

**ALBANY WATERFRONT PLANNING
PRELIMINARY REPORT**

Introduction and Background

Location, location, location are the three guiding principles of real estate. Albany has a world-class waterfront location but has not capitalized on it to make it a world-class resource. To many residents, Albany's waterfront is not even much of a local resource. Despite the presence of Eastshore State Park, which is an evolving state/regional shoreline, much of the Albany waterfront is unappropriated space rather than an attractive place. Lots of parking, miles of rip-rap, acres of untended invasive vegetation and windy desolation attract a hardy band of dog walkers, outsider artists, seasonal racing enthusiasts and a few intrepid nature lovers. Today, the waterfront is mostly open space vulnerable to development as a park or intense urban uses. This land has been planned almost a dozen times since 1968. Neuwirth & Associates was engaged to prepare a framework for planning this untapped resource.

Our objective is to recommend an open, transparent civic engagement process based on facts --not speculation-- involving the maximum feasible community participation. We want an outcome to emerge from the process that leads to some real change on the Albany shoreline. If such change is deemed impossible now, we will recommend a halt to the planning process at this time.

This report reflects our sense of the activists' position and our professional analysis. We have met with more than a dozen commissions, committees, citizen groups and individuals over the last two months. The opinions and suggestions generated in these meetings were generously shared and provide much of the basis of this report. Some confusion prevailed about whether this assignment was "a plan for a plan" or if it was meant to determine the future use of the waterfront. In fact, this effort models the kind of future community planning we propose. This is an idea- and information- driven process; the future of Albany's waterfront deserves no less.

First, we will briefly summarize here what we heard in our discussions in the community. Summaries of each major meeting are attached. Second, we will elaborate significant issues and concerns that should be considered by the City as part of any future waterfront planning. Third, we will propose four alternative planning scenarios along with their estimated costs. In our final report, after further community discussion, we will recommend and/or modify the preferred scenario.

Community Voices

Almost all of the people who made contributions to our work have a significant history of involvement in the waterfront issue. Moreover, community participation emerged as a highly held value by almost all the participants in this abbreviated outreach effort. Any subsequent process to resolve the future of Albany's waterfront faces the major challenge of reaching the general population.

Despite the recent controversies regarding waterfront development in Albany, a surprising degree of consensus exists in the activist community. Most people want the future planning process to take a holistic view of the waterfront. They want aesthetic and ecological, as well as economic considerations, to be part of a fact-based effort. Most people want the planning to focus on Golden Gate Fields' land in Albany while considering linkages through the freeway to the rest of the City and the Bay Trail connecting the shoreline. Little sentiment exists for a coordinated plan with Berkeley to include all the Magna Properties.

Less understanding regarding the level of detail to be sought in the future planning effort exists in the community. We believe that a major educational campaign should be launched as part of the future planning work to inform the people of Albany about the planning process as well as the natural and cultural resources on the waterfront. This effort could include visits to successful Bay Area waterfronts and presentations on other comparable waterfronts so the planners can consider innovative possibilities for the future of Albany's waterfront.

Issues and Concerns

The following issues and concerns are significant factors in any future planning endeavor. They apply to all of the scenarios discussed below. Most can be viewed as opportunities to move the process forward. Some, however, are challenges that may give pause to embarking on a costly planning process.

Magna's participation in the planning process

Despite our best efforts to engage the management of Golden Gate Fields, Neuwirth & Associates cannot project with any certainty the level of participation of the landowner in planning for its lands. The on-site management has been preoccupied with re-surfacing the track and with initial discussions regarding the Bay Trail missing link through its property. Also, corporate leadership does not appear to be focused on development at Golden Gate Fields at this time. The length of their racing season is also unclear because of uncertainties in the industry.

Golden Gate Fields is the real subject of any future waterfront planning; but timing is the issue. If the landowner does not participate in the process, any positive outcome is questionable. Its reluctant participation will not serve the process well either. Several alternative scenarios presented below would require significant landowner participation and cost sharing. We recommend that Magna's participation be at the principal level from their corporate real estate division. Their agents, local staff or attorneys' involvement may signify passive, not active, interest. We suggest that any new planning process be based on real commitments, not mere involvement, otherwise it will simply become another expensive and futile exercise. The community's self interest and Magna's corporate needs can be balanced in a transparent, issue-oriented process.

Administrative and Regulatory Factors

The administrative and regulatory context of waterfront planning must be considered in any proposed scenario for future decision making. Albany's waterfront is a regional resource subject to regulatory oversight by several agencies. In any planning scenario, these agencies should be involved early in the process. The San Francisco Bay Conservation and Development Commission, the State Lands Commission, Regional Water Quality Control Board, CalTrans, Fish and Game and possibly the Department of Toxic Substances Control should be consulted to assure that any planning process meets their requirements.

Equally important is the local capacity for engaging in a highly intensive waterfront planning process. City staff intends to conduct a General Plan revision and to develop a Housing Element during the next year. Staff capacity to manage three planning processes with each required Environmental Impact Reports, as well the ability of the Albany community to effectively participate in these simultaneous public processes, should be evaluated and timed carefully in order to avoid overwhelming the community.

Community Participation

A touchstone of the success of any waterfront planning process will be how well the community becomes involved, engaged and ultimately empowered. The more people from diverse backgrounds who contribute to the discussion of the future of Albany's waterfront, the better will be the outcome. To date, much tenacity by the advocates has been evident in these discussions. In the future, creativity and new voices are needed. Several local plans have had mixed success in enabling people to participate in planning issues.

The Park Master Plan, the MIG led waterfront planning exercise, the Caruso-sponsored house meetings, the Traffic Management Plan and the Eastshore State Park Planning effort, all engaged Albany residents in a deliberating future

planning options. No consensus on the success of any of these efforts exists, although each process has its advocates. New techniques for civic engagement appear to be necessary if the demand for citizen participation in the waterfront planning effort is to be met.

Many models of citizen participation can be adapted to a new waterfront planning process for Albany. The City's small size, its many voluntary organizations, strong civic infrastructure and its variety of advocates add up to a great deal of what the sociologists call "social capital." This potential dynamism can be harnessed to expand the scope and scale of community participation in a new waterfront planning process.

Our discussions with the community uncovered a wide range of methods to engage people in planning. Some advocates urged high tech solutions, some pushed quantitative methods, and others wanted old-fashioned face-to-face discussion and debate. Suggested venues varied from official Commission, Committee and Council to informal salons in local coffee houses. Each suggestion has merit and a thoughtful program of public education and engagement in waterfront matters can be crafted for all of the potential planning scenarios proposed below.

A mix of the following methods may elicit broad community participation in a future waterfront planning process:

- Town Hall meetings where many people participate in a formal presentation and provide structured responses
- Salons in which small groups meet informally to discuss waterfront issues and respond to unstructured presentations
- Various quantitative methods of survey research such as phone or mail polling, various advisory voting techniques including instant run-off voting or intensive polling done before and after a meeting to see if opinions change
- Many proprietary facilitation methods used by consultants such as MIG, Concur, CirclePoint and Fern Tiger Associates in structured workshop formats
- Technology-based tools such as the Albany Cable TV channel (especially if can be converted to a webcast) and email listserv, such as Yahoo or "Meetup" groups
- Mediating community organizations such as senior citizens groups, YMCA, PTAs and other Albany institutions could permit a brief presentation on waterfront issues at their regularly scheduled meetings

- Waterfront issues could be incorporated into the environmental education classes in Albany's schools
- Existing City Commissions and Committees could regularly allocate time on their agendas to discuss relevant waterfront issues.

These techniques are the means to an outcome, not ends in themselves. It will be expensive to implement many of these methods, so they should be chosen carefully and conducted openly. Survey instruments, such as questionnaires or ballots, should be carefully constructed so that they are objective and straightforward. Ensuring that participants feel good because they have been heard in a public forum does not replace facts and professional analysis as the basis for decision-making. Albany's public officials, both elected and appointed, should discuss these various means of eliciting community participation and indicate their preferences. However, future consultants should have the flexibility to propose unique methods as part of their planning proposals.

Alternative Planning Scenarios

Neuwirth & Associates has proposed a broad set of options for action at this time. Our intent is to focus discussion on specific alternatives at the Waterfront Committee and Planning and Zoning Commission meetings before making a final recommendation to the City Council. We hope that the Committee and Commission members, as well as the public, reflect on Albany's real needs and resources before making their recommendations to the Council.

Scenario #1- Do Nothing Now (Estimated Cost \$0)

Our first scenario is that the City of Albany not embark on a waterfront planning process at this time. Two significant reasons make this alternative viable. First, Magna has not indicated any interest in pursuing a development proposal at this time at Golden Gate Fields. As good corporate citizens, they have shown interest but no commitment in waterfront planning. Several of the other scenarios require major commitment by the property owner in terms of time and funding. Absent such a commitment, a conventional planning process would be a hollow, futile and expensive exercise.

Second, Albany's Community Development Department anticipates beginning the City's Housing Element in January 2008 and its EIR six months later. They also plan to revise the General Plan beginning in July 2008 and start its EIR a year later. This may need a Ballot Measure "C" vote sometime in 2010.

If the lack of involvement of the property owner and the over- involvement of the City's elected and appointed officials, staff and residents in two separate

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major planning processes create a “perfect storm,” adding the waterfront plan could overwhelm the ship of state.

Scenario #2- Include a New General Plan Designation for the Waterfront in the Citywide General Plan Revision (estimated Cost \$800,000; estimated time frame three years)

This scenario would incorporate the waterfront planning exercise into the proposed revision of Albany’s General Plan. Although the synergy in this combination is cost effective it also holds some risk of distraction from important neighborhood and local commercial issues. The combined process would tend to involve more residents and businesses based on their self-interest and citywide concerns. We recommend an intensive community participation process be incorporated into this massive planning effort. Magna’s active participation would not be as essential under this scenario. It would palpably tie the waterfront to the City and focus citywide needs for open space, housing, commercial and park development on the 15% of the City that the waterfront land mass represents. Integrating the Housing Element into this massive undertaking is also possible. The outcome would be a revised General Plan with a General Plan designation for the Magna Properties, possibly a new Housing Element, a comprehensive EIR and a Measure “C” vote in 2010. We also suggest that this scenario include an economic and a health impact assessment of the new General Plan.

Scenario #3- A Grounded Visioning Program for the Waterfront (estimated cost \$500,000; time frame 18 months)

This scenario develops a program not a plan. We call it a grounded vision because the future of the waterfront is envisioned by being grounded in resource analysis and administrative realities. This is a civic engagement and educational process resulting in a vision of Albany’s future waterfront. It will be based on an intensive public participation process. Education will be the keystone to support a creative process. Tours would be offered to successful and relevant waterfronts on the Bay. The community would be exposed to successful waterfronts elsewhere through presentations and discussions. This would be a wonderful opportunity to involve school children in deciding what they want on their waterfront. An excellent example of this process is the “Vision of Downtown San Rafael” done in 1993 by a team of consultants. The outcome would be a vision of the waterfront with specific goals and objectives for future land use changes. Natural and cultural resources as well as public services would need to be examined in the public arena. For example, site analysis would be done to examine the quality of the soils, restoration of the beach and creeks, scenic resources including shadow studies for public lands, linkages to the inland area as well as a conceptual economic and health assessment of the vision. Land uses, not a specific site plan, would be determined and generically

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evaluated. Natural areas for restoration would also be evaluated as well as the road capacity and any potential improved access to and along the waterfront. Legal opinion would be sought to determine if an EIR or Measure “C” vote would be necessary under this scenario. The landowner’s involvement would not be necessary other than to allow access to its property for environmental assessment. However, if Magna chose to participate, a more detailed set of alternative land use patterns could be developed. One proposal could be the landowner’s preferred option.

Scenario #4- Specific Plan (estimated cost \$1,500,000; time frame 3 years)

This scenario is proposed as a community-generated specific plan with the full participation of the landowner. Up to five alternative site plans (including a landowner’s proposal) would be analyzed in a standard development review process augmented by an intensive community participation process. Detailed land uses and their intensities, park and open space provisions, transportation facilities, public amenities and other project elements would evolve from this planning process. The proposal would be more detailed than either the Rancho San Antonio or the Caruso proposals. A full resource inventory would be needed, including all natural, scenic and cultural resources. Qualified consultants would analyze traffic and parking, public services and utility needs. Public art should be included in the site plan. Economic, health and fiscal impact studies would also be prepared by objective experts. The outcome of this scenario would be a development/public benefit agreement between the City and the landowner. A full Environmental Impact Report and Measure “C” vote would be necessary.

The openness of this process is paramount. There always is an urge to “cut a deal” somewhere along this long process. An open, transparent community participation process will keep sunlight on the issues and integrity in the planning. An educational process, as described above, could also be incorporated into this scenario. The landowner’s commitment to this scenario is essential. The landowner must provide much of the funding and should ultimately support the plan. Otherwise, this would just be the 13th plan for the Albany waterfront.

SUMMARY OF JUNE MEETINGS

During the last week of May and throughout June, we met with CESP and the Albany Waterfront Coalition, Golden Gate Fields (GGF) management as well as City staff and several individuals. We also had phone conversations and emails with many members of the public and city officials. These communications will not be summarized to preserve the candid nature of these exchanges. The following summarizes the public meetings we participated in during June:

7 June- Waterfront Committee

We explained our mandate from the City Council as to the future planning process, the level of detail of planning effort, the extent of the planning area and the key issue identification. Comments from the Committee stressed the need for an intensive public participation process, multiple alternative proposals for GGF and that the Internet and local TV can contribute to an inclusive planning effort. Much uncertainty was expressed regarding the role of the landowner in the planning process. Public comments included concern for aesthetics and the fiscal impact of any changes to land use on the waterfront, support for planning entire waterfront, opposition to a casino and consideration of survey research methods as a means to judge public opinion.

19 June- Waterfront Committee

At this second meeting with the Waterfront Committee, we had a more specific discussion regarding the issues. We suggested various alternative planning areas: GGF property only, GGF and linkages to inland Albany, all lands west of the freeway and the inclusion of GGF lands in Berkeley. We discussed citizen participation methods such as involving existing Albany institutions such as the schools/PTAs, seniors and other civic groups in waterfront planning. Independent, small group discussions were also suggested. Tours of the waterfront were also proposed. No consensus emerged from the Committee, but strong sentiments were expressed that the planning area should be larger than just GGF. Much public comment focused on citizen participation methods. Several speakers proposed a neutral forum for a broad citizen educational process. Many people felt that Albany's small population makes polling and other measures of citizen preference feasible. The potential for a ferry in Albany was also suggested as a planning factor. Some sentiment was expressed that collaborating with Berkeley would cause delays and administrative complications.

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26 June- Planning and Zoning Commission

Based on discussions at the Waterfront Committee, we raised specific options for the planning level of detail, the planning area and the community participation methods. The range of planning detail covered a broad vision statement, a general plan revision, a specific plan, a development/public benefit agreement and Measure "C." The planning area suggestions included from only GGF to the entire City as a comprehensive revision of the General Plan. Various methodologies of citizen participation were discussed. We specified several resource issues as critical to the planning process. These were seismic risk, the traffic capacity of Gilman and Buchanan Streets and toxic sub-soils. The role of the landowner in the planning process was once again raised as an uncertainty. Regional and statewide issues such as Tidelands Trust issues were also discussed. Commission members expressed their desire for detailed site planning and inclusion of links to the City in the planning process. The members expressed the need for the ecology of the GGF lands to be analyzed. Survey research methods were supported as a valid measure of public sentiment on waterfront proposals. Public comments largely support the Commissioners' statements. A suggestion was made to visit or study comparable successful waterfronts.

SUMMARY OF JULY MEETINGS

During July, we met with CAS, attended the July 4th Festivities in Memorial Park, emailed and spoke with many Albany residents as well as City staff regarding waterfront planning issues. These communications will not be summarized to preserve the candid nature of these exchanges. The following summarizes the public meetings we participated in during July:

9 July- Arts Committee

We explained our assignment from the City Council as to the future waterfront planning process. We discussed the issues of plan specificity and geographic scope and critical issues that should be included in the planning process. We mentioned the historic role of “outsider art” on the East Bay shoreline. The Commission discussed why the waterfront seemed inhospitable to the public. Lack of facilities and weather are factors, but many residents are simply unfamiliar with the Bay. Support was expressed for a wide community participation effort in the future planning process using a Town Hall-style format. A General Plan level of detail excluding inland Albany and Berkeley was suggested by Commissioners. It was suggested that plan address the role of art in any change of land use on the waterfront. Commissioners suggested that the web and TV would be effective ways for the community to participate in the planning process. The budget of \$300,000 was questioned as sufficient to do an adequate planning effort. Concern was also expressed that whatever facilities put on the shoreline should be well maintained.

11 July- Economic and Social Justice Commission

Again, we presented our mandate from the City Council to frame the future waterfront planning process. After outlining the geographic scope, level of planning detail and other issues, a wide ranging discussion ensued. The Commission stressed the need for public education to be a major part of the planning effort, specifically including the involvement of the children of the community. The Commission also expressed its desire that planning should be objective, transparent and based on a consensus model. The Commissioners suggested that the merchants on Solano Avenue and “Sustainable Albany” should be involved in the planning effort. They added that economics are an important part of the process, Albany has “tax fatigue” yet has real public financing needs. The Commissioners also thought that regional issues are important and that the process should be coordinated with Berkeley. Public comment raised the issue of survey research as a necessary part of any community participation effort.

12 July- Park and Recreation Commission

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We explained our responsibility to propose a waterfront planning process to the City Council. We again outlined the issues of geographic scope, level of planning detail and other issues raised in previous meetings. The Commission maintained that education was an important part of the process. The Commissioners felt that the Park Master Plan process was well publicized and well attended. They encouraged the future planning team to go out to existing meetings in the community and to make certain that all the meetings are open. They held that a strong vision statement was essential. A Commissioner raised the issue of ABAG's FOCUS process potentially designating the waterfront as a "priority conservation area." The Commission discussed the idea of parks as "common ground." The Commission also stated that economic analysis is also necessary to assure that any new parks or open spaces be well maintained. And that any hotel option should be analyzed objectively.

23 July- Traffic and Safety Commission

We explained our mandate from the City Council to propose a future waterfront planning process and described experience with coastal planning and as Planning Manager for the Eastshore State Park General Plan. They were concerned about biases and misinformation in any planning effort. They supported the inclusion of economic analysis in the planning process for each alternative. The Commissioners wanted all forms of transportation included in the planning studies, specifying AC Transit and the ferry proposals. They thought that the Traffic Management Plan done by Korve Engineers was a good model for the waterfront effort. They also suggest that a jury competition be held for the best waterfront design plan. A Commissioner suggested that we seek additional public input at the Solano Stroll.

SUMMARY OF "BAGEL AND COFFEE" SESSION

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On Saturday 4 August, Neuwirth & Associates held a public session at the Albany Library and Community Center to elicit additional comments on the issues raised in the previous meetings. A total of 55 people participated in the structured exercises. Of those, only 12 said that they did not attend Albany City Council, Committee or Commission meetings.

Although the results of the informal exercises do not represent a scientifically valid sample of the community, the following preferences were made:

- Two-thirds said they wanted the entire waterfront included in the planning process
- Almost half would watch waterfront planning meetings on KALB or on the web
- Four-fifths said they would participate in an objective mail or phone survey
- A majority wanted a detailed level of planning-- not a vision but at least a general plan level of specificity
- Almost one-third wanted Albany's children involved in the planning process
- Two-thirds wanted public art included in the planning process