

PERALTA PARK NEIGHBORHOOD ASSOCIATION
1043 VENTURA AVENUE
ALBANY, CA 94706

September 2, 2005

Mayor Robert Good and Members of the City Council
1000 San Pablo Avenue
Albany, California 94706

By e-mail

RE: *PPNA Appeal regarding St. Mary's College High School*

Dear Mayor Good and Members of the Council:

PPNA submits this letter to report to the Council on our efforts to work with St. Mary's to find a mutually acceptable resolution in accordance with the Council's instruction to both parties on August 8.

As set forth briefly below, PPNA has made a series of compromise proposals to St. Mary's regarding the 3032 square feet. Our proposed solution would minimize the impact on the School, allow it to continue to use the Band Pavilion, permit *all classes and programs to continue without any change in schedule*, shift a handful of classes to other rooms, and take only the worst three classrooms (and the Snackbar) out of use to accomplish the 3032 square foot reduction. St. Mary's, in turn, has declined to discuss *any* reduction in square footage, has simply insisted on keeping all of the excess space, and has asserted that instead of resolving the square footage issue the parties should engage in a protracted, indefinite and open-ended discussion process that would defer any resolution indefinitely while the School continues to use the space.

Background and PPNA Compromises

At the last Council meeting, PPNA and St. Mary's were instructed by the Council to engage in discussion and compromise over the 3032 square feet that are the subject of this appeal and Council's July 5 vote. As set forth in the staff report and draft resolution, the Council's vote requires taking out of use ("virtual teardown") the Snackbar and Band Pavilion and the closure of 652 square feet of classroom space through the closure of Cronin Hall Room 516. These are the spaces that were specifically and repeatedly identified for demolition or closure by St. Mary's to gain approval for the oversized construction of Frates Hall.

Immediately after the August 8 Council meeting, PPNA initiated contact with the facilitator retained by St. Mary's, MIG, to try to start the discussion process as directed by the Council. As you know, St. Mary's then submitted to the Council several lengthy letters and a proposal from MIG to try to convert the discussions between PPNA and St. Mary's into a lengthy and indefinite process of facilitated meetings focusing on a broad spectrum of non-square footage related issues instead of the immediate issue of the 3032 square feet. We objected to that approach in letters to the Council (dated August 16 and August 18) and we

understand that City staff made clear to MIG and/or St. Mary's that the Council wanted the parties to discuss and try to resolve the square footage issue.

In a good faith effort to carry out the Council's instruction that we inform ourselves about the School's needs, PPNA requested and arranged for a site visit at St. Mary's on Friday, August 19, and requested and obtained class scheduling information (a "master schedule") from St. Mary's. The following Monday, August 22, we met with MIG for a "listening session." At that meeting we explained our perspective, expressed our desire to enter into meaningful discussions with St. Mary's about the square footage, expressed our flexibility in identifying alternative square footage and urged MIG to obtain a concrete proposal from St. Mary's for resolving the square footage issue. That Friday, August 26, we met in facilitated discussion with St. Mary's at MIG's offices. A summary of that meeting prepared by MIG has been submitted to the Council by SMCHS.

Throughout the discussion process, PPNA has tried to be flexible and to convey a spirit of compromise, first by accepting the Council's compromise of a virtual teardown of the Snackbar and Band Pavilion instead of actual demolition, and then by offering various alternatives designed to address the Council's and the School's concerns regarding the special character of the Band Pavilion. Specifically, since July 5, PPNA has offered several compromises to allow St. Mary's to keep the Band Pavilion in use. We initially proposed that the School close an equivalent amount of square footage in Frates Hall. Then, after PPNA toured the campus and viewed the School's classrooms, we offered a further compromise by offering that St. Mary's could keep the Band Pavilion if it closes off *any* equivalent classroom square footage in any building. When St. Mary's confirmed that the Pavilion equals the size of approximately two classrooms, PPNA agreed that the School could close the worst classrooms on campus in the basement of Cronin Hall, namely Rooms 510 and 511 (in addition to Room 516 that was already required to be closed) instead of the Band Pavilion. In other words, at each turn PPNA has tried to be responsible and responsive to concerns regarding particular rooms.

St. Mary's Response

In striking contrast to our efforts, St. Mary's has never made a single counter-proposal involving square footage. At every opportunity, SMCHS has simply reiterated its position that it must retain the entire 3032 square feet. Instead of seriously grappling with a discussion of square footage, St. Mary's has proposed further indefinite processes and discussions avoiding any resolution of the square footage issue and deferring it into the indefinite future as a means for simply allowing the School to continue using the space. In its most recent letter to the Council, dated August 30, the School again seeks to divert attention from the square footage issue by extolling the benefits of discussion and consultation with the neighborhood. PPNA fully supports that process for the impending master plan proposal *but not in lieu of enforcing the Council's July 5 decision* requiring removal of the excess of the 3032 square feet. We believe that when the Council instructed the parties to try to resolve the issues as a community, it intended that we actually grapple with the square footage issue. St. Mary's has refused to do that.

The Cronin Hall Classrooms

PPNA has carefully studied the information we have received and tried to develop alternatives and options for the School that would minimize the impact on St. Mary's and its students. Our specific solution is that the 3032 square foot closure can be accomplished by closing the SnackBar and three basement classrooms in Cronin Hall. That would permit the School to continue to use the Band Pavilion without restriction, would allow all classes and programs to continue as currently scheduled, and would only require shifting some classes to different rooms.

PPNA closely reviewed the School's explanation of its usage of the buildings and the explanations it provided at our facilitated meeting hosted by MIG. The School currently has available a total of 210 classroom periods (30 classrooms x 7 periods). As shown in the Master Schedule that the School provided us, SMCHS uses only 164 classroom periods for instruction. If the three basement rooms in Cronin Hall (Rooms 510, 511 and 516) are closed, every single St. Mary's class can be accommodated without any change in the Master Schedule (except changing room assignments). In other words, the essential and undisputed fact is that the three worst Cronin classrooms (and the SnackBar) could be closed without requiring a single class to be cancelled or rescheduled. The students would not be deprived of any activities or any instruction, and the Band Pavilion could continue to be used as it has been.

To demonstrate how all of the existing classes could be accommodated after the closing of three Cronin Hall basement classrooms, PPNA is submitting a revised master schedule (hardcopy only) scheduling all classes at their current times without the use of Rooms 510, 511 and 516. St. Mary's does not disagree that all classes can be scheduled without the three Cronin Hall basement classrooms. Instead, its objection is that some teachers would be inconvenienced by having to move classrooms. But under St. Mary's *current* schedule, 8 teachers are already required to share teaching rooms. The revised schedule proposed by PPNA would require only 5 additional teachers to do the same. The School also referred to the rooms being used for teacher prep and meetings, but that is plainly not sufficient to compel their use and can, in any case, be done in other places on campus.

The School also referred to its goal of reducing class size. That, however, is a separate undertaking that would, of course, require hiring additional teachers and/or require existing teachers to teach more classes. If the School is committed to that endeavor, it can plan to reduce enrollment to the actual cap imposed by the CUP, 600 students, rather than the near 630 students it has consistently maintained by taking advantage of the 5% leeway allowed for attrition under the CUP. (Council Resolution 94-37, G-2 states: "The maximum enrollment figures may be exceeded on an absolute basis by up to 5% to allow for attrition and other student body changes.")

In any case, it is important to remember that when SMCHS formally proposed keeping the 3032 square feet in December 2002 (considerably *after* the "new" needs it now relies on were present), the School also proposed *increasing enrollment by 100 to 735*. The School clearly thought at that time that it could achieve its high educational goals within the currently existing space and for a far larger enrollment. Therefore, it cannot credibly now complain that it needs to

retain that same amount of space to teach *100 fewer students* than St. Mary's itself proposed less than three years ago.

Conclusion

PPNA is deeply frustrated by the failure of Saint Mary's to engage in genuine negotiations over the square footage that we understood both sides were instructed to undertake. We have made every effort to enter into discussions in good faith and propose alternative solutions. We were – and remain – prepared to consider any serious proposal by SM for removal of alternative 3032 square feet of space. But no such proposal – or any square footage – has been put forward by St. Mary's.

In light of all the foregoing, PPNA urges the Council to adopt the draft resolution proposed by staff on August 8 and to provide the additional option to Saint Mary's to allow it to designate alternative classrooms in Cronin Hall as a substitute square footage for the virtual teardown of the Band Pavilion. That would mean that the required 3032 square footage reduction would be achieved as follows:

- Virtual teardown of Snackbar (as July 5 Council vote required), and
- Closing of Cronin Room 516 and conversion to crawl space (as July 5 Council vote required), and
- SMCHS option to either (a) virtual teardown of Band Pavilion (as July 5 Council vote required), or (b) closing of Cronin Rooms 510 and 511 and conversion into crawl space.

We believe that this resolution is fair and equitable because it strikes the right balance between not hindering the education of students while ensuring good planning and development in Albany. It also reflects the further compromise by PPNA that the Council sought.

Furthermore and importantly, we believe that it is essential to enforce the square footage limitation that is a condition of and required by the CUP and prior Council resolutions in order to send the crucially important and resounding message to the residents of the City of Albany that planning and zoning decisions imposed at the time of application and approval are serious obligations that will be meaningfully enforced by future City bodies when the time for compliance arrives. This is critical to the public's confidence in the City's planning process and will, with regard to St. Mary's particularly, set the necessary foundation for a meaningful process of community involvement in the emerging master plan process.

Sincerely,

Peralta Park Neighborhood Association
Richard Brown, 1043 Ventura Ave; Co-Chair

CC: Brother Edmond *By email*
David Dowswell *By email*
Ann Chaney *By email*

Revised Schedule of Classroom Usage Without Any Reduction in Classes or Program

The attached revised master schedule (hardcopy) demonstrates that all three basement classrooms in Cronin Hall (Rooms 510, 511, 516), which are used for a total of 15 class periods, can be closed without impeding the scheduling of classes. Of these 15 class periods that must be shifted, the vast majority can move into classrooms that are currently not scheduled with classes.

Currently eight teachers teach in more than one classroom, i.e., share rooms. Six of them must move to teach different sections of the same course. Under the revised Master Schedule five additional teachers share rooms. None of them are required to move to teach a different section of the same course.

Closing of Cronin 510:

Move 1st, 3rd, and 7th period classes to Frates 325; move 5th period to the Shea Center; move 6th period to Murphy 210

Closing of Cronin 511:

Move 1st, 3rd 5th period classes to Frates 321; move 6th period class to Cronin 503; move 7th period class to Cronin 501

Closing of Cronin 516:

Move all classes to Frates 317. Move two classes in 317 to Frates 311, move three classes in 317 to Murphy 224, and move one class from Murphy 224 to Murphy 220.