

July 14, 2009

Agenda Item 7a

Via Email: Jbond@albanyca.org
Original: US Post
Registered Mail

Mr. Jeff Bond
Planning & Building Manager
City of Albany
405 Kains Ave.
Albany, CA 94706

CITY OF ALBANY

Re: Saint Mary's College High School
Landscaping Project

JUL 17 2009
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Mr. Bond:

Please refer to the enclosed copies reflecting most of our email exchanges since the beginning of the year regarding the above referenced project. We have yet to hear from you despite the multiple requests for additional information contained in these emails. Since I/We have not receive anything from you or your staff indicating that a staff decision has been reached on occupancy, we will assume that Saint Mary's College High School is still using their field via re-extensions to their temporary certificate of occupancy.

We remain very concerned about the landscaping (or lack thereof) along the school's Posen Avenue Frontage, Specifically (per the approved documents):

1. "Shrubs on the hillside should be tall enough to screen the bleacher support structure," that "planting should be layered to enhance the screening," and that "Vertical plantings should be added to break up the horizontal mass of the bleachers."
 - All plantings are basically the same size as the date that they were planted. Additionally, no plantings have been installed to provide the screening and/or layering of the bleacher substructure as specified by the city's approval documents.
2. "Shrubs planted in front of the access ramp should be tall enough to screen the access ramp"
 - All plantings are basically the same size as the date that they were planted. There is still no screening or layering of any kind as it related to the bleacher access ramp.
3. Choice of deciduous vs. non-deciduous trees and their placement
 - Non-deciduous trees were planted at the far ends of the street next to the gym and next to the new field house with deciduous trees being planted behind the bleachers. While I understand the reason that the city modified the plans after they were approved by the commission to allow for the planting of multiple species, I cannot appreciate why they were planted using this scheme. There can be little doubt that the intent of the street landscaping was intended to "screen the bleachers and field from the street and neighbors. Therefore, it seems completely counter intuitive to plant deciduous trees behind the bleacher which will provide no screening at all during 6 months out of the year.
 - I did notice that three additional trees were planted in front of the ramp to the bleachers approximately 6-8 weeks ago. When the trees on the hillside and along Posen were initially installed, it appeared that each was the recipient of a direct water line for irrigation purposes. Please confirm that the newly installed trees (in front of the ramp) were planted with the same irrigation as the others and are therefore in accordance with the city's P&Z.

We remain reliant on your comments below and in person that "you will not sign off on the landscaping until you and PPNA are satisfied that the landscaping is substantially consistent with the approved plans" and that "you would advise us if a staff decision is reached granting full occupancy so that we may appeal the decision (per your email DTD 2/11/09).

We remain very interested in your decision. Should staff grant a full certificate of occupancy without further changes, we will very likely appeal the decision to the P&Z and City Council if necessary?

Please let us know as soon as the city reaches a decision so that we can proceed accordingly.

Sincerely,


Albert Reis
1523 Posen Ave.


Paul Black
1525 Posen Ave.


Laura Alie
1024 West Place

Cc: Planning and Zoning Commission: by email JBond@albanyca.org & CityHall@Albanyca.org
City Council Members: US Post

Albert Reis

To: Albert Reis
Subject: RE: SMCHS Posen Avenue Landscaping Project

From: Albert Reis [mailto:areis@mmfc.com]
Sent: Friday, March 20, 2009 1:44 PM
To: 'Jeff Bond'
Subject: FW: SMCHS Posen Avenue Landscaping Project - Original by US Post

Jeff,
Below is the message that I sent to you on 3/10. I still have not heard anything from you. If you have not yet made an administrative decision, could you at least acknowledge receipt of the message so that I know that it made it to you?

Also, once a decision is made, should neighbors choose to appeal the decision to the P&Z, how much time do we have?
Albert

Albert Reis
1523 Posen Ave

From: Albert Reis [mailto:areis@mmfc.com]
Sent: Tuesday, March 10, 2009 11:49 AM
To: 'Jeff Bond'
Cc: 'Paul Black'; 'laura.alie@yahoo.com'; 'Reis Family'
Subject: RE: SMCHS Posen Avenue Landscaping Project - Original by US Post

Hello Jeff,
It's been about a month since your last communication and I wanted to check on the status of all this. Have you had time to focus on the street trees, property trees, etc.? As concerned neighbors, it is important that we are notified when a staff decision is made so that we can plan accordingly.

Thanks,
Albert

Albert Reis
1523 Posen Ave.

From: Paul Black [mailto:paulblackmac@mac.com]
Sent: Wednesday, February 11, 2009 2:18 PM
To: Jeff Bond
Cc: areis@mmfc.com; laura.alie@yahoo.com; Reis Family
Subject: Re: SMCHS Posen Avenue Landscaping Project - Original by US Post

Hi Jeff,

I appreciate your willingness to follow through on this. I can't, however, see what relevance the playground in San Francisco has to our concerns unless there's a 40-foot tall structure in the playground. Though we're a bit disappointed in the substitution of 5-gallon shrubs for the 15-gallon ones promised, that's not an issue worth pursuing, in my opinion. The only question of importance to me, at my end of the street, is how a few deciduous trees that are supposed to reach a maximum height of 20-25 feet are supposed to screen 40-45-foot high bleachers. Some evergreen trees planted well up on the slope behind the bleachers would make a huge difference to us, and that does not seem to me to be a huge thing to ask, whether in the approved plan or not.

Whatever the particulars of the approved plan, I don't think there can be any question (for the neighbors at least) that the intent of the landscaping was to provide some screening of the bleachers and the field. Considering that the school never planted the screening for the gymnasium agreed to during that project and that they didn't maintain the last set of street trees planted, we'd consider it a tremendous indication of their goodwill if this time around they'd acquiesce to adding some effective screening for the bleachers to the landscaping without our having to go to the Planning Commission and City Council to ask for redress.

Thanks,

Paul

Paul Black
1525 Posen Ave
510-589-9576
prblack@pacbell.net

From: Jeff Bond [mailto:jbond@albanyca.org]
Sent: Wednesday, February 11, 2009 11:22 AM
To: areis@mmfc.com
Cc: Paul Black; laura.alie@yahoo.com; Reis Family
Subject: RE: SMCHS Posen Avenue Landscaping Project - Original by US Post

Albert,

Last night at the Planning and Zoning Commission meeting, I reviewed upcoming agenda items with the Commission. When I mentioned this issue, they expressed hope that landscaping can be resolved at the staff level without a full Commission discussion, which is our standard process. You still have the right to appeal a staff decision.

I spent a couple of hours on site yesterday and have discussed your concern on several occasions with the school and the contractor. At the contractor's suggestion, next week I will tour a playground in San Francisco that they completed about a year ago that had many of the same size and type of plantings. They believe that this will help us all visualize the rate of growth that we can expect. Due to other work responsibilities, I have not had time to focus on the street tree part of this in any detail.

At this point, I am inclined to extend the temporary certificate of occupancy for a few more weeks to allow time to get to the bottom of all of this.

Jeff

-----Original Message-----

From: Albert Reis [mailto:areis@mmfc.com]
Sent: Tuesday, February 10, 2009 2:59 PM
To: Jeff Bond
Cc: 'Paul Black'; laura.alie@yahoo.com; 'Reis Family'
Subject: FW: SMCHS Posen Avenue Landscaping Project - Original by US Post

Hi Jeff,

I wanted to follow up on my message of Friday 2/6 (see below) regarding our meeting on 1/28/09. I'm sure that you're busy, but we need to know how to move forward with this issue; whether it will be through the city, planning and zoning, city council or some other means. We want to make sure that our concerns are addressed before

final occupancy and use is granted to the school. We remain encouraged by your comment that you will not sign off on the project until we are confident that the landscaping is consistent with what was promised and approved.

Look forward to hearing from you.
Albert

Albert Reis
Mason McDuffie Financial Corporation
An INTERVEST Affiliate
Phone: 510 622-8526
Direct E-Fax: 866 609-4585
Dept. Fax: 510 839-9646
Visit us on the web: www.mmfc.com

From: Albert Reis [mailto:areis@mmfc.com]
Sent: Friday, February 06, 2009 11:07 AM
To: 'Jeff Bond'
Cc: 'Paul Black'; 'laura.alie@yahoo.com'
Subject: RE: SMCHS Posen Avenue Landscaping Project - Original by US Post

Hi Jeff,

Thanks again for meeting with us last week regarding the SMCHS Landscaping. I wanted to follow up and see if there were any developments on this issue; has this item been added to the P&Z Agenda later this month? Has the school been approached about the concern and if so, what is their position?

Also, when we met, you mentioned that following approval by the commission, a meeting had taken place between the city and the school to discuss the street trees to be planted. It was decided that multiple species would be planted so any disease would not wipe out all of the trees. While I appreciate the intent, I don't understand the planting scheme adopted by the school. They planted the smallest trees (which happen to be deciduous) behind the bleachers which will produce the least amount of screening. Also, I find it hard to believe that there weren't three different species of non-deciduous trees on the city approved street tree list.

Please let me know.

Thanks Jeff,

Albert Reis
Mason McDuffie Financial Corporation
An INTERVEST Affiliate
Phone: 510 622-8526
Direct E-Fax: 866 609-4585
Dept. Fax: 510 839-9646
Visit us on the web: www.mmfc.com

From: Albert Reis [mailto:areis@mmfc.com]
Sent: Friday, January 23, 2009 1:34 PM
To: 'Jeff Bond'
Subject: RE: SMCHS Posen Avenue Landscaping Project - Original by US Post

Jeff,

Great! I am available any day next week but Tuesday, Wednesday and Friday would work best. I'll let neighbors know when I hear back from you.

Thank you Jeff

Albert Reis

Mason McDuffie Financial Corporation
An INTERVEST Affiliate
Phone: 510 622-8526
Direct E-Fax: 866 609-4585
Dept. Fax: 510 839-9646
Visit us on the web: www.mmfc.com

From: Jeff Bond [mailto:jbond@albanyca.org]
Sent: Friday, January 23, 2009 11:27 AM
To: areis@mmfc.com
Subject: RE: SMCHS Posen Avenue Landscaping Project - Original by US Post

Albert,

Yes, please invite as many as you wish. My schedule next week is pretty flexible.

Jeff

-----Original Message-----

From: Albert Reis [mailto:areis@mmfc.com]
Sent: Friday, January 23, 2009 9:04 AM
To: Jeff Bond
Subject: RE: SMCHS Posen Avenue Landscaping Project - Original by US Post

Jeff,

Thank you for your quick reply and your encouragement that you will do what you can to make sure that we get what we expected. I am aware of some of the changes that you've allowed via your email to us on 12/11/08. You mentioned the one tree that was not available in a 15-gal size per the plans, If I read your email on 12/8 correctly, this is not a single tree, but rather what was supposed to be the 15-gal *Choisya Ternata* "Mexican Orange" which are the shrubs that were to be planted along the entire span of Posen Ave along the inside of the property fence and behind the bleachers to help screen the substructure. It appears that the school ended up planting the 5-gal shrubs instead of the 15-gal shrubs along this entire span.

On the walk around next week, thank you for the invitation. Please let me now when you expect to do this and I'll make sure that I make time to be around. Are you OK with me passing along your invite to others in the neighborhood? I think that there are a few others that might like to attend.

Albert Reis
1523 Posen

From: Jeff Bond [mailto:jbond@albanyca.org]
Sent: Thursday, January 22, 2009 5:51 PM
To: areis@mmfc.com
Subject: RE: SMCHS Posen Avenue Landscaping Project - Original by US Post

Albert,

Thanks for your email. I will not sign off on the landscaping until you and PPNA are satisfied that the landscaping is substantially consistent with the approved plans. The school has requested a couple of changes that we perceived as minor (one of the trees was not available in the 15-gal size called out on the plans; expansion of the paved area next to the storage building to allow a pick-up truck to turn around, and the necessity to relocate one of the trees because a eucalyptus tree trunk was too large to be removed). On each one of these, I reviewed the request with the City Urban Forester. We denied a request to pave a relatively small are of the slope where the school feels the landscaping is not going to be successful. We also denied their request to change the design of the ramp up to the bleachers.

To be honest, I haven't been on Posen for a few weeks. Early next week I'll walk the site with your email and the plans and get back to you. If you are around, I would be happy to do this with you.

Jeff

-----Original Message-----

From: Albert Reis [mailto:areis@mmfc.com]

Sent: Thursday, January 22, 2009 3:40 PM

To: Jeff Bond

Subject: SMCHS Posen Avenue Landscaping Project - Original by US Post

Hello Jeff,

It appears that Saint Mary's College High School (SMCHS) has installed nearly all of the landscaping that it intends to place in the ground. Basically, I have reviewed the landscaping that has been installed so far and have compared it to the process and approval documents posted on the city's website. Overall, I am disappointed with what has been installed so far and feel that it does not reflect what was approved by the P&Z Commission. The landscaping that has been planted is significantly insufficient to provide even minimal screening for the next 10-15 years.

I attended the breakout meeting held in October/2007 when you facilitated a meeting between a number of neighbors, the school, Verde Design, and the city's arborist.

The purpose of the meeting was to discuss the conceptual design guidelines for Posen Avenue using the guideline document developed by members of the neighborhood and dated 10/9/07 (copy attached – Attachment J from the city's website). The meeting was held to make sure that the guidelines were understood and that the landscaping that was selected fit within the city's guidelines.

The sections of the conceptual design guidelines dated 10/9/07 that I am most concerned about are:

- Zone 3; we requested that, "shrubs on the hillside should be tall enough to screen the bleacher support structure," that "planting should be layered to enhance the screening," and that "Vertical plantings should be added to break up the horizontal mass of the bleachers."
- Zone 4; "Shrubs in this area should be tall enough to screen the access ramp"

In reviewing the documents for the SMCHS on the city's website, I found a letter from Verde Design dated 8/3/07 (copy attached) – Attachment C) where the Landscape Designer explains that the landscaping plan was being scaled back in response to recommendations of some commissioners and some in the neighborhood. Specifically, property line trees (on the schools side of the fence) would be spaced at 40 feet rather than 20 feet and shorter bushes would be used under the bleachers. Yet, the Verde Design Letter precedes our conceptual design guidelines meeting on 10/9/07 where we outlined what we wanted behind the bleachers (zone 3) and west of the bleachers (zone 4) by more than two months.

According to the attachments on the city's website, Mr. Bill Drulius of Verde Design sent a letter to the city dated 10/10/07 (copy attached – attachment F-1) regarding the meeting the night before. According to the letter, the landscaping in zone 3 and 4 would be scaled back because "he had a conversation with neighbors following the meeting the night before and that some of those neighbors had indicated that some of the screening **may not** be necessary." It seems inappropriate for Verde Design to rely on a conversation with someone after the meeting rather than on the discussions in the actual meeting, especially when the informal post-meeting conversation contradicts the decisions that were made in the actual meeting. Makes me wonder why we had a meeting at all?

What the neighborhood has received does not provide anything close to the level of screening that we expected. There do not appear to be any plants or trees that will provide even minimal screening of the bleachers, the access ramp and their substructures despite our specific requests for that (see photos attached). Verde's own conceptual designs that were approved by the city show a property perimeter tree directly in front of the ramp and another right next to it which do not exist (marked relevant pages attached). Additionally, the school ended up planting much smaller trees and shrubs further diminishing the screening that was expected.

The approved Verde Design Drawings and Documents state that all of the street trees were to be a single species and non-deciduous. The school planted the street trees this week. They planted pretty large non-deciduous trees at the far east end of Posen (near the field gate) and west end of Posen (near the gym gate), but they planted "tiny" little deciduous trees in between these two areas (behind the bleachers and the ramp). I do not understand why they would be allowed to plant these small deciduous trees behind the bleachers? These trees provide no screening at all during most of the months that the school is in session and it seems counter intuitive to plant the trees in this manner.

The attachments and other documents on the city's website seem to indicate that there is some flexibility on the city's part to require more planting with certain species being suggested should the city deem it necessary. I wanted to raise this concern with you and the city in the hopes that you can address this before final inspections are performed and before final occupancy is granted.

Jeff, I am not alone and most of my immediate neighbors share my concerns. Please let us know what recourse we have as far as the city is involved? What do we need to do to get this addressed now rather than waiting till the next P & Z status meeting later this fall?

On a good note, the fence and the street level tree grates are quite attractive.

Albert Reis
1523 Posen Avenue