead to constructive dialogue and discussion about school objectives and neighborhood concerns. As a result, City staff has organized to date four meetings involving ten to fifteen participants to discuss the conditional use permit applicant in substantive detail. From staff's perspective, the intent of these work sessions is to provide a forum for identifying topics can the be resolved to the mutual satisfaction of the neighborhood and the applicant. It also provides staff an opportunity to better understand areas of disagreement so that so that policy questions can be appropriately framed for Commission consideration. Topics of discussion have included Posen Avenue parking, reduction of peak hour vehicle trips, uses of campus venues, potential elements of the conditional use permit, site planning issues, etc. The meetings also have been used for status reports on the field project.

Identification of Key Issues

Key Elements of the Site Plan - The proposed site plan involves the addition of four new buildings, substantial addition to the existing St. Joseph's Hall, and the demolition of Vallesian Hall. Overall, Overall the proposed site plan reinforces the existing central corridor of campus running from the southwest (Frates Hall) to the northeast (gym and athletic fields) with four general precincts centered on this corridor:

1. To the west are primarily instructional facilities. The instructional facilities would expand in St. Joseph's Hall and to the southeast of campus with the construction of the proposed new classroom building.
2. To the north and east of the center of campus are student activity facilities, including athletic facilities and performing arts facilities. The most significant additions to these facilities include a new music building, expansion of athletic weight room facilities, and new multi-purpose building.
3. To the southwest is the existing Brother's Residence and the proposed chapel.
4. To the south and southeast is a parking lot and Codornices Creek.

Staff has discussed with the applicant the siting of the multi-purpose building. While at build-out there could be some functional advantages to located the multi-purpose building closer to the central campus corridor, the phasing of the project, with the Music Building being the initial project, favors the locations proposed by the applicant. It should be noted that the applicant is beginning work on the schematic design of the Music Building, so feedback to the applicant to the location of that particular building would be helpful.

Codornices Creek - The removal of Vellesian Hall is an notable step in the citywide initiatives to improve Codornices Creek. In addition, the school authorized the Urban Creeks Council to restore a portion of Codornices Creek west of the bridge entering onto the campus from Albina. That project was successfully completed in Fall 2007.

Green Building Program - For purposes of meeting the objectives of the city's green building program, staff is exploring the use of the California High Performance Schools program as the basis for future construction and operation of the campus. (See www.chps.net for more information.)

Baseline Level of Activity - One of the key issues in recent work sessions has been how to determine current level of activity on campus, and whether or not to use this information as a basis for conditions of approval that limit increases in school activities over time. This is a significant policy issue that requires additional dialogue in the working group sessions.

Future Change in Enrollment - Neighbors are concerned that an expansion of facilities may lead to a subsequent request for an increase in enrollment. From staff's perspective, this is a particularly difficult issue because there is no effective way to restrict a property owner from some point in the future submitting an application to modify a condition of approval, such as enrollment. Any future application, however, would receive a thorough review, including CEQA review. Staff believes that the future City's next General Plan (targeted for completion in 2010) should incorporate land use policies that are

consistent with the Commission's ultimate action on the CUP. Thus, a future application that involves a substantial policy change would require a General plan amendment as well.

Conditions of Approval - Staff has provided participants in the working group meeting with an outline of the topics potentially to be covered in a new CUP. In addition, in a deviation from our standard practice, staff has agreed to provide a very early draft of specific language of conditions of approval that could ultimately be considered by the Commission. Examples of conditions of approval include:

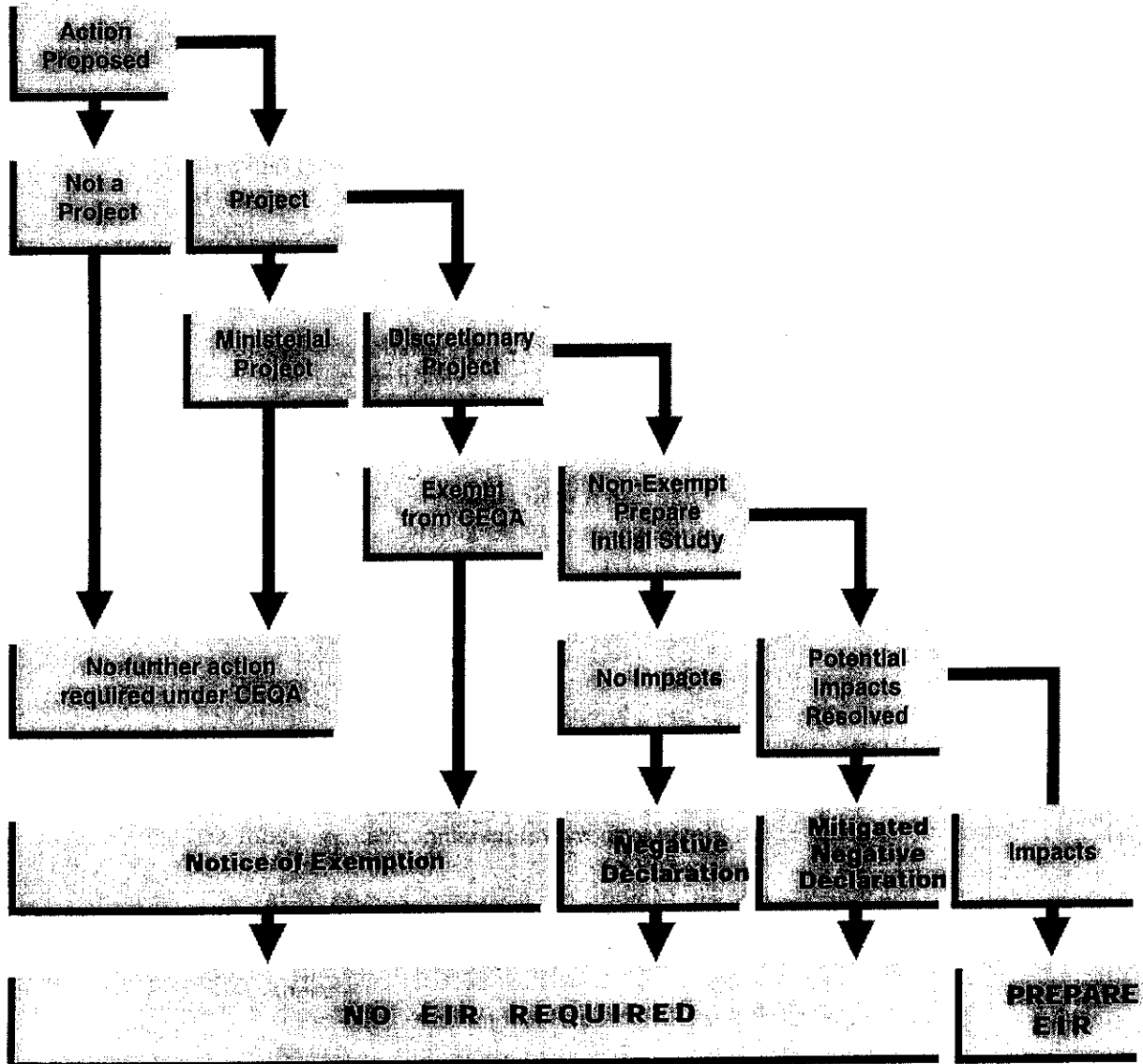
- **Transportation Coordinator** - A staff person could be designated with the responsibility of developing a comprehensive traffic management plan with the objective of reducing the number of vehicle trips to campus, including the expansion of the use of BART, AC Transit, private bus service, car pooling, bicycles, etc. The Coordinator also will be responsible for monitoring and implementing any conditions of approval associated with traffic and parking campus parking, including supervision of traffic monitors during regular school days as well as special events. The coordinator also would be expected to work with the transportation staff with the City of Berkeley, City of Albany, and transit agencies to ensure that the school is taking advantage of all potential resources available to reducing traffic and parking impacts.
- **Event Coordinator** - A school staff person could be designated as the campus event coordinator with the responsibility scheduling events in all of the campus venues. A key responsibility would be to ensure that the campus venues are utilized consistent with conditional of approval, that neighbors are given adequate notice when events are expected to have a substantial impact on the neighborhood, and to make sure that guests to the campus are advised of campus rules and City requirements. The condition of approval could include parameters that regulate the school's ability to schedule simultaneous events that exceed an established threshold.
- **Noise** - Staff will prepare for Commission review a condition of approval that every future construction project incorporate design recommendations of a qualified acoustical engineer to ensure that the project does not create noise that exceeds City standards. In addition, site planning and design guidelines should create locations for student interaction that are away from parking lots and neighboring residential properties.
- **Annual Report** - The conditions of approval could carry forward the annual report process that was part of the Field Renovation approval. The annual report would provide an opportunity for the Commission to review progress made by the school and a venue for neighbors to raise concerns.

Please note that the items listed above are not intended to be complete and comprehensive, but rather an example of the conditions that have been mentioned in the working group meetings.

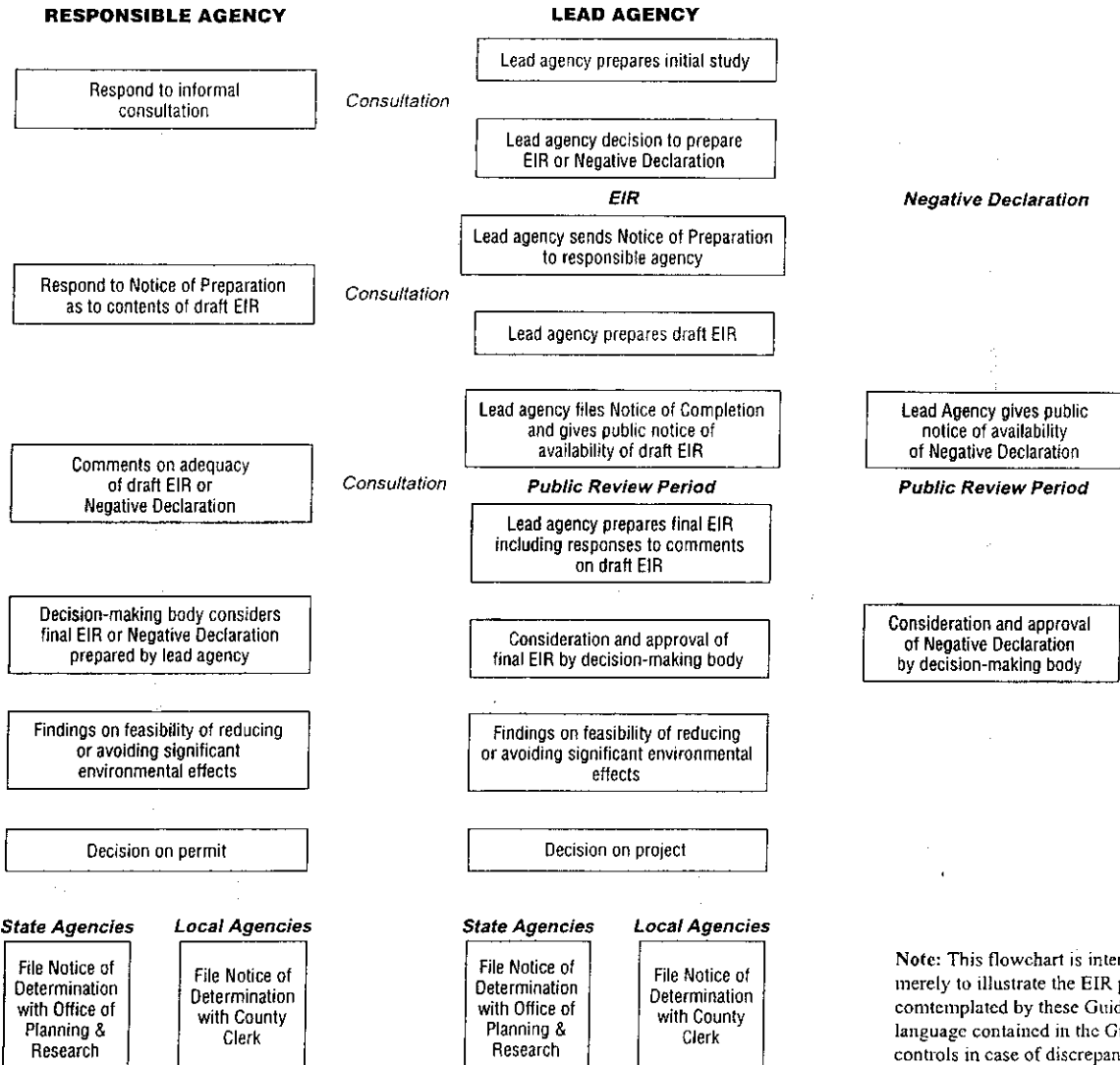
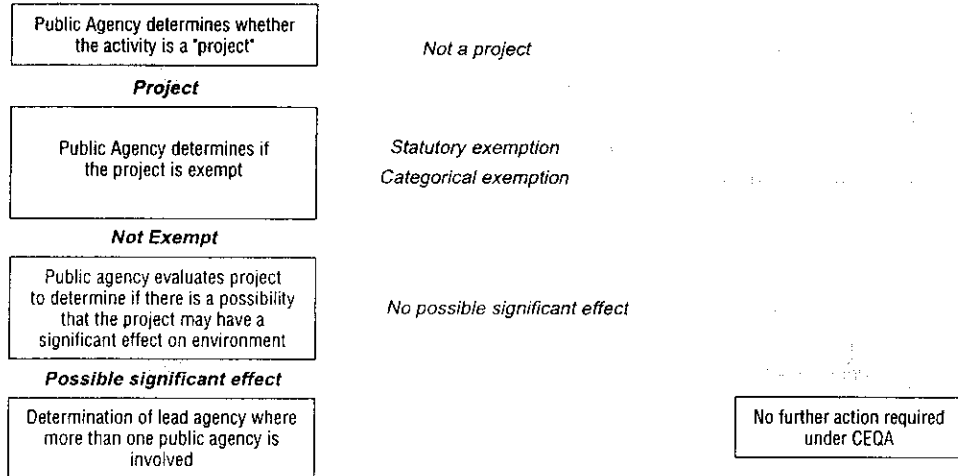
Conclusion

The key purpose of this study session is to provide an opportunity for the Commission to be brought up to date on the processing of St. Mary's application for a conditional use permit. Commission feedback can be incorporated into the draft CEQA review document as well as aid City staff, the school, and neighbors in future work sessions.

Appendix B Lead Agency Decision To Prepare An EIR



Appendix A CEQA PROCESS FLOW CHART



Note: This flowchart is intended merely to illustrate the EIR process contemplated by these Guidelines. The language contained in the Guidelines controls in case of discrepancies.

1316 Albina Avenue
Berkeley, CA 94706
December 2, 2008

CITY OF ALBANY

Planning and Zoning Commission
City of Albany
979 San Pablo Avenue
Albany, CA 94706

DEC 02 2008

COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Commissioners,

After spending many hours reading and reviewing the St. Mary's College High School Master Plan and its accompanying Initial Study of Potential Environmental Impacts, I am struck by how, over and over again, findings of No Impact are based solely on the fact that the school is not requesting an increase in enrollment in this application. This comes in spite of the fact that the Master Plan itself states that there will likely be greater use of campus facilities after the buildout, since space limitations currently restrict how many and what kinds of events can be held on campus at any given time. I would also like to point out that the Master Plan and Initial Study do, in fact, call for an increase in enrollment, from the current 600 students (plus an allowance of 5% to allow for attrition) to a permanent 630.

The reliance on no growth in the student population as a basis for determining no impact on Air Quality, Noise, Recreation, and Transportation/Traffic is without merit. Were the facilities being proposed in the Master Plan to be limited to use only during the normal school day, there might be cause to accept this rationale. But there will be no such limitation. Therefore, the only possible way to determine if there will be an impact is by comparing the projected use of the proposed buildings compared to the use the like buildings are getting today. To date, St. Mary's has been unwilling to produce any information on current facility use as a basis for comparison. The constant refrain is that activities that are currently held on campus will simply be transferred to the new facilities, and that the school does not anticipate any new uses. This simply is not a credible position, given that part of the rationale for needing new structures is that there are concurrent demands for space, and that building uses are in conflict with each other (and therefore limited) right now.

To illustrate the absurdity of many of the conclusions in the Evaluation of Environment Impacts which were based solely on student enrollment, I direct you to specific findings:

Pg. 16 a. Air Quality Plans - Since the new buildings will have evening and weekend use, it is total use of the facilities, not enrollment, which will determine changes in traffic patterns. With a new 750 seat multi-use facility, it will be possible to have two large events on campus simultaneously, such as a sports activity in the gym and a performance of some sort in the multi-use building. It would also be possible to have a concurrent activity scheduled in the chapel for up to 200 people. This could not take place currently and would represent a change, despite the fact that student enrollment remains the same.

ATTACHMENT 3

If this situation were to occur, there would absolutely be a change in traffic patterns or volumes in the vicinity of campus. Absent a mitigation prohibiting such scheduling, it is not possible to proclaim that there will be no impact.

Pg. 17 c. Net Increase in Criteria Pollutants – the same rationale as above applies here. The analysis completely ignores that there are brand new facilities being sought in this Master Plan, which will undoubtedly bring in brand new uses. The chapel alone, with seating for 200, introduces possibilities that do not currently exist. Absent a mitigation measure restricting the size and use to those activities currently taking place in other buildings on campus, it is not possible to proclaim that there will be no impact on traffic, and thus pollutants. Yet a finding of No Impact on Air Quality means there will be no mitigation measures.

Pg. 49 XI. NOISE - There is absolutely nothing in this section that addresses the possibility of noise impact from use of the new buildings in the evening or on weekends. As a matter of fact, it doesn't seem to address the Master Plan at all. Rather, it is a section dealing with the athletic field, which we were told the Master Plan would not cover. However, as with everything else, because neither the Master Plan nor the Initial Study addresses the uses to which the new buildings will be put, there would have been nothing for the evaluator to evaluate anyway. Absent a mitigation measure limiting St. Mary's to current crowd size and facility use, it is not possible to say that there will be no noise impact with use of the new, larger facilities.

Pg. 55 XIII. PUBLIC SERVICES – Absent restrictions to current levels of evening/weekend use of the new facilities, it is not possible to determine that there will be no impact on public services, particularly police protection. In the September 2007 Responses to Comments on the Initial Study of the Field Renovation Project, Lamphier-Gregory noted many times community complaints about visitors to St. Mary's blocking driveways, parking on lawns, and other egregious behavior, and responded that those were issues for local law enforcement. Any addition of activities that brings cars into the area on evenings and weekends potentially results in increased need for police assistance, and should be evaluated.

Pg. 57-68 XV. TRANSPORTATION/TRAFFIC – In her Jan. 5, 2007, letter to Jeff Bond during consideration of the Field Renovation, Jill Martinucci, Legislative Assistant to Berkeley City Councilman Laurie Capitelli, stated that the stretch of Hopkins between Sacramento and Gilman carries more daily traffic than any other residential street in Berkeley. As such, it should get a particularly close look when considering Master Plan impacts on congestion. Yet, on page 64, the following explanation for no impact is given: “Although the school’s Master Plan proposes several large projects to improve facilities for student, faculty and staff use, it does not propose any increase in enrollment. Therefore, an increase in the number of normal *school-day-related* (emphasis added) vehicle trips is not expected to change as a result of implementation of the Master Plan projects, and a quantitative traffic analysis was not conducted.” Once again, there is no consideration given to any impact use of the buildings would have on evenings and

weekends. Absent a mitigation measure restricting use of the facilities to 'normal school day', there is no basis for drawing this conclusion.

[NOTE: There is a particularly troubling statement in this section, related to Traffic Conditions. On page 62, the following statement appears: "It should be noted that some intersections appear to operate worse without the school in session than when the school is in session. This is primarily due to the variability of daily traffic conditions, which can vary up to ten percent from one day to another." At first glance, this seems to imply that traffic is actually better when St. Mary's has people arriving and leaving, which is obviously ridiculous. There is nothing offered to support the follow-up sentence about a 10 percent day to day variance in daily traffic conditions or to evaluate the statistical relevance of whatever sampling was used to draw that conclusion. It brings into doubt the objectivity with which the traffic analysis was done. In addition, on page 59, between the charts, is the following statement: "The 2005 Korve Traffic Study found that speeding is not significant (i.e., greater than 31 MPH) either on Albina Avenue or Posen Avenue near the school. During the before and after school peak periods, 50th and 85th percentile speeds are lower than the all day 50th and 85th percentile speeds. Based on speed trends throughout the day, speeding seems not to be related to school traffic." This is another example of faulty analysis. Because traffic is significantly heavier during the before and after school peak periods, and because (at least on Albina) there are monitors in place, speeds are of course going to be lower. But on Albina, virtually all traffic all day long is related to the school, so whatever speeding is going on is guaranteed to be related to that source. And finally, the speed survey was apparently taken near the SMCHS entrance, where the street narrows as cars must pass over a one lane bridge. Cars always slow at that location, just as the flow of water slows when it is poured into a funnel. It appears to me that Lamphier-Gregory is simply too unfamiliar with the subject it is evaluating to have much credibility in its analysis.]

Pg. 71 XVII. MANDATORY FINDINGS OF SIGNIFICANCE – Item b. asks if the project has impacts that are individually limited, but cumulatively considerable. The explanation states: "Since implementation of the Master Plan 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 Master Plan implementation." Unfortunately, current and projected use patterns are not provided for anything except the field. There is therefore no basis for drawing this conclusion. The same can be said for item c.

These are just some of the things I have found particularly troubling about the Initial Study. There were other things, such as the finding of no impact on emergency access when the plan calls for constructing buildings in a particular order because construction vehicle access will be blocked if done in a different order. I wonder if a fire engine or ambulance can get through to the training facility when a construction vehicle cannot. I also wonder about the surface water drainage into the creek, and whether there is any possibility that water shooting out of a drainage pipe on the north bank could be causing any of the excessive erosion that apparently is only occurring on the south bank. But I

know virtually nothing about these things, so I can only trust that the engineers and consultants are convinced that there will be no problem.

On the other hand, I am an expert about my neighborhood, and I know better than any of the engineers and consultants the problems of noise and traffic and parking on my street. I know that those problems are related to St. Mary's, and are not limited to weekdays and do not end at 4:00 or 5:00. From reading their report, I know that the consultants have not even considered the possibility that new state of the art facilities might be used more than older, smaller ones, or that a new facility, such as the chapel, that has no current counterpart on campus, might invite an entirely new use, such as weddings. I know that when they take measurements of traffic and parking during the day, the measurements have no relevance to the problems occurring in the evenings, and that taking a measurement on one or two days during the evening does not measure the impact of randomly occurring events. I know that in 1994 we were told that a 50% increase in enrollment would have no impact on the neighborhood because, just as now, the consultants failed to consider the obvious. In that case, it was failure to adequately consider where the additional 200 students would come from and how they would likely get here. In this case, it is failure to adequately consider what the likely change in activity levels will be once the school has larger, state of the art facilities that it not only uses to expand its mission, but also makes available to the entire LaSallian community.

I beg of you, do not accept this Initial Study. Require that St. Mary's provide its activity calendar for the last two years, showing exactly what events occurred on campus that drew in people other than St. Mary's students, with the hours of each event and an estimate of the number of attendees. Require that the school then provide information on how it intends to use the new facilities covered by the Master Plan. Give that to Lamphier-Gregory to study, and then issue strong verifiable, measurable mitigation measures in the use permit that hold St. Mary's to its word. If you don't, I fear we may never get away from these long, drawn out battles.

Sincerely,

Donna DeDiemar

CITY OF ALBANY

DEC 05 2008

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Mr. Jeff Bond
Planning and Building Manager
City of Albany Community Development Department
1000 San Pablo Avenue
Albany, CA 94706

December 5, 2008

**SUBJECT: REVIEW OF INITIAL STUDY FOR THE PROPOSED ST. MARY'S
COLLEGE MASTER PLAN PROJECT**

Dear Mr. Bond;

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 Master Plan Project. This review is based on my familiarity with the project gained from working on the St. Mary's Athletic Field project, 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 25 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 to comply with CEQA statutory requirements. Specific deficiencies noted in my review include inadequate project description, inadequate description of existing conditions (that form the basis of comparison for the impacts assessment), inadequate/inappropriate future conditions assumptions, 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

Inadequate Project Description. The IS's project description is inadequate to allow meaningful assessment of the impacts of the Master Plan project. As noted previously in our comments on the adequacy of the Athletic Field project IS, "An accurate, stable, and

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finite project description is the *sine qua non* of an informative and legally sufficient EIR" (County of Inyo v. City of Los Angeles, 1977). 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..."

The IS does not identify the actions/decisions for which the IS will be used as the CEQA compliance document. It is unclear as to whether this IS is a program-level document intended to address only the overall master plan, or if it is also intended to serve as a project-level analysis for construction of the major new buildings envisioned in the Master Plan. If the document is intended to serve not only as the CEQA review for the Master Plan but also for the Design Review and permitting of each building under the Master Plan, then the IS project description and impact analyses must be revised to include enough detail for impacts associated with the project design to be clearly identified, including detailed plans of building locations and facades, as well as landscaping plans and visual simulations.

The current project description is inadequate even to suffice for a program level IS, in part because the Master Plan itself is deficient in describing proposed site development and uses.

This IS's project description also fails to describe all of the existing conditions and project elements critical to assessing its potential impacts, particularly with respect to noise and visual quality. Specific deficiencies include:

- It fails to fully describe the magnitude and intensity of existing activities on the site.
- It fails to describe the stormwater management system.
- It does not include any design guidelines for the proposed new structures.
- It lacks a circulation/emergency access plan.
- It lacks a landscaping plan or guidelines.
- It is unclear as to whether the land use assumptions that form the bases of the IS's impact assessments would be limited to the levels assumed in those analyses, and has no binding mechanisms to assure that those uses will not be exceeded.

It should be noted that the primary purpose of the project is to alleviate constraints that limit the use of the existing campus facilities. Given that purpose, absent any restrictions (other than the enrollment limit) controlling future use of campus facilities, such uses could be expanded incrementally and not receive any subsequent CEQA review.

Erroneous Baseline for Analysis. CEQA Guidelines (Section 15125) require that environmental analyses "must include a description of the physical environment condition

in the vicinity of the project, as they exist at the time....environmental analysis is commenced..."¹.

The Master Plan IS fails to describe existing conditions with respect to intensity of existing uses, particularly with respect to the extra-curricular activities that are the focus of much of the additional building space proposed in the Master Plan. With respect to existing facility use levels the IS never details existing use levels but repeatedly states that proposed use levels will be essentially the same as existing uses based on the maximum number of students permitted at the school². This fails to provide the information necessary to make a comparison of pre-and post-project evening and weekend uses, and the potential impacts of those uses on noise, traffic, parking, and air quality. This, in turn, results in a document that fails to meet CEQA analytical and disclosure requirements.

Failure to Assess Cumulative Impacts. 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 implementation of the Master Plan would not result in any substantive increase in the use of the facility for athletic events relative to current use patterns, there would be no "cumulatively considerable" impacts associated with the project." This statement is in error in two areas: 1) the project would allow an approximately 50% increase in square footage to the campus, including major new multi-use and chapel facilities that would likely increase evening and weekend use at the campus, with attendant impacts on noise parking, air quality, and traffic; and 2) the project would overlap with cumulative impacts associated with past and present projects including the past increase in enrollment, gymnasium project, and past/ongoing athletic field enhancement project. Nowhere in the past CEQA documents for these other projects were these cumulative impacts addressed, therefore they must be addressed in full in this document. Failure to analyze the cumulative effects of the project and the past and present projects on noise, traffic, air quality and aesthetics is a substantial defect in the IS. In addition, this IS technical sections are inconsistent in how they address the Athletic Field project; in some instances it assumes that that project is part of the Master Plan, and in other instances, it assumes that they are separate projects.

Technical Deficiencies. 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:

¹ While this section of the Guidelines refers to preparation of an EIR, the same concept is applicable to the preparation of all CEQA documents.

² Even that number is in question, rising from 600 (plus 5% for attrition) to 630.

Aesthetics: CEQA requires that an Initial Study find an impact to be potentially significant if there is a fair argument in light of the record that a significant impact might occur from the project. This puts the burden of proof in determining impact significance on the lead agency. Conclusions of "less than significant" impact must be clearly documented. 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 or photosimulations of the project site and proposed new facilities. Further, the Master Plan lacks any design or landscaping guidelines. The light and glare discussion fails to address potential impacts associated with increased evening uses of the campus associated with the new Multi-Use building and chapel. The IS's reliance on the generic statement that "basic concept and purpose behind the existing lighting patterns" not changing is inadequate evidence to support the CEQA finding of "no impact". The Aesthetics discussion relies not on actual analysis but rather on the intent of the MP "to improve and enhance the visual character of the campus." Substitution of the applicant's intent for actual analysis is not permitted under CEQA.

As discussed above, the IS provides no evidence to support its "less than significant" aesthetic impact conclusion. Absent basic building designs or even design guidelines, there is no way for the reader to know if these impacts are, in fact, less than significant. This deficiency is exacerbated by the lack of detailed information on grading, vegetation removal, and landscaping. Given that the project would add several large structures with over 40,000 square feet of new space, and absent any documentation to the contrary, and given the magnitude of visual changes resulting from the project and level of concern of the neighbors, this impact appears to be potentially significant.

Air Quality. The IS should include BAAQMD standard dust control measures in order for the construction impacts to be considered less than significant. Deferral of mitigation to a dust control plan could conflict with the *Sundstom v. County of Mendocino* requirements that mitigations be described in the IS and not deferred. That section also fails to discuss any increase in emissions associated with additional events that may occur at the expanded facilities. The air quality section also fails to address greenhouse gas emissions; that analysis must be added.

Biological Resources. The biological resources section should include a discussion of the species that use/inhabit riparian habitat along the project's Cordonices Creek corridor. It should be noted that riparian habitat is a sensitive biological community, contrary to the discussion in item IV.b. The IS's conclusion that the project could not have a potentially significant impact on species residing in the creek cannot be supported absent a description of stormwater control and treatment facilities. The IS needs to evaluate these systems, not just assume their effectiveness.

Hydrology. New parking is proposed adjacent to Cordonices Creek, yet the MP includes no stormwater treatment plan. The IS inexplicably assumes that some unidentified future stormwater control plan will mitigate this potentially significant impact. This fails to provide adequate information to determine if the system would work, and also fails to comply with Clean Water Act section c.3. requirements, compliance with which should be evaluated in CEQA documents.

Section VII, Hydrology, continues to make assumptions regarding the effectiveness of the un-designed and un-described stormwater control system. For example, on p. 37, the IS states "...the Master Plan would only affect these creek restoration activities if it were to alter drainage to the creek, which will be prevented by installing all necessary drainage improvements." What are those improvements? The discussion on p. 40 makes the same unsupported assumptions, and relies on "the applicant has indicated...that future projects...will be designed to limit stormwater to Cordonices Creek to ...not to exceed...existing levels." The applicant's "indications" are not adequate evidence upon which to support a finding of no significant impact. The IS uses similarly impermissible vague language on p. 43, first and third full paragraphs. At a minimum, the IS should include a mitigation requiring specific reductions of peak runoff and treatment of the runoff to assure no water quality impacts to the creek and its habitat. This is particularly critical if the City is proposing to use this document to satisfy CEQA requirements for each subsequent building.

The hydrology analysis fails to describe the project's compliance with Federal Clean Water Act section C.3 requirements that all stormwater be treated on the site. How and where will this occur? The underground detention basins mentioned in this section are not described in detail anywhere in the IS. Will they increase the need for off-haul of material? Please provide a schematic of this system with capacity calculations showing compliance with C.3 requirements. Also, please add preparation of a post-construction Storm Water Control Plan as a mitigation measure, as required by the C.3 provisions. Note that the Alameda County Watercourse Protection Ordinance (p.45) does not apply in incorporated cities such as Albany.

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. Noise, Items c. and d., state that the project would not substantially increase the use of Panther Field; does this account for use that would be shifted from the existing practice field to be removed as part of the project? Also, items b, c, and d fail completely to assess any potential increase in noise associated with increased evening use of the new facilities.

Noise item d) states that each new building "would need to be evaluated in a project-specific acoustical report". What's the relevance of this? Would the acoustic report consider off-site noise impacts of the buildings' use? Where is this required?

Traffic. The traffic analysis also is rendered inadequate by the erroneous baseline described above. Most importantly, the traffic and parking study did not focus on the use of the new facilities, which could add substantially to the evening and weekend traffic, but rather is focused on standard school-day activities, which would experience less change from project implementation. This has resulted in the traffic analysis failing to address potential traffic and parking impacts of the additional events that could draw large numbers of people to the campus in the evenings and weekends.

In addition, as detailed in Donna DeDiemar's comment letter of December 2, 2008, the traffic analysis illogically concludes that "some intersections appear to operate worse without the school in session than when the school is in session...", and failed to accurately describe and consider the context and causes of changes in traffic congestion and speeds measured by the traffic consultants.

In addition, page 65, the third from last paragraph should be re-cast as a mitigation measure so that it will be enforceable. "Should" and "can" in that paragraph should be changed to "shall" to assure implementation. Absent these changes, the IS cannot assume that these mitigations would occur. The second paragraph under Item f) on p. 66 should be changed to a mitigation measure, not a vague unenforceable recommendation. Similarly, "Recommendations" on p. 67 should be changed to mitigations for cumulative traffic and parking impacts of past, present, and likely build-out at the site.

Utilities. P. 69, Utilities - Item b) considers the athletic field part of this Master Plan. The IS is inconsistent on this.

P. 70, Utilities, item c), again assumes effectiveness of storm drainage improvements that are not described in the Master Plan.

Other Issues. Construction of the multi-use facility would displace the existing practice ballfield. The IS should discuss how that may affect/increase use of Panther field, and the potential impacts on noise associated with that change of use.

RELATIONSHIP OF INITIAL STUDY TO THE CUP

The findings of the IS need to be integrated into the use permit, as conditions. Similarly, the proposed Use Permit requirements should be integrated into the Master Plan. The reliance on future Use Permit conditions that are not included in the Master Plan to assume mitigation of impacts in the IS fails to comply with CEQA, which requires that the

mitigation measures either be already in the project description (Master Plan), or in the Initial Study and Mitigation Monitoring and Reporting Program.

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. I appreciate the opportunity to review this document and am available to answer any questions that you may have regarding these comments.

Sincerely

Richard Grassetti
Principal
Grassetti Environmental Consulting



PRINCIPAL

Expertise

- CEQA/NEPA Environmental Assessment
- Project Management
- Geologic and Hydrologic Analysis

Principal Professional Responsibilities

Mr. Grassetti is an environmental planner with over 19 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 including residential developments, waste management projects, mixed-use developments, infrastructure improvements, energy development, military base reuse projects, and recreational facilities throughout the western U.S. In addition to his consulting practice, Mr. Grassetti is an adjunct professor at California State University, Hayward, 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, GEC Co 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
Affiliations and
Certifications**

Member and Past Chapter Director, Association of
Environmental Professionals, San Francisco Bay
Chapter
Member, International Association for Impact Assessment

**Publications
and Presentations**

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.

Grassetti, R. *Understanding Environmental Impact Assessment – A Layperson's Guide to Environmental Impact Documents and Processes.* (in press).

Grassetti, R. *Developing a Citizens Handbook for Impact Assessment.* Paper Presented at International Association for Impact Assessment Conference, Marrakech, Morocco. June 2003

Grassetti, R. *CEQA and Sustainability.* Paper Presented at Association of Environmental Professionals Conference, Palm Springs, California. April 2002.

Grassetti, R. and M. Kent. *Certifying Green Development, an Incentive-Based Application of Environmental Impact Assessment.* Paper Presented at International Association for Impact Assessment Conference, Cartagena, Colombia. May 2001

Grassetti, Richard. *Report from the Headwaters: Promises and Failures of Strategic Environmental Assessment in Preserving California's Ancient Redwoods.* Paper Presented at International Association for Impact Assessment Conference, Glasgow, Scotland. June 1999.

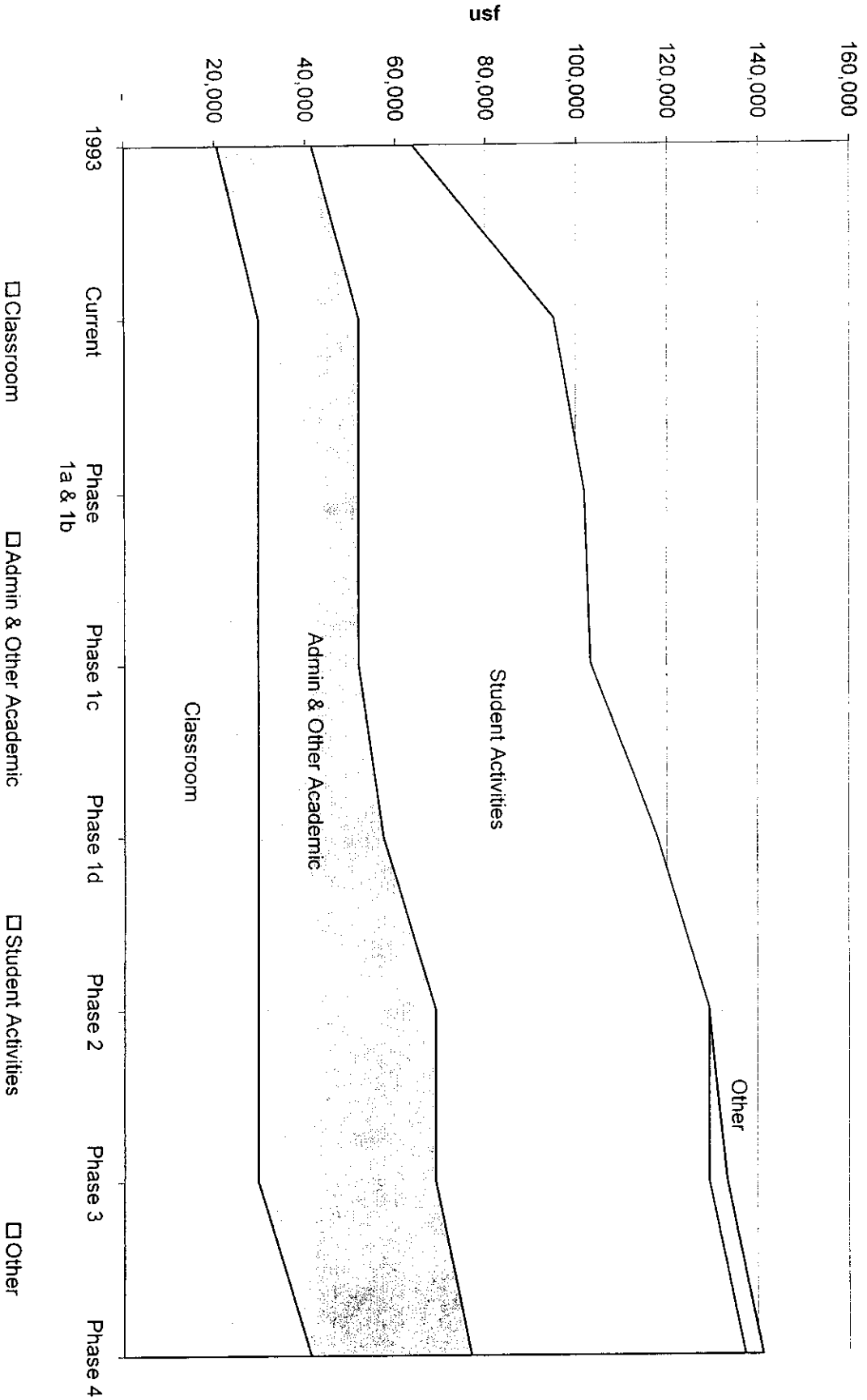
Grassetti, R. A., N. Dennis, and R. Odland. *An Analytical Framework for Sustainable Development in EIA in the USA.* Paper Presented at International Association for Impact Assessment Conference, Christchurch, New Zealand. April 1998.

Grassetti, R. A. *Ethics, Public Policy, and the Environmental Professional*. Presentation at the Association of Environmental Professionals Annual Conference, San Diego. May 1992.

Grassetti, R. A. *Regulation and Development of Urban Area Wetlands in the United States: The San Francisco Bay Area Case Study*. Water Quality Bulletin, United Nations/World Health Organization Collaborating Centre on Surface and Ground Water Quality. April 1989.

Grassetti, R. A. *Cumulative Impacts Analysis, An Overview*. Journal of Pesticide Reform. Fall 1986.

**Proposed St. Mary's Master Plan
Summary of Usable Square Footage by Phase**



St. Mary's College High School
Proposed Master Plan
Summary of Usable Square Feet by Phase

| | 1993 | Current | Phase 1a & 1b | Phase 1c | Phase 1d | Phase 2 | Phase 3 | Phase 4 |
|--|---------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Classrooms | | | | | | | | |
| Cronin Hall | 20,527 | 29,627 | 29,627 | 29,627 | 29,627 | 29,627 | 29,627 | 41,427 |
| Frates Hall | 20,880 | 22,280 | 22,280 | 22,280 | 27,780 | 39,300 | 39,300 | 35,400 |
| Murphy Hall | 22,350 | 43,200 | 49,920 | 51,320 | 60,320 | 60,320 | 60,320 | 60,320 |
| New Classroom Building | - | - | - | - | - | - | 4,000 | 4,000 |
| Total | 63,757 | 95,107 | 101,827 | 103,227 | 117,727 | 129,247 | 133,247 | 141,147 |
| Admin & Other Academic | | | | | | | | |
| Vellesian | 3,900 | 3,900 | 3,900 | 3,900 | 3,900 | 3,900 | 3,900 | - |
| St. Joseph's Hall | 16,980 | 16,980 | 16,980 | 16,980 | 16,980 | 28,500 | 28,500 | 28,500 |
| Field Storage | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 |
| Multi-use Facility: storage | - | - | - | - | 3,500 | 3,500 | 3,500 | 3,500 |
| Multi-use Facility: maintenance room | - | - | - | - | 2,000 | 2,000 | 2,000 | 2,000 |
| Student Activities | | | | | | | | |
| Auditorium | 9,880 | 21,310 | 21,310 | 21,310 | 21,310 | 21,310 | 21,310 | 21,310 |
| Gym | - | 9,880 | 9,880 | 9,880 | 9,880 | 9,880 | 9,880 | 9,880 |
| Athletic Training Room | - | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 |
| Dance practice room | - | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 |
| Multi-use Facility: multi-purpose room | - | 9,000 | 9,000 | 9,000 | 9,000 | 9,000 | 9,000 | 9,000 |
| Shea Center | 9,630 | 9,630 | 9,630 | 11,030 | 11,030 | 11,030 | 11,030 | 11,030 |
| Band Pavilion | 2,380 | 2,380 | 7,100 | 7,100 | 7,100 | 7,100 | 7,100 | 7,100 |
| Snack Bar | 460 | - | - | - | - | - | - | - |
| Other | | | | | | | | |
| Chapel | - | - | - | - | - | - | 4,000 | 4,000 |

signed copy

**ALBANY CITY COUNCIL
Resolution No. 94-37**

A Resolution of the Albany City Council Denying the Appeal and Upholding the Planning and Zoning Commission's Approval of the Negative Declaration and Conditional Use Permit No. 93-27, Amending the Master Plan For St. Mary's College/Highschool (CUP # 587), Allowing for Co-educational and Increased Enrollment; Approving the Design Review Application for the Gymnasium Expansion, Parking Lot Improvements and Other Physical Improvements on Posen Avenue; and Approving a 4 Ft. Height Variance for the Western Elevation of the Gymnasium Expansion and Making the Required Findings By Law.

Whereas, St. Mary's College/Highschool has applied for a conditional use permit, design review and variance application to provide for co-educational and increased enrollment starting in September, 1995, and to allow for physical modifications of the campus including parking lot improvements off of Posen; a 26,000 sq. ft. expansion of the existing gymnasium and modification of existing classroom and campus facilities that do not involve an increase in the total amount of gross square footage beyond what presently exists for the campus classrooms; and

Whereas, the new application requires an amendment to the existing master plan (which was approved by the City in 1982 as Conditional Use Permit No. 587) for the site with a new project description which is attached to this resolution as Exhibit A and hereby incorporated by reference; and

Whereas, the Planning and Zoning Commission held duly and properly noticed public hearings on these applications on September 14, 1993, March 8, 1994 and April 13, 1994 and also held a scoping and informational meeting on November 23, 1994; and

Whereas, the Planning and Zoning Commission on September 14, 1993 held a duly and properly noticed public hearing on the proposed negative declaration and held another duly and properly noticed public hearing on a revised negative declaration on April 13, 1994; and

Whereas, the Planning and Zoning Commission took action to unanimously approve the negative declaration, Conditional Use Permit No. 93-27 and the associated design review and variance applications for the St. Mary's College High School project including co-educational and increased enrollment, the gymnasium expansion and parking lot and numerous other improvements both on and off site, and this approval is contained in Planning and Zoning Commission Resolution No. 94-01.

Whereas, on April 25, 1994 an appeal was filed by Bonnie and Richard Miller, 1521 Posen Avenue, concerning the visual impacts of the proposed gymnasium; and

Whereas, the City Council held a duly and properly noticed public hearing on May 23, 1994 to consider the appeal of the Planning and Zoning Commission action, closed the public hearing and directed staff to revise Resolution No. 94-37 be revised to reflect modified conditions pertaining to landscaping requirements, traffic and parking mitigation measures, creek protection and storm water and urban runoff and setback requirements;

NOW THEREFORE BE IT RESOLVED THAT:

Section I. The Albany City Council hereby acknowledges that the appeal filed by Bonnie and Richard Miller, 1521 Posen was primarily focused on the visual impacts of the gymnasium expansion. The Council hereby denies the appeal of this project and finds that the Commission acted within their authority under Section 20-4.1 and 20-10.1 of the Albany City Code and did not abuse their discretion in approving the expansion of the gymnasium project. The Council further finds that the visual impacts associated with the gymnasium have been comprehensively analyzed through both architectural and visual simulation work, and have been adequately and appropriately mitigated to a level of insignificance.

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Section II. The Albany City Council hereby upholds the Planning and Zoning Commission approval of Conditional Use Permit No. 93-27, as revised, and confirms that the permit shall be subject to the following conditions:

General.

G-1. This conditional use permit supersedes and incorporates all the previous use permits for the St. Mary's College/Highschool campus and shall act as the master document for the operation of and improvements of the campus facilities. Specifically, this use permit authorizes the construction of a gymnasium expansion and new parking lot on Posen Avenue, pursuant to a detailed project description contained in Exhibit A.

G-2. 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 to allow for attrition and other student body changes.

In addition to the academic year activities, SMCHS may authorize the operation of summer programs for teacher training and for K-12 children. All conditions and requirements concerning traffic and parking, noise and activity limitations shall apply to these summer programs.

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

a. Enrollment increases on a per year basis from 1995-1999 shall not exceed the approved on and off-street parking capacity for the campus (163 spaces total) for students, faculty and staff. (Please refer to Traffic, Circulation and Parking Section, Condition TCP-6.)

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. Prior to the issuance of an occupancy permit for the gymnasium expansion, or prior to any construction activity to modify classroom space, whichever occurs first, SMCHS shall submit a detailed, phased construction schedule to the Planning Department for modifying the classroom facilities to the Planning Department for review and approval. This plan shall include the total, existing classroom square footage on campus and plans for how and when existing classrooms will be modified, demolished or newly constructed. At the discretion of the applicant, temporary buildings may be used to account for required classroom space between the time of building demolition and the completion of a new facility. These arrangements, including time frames, shall also be included in the phased construction plan.

As per Conditional Use Permit No. 587, SMCHS shall be permitted to construct new classroom buildings to replace Cronin Hall and the two temporary buildings. Prior to the issuance of a building permit for these facilities, they shall be reviewed and approved by the Planning and Zoning Commission through a design review process. The property owners around the campus shall receive public notice of the design review process and when it is scheduled. No further amendment to the Master Plan shall be required for these modifications. The design review criteria shall focus on assuring architectural compatibility with existing campus buildings and confirming that the gross square footage of the new construction does not exceed the existing classroom square footage as of April, 1994. Further, all construction activity associated with the classroom modifications and rebuilding shall conform to the construction requirements section of this Resolution (Conditions CR-1 through CR-8.)

c. Pursuant to Conditional Use Permit No. 587, and this current master plan amendment, this approval does not include any form of conceptual approval or other entitlement for the performing arts center building or related parking lot (Building K on plans dated June, 1993.) This phase is not proposed and is speculative at this time. If this part of the master plan is pursued in the future, it shall be subject to a conditional use permit amendment, design review, all required review under the California Environmental Quality Act (CEQA), and any other future, applicable zoning and planning requirements.

G-3. Prior to the issuance of a building permit for the gymnasium expansion, a mitigation monitoring program for the conditional use permit requirements and CEQA shall be developed, reviewed and approved by the City at the applicant's expense, and cash deposit shall be submitted to perform the required monitoring work and inspections as acceptable to the Public Works Director and the Planning Director.

G-4. Prior to the beginning of each school year, SMCHS shall send an information notice to neighbors within 300 feet of the campus boundaries informing them of anticipated, scheduled campus events and activities during the year including those events that exceed the hours of operation restrictions set forth in Condition N-3 of this resolution. This information shall include but not be limited to dates, hours, the type of event and an available contact person in the event of a problem.

Soils, Geology, Drainage and Erosion Control.

Potentially significant impacts pertaining to seismic safety, site drainage and groundwater were identified and assessed during the environmental review for this project. The following mitigation measures are required to reduce these impacts to a level of insignificance.

Impact: The project is located within an area that is subject to severe seismic activity, which is a significant, adverse impact.

SGD-1. Mitigation measure: The design of all site improvements and new structures shall conform to the appropriate seismic design criteria of the latest Uniform Building Code (UBC) adopted by the City of Albany.

Monitoring: This requirement is a standard part of the Building Department plan check for conformance of the building plans to the UBC. It shall be verified by the City Building Inspector, in conjunction with an independent plan check firm hired by the City, prior to the issuance of a building permit (as part of the plan check process.)

Impacts: The project will add new impervious surface runoff to a presently inadequate surface storm drain system along Ventura and Posen. The existing project conditions contribute to the Posen/Ventura storm water runoff problems during peak event storm periods. The project may also contribute to the existing drainage problems downslope from the new parking lot at 1508 and 1510 Posen. Posen.

SGD-2. Mitigation measure: The project grading, drainage and improvement plans shall include all recommendations and schematic drainage plans as prepared by Jacobs Engineers with plans dated 11/1/93 and letters dated 10/29/93 and 1/6/94. The final plans shall be submitted at the building permit stage and shall be prepared by a registered civil engineer approved by the City Engineer. The information contained in the plans and specifications shall include but not be limited to:

a. Full engineering calculations and information to support the recommendations and design details of the project, including directing parking lot drainage away from the property at 1508 and 1510 Posen and the size and design of the detention basins on-site so that run-off during peak storm events will be retained on-site so that there will be no net impact on Posen and Ventura.

b. Identification of all recommendations made to date by both Jacobs Engineers and Leptein-Cronin and Cooper for the project drainage system.

c. Specific provisions and requirements for the maintenance of the drainage system designed for the site, including screening or other clean-out features to prevent clogging, and other associated maintenance standards for any other part of the system, as required.

Monitoring: The Public Works Director and Planning Director shall review and approve the drainage plan prior to the issuance of a building, encroachment or grading permit for the project, and work with an independent civil engineer, if required, hired by the City at the applicant's expense.

d. Action and provisions to correct the remedial drainage problems adjacent to the playing fields by Monterey Avenue, as described in a letter from James Allen, dated September 14, 1993.

SGD-3. Mitigation Measure: Overall storm drainage system improvement plans for the Posen/Ventura area have been schematically designed to solve existing drainage problems. A pro-rated share of improvements has been calculated for SMCHS campus based on an evaluation of the run-off and watershed. SMCHS shall be required to pay this pro-rated amount (\$15,520) to the City prior to the issuance of an occupancy permit for the new gymnasium.

Monitoring: Planning Department shall require SMCHS to pay this amount prior to the Building Department signing off the occupancy permit for the new gymnasium.

Impact: Groundwater may be encountered during excavation for the new gymnasium.

SGD-4. Mitigation Measure: Final plans and specifications shall include measures to account for the potentially high groundwater table by insuring that the foundation is protected and that adequate pump, drainage and ventilation facilities are incorporated into the project within the ground level area of the building.

Monitoring: The Public Works and Planning Director shall check that these specifications and contingencies are incorporated into the final building permit plans for the gymnasium project.

Additional conditions: The following additional measure, while not required to mitigate a significant adverse impact, shall be incorporated into the project as part of the conditional use permit and design review approvals for the project:

SGD-5: Plans submitted for the building permit shall include detailed erosion control measures as part of the parking lot and improvement plans along Posen. Plans shall include both temporary and permanent erosion control measures, following the ABAG Erosion Control Standards. This plan shall be reviewed and approved by the City Engineer prior to the issuance of a building, encroachment or grading permit for the gymnasium or parking lot project.

Traffic, Circulation and Parking.

Less than significant impacts pertaining to increased vehicle trips and parking demand were identified and assessed during the environmental review for the project. The following mitigation measures are required for the project as part of the conditional use permit, and are further required to be monitored to assure that the standards for traffic and parking are being met and that impacts to the surrounding neighborhood are minimized to the greatest extent feasible.

Impact: The project will produce additional vehicle trips on Albina and Posen Avenues throughout the course of the increased enrollment period. Although the levels of service for these streets will remain acceptable, measures are required to assure safe driving at slow speeds for trips into and out of the campus.

TCP-1 Mitigation measure: Speed bumps shall be installed on Albina and Hopkins Court at SMCHS expense in conjunction with the City of Berkeley. The bumps shall be installed no later than prior to the start of the Fall, 1995 school year.

Monitoring: The Planning Director and Public Works Director shall work directly with the City of Berkeley to schedule and complete construction by September, 1995.

TCP-2 Mitigation measure: A traffic safety plan shall be provided by SMCHS and approved by the City, in conjunction with the City of Berkeley and the Traffic and Safety Commission. The plan shall include but not be limited to slow speed signs and speed limit signs on Albina, Hopkins Court, and Posen; a no thru traffic sign on Hopkins Court, and if required, similar signs for Ventura. The traffic safety plans shall be completed by the start of the 1995 school year.

Monitoring: The Public Works and Planning Director shall review and approve the plan in conjunction with the City of Berkeley and the Traffic and Safety Commission and shall confirm its completion prior to the issuance of an occupancy permit for the new gymnasium.

TCP-3 SMCHS shall establish a written contract procedure at the beginning of each school year (starting with Fall, 1994), with each student and parent driver and each faculty and staff member pertaining to the rules of driving conduct, parking restrictions and acceptable pick up and drop off locations. Each new driver throughout the year shall execute the contract as part of the conditions and requirements of enrollment or employment. City staff shall review and approve the items covered prior to finalization of the contract.

Monitoring: The Planning Director shall review and approve the items to be covered in the contract prior to the beginning of the 1994 school year. Two times during each school year from 1994-99 City staff shall randomly check that the contracts are being executed with each SMCHS driver.

Impact: Increased enrollment will produce an additional demand on parking, both on and off-street.

TCP-4 Mitigation measure: A parking sticker system shall be instituted for all SMCHS vehicles that use parking in and around the campus, prior to the beginning of Fall, 1995.

Monitoring: The Planning Director shall verify that the parking sticker system has been instituted by the beginning of the Fall, 1995 school year. (At SMCHS discretion, this condition may be combined with TCP-3, so that a sticker is issued upon execution of the contract.)

TCP-5 Mitigation measure: Prior to the start of the Fall, 1995 school year, SMCHS shall apply for and establish time limited parking restrictions on the north side of Posen and Ventura Street, and any other areas deemed required on the basis of a joint review by the City of Albany Traffic Engineer and the City of Berkeley. These limits shall be established concurrently with a residential parking sticker system. SMCHS shall be responsible for the initial costs associated for establishing this system, including street signs and sticker costs for residents during the first year only. Thereafter, it shall be at the discretion of the individual property owners and residents whether they desire to continue to be part of the residential parking sticker system on an annual basis.

Alternatively, prior to initiating the residential permit parking zone, SMCHS shall request that a survey be mailed to all affected property owners so that they may indicate whether or not they would like such a system instituted. If a majority of property owners wish to institute such a system, SMCHS shall proceed accordingly. If a majority of property owners do not want such a zone, SMCHS shall be relieved of this requirement but shall be responsible for monitoring on-street parking usage six times/year to assure that SMCHS vehicles are not parking in an unauthorized manner (as per condition TCP-6. a).

Monitoring: In conjunction with the provisions of City Code Section 9-12, the Planning Director and Public Works Director shall follow the procedures for establishing a permit parking system on Ventura, the north side of Posen and West Place at the initial expense of SMCHS during the first year.

TCP-6 Mitigation measure: At no time shall the overall SMCHS student, faculty and staff parking demand shall not exceed the 163 space on and off-street parking capacity (119 spaces on-site, 44 spaces on the south side of Posen.), except as specified for the six special events per year as provided in N-3. This space limitation shall ensure that not more than thirty percent of SMCHS students, faculty and staff drive to school in any given school year.

a. As enrollment increases, beginning with the 1996-97 school year, parking shall be monitored during at least two random time periods (Fall and Spring) to assure that parking restrictions are being followed and that the parking demand does not exceed 163 cars.

b. Prior to the issuance of an occupancy permit for the gymnasium, SMCHS shall submit a traffic, trip and parking management plan that includes alternative modes of travel to campus, ridesharing programs and incentives, provisions for secured bicycle parking, preferential parking for carpoolers and other arrangements. The plan shall also outline additional measures, if found to be necessary or desirable, that may help to control the rate of speed or other characteristics of driving to and from the campus along any of the surrounding residential streets (in addition to those measures already required in TCP-2. This plan shall be reviewed by the Traffic and Safety Commission and the Planning and Zoning Commission at a public meeting with notification provided to all affected or potentially affected residents in the surrounding neighborhoods in Albany and Berkeley.

c. Prior to the beginning of Fall, 1996, SMCHS shall institute the traffic and parking management plan, including establishing a preferential, off-street parking area for carpool vehicles (a carpool shall be defined as two or more occupants per vehicle.)

Monitoring: The Planning Director shall confirm that the three requirements have been met according to the schedule established.

TCP-7 Mitigation measure: Prior to the beginning of the Fall, 1995 school year, SMCHS shall submit a plan for the reconfiguration and improvement of the parking lot with access from Albina so that it is more efficient and meets the standards to provide a hard, all weather surface. These plans shall be reviewed and approved by the City Engineer prior to construction. Construction shall be completed by June, 1996.

In designing and engineering this parking area, SMCHS shall evaluate the potential impacts of surface run-off and storm water run-off on the adjacent creek area, and shall incorporate specifications and features to minimize these potential impacts with the overall goal of minimizing stormwater runoff. In addition, all requirements and standards to ensure that pollutants will be trapped and filtered, and that all storm water run-off requirements of the City and other relevant agencies will be met.

Noise.

Impact: Noise disturbances may increase due to the more consistent student use of the Posen Street parking lot, and from the new gymnasium. This impact, although found to be less than significant, has been mitigated as part of the conditional use permit in order to reduce the potential impacts of the increased enrollment on the immediate, surrounding neighborhood.

N-1 Mitigation measure: Final plans for the building permit shall include an acoustically designed, wooden fence shielding the neighbors at 1508 and 1510 Posen from the parking lot. This fence shall be designed according to the requirements and recommendations of C. Salter Associates, dated 11/8/93.

Monitoring: The Planning Director shall check the final building permit plans for the gymnasium to confirm that this fence is included in the project.

N-2 Mitigation measure: Final plans for the building permit shall include noise attenuation features for the new gymnasium in order to reduce the potential for noise from the building to be heard from outside.

Monitoring: Same as for N-1.

N-3 Mitigation measure: Hours of campus events shall be limited to no earlier than 7:00 AM and no later than 10:30 PM, except that the SMCHS personnel shall have additional time, if necessary, to turn off lights and secure the campus at the conclusion of campus events. On an academic year basis, these time limits may be exceeded a maximum of six times to allow for campus events where participants and attendees leave no later than 12:00 midnight, pursuant to Condition G-4. An exception is hereby granted for existing residential activity on the campus itself (Brothers Residence.)

Monitoring: SMCHS administrators shall confirm that student and campus activity conforms to the established time limit.

Light and Glare.

Impact: There will be potential for light and glare to be directed onto adjacent properties from the new parking lot lighting and from the new gymnasium.

LG-1 Mitigation Measure: Final building permit plans shall include detailed lighting plans and shall be evaluated so as to assure that light and glare are directed onto the site only, are minimized to the greatest extent feasible while still providing sufficient light, and are not directed onto adjacent properties.

Monitoring: The Planning Department, as part of the building permit plan check, shall check the lighting plans for conformance to the above requirements prior to the issuance of a building permit.

Visual Impacts and Design Review Requirements for the New Gymnasium and Parking Lot.

Impact: The new gymnasium may result in visual impacts on Posen.

VDR-1 Mitigation measure: Final building plans shall include a detailed street tree and landscape plan along Posen to buffer the parking lot and new gymnasium building from the street. This plan shall include fencing (of a type other than vinyl clad chain link), and landscaping along the Posen Street boundary of the building project. The applicant shall also provide tree planting along both sides of Posen Street, such plantings limited to the length of the Posen Street boundary of the campus. At the discretion of SMCHS, the street tree planting requirement may be fulfilled by depositing sufficient funds with the City to cover costs of purchasing and planting the trees, and the City shall plant them during a subsequent, periodic City administered planting contract. At a minimum, information contained in the plan shall include but not be limited to: number, species, size and type of planting. Native, drought resistant, and eucalyptus tolerant plantings should be emphasized. This plan shall be prepared by a qualified landscape architect.

This landscape plan shall be designed with the following criteria and standards:

A) Providing the maximum coverage and buffer from Posen while maintaining parking lot and site visual security.

B) Providing some planting and tree species that will grow faster than others (two to five years) so that coverage will be established within a shorter time frame.

C) Assure that the type and location of new plantings account for the existing eucalyptus trees and the potential difficulty of establishing new planting under and around them.

Final building plans shall also include a more developed facade for the gymnasium building elevation facing Posen Avenue to provide more interest and to break up the mass and bulk of the building. The Planning and Zoning Commission shall review and approve these plans prior to the issuance of a building permit for the gymnasium.

Monitoring: The Planning Department shall review the plans prior to the issuance of a building permit, and inspect the installation of the fencing, street trees and landscaping for compliance with the approved plans prior to the issuance of an occupancy permit for the new gymnasium.

VDR-2 Mitigation measure: The eucalyptus trees and black acacia tree along Posen Street are important to visually buffer the gymnasium building and shall be retained and protected during construction. Temporary fencing a minimum of 4 ft. high, welded wire with posts spaced no more than 4 ft. apart, erected around the perimeter of all trees fronting on Posen, an acceptable distance from the dripline. The placement of these fences may be subject to a review of a qualified arborist, if deemed necessary by the Planning Director.

Alternatively, a series of perimeter fences may be installed around portions of the site to protect areas, including the Posen trees and other trees to be retained, that are to remain undisturbed during construction, or other measures taken to protect the trees. The placement of the perimeter fences and other tree protection measures may be subject to review of a qualified arborist, if deemed necessary by the Planning Director.

Monitoring: This plan shall be reviewed and approved by the Public Works and Planning Department prior to the issuance of a building permit for the new gymnasium. Prior to the issuance of a building permit, the Planning Director shall inspect the site to assure compliance and the Building Inspector shall observe the condition of fencing during the course of construction.

VDR-3 All mechanical equipment, including electrical and gas meters, shall be architecturally screened from view. These screening details shall be submitted at the final building permit plan stage.

VDR-4 All vents, gutters, downspouts, flashings and the like shall be painted to match the color of the adjacent surface.

VDR-5 The gymnasium building wall facing Posen Avenue shall be a minimum of 74 feet from the front face of the Posen Street curb, as shown on the building plans from Marquis Associates L1.1 dated May 17, 1994.

Construction Requirements for the New Gymnasium.

CR-1 Prior to the issuance of a building or grading permit for the new gymnasium and Posen parking lot, the applicant shall submit a construction management and phasing plan for review and approval by the Planning and Public Works Department. This plan shall include:

a. An overall construction schedule, including drainage improvements, grading, building, landscaping and other improvements.

- b. A specific staging plan to assure that there is minimum disturbance to Posen Street residents. This information shall include anticipated equipment, maneuvering of construction vehicles on local streets and major points of access, area of construction, delivery areas, hours of construction, a prohibition on weekend construction, street cleaning schedule, where students, faculty and staff will park in the during construction, where construction workers will park, and other pertinent details.
- CR-2 A minimum of one week prior to the commencement of construction, SMCHS shall send a written notice to the immediately adjacent neighbors along Posen and Ventura informing them of the construction management plan, the overall timetable, and providing them with a contact person in the event of a construction problem.
- CR-3 Final inspection and/or occupancy permits shall not be granted until all construction and landscaping is complete and in accordance with the final approved plans, or until cash, a letter of credit or a certificate of deposit, as acceptable to the Planning Director and the City Attorney has been posted to cover all the costs of the unfinished work plus 25 percent.
- CR-4 A landscape maintenance agreement shall be completed between the City and SMCHS prior to the issuance of an occupancy permit for the project, to guarantee the establishment of the new trees and landscaping along Posen Street. Cash, a letter of credit or a certificate of deposit shall be posted in the amount of 25 percent of the costs of installation and plant materials, to secure the agreement for a one year period.
- CR-5 All improvements shall be installed as approved by the Planning and Zoning Commission. Once constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by staff.
- CR-6 A construction inspection deposit, completion and maintenance deposit, in an amount to be determined by the City Engineer, and in a form acceptable to the City Engineer and the City Attorney, shall be submitted prior to the issuance of a building or grading permit in order to:
- a. Guarantee the completion of improvements in the public right-of-way.
 - b. Guarantee the repair and maintenance of roads and other publicly maintained features.
 - c. Cover the costs of contract inspection construction services by the City during the course of the project.
- CR-7 Improvement plans shall be submitted for the site with the building permit and shall include a curb extension along the applicant's street frontage along Posen. These plans shall be reviewed and approved by the City Engineer or his designee prior to the issuance of a building permit.
- CR-8 Hours of construction, in any event, shall be limited to Monday - Friday, 8:00 AM to 5:00 PM for power equipment and any noise generating activity. After the building shell is built, extended hours and weekend construction may be permitted as long as it is completely interior to the building and does not result in any noise disturbances.

Section III. The Planning and Zoning Commission hereby makes the following findings concerning the Negative Declaration for Conditional Use Permit No. 93-27, modifying the Master Plan for St. Mary's College Highschool, prior to approving the project:

1) A notice of intent to adopt a negative declaration was circulated during August and September, 1993 and during March and April, 1994, each time meeting the minimum 20 and 21 day review periods. Two public hearings to receive comments and testimony on the negative declaration were held on September 14, 1993 and April 13, 1994.

- 2) The Planning and Zoning Commission has considered the information and analysis contained in the negative declaration, together with any comments which have been received during the public testimony.
- 3) The Planning and Zoning Commission finds that on the basis of the initial study and all comments received during the public testimony that the project will not have a significant effect on the environment.
- 4) The Planning and Zoning Commission further finds that, for the potentially significant impacts, that the following mitigation measures and monitoring have been incorporated into the project to eliminate the impacts or reduce them to a level of insignificance, as follows:

a. **Impact:** The project is located within an area that is subject to severe seismic shaking as the of an earthquake, which is a significant, adverse impact.

Mitigation measure: The gymnasium project will incorporate seismic safety within the construction and design meeting the latest Uniform Building Code standards adopted by the City of Albany (Condition SGD-1).

b. **Impacts:** The project will add new impervious surface runoff to a presently inadequate surface storm drain system along Ventura and Posen. The existing project conditions contribute to the Posen/Ventura storm water runoff problems during peak event storm periods. The project may also contribute to the existing drainage problems downslope from the new parking lot at 1508 and 1510 Posen. Posen.

Mitigation Measures: The final project grading, drainage and improvement plans will incorporate measures to protect the downslope properties at 1508 and 1510 Posen and to create no net increase in drainage onto Posen. (Condition SGD-2). Further, SMCHS will pay their pro-rated share of a new storm drainage system along Posen (Condition SGD-3.)

c. **Impact:** Groundwater may be encountered during excavation for the new gymnasium.

Mitigation Measure: Final plans and specifications shall include measures to account for the potentially high water table (Condition SGD-4).

d. **Impact:** There will be potential for light and glare to be directed onto adjacent properties from the new parking lot and from the new gymnasium.

Mitigation Measure: Final building permit plans shall include a detailed lighting plan and this plan shall be evaluated to assure that lighting is directed on-site only, and not onto adjacent properties (Condition LG-1).

e. **Impact:** The new gymnasium may result in visual impacts on Posen.

Mitigation Measures: A detailed street tree and landscape plan will be incorporated into the final plans for the gymnasium project (Condition VDR-1).

The existing eucalyptus trees fronting on Posen will be retained and protected during construction (Condition VDR-2).

The other following impacts and mitigation measures have been incorporated into the project to reduce or eliminate less than significant impacts:

f. **Impacts:** The project will produce additional vehicle trips on Albina and Posen Avenues throughout the course of the increased enrollment period. Increased enrollment may also produce additional demand for on-street parking.

Mitigation measures: A traffic safety plan will be developed, including but not limited to speed bumps on Albina and Hopkins Court; a no thru traffic sign on Hopkins Court; other signs and pavement markings to increase traffic safety awareness and notify drivers about conditions; an annual contractual agreement between all SMCHS drivers and the school pertaining to driving rules of conduct, acceptable travel routes and parking restrictions; institute a parking sticker system for SMCHS cars; institute a residential parking sticker system along Ventura, the north side of Posen and West Place; at no time shall parking demand exceed 163 total on and off-street spaces unless other parking or transportation system management plans are instituted; establish a preferential parking system for carpoolers (Conditions TCP 1-6.)

g. **Impact:** Noise disturbances may increase due to more consistent use of the Posen Street parking lot and from the new gymnasium.

Mitigation measures: Plans include a new, acoustically designed wooden fence along the side of the new parking lot closest to the adjacent neighbors; acoustical measures shall be designed into the gymnasium structure to reduce noise potential; hours of campus activity are restricted (Conditions N 1-3.)

Section IV. In conditionally approving Conditional Use Permit No. 93-27, modifying the Master Plan for St. Mary's College Highschool (SMCHS) and amending Conditional Use Permit No. 587, the Planning and Zoning Commission hereby makes the following findings required by Albany City Code Section 20-4.3 of the Albany City Code:

1) The size, intensity and location of the proposed use will provide a development that is necessary, or desirable for, and compatible with the neighborhood and the community.

SMCHS has been operating within the same area of the community since 1903. During the late 1960's and early 70's, enrollment reached over 700 students. The current use permit will allow co-educational enrollment to a maximum of 600 students, and other physical changes to the campus including a new parking lot, a 26,000 sq.ft. gymnasium expansion, and modification of existing classroom space that does not exceed the total, overall classroom square footage as of April, 1994.

The Albany Zoning Code contains an objective about the orderly expansion of and establishment of community facilities, such as educational institutions. Toward this end, the current use permit amendment and the project, along with the conditions and requirements for operation and construction, will assure that SMCHS continues to provide a development that is desirable and compatible with the neighborhood and the community.

Requirements have been set forth in Section I of this resolution, that for the first time establish a specific framework to reduce or minimize neighborhood impacts associated with operating a high school in this location, and provide a clearer set of neighborhood and school expectations regarding the operation of the campus and the methods that will be used to regulate the educational use and activities. Conditions include setting hours of operation, restricting on-street parking, controlling driving behavior, constructing and improving physical features that will improve the appearance and operation of the site, and improving the visual appearance of the campus. Most of these conditions and requirements contain monitoring responsibilities that assure that established standards are being met.

2) Such use as proposed will not be detrimental to the health, safety convenience and general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity

Conditions of approval and other requirements have been incorporated into the project plans and the use permit (refer to Section I of this resolution) which will safeguard the health, safety and general welfare of persons and property in the vicinity of the campus. These conditions include:

- Establishment of hours of campus activity.
- Notification of neighbors of anticipated, annual campus events.
- Traffic safety improvements and measures including speed bumps on Albina and Hopkins Court, signing, contractual agreements with all campus drivers, and limiting on-street parking to designated, immediately adjacent areas only through a sticker system.
- Visual improvement and enhancement of the Posen Street side of campus, including street trees and landscaping.
- A drainage improvement plan and monetary contribution to improve the Posen Street storm drainage system.

3) That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan.

The Albany General Plan designates this site for public facilities. The conditional use permit, as modified and expanded, is consistent with the overall General Plan policies of enhancing and protecting the environment through public improvements (drainage and seismic safety) and improving visual quality (street trees along Posen and improved entrance.) Further, the project establishes more specific limits and requirements on a long-standing, loosely regulated use, thereby improving traffic and neighborhood safety and general welfare.

The project meets all the planning and zoning requirements with the exception of a 4 ft. high section of roof along the west elevation of the new gymnasium. This resolution includes the granting of a variance to account for this exception.

Section V. The master plan amendment for SMCHS includes a gymnasium expansion and expansion and improvements for the parking off of Posen. The Planning and Zoning Commission hereby makes the following findings for design review of these improvements, pursuant to Section 20-10.6 of the Albany City Code, as follows:

1. The gymnasium structure and parking lot improvements will visually enhance the street scape and appearance of the St. Mary's College Highschool campus from Posen and Ventura Avenue. The plans call for enhancing the design, articulation and overall architectural quality of the gymnasium building, and improving the landscaping and buffering along the Posen Street edge with additional landscaping, street trees along the entire north edge, and fencing. The overall design, massing and architectural colors and materials of the building is consistent with the design of other campus buildings, notably the adjacent new science building.
2. The project, from both major entrances to the campus (Posen and Albina) has incorporated new traffic safety features to assure safe and convenient access for campus users and enhanced safety to the surrounding neighborhood. On-street parking restrictions will be established to minimize campus-related parking impacts and a ceiling has been established for campus cars so that parking demand does not exceed capacity. Monitoring requirements have also been established as part of the use permit.
3. The project includes tree protection measures for the eucalyptus trees along Posen Street because they represent an important visual buffer for the Posen Street side of the campus. In addition, the landscaping improvements call for planting new street trees along the entire north side of Posen. On-site excavation is proposed as part of the new gymnasium expansion, but it will not affect the visual appearance of the property from the street.
4. The project plan calls for increased landscaping and buffering along the Posen Street edge to provide a visual barrier between the campus and the adjacent residential areas.

5. The project area is designated in the Albany General Plan as a public facility. This designation includes educational activities. This project also includes setting forth, within the conditional use permit procedures, a list of specific requirements and conditions of campus operations and construction measures to assure that the use complies with all applicable City codes.

Other findings for non-residential design review:

2. The project includes parking lot improvements, drainage improvements (both actual and in-kind through a monetary contribution to a new storm drain system on Posen), traffic and safety improvements, and landscaping and street tree improvements, thereby improving the existing site and the surrounding area.

3. There are no signs as part of this project other than directional and traffic safety signs which have been included as part of the traffic safety plan and will be installed on public right of way.

4. This project is not in an area which is affected by the San Pablo Avenue Design Guidelines.

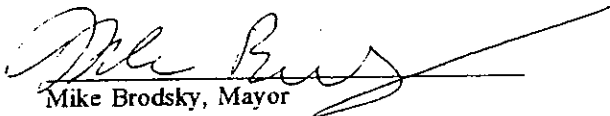
Section VI. In approving the conditional use permit for the master plan amendment for the St. Mary's College/Highschool, the Planning and Zoning Commission grants a four foot height variance for the new gymnasium building along the west elevation of the building, and hereby makes the required findings pursuant to Section 20-4.2 of the Albany City Code:

a. The site of the gymnasium expansion includes a gradual, downslope gradient from east to west, thereby resulting in a difference in the absolute measurement of height (from roof ridgeline to the grade directly below at any point), between one end of the building and the other. This downslope gradient is a special, physical circumstance of the property.

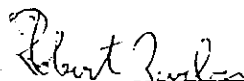
b. This four foot height variance does not represent a grant of special privilege. Other properties in Albany with similar physical characteristics have been granted height exceptions to account for the difference in slope between one part of the property and the other.

c. This variance is necessary to expand and upgrade the existing gymnasium building in the most efficient manner feasible, accounting for the difference in grade between the east and west portions of the building site.

d. The granting of this variance will not be materially detrimental to the surrounding properties because the four foot height exception is visually insignificant. The gymnasium expansion project will visually improve this portion of campus from Posen Street, and the overall project includes substantial on-site and off-site improvements which will improve the overall operation of the campus and provide visual, drainage and traffic safety enhancements to the surrounding community.


Mike Brodsky, Mayor

APPROVED AS TO FORM:


Robert Zweben, City Attorney



City of Albany

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Resolution No. 94-37

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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY.

THIS 6th day of June, 1994, by the following votes:

AYES: Council Members Baker, Good, Mast, Rubin & Mayor Brodsky

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, THIS

16th day of August, 1994


JACQUELINE L. BUCHOLZ, CITY CLERK

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 Posen Avenue. Two temporary classroom buildings would be removed to accommodate the new parking area and to facilitate modification St. Joseph's Hall, demolition of Cronin 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, 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.

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.

IT'S LIKELY THIS DESCRIPTION IS
THE "EXHIBIT A" REFERENCED
IN P.C. & C.C. RESOLUTIONS - BUT
THERE IS NO MEANS TO ENSURE THAT

filed with a 8/29/95 memo
from Gary Patton & Corvill

EP 11/17/05

**CITY OF ALBANY PLANNING AND ZONING COMMISSION
ST. MARY'S COLLEGE HIGH SCHOOL
ADMINISTRATIVE DRAFT - NOVEMBER 18, 2008
CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT**

GENERAL PROJECT CONDITIONS

1. **Project Approval.** This Conditional Use Permit (CUP) approval is for St. Mary's College High School (SMCHS) located at 1600 Posen Avenue (mailing address 1294 Albina Avenue, Berkeley, CA), as substantially shown and described on the master plan date received ____, as presented to the Planning and Zoning Commission on ____, except as may be modified by conditions herein. As of effective date of this conditional use permit, application for construction of improvements on campus shall be in substantial conformance with the CUP.
2. This Conditional Use Permit and its attachments supercedes all previous conditional use permits for SMCHS and shall act as the guiding document for the construction and operation of the school. On the effective date of the this CUP, the school may fully utilize all existing buildings, subject to these conditions of approval, and subject to standard state and local codes and requirements.
3. **Athletic Field Renovation Project.** The conditions of approval associated with the Athletic Field Renovation Project approved by the Planning and Zoning Commission on October 16, 2007 remain in full force and effect, are incorporated by reference, and included as Attachment ____.
4. **California Environmental Quality Act .** Pursuant to the California Environmental Quality Act (CEQA) requirements, an Initial Study and Mitigated Negative Declaration on the Athletic Field Renovation Project dated ____ was prepared and approved by the Planning and Zoning Commission on ____ . In addition, an Initial Study and Mitigated Negative Declaration on the Master Plan Project dated ____ was prepared and approved by the Planning and Zoning Commission on ____ . The Mitigation Monitoring and Reporting Program in those documents are incorporated by reference and included as Attachment ____ and Attachment ____.
5. **Approved Use.** The primary use of the SMCHS campus shall be as a grades 9 through 12 private coeducational high school, operated by a religious corporation under the Nonprofit Religious Corporation Law for religious purposes. The school shall maintain in good standing accreditation from ____ . Other ancillary or temporary uses, shall be limited to activities typically pursued by private East Bay high schools and shall be related to the school's religious purpose, educational

ADMINISTRATIVE DRAFT NOVEMBER 18, 2008
CONDITIONS OF APPROVAL
PAGE 2

mission, or related community service. All ancillary or temporary uses shall comply with all relevant conditions of approval (see condition of approval ____).

6. **School Calendar.** The school shall operate with a standard school calendar typical of private East Bay high schools, with the start of the school year in August/September, holiday break in December, and completion of the school year in May/June.
7. **Enrollment.** No more than 630 students in grades 9 through 12 may be enrolled at any time.
8. **Summer Programs.** Other summertime ancillary or temporary uses shall be limited to activities typically pursued by private East Bay high schools and shall be related to the school's religious purpose, educational mission, or related community service. All summer activities shall comply with all relevant conditions of approval. Summer programs should be sized in a manner so that student, guest, and staff parking can be reasonably expected to be absorbed on campus (taking into consideration 44 public parking spaces on Posen Avenue). Whenever possible, phasing of major construction should be scheduled so that if possible, major interruptions to the availability of on-campus parking and heavy construction-related traffic occurs during summer months. During these periods of time, summer programs should be further reduced in scale.
9. **Hours of Operation.** Academic programs shall be scheduled to begin no earlier than 7:00 a.m. Student activities such as athletics and performing arts shall be completed and guests and participants off campus by 10:30 p.m. SMCHS is allowed to schedule events to six events per year that shall be completed and guests and participants off campus by 12:00 midnight.
10. **Gross Square Footage.** The total gross square footage of building area on the campus shall not exceed 141,147 square feet. The square footage of individual buildings may vary, subject to Design Review.
11. **Site Regulations.** All improvements incorporated in the CUP and associated master plan shall be subject to the Planning and Zoning Code requirements in effect at the time of application for Design Review, including site regulations associated with the Public Facilities zoning district. SMCHS may submit an application for a Variance or Planned Unit Development as allowed by the Planning and Zoning Code, and the City has its regular discretion in consideration of any such applications.
12. **Subsequent Conditions of Approval.** The City of Albany reserves the right to impose conditions of approval related to the subsequent approval of Design Review or a building permit. Such additional conditions shall be based on standard city procedures and Federal, State, Regional or City regulatory

requirements in effect at the time of the subsequent approval. Subject matter covered by subsequent conditions of approval may include:

- a. general engineering,
- b. site drainage
- c. grading,
- d. infrastructure,
- e. utility services,
- f. repair of construction-related damage to public streets and sidewalks
- g. water quality,
- h. air quality,
- i. off-site public improvements,
- j. pollution controls,
- k. location of construction staging, access, storage
- l. construction noise and dust controls
- m. campus parking during construction
- n. construction employee parking during construction
- o. traffic controls during construction
- p. fire department requirements, and
- q. police department requirements.

13. **Religious Activities.** Use of school facilities for religious activities shall comply with the requirements of the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA), which limits the City's authority to impose or implement conditions of approval in a manner that imposes a substantial burden on religious exercise unless the City's demonstrates that the imposition of the burden is in furtherance of a compelling governmental interest. The school is encouraged, however, to schedule and manage religious activities in a manner that is consistent with CUP conditions of approval on educational activities.

14. **Vesting and Expiration.** The issuance of this CUP shall be vested upon the initiation of substantial construction in furtherance of the projects described in the master plan. This CUP shall expire five years of the effective date of the approval of the CUP if substantial construction is not initiated. Prior to the expiration of the CUP, SMCHS may request annual extensions to the CUP, which will be subject to Planning and Zoning Commission review and approval.

15. **Fees.** SMCHS shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the fee structure in effect at the time the relevant permits are secured, and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project developer shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.

16. **Requirement for Building Permit.** Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.

17. **Construction Hours.** Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity. Failure to comply with construction hours may result in stop work orders or other administrative actions.

18. **Hold Harmless Agreement.** Pursuant to Government Code Section 66474.9, SMCHS (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify SMCHS of any such claim action or proceeding and cooperate fully in the defense.

19. **Procedure for Amendments to the Conditional Use Permit.** Minor changes of a technical nature to the CUP may be approved administratively by the Community Development Department utilizing public notice requirements of the Planning and Zoning Code. Refinements to a particular project previously approved in the master plan may be approved pursuant to Design Review procedures or Planned Unit Development procedures contained in the Planning and Zoning Code. The following changes should be considered substantive in nature constituting a major amendment to the Conditional Use Permit, and shall be subject to the appropriate level of CEQA review and Planning and Zoning Commission approval:
 - a. Any changes in the approved use;
 - b. Any changes in enrollment;
 - c. substantive changes in size or location or general function of buildings;
 - d. substantive changes in location and amount of parking;
 - e. substantive changes in internal automobile circulation system; or
 - f. substantive changes in vehicle or pedestrian access from nearby streets onto campus,

DESIGN REVIEW

20. **Application for Design Review.** All new construction and renovation of existing structures, including fencing and other screening, are subject to Design Review, pursuant to Planning and Zoning Code Section 20.100.050, as may be amended from time to time.
21. **Material Samples.** Samples of final exterior materials and the proposed color palette shall be submitted for review and approval by the Community Development Department as part of building permit application.
22. **Exterior Lighting.** As part of the Design Review process, SMCHS shall submit a lighting plan, which shall be reviewed and approved by the Commission, prior to processing a building permit application. All exterior lighting shall be installed in such a manner that glare is shielded or directed away from surrounding properties and rights-of-way. If required, exterior light fixtures shall be equipped with "cut off" lenses to minimize light and glare spill over onto adjacent properties.
23. **Landscape Plan.** As part of the Design Review process, SMCHS shall submit a landscape plan, which shall be reviewed and approved by the Commission, before processing a building permit application. The landscape plan shall show existing landscaping, landscaping to be removed, proposed landscaping, and irrigation systems. The landscape plan shall include a landscape maintenance agreement to be completed between the City and SMCHS before installation of landscaping, to guarantee the establishment of new trees and landscaping as approved by design review.
24. **Signage.** All construction/installation of signage shall be subject to the standards and procedural requirements of the Planning and Zoning Code.
25. **Public Art.** As part of the Design Review, SMCHS shall submit to the Arts Committee and Planning Zoning Commission a conceptual description of the public art elements of the project, pursuant to the procedures in place at the time of the application for Design Review.
26. **Temporary Buildings and Storage Containers.** No additional storage containers or temporary buildings shall be allowed on campus at any time, unless expressly approved by the City of Albany as part of design review or a building permit. As a condition of approval of the use of shipping containers or temporary building, a fixed date for removal must be established. While in use, square footage of temporary buildings and storage containers shall count towards total square footage allowed in the Master Plan. (Construction trailer and portable rest rooms associated with an active construction project are not subject to this

requirement.) At build-out of the Master Plan, all such temporary buildings and storage containers must be removed.

27. **Sustainable Building Practices.** As part of an application for design review approval, SMCHS shall meet the requirements of the City of Albany Green Building requirements utilizing the Collaborative High Performance School (CHPS) Best Practices Manuel and Scorecard and seek to achieve the maximum feasible number of points.
28. **Codornices Creek.** Codornices Creek should be considered an important campus asset, and student access to the creek should be encouraged and building design should include allow for views and access to the creek as applicable. In addition, any construction of structures, grading, landscaping or other site work within 100 feet of the center-line of Codornices Creek shall take into consideration regulatory requirements and best management practices including preservation and enhancement of riparian vegetation, preservation of habitat, improving water quality in the creek, erosion control, etc.
29. **Refuse & Recycling Enclosures.**

PARKING CONDITIONS

30. **Parking.** The general configuration and location of on-campus parking shall conform to the master plans. At any phase in the implementation of the master plan, a minimum of ___ on-campus parking spaces shall be available for parking during the school year, except for temporary disruptions during construction. As part of the Design Review process, SMCHS shall submit a construction parking and construction access plan, which shall be reviewed and approved by the Commission, before processing a building permit application. The Community Development Director may approve short term (30-days or less) reduction in on-campus parking or change in construction access.
31. **Parking Dimensions.** Dimensions and landscaping of parking areas shall comply with the requirement of the Planning and Zoning Code and the California Building Code.
32. **Parking of School-owned Vehicles.** The location of parking spaces reserved for school-owned vehicles shall take into consideration the appearance from neighboring properties or the public right-of-way and shall be screened or landscaped where practical.

NOISE

33. **Noise Generation.** The installation of any bells or loudspeakers shall comply with the City of Albany's noise standards, and are subject to review by the Community Development Department and/or the Planning and Zoning Commission.

SCHOOL COORDINATORS AND NEIGHBORHOOD OUTREACH

34. **Construction Management.** The school shall designate a staff person as the school's Construction Coordinator, responsible for neighborhood outreach during the construction of major elements of the master plan. Construction management responsibilities include scheduling a preconstruction meeting with neighbors before the start of construction of any significant element of the master plan.
35. **Event Management.** The school shall designate a staff person as the school's Events Coordinator, responsible for preparing and distributing to all staff and faculty written procedures regarding the scheduling of evening and weekend events that may result in exceptional traffic and parking volumes on nearby residents. Particular consideration shall be given to:
- a. Limit large events to functions that are germane to the school's educational mission;
 - b. Providing advance notice to neighbors of large events;
 - c. Avoid scheduling simultaneous events that cumulatively overwhelm neighborhood roadway and parking capacity; and
 - d. Discouraging students and guests from congregating outdoors in parking areas or public right of way close to nearby residences after evening and weekend events.
36. **Traffic and Parking Management.** The school shall designate a staff person as the school's Transportation Coordinator, responsible for traffic, parking and events. The school shall adopt written parking and traffic rules and procedures, and incorporate rules and procedures by reference in all enrollment contracts with student families. Repeated violations of parking and traffic rules shall result in disciplinary action or fines for the student and/or family and ultimately denial of renewal of the enrollment contract.
37. **Annual Report Process.** SMCHS shall prepare and submit an annual report summarizing construction management, event management, transportation management plan, and athletic field usage. The athletic field portion of the annual report shall comply with the conditions of approval associated with conditions of approval of the Athletic Field Renovation Project. The Planning and Zoning Commission shall hold a public hearing on the annual report. Public notice shall be provided 10 days before the public hearing to all property owners and residents within 300 feet of the campus. The purpose of the public hearing is to receive public comment on construction management, event management, transportation

management plan, and athletic field usage during the prior year and review operating parameters to ensure that the school is operating consistent with its conditional use permit and other City requirements. The Planning and Zoning Commission may change the frequency of annual reports if it makes a finding that the school has operated in substantial compliance with approved conditional use permit and other operating parameters.

TRANSPORTATION

38. **Transportation.** Pursuant to the recommendations contained in the Mitigated Negative Declaration, the following conditions of approval are incorporated into the Conditional Use Permit:

- e. The use of Hopkins Court by school traffic shall be discouraged;
- f. School staff shall monitor vehicle speeds and along Albina Avenue, and seek City of Berkeley approval for traffic calming measures if speeding is a serious issue;
- g. The use of the Monterey Avenue drop-off zone shall be encouraged;
- h. The school shall provide discounted transit passes;
- i. The school shall actively pursue an increase in AC Transit service to the school;
- j. The school shall actively pursue an increase in car pooling;
- k. The school shall transportation links between campus and BART and/or major AC Transit lines during peak hours.

39. **Neighborhood Parking Policies.** The school is encouraged to prepare policies for student parking in nearby neighborhoods that are more stringent than City of Albany or City of Berkeley parking regulations. For parking policies within the City of Albany, the Planning and Zoning Commission may provide guidance and feedback on the scope and enforcement of the proposed policies.

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 14 days of the date of the action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee.

1316 Albina Avenue
Berkeley, CA 94706
August 11, 2008

Jeff Bond
Planning & Building Manager
City of Albany
979 San Pablo Avenue
Albany, CA 94618

Dear Mr. Bond:

You will recall that the Peralta Park Neighborhood Association posed questions to St. Mary's regarding the school's master plan (copy enclosed). PPNA wants the information in order to compare operation of the school in the future under the proposed master plan with its operation for a reasonable period in the past. The scope of environmental impacts cannot be evaluated absent such comparisons.

We understood you wanted us to seek a response to our request for information directly from St. Mary's. Not having received any reply from Brother Edmond other than that the school would supply information the city seeks, I again raised the issue of a reply following the July 25, 2008 Planning and Zoning Commission meeting. Brother Edmond made it clear that St. Mary's will not provide information or answer PPNA's questions, nor does he wish to discuss conditions PPNA has proposed. He said PPNA was simply trying to control the school and we were not "moderate."

At the March 13, 2008 Planning and Zoning Commission meeting, PPNA addressed the need to expand the project description with considerably more detail in order to compare past and future operation of the school. The commissioners expressed agreement that more information was needed. So far as we know, St. Mary's has not amplified its proposal with any further details of proposed operation under a new master plan.

Though you seemed to see it as a positive step when PPNA presented a clearly laid out list of conditions we wanted to discuss regarding the Master Plan, the meetings between PPNA and St. Mary's, which you chaired, have yielded almost no details about the project. More importantly, they have not led to any negotiation of conditions that might satisfy neighborhood concerns about impacts of programs the school wants to conduct in buildings under the proposed new plan. As PPNA continues firmly to believe that valid evaluation under CEQA is not possible without response to questions posed to the school, we again request that the city require St. Mary's to amplify its proposal with details requested many months ago.

Very truly yours,

Chris Hamilton

ATTACHMENT

7

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Request for Information Re Master Plan

Request for Information Re Master Plan

Cronin Hall

What “serious structural deficiencies” has St. Mary’s identified?

Will remedying them require meeting current code requirements?

Might code requirements possibly require replacing the building?

If the classroom removed from use for classes is reinstated, how many rooms will then be available in Cronin for classes (before converting one to “student activities (yearbook, etc.)”)?

Music Building, Athletic Facilities and Student Center

What is the unlabeled building just to the upper left of the Music Building on the 9/06 MP Map?

What space is currently used for rehearsal of band, choir/chorus, dance, and drama? What space is currently used for art and photography? What those spaces be used for after construction of the new buildings(s)?

Where do performances of band, choir/chorus, dance, and drama currently take place on campus? What is the size of current facilities for performance by each (band, chorus, etc.), including audiences (square feet and number/types of seating)?

For each of the past 24 months, what were the dates, times, and locations of each of their performances on campus? Who and how many came to the performances (St. Mary’s students, parents/other relatives, non-St. Mary’s students, general public)? What charges, if any, are there for performances?

Is any part of the music building to be designed for audiences? If so, what design and number to be accommodated? What type of performances and projected frequency of events for audiences, and who are the expected audiences?

What design will ensure against annoying noise beyond the campus from any of the band, choir/chorus, dance, and drama events and practices?

Is the upper level of the music-athletic building solely for athletic uses of weight room and storage? Where is the existing (small) weight room? Is that the unlabeled building, and will it also contain the snack bar, or will the snack bar be part of 3b shown on the map?

Will the kitchen and dining room in the student center be enlarged enough to serve lunch to all students at once (even in inclement weather), or in shifts? Will the school prohibit leaving in vehicles for lunch once the facility can serve all the students?

What “large gatherings” are projected in student center for which kitchen enlargement needs to provide for catering? Frequency and day of week and time of events? Who (and how many) to attend?

For each of the past 24 months, what were the dates, times, and locations of each such “large gathering” on campus? Who and how many came (St. Mary’s students, parents/other relatives, non-St. Mary’s students, general public)? What charges, if any, for attendance?

Where will suggested “covered outdoor dining” be located and for how many people and what types of attendees?

What events currently housed in the Shea Center are projected to be moved to other locations if all aspects of the master plan are approved? Where will the events go?

Request for Information Re Master Plan

Chapel

What specific events, including those mentioned in the MP summary, does St. Mary's plan to hold in the chapel? How many of each and when (day of week, hour of day)?

Which of the events are ones that the school already holds? For each of the past 24 months, what were the dates, times, and locations on campus of each such event? Who and how many came (St. Mary's students, parents/other relatives, non-St. Mary's students, general public)? What charges, if any, for attendance? Provide St. Mary's records documenting occurrence of those events.

Specifically, how many funerals, memorials, christenings, weddings, confirmations, masses, prayer services, or other such events sometimes conducted in church were held at St. Mary's, in which building, on what day, and at what time?

What caused St. Mary's to alter its earlier plans for a much smaller chapel?

St. Joseph's Hall

If St. Mary's finds it can't bring the building to "an acceptable level of seismic safety," will the school then need to replace it?

Multi-Use Facility

What events now held elsewhere will be held in the building? For each of the past 24 months, what were the dates, times, number of attendees, and locations on campus of each event that will now be held in this building? Who and how many came (St. Mary's students, parents/other relatives, non-St. Mary's students, general public)? What charges, if any, for attendance? Provide St. Mary's records documenting occurrence of those events.

Will the auditorium have a stage? Will it be in a fixed location or movable?

What events of "religious assembly" will be held in the building (as opposed to in the chapel)? How many of each and when (day of week, hour of day)? Who (and how many) will attend (St. Mary's students, parents/other relatives, non-St. Mary's students, general public)?

What other events does St. Mary's expect to use the building for? Drama, musicals, concerts, films, or other types of events? What, if any, overnight events does St. Mary's project for this or any other buildings on campus?

How did St. Mary's derive the need for 750 seats? How will the school ensure that events for this number of attendees do not adversely impact parking and traffic on surrounding streets, especially Albina, which is the feeder street to the largest parking area?

What sporting events does St. Mary's anticipate may be held in the building (day of week, hour of day)? Where are they held now? Will the gymnasium be a separate part of the building?

What banquets are projected for the multi-use building (day of week, hour of day)? Will the building have a kitchen? Will it be donated/rented to non-St. Mary's organizations?

For each of the past 24 months, what were the dates, times, number of attendees, and locations on campus of each banquet that will now be held in this building? Who and

Request for Information Re Master Plan

how many came (St. Mary's students, parents/other relatives, non-St. Mary's students, general public)? What charges, if any, for attendance? Provide St. Mary's records documenting occurrence of those events.

Demolition of Vellesian Hall

How does the MP provide for "improvement of parking and vehicle circulation?" What, if any, benefits to surrounding neighborhoods can be expected? With the circle closer to the school entrance, how will the school control backup of cars over the creek and onto Albina?

With parking moved closer to residences, how will St. Mary's minimize annoying sound for neighbors?

How will the parking lot design address creek runoff issues?

What plan does the school have for minimizing traffic up and down Albina? Hopkins Court?

What plan does the school have for minimizing parking on surrounding streets?

For whom are the 58 parking spaces in the new lot and the 23 in the space where Vellesian now stands to be available? For whom are the 35 spaces near Cronin Hall and the 18 spaces near the brothers' hospitality facility available? Are any of those spaces reserved for particular members of the St. Mary's community or St. Mary's vehicles during the school day, nights, weekends? How many parking spaces and which ones will actually be available for student, parent, visitor use?

Classroom Building

What "aged and inadequate facilities" will this building replace? Are those facilities being removed or redirected to other use? If other use, what is it? What are 2D and 3D studios, and what activities do they support? What are the plans for audiovisual/television education and/or productions?

General

How will St. Mary's address parking needs on campus during various stages of construction of the buildings and parking lot shown on the MP map?

What plans are there for allowing other members of the "St. Mary's community" to use facilities on the campus? Who does the school consider to be members of the "St. Mary's community?" What plans are there for allowing any group outside the "St. Mary's community" to use the facilities?

For each of the past 24 months, what were the dates, times, number of attendees, and locations on campus of each event held by either of these groups? Who and how many came (St. Mary's students, parents/other relatives, non-St. Mary's students, general public)? What donation/charges, if any, for attendance or facility rental? Provide St. Mary's records documenting occurrence of those events.