

July 8, 2005

Mayor Robert Good
Councilmember Farid Javandel
Councilmember Robert Lieber
Councilmember Allan Maris
Councilmember Jewel Okawachi
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

Dear Mayor Good and City Councilmembers:

On behalf of the Saint Mary's College High School community of administrators, faculty, staff, students, parents, alumni, and friends, I wish to express deep concern and regret about the council's decision against Saint Mary's this past Tuesday night, July 5, 2005.

Through all phases of campus change and improvement over many years, Saint Mary's has abided by procedures established by the City of Albany. The school has, in fact, spent more than half of the past twelve years involved in city proceedings and public hearings for 1) approval of construction of the gymnasium extension/auditorium for the transition to coeducation, 2) approval for the construction of Frates Memorial Hall classroom building, and 3) a request to amend a city decision and retain campus square footage previously directed to be removed. The request that was before you on Tuesday night was done at the suggestion of city planners. In light of this history, the City's characterization of the request as a matter of "integrity" was deeply offensive to the Saint Mary's community. It is with good faith, much hard work with the City and our neighbors, and often great expense to our families that proper and city-requested procedures have been followed, always with the good of our students and their families as our ultimate goal. The schools the De La Salle Christian Brothers have conducted on the Peralta Park campus since 1903 have enjoyed a very long and very good reputation within the local and broader communities. The fact that each year we receive over 400 applications for some 160 freshman seats emphasizes the great desire for all that a Saint Mary's education can offer young people. Saint Mary's High has graduated over 7,000 alumni from the Peralta Park campus since its move to Berkeley in 1927. For years, ninety-nine to one hundred percent of the senior class has been accepted to colleges and universities throughout the state and country. Our greatest source of pride is the exceptional community created by a school population from a broad spectrum of ethnic, racial, economic, and religious backgrounds. Coeducation since 1995 has further diversified this community. Saint Mary's remains grateful to those in the community who support the best interest of the young people we educate here, young people who return to the wider community hopefully as better citizens.

Saint Mary's has accepted in good faith the decisions and recommendations made by the City throughout the various approval processes. As I stated at Tuesday's meeting, with subsequent confirmation by Dave Dowswell, Albany Planning Manager, the school agreed to such a decision made by the City Council concerning removal of certain square footage as a condition of building Frates Hall with the understanding that, according to city-established procedures, the school would be able to have the removal of the square footage reconsidered within a certain time frame. As stated by Commissioner Evan Flavell and others on Tuesday night,

circumstances change, needs change, plans change. In the case of a school campus, this is certainly true when keeping pace with educational needs – reductions in class size, specialized AP classes, improvements to technology. As was apparent from the discussions prior to ours regarding the needs of the Albany public schools, every educational institution today is in dire need for the dedication to the student of every financial and facility resource. The school day for all schools is more complex, more diverse, more competitive, and more in need of space than at any point in the past.

As Mr. Flavell also stated, appeals such as that made by Saint Mary's in 2002 to amend the city decision and retain the square footage are common, and each is carefully considered by the Planning Commission based on history, current needs, and impact. Councilmember Lieber's remarks concerning the wider impact the school has on its neighbors than a change to a single residence might have on just a few neighbors were not lost on us. Though some of our neighbors disagree, Saint Mary's is very much attuned to its impact on the neighborhoods that have grown up around the campus property. Our annual reports to the City about neighbor relations set forth the many efforts made by the school in this regard.

At the City's suggestion, Saint Mary's sought reconsideration of the council's limitation on square footage within the suggested time frame and has spent the past 2-1/2 years in a series of seven public hearings with the Planning & Zoning Commission, fulfilling all directives, often going beyond those directives for the good of the community (including a new AC Transit route from Oakland to Saint Mary's), reporting progress to the City many times over. Ultimately, on April 26, 2005, we received the commission's approval to retain the square footage in question. It was resolution to concerns expressed by some neighbors about the overall impact of the school on the community that became the primary focus of the public hearings held between 2002 and 2005, and that at times superseded the matter of the actual impact that the retention and use of the square footage in question would have on the neighborhood, finally and fairly determined by the commission to be absolutely none. The background and reasons for the approval were stated by Commissioner Flavell on Tuesday. In good faith and having followed city suggestions and processes to the letter, the school was set to move forward with planning for the new school year, its master planning process, and its continued efforts to improve neighbor relations, including what we hoped would be engaging in meaningful dialogue with our neighbors at professionally-facilitated community meetings about the revised master plan, as directed by the Planning & Zoning Commission in April. As Mr. Flavell stated, the commission's decision was intended to bring to a close the matter of the square footage amendment that had been before the commission for an extensive period of time. A revised master plan and its impact on the campus and the surrounding neighborhoods would be taken up as a separate and distinct matter if and when the school applied for city approval. Further, it was made very clear to both the school administration and to the neighbors that the commission expected all parties to come back to the commission only after reaching some agreement about any new master plan, on matters where input by neighbors is appropriate.

Just as some school neighbors feel that city processes have failed them, so, too, does Saint Mary's after Tuesday night's council reversal of the April Planning & Zoning decision. Given the years of work with the Planning & Zoning Commission and the neighbors, it seemed less than optimal that the City Council chose to undertake the Saint Mary's matter at such a very late hour on Tuesday. It was equally surprising to see members of the council so readily attach themselves to the notion that the school had breached a trust or contract with its neighbors and had had less than honorable intentions in pursuing the City's direction. There has been no breach of trust on the part of the school. *What specifically is the City's compelling interest in denying our students use of 3,032 square feet of essential and well-used campus facilities?* Where should the band practice? Can you imagine the uproar if the City or School District closed a highly used portion of Albany High School? Saint Mary's is at a loss to understand the decision made Tuesday night by the Albany City Council as anything other than political and solely intended to be punitive. Removal of this space from use serves absolutely no other purpose. As shown time and time again at city meetings, this "excess" square footage has no possible impact on the specific concerns of traffic and parking raised by some neighbors, which the school continually works diligently to improve. Contrary to statements made during Tuesday's public hearing, the square footage has no impact on a potential future student enrollment increase since the facilities are *not* excess facilities; they are very much needed for existing school programs, and taking them out of use only hurts our students.

All our classrooms are filled. Since 1974, through periodic revisions of its master plan, and when funding permits, the school has been attempting to recover from the loss of 51,000 square foot De La Salle Hall, built in 1927 when the high school joined the Brothers' grammar school already located at Peralta Park. This

main school building was razed in 1973 as a potential earthquake hazard. In 1994, plans for a classroom building in the original master plan were overridden by the requirement of the City that the school provide a certain amount of on-site parking for faculty and students as a condition of an enrollment increase for coeducation. All Saint Mary's facilities planning is deliberate and carefully considered. Saint Mary's continues to follow the required processes for city approvals. We treasure our Peralta Park campus and our mission to provide quality Catholic education to young people from all walks of life. Given our location, diligent efforts help decrease and calm school traffic in an area heavy with commute and shopping traffic and traffic generated by several other area schools. An enrollment increase is desirable, though the school realizes its own limitations. Hard work raises funds to build or improve needed facilities and to increase the already exceptionally generous tuition assistance provided to a third of our students.

Saint Mary's hopes that the City Council's decision on Tuesday was made with full awareness of the ultimate detriment to the education of the young men and women at Saint Mary's, some of whose families reside in Albany, and some of whom live in the immediate neighborhoods on both the Berkeley and Albany sides of campus. Beyond this, the broader issue of land use and the tremendous discrepancy between the Floor Area Ratio (FAR) allowed to other similar institutions under your zoning code – 0.95 – and the FAR allowed to Saint Mary's by your actions – 0.17 – continues to be a matter of serious concern. This was confirmed in the April 26, 2005 [City] Staff Report to the Albany Planning & Zoning Commission: "Currently, the school has an FAR of .17; if allowed to keep the 3,032 square feet of building space in use, the FAR would increase to .18. According to the Albany General Plan, the school is permitted up to a maximum FAR of .95." This fact was reiterated at Tuesday's City Council meeting.

If the square footage taken out of use is consistent with the specific facilities identified in city documents, our students and teachers lose use of: 1) an entire classroom for six to seven class periods each school day which must somehow be relocated, 2) the snack bar for field athletic events, including the financial support it generates for our athletic programs and the athletic equipment storage it provides, and, most particularly, 3) our sound-proofed band classroom, also in use virtually the entire school day. This critical facility was created about fifteen years ago from an existing open-air pavilion that provided outdoor seating for students during lunch. For years prior to its renovation into a band room, music classes were conducted on the lower level of Cronin Hall in a non-soundproofed classroom adjacent to the property line of one or more Ordway Street residences. The current band room provided a location at the center of campus completely removed from other classrooms and neighboring residences. It will present a tremendous hardship to replicate such a space before the opening of school in mid-August. The added concern is the possible noise impact on our neighbors and on other classes in session if a similar location for our six-period music program cannot be found. It is an interesting irony that the council's decision will so greatly impact our band program. Our band, school chorus, and dance class, supplemented by locally- and world-renowned professional musicians who are Saint Mary's alumni, present a successful annual benefit concert on campus for the support of our tuition assistance program for our many students from low-income families whose tuition is fully or partially funded by the school and donors. The entire student body also holds an annual student-run fundraiser for this purpose.

Saint Mary's has faced many challenges and hardships since its founding in San Francisco in 1863, and has emerged always-better from them because of deep faith in and commitment to our educational mission: "to give a human and Christian education to the young, especially the poor, according to the ministry which the Church has entrusted to it." (*Mission of the Brothers of the Christian Schools, founded in Reims, France, 1680.*) With the help of the entire school community, Saint Mary's will ultimately rise to the challenges presented by the City Council's July 5th decision the best way she can and for one single reason: Saint Mary's is not willing to extend what can only be considered punitive action imposed on the school at the request of some neighbors to the young men and women who come to this very special and tremendously important part of the Peralta Park neighborhood to learn. In ironic contrast to those who spoke on behalf of the plight of the Albany public schools earlier in the evening on Tuesday, Saint Mary's enjoys no benefit of city, state, or federal funds, no opportunity for support through bond measures, but rather depends on tuition and the generosity of alumni, families, foundations, and friends for all we do, most particularly for the many young people in our community who are poor and disenfranchised. We have been greatly blessed, but any thought that the school has money to burn is nothing less than a grievous misperception. The costs associated with necessary city processes and community relations efforts these past several years alone could have entirely funded the educations of a number of our students.

It is with great hope for the continued success of our academic and co-curricular programs and the well-being of our students that Saint Mary's asks the Albany City Council to reconsider its decision made Tuesday, July 5, 2005, and, if there is any possible way, to reverse that decision as it is one that, sadly, ultimately penalizes our students. Thank you for your consideration of this request.

Sincerely,

Brother Edmond

Brother Edmond Larouche, FSC
President
Saint Mary's College High School
Peralta Park, Berkeley

cc: David Dowswell, City of Albany Planning Manager
Ann Chaney, City of Albany Community Development Director
City of Albany Planning & Zoning Commissioners
Robert Zweben, Albany City Attorney
Saint Mary's Neighbors*
Saint Mary's Families (@ www.saintmaryschs.org)

**Clarification: in 1994, the City of Albany provided Saint Mary's a mailing list of about 300 owner names and addresses of residences located within 300 feet of the school property. At the time, its purpose was to have the school provide information to these neighbors about construction work on the auditorium and gymnasium extension on the Posen Street side of the campus. Saint Mary's continues to use that mailing list to provide information to school neighbors. Certain residences that are located beyond the 300 feet, such as those on the lower half of Albina Avenue, were later added to the mailing list as a courtesy. If a residence is a rental property, the address that was provided to the school may have been an out-of-town owner address. Efforts have been made to ensure that all addresses, rental or other, are included. If a residence does not receive the school information, it may be that that address is beyond the 300 foot limit. For some events, the school hand-delivers fliers and information to addresses as appropriate. Much of the information provided to school neighbors is as a courtesy, rather than a city requirement.*