

LAW OFFICES OF
HAROLD P. SMITH
1901 HARRISON STREET, NINTH FLOOR
OAKLAND, CALIFORNIA 94612

Harold P. (Peter) Smith

www.smithlawcal.com

Telephone: (510) 273-8880
Facsimile: (510) 588-4673
Email: psmith@smithlawcal.com

September 6, 2005

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

Re: Application of Saint Mary's College High School to
Retain Existing Band Room, Snack Bar, and Class Room
Application Number 02-104

Dear Mayor and Council:

I have reviewed PPNA's letter of September 2, 2005 and feel that it is necessary to address and correct several arguments put forward by PPNA. At the outset, it is critical to note that PPNA, while professing to be accommodating and reasonable, chooses to engage in extremely argumentative language and, with glaring frequency, misleading statements.

Saint Mary's has proposed a community building process.

PPNA argues that Saint Mary's proposal is "indefinite." Saint Mary's has proposed that a formal condition of approval be imposed on the approval of this application that will require regular professionally facilitated discussions regardless of when the master plan proceeds and, when it does proceed, the facilitated discussions will include current issues and solutions independent of any proposed future building. In this proposal, Saint Mary's seeks to redouble its efforts to build better relations with the community.

PPNA's proposal will damage Saint Mary's and its constituency.

It is undisputed that the removal of classrooms will not reduce any tangible impact on the community. Moreover, it is not "good planning" to remove classrooms from schools. In this instance, closing classrooms can only serve as a symbolic gesture. While symbolism can be important in some instances, it should not be employed to damage. PPNA's proposal will substantially damage Saint Mary's ability to conduct its classes. If adopted, this damage will be immediate and will be felt by Saint Mary's and its constituency. In sharp contrast to Saint Mary's proposal, PPNA's proposal does not demonstrate any attempt to improve relations between the school and the community and, in fact, can only cause damage to community building efforts.

PPNA never offered to reduce the amount of square footage that it demands be shut down.

While professing “flexibility,” PPNA refused to offer any position that would avoid the closure of needed classrooms. Far from a flexible approach to the issues, PPNA’s representatives consistently sought only to close classrooms even when presented with the extreme burdens that such a closure would cause.

Neither PPNA, nor the City should be in the business of organizing class schedules.

PPNA argues that its analysis of juggling classrooms and class schedules supports its position that classrooms should be closed. Neither the City, nor PPNA are in a position to address all of the scheduling and usage issues that go into setting up a class schedule. Simply put, Saint Mary’s needs all of the space. Contrary to the “analysis” in PPNA’s letter, moving students and teachers is no easy task. As one example, a teacher can teach History in an English classroom, but cannot bring displays or resource materials from one classroom to another. Both teachers sharing the classroom have to set up and take down (or write and erase assignments) their classroom. Speakers at the public hearing will give more examples.

An increase in the enrollment cap would not have required an enrollment increase.

PPNA argues that a reduction in classroom space is feasible because Saint Mary’s sought an increase in the enrollment cap. Such an argument is misleading for the simple fact that an increase in the maximum number of students does not require Saint Mary’s to increase its enrollment. The current facilities are stretched to the maximum right now and Saint Mary’s is not seeking an enrollment increase. The current facilities are needed to accommodate current enrollment under current educational models.

Thank you for your consideration of this response.

Sincerely,



Harold P. (Peter) Smith

HPS:

cc: Peralta Park Neighborhood Association (via email)
Ann Chaney (via email)
David Dowswell (via email)