

RESOLUTION #06-20

A RESOLUTION OF THE ALBANY CITY COUNCIL ENDORSING AND DIRECTING STAFF TO PROCEED WITH A CITY DIRECTED WATERFRONT PLANNING PROCESS

WHEREAS, the Albany Waterfront includes both privately held lands and lands owned by public agencies.

WHEREAS, the lands owned by the public agencies are dedicated for open space and parkland recreational uses.

WHEREAS, the privately held lands have been zoned for waterfront related uses, permitting Golden Gate Fields and other water related commercial uses.

WHEREAS, the racetrack has been in operation for about sixty years and the property has not undergone significant changes in appearance or use over this time frame.

WHEREAS, approximately once every decade the community has focused attention on land use policies and changes at the waterfront.

WHEREAS, over the last several decades, the community and City have made no determinations to change the General Plan and zoning regulations for the waterfront area.

WHEREAS, in the 1980s, when the property was owned by Catellus Corporation, the City undertook an environmental review for the privately owned lands. This review was processed under the California Environmental Quality Act (CEQA) as a program EIR. The study included assessments of environmental impacts of potential projects that ranged from a “park only” alternative to a build-out of approximately 4.2 million square feet of mixed use development. After preparation and certification of the EIR, Catellus did not submit any applications, but, instead, extended the lease to allow racing to continue. Thereafter, Catellus sold the property to Ladbroke.

WHEREAS, in 1990, in part due to citizens’ concerns about changes in use and development at the waterfront, a citizen initiative (Measure C) was approved by the voters of the City of Albany. Measure C reserves to the voters the final approval of any changes in waterfront General Plan and zoning regulations. In passing Measure C, the voters determined that the waterfront is a unique community asset that is special.

WHEREAS, in 1994 Ladbroke Racing proposed a change in use to allow for card room gaming at the racetrack. This proposal included provisions to provide the City with additional revenues, a Bay Trail, funds to develop the Bay Trail, and other benefits. The card room proposal was controversial. It narrowly won voter approval by the voters, but was legally challenged and the voter approval was set aside.

WHEREAS, since 1994 and until recently, there has been no planning process designed to review present zoning regulations and to discuss potential changes.

WHEREAS, within the last two years, the present owner of the private property, Magna Entertainment, has expressed interest in exploring changes to the regulations that apply to the Waterfront lands.

WHEREAS, Magna has entered into a joint venture agreement with Caruso Affiliated.

WHEREAS, a Magna-Caruso application for new and different uses would be a significant change to the present regulations.

WHEREAS, meanwhile, a citizen initiative, sponsored by a coalition of groups, is being circulated for voter signatures. The initiative would, if approved by the voters, require the City to establish a special task force to prepare a specific plan in accordance with specified guidelines and procedures. The specific plan that would be created under the initiative would have to follow specified policies and guidelines and would not allow for community viewpoints differing from those policies or guidelines to be considered.

WHEREAS, the community dialogue and discussion over the last six months illustrates that a review process of either the initiative or Magna-Caruso plan will not provide the community and the City with an opportunity to consider a full spectrum of choices and factors relevant to waterfront planning.

WHEREAS, a process that provides environmental, fiscal and planning assessments, legal analysis, and impacts analysis for a range of possible land use configurations is the most desirable way to address the competing factors that arise when contemplating significant regulatory changes at the waterfront.

WHEREAS, City staff has informed Magna and initiative proponents of these points.

WHEREAS, staff believes a City process will be more successful if Magna participated and if the initiative proponents decided not to submit the initiative for verification of signatures.

WHEREAS, staff recommends to the City Council that it authorize a City planning process, subject to Magna's agreement to participate in a City planning process.

WHEREAS, staff recommends that a planning process concept be formulated somewhat as follows:

A. City would commence environmental review of a range of alternatives. The alternatives to be studied would include:

- (1) The latest iteration of the Caruso Plan, as presented by Magna and/or Caruso;
- (2) A proposed plan submitted by Magna that reflects its vision of the property should the racetrack cease operations.
- (3) A scaled down plan, prepared by staff in consultation with a planning consultant and with citizen feedback, of the Caruso model, assuming the racetrack continues to operate;
- (4) A plan prepared by staff in consultation with a planning consultant and with citizen feedback for development without the racetrack, but assuming racetrack stays for a limited time frame of ten years; and
- (5) A plan envisioned by the citizen initiative, as presented by those citizen groups.

B. City would retain economists/fiscal consultants to evaluate benefits and costs to the City of each plan and the market feasibility of each plan.

C. City would retain outside legal counsel to assist in the EIR process and to provide analysis of legal issues raised by each plan to be studied.

D. City would retain a planning consultant as needed to assist in formulation of the alternatives to be studied.

E. Once information is assembled from the CEQA process and the other studies, the

City would determine what other planning or expert assistance is necessary. Thereafter, the City would determine whether and how to modify waterfront regulations.

NOW, THEREFORE, THE ALBANY CITY COUNCIL RESOLVES THAT:

1. The community would be best served if the City commenced its own planning process;
2. A City planning process would be more likely to be fruitful without pressures created by having to process simultaneously a development application and the initiative;
3. The viewpoints of both the landowner and proponents of the initiative would be included within the studies made during a City conducted process;
4. That the City Council directs staff to seek Magna's agreement to reimburse the City for the costs of these studies and related responsibilities because the area most affected is owned by Magna and Magna desires to explore significant changes to the waterfront regulations;
5. That the City Council directs staff to seek continued agreement from the proponents of the initiative that they would not proceed with the initiative as long as City embarks on a planning process; and
6. The staff is authorized to continue to formulate this waterfront review process, and to provide the City Council with a list of the consultants who would be suitable for this process if Magna and the initiative proponents agree to refrain from submitting any proposals for development or initiatives.

By: _____
Mayor Allan Maris