

**Albany Waterfront Development Task Force
Orientation Meeting Notes
October 16, 2011**

Members:

Francesco Papalia, David Arkin, John Miki, (absent), Tom Cooper, Gary Class, Brian Johns, Ellen Toomey, Robert Cheasty, Pam Radkey, Bob Fierce, Bob Uhrhammer, Anne Foreman, John Dyckman, Brian Parker, Peggy McQuaid, Nick Pilch, Susan Moffat, Dolores Dalton, Amy Tick, Charlie Blanchard, Spencer Perry, Edward Gong

Meeting facilitated by Fern Tiger Associates

Introductions/ Overview of Meeting

Fern Tiger, Fern Tiger Associates, city-hired facilitator, reviewed meeting topics: Brown Act, with City Attorney present to make brief presentation and answer questions; project proposal in relation to city process and task force, including voter initiative (based on recent communication by The Stronach Group, with City Attorney and City Manager present to answer questions); and current site plan, with representatives of The Stronach Group present to make brief presentation, answer questions, and respond to requests of the Task Force.

The Brown Act

Per the request of the Task Force at its Orientation Meeting on 10/9/11, City Attorney Robert Zweben made a short presentation to the Task Force about the Brown Act.

Mr. Zweben noted that the Task Force would function, in accordance with the Brown Act, including: (1) issuing agendas prior to meetings; (2) posting agendas 72 hours prior to meeting; (3) following set agendas (topic areas); (4) allowing public comment on agendized topics, after Task Force discussions and at the end of the meeting for non-agendized topics. It also means that if group conversations, or serial conversations, take place outside of the Task Force meetings, they cannot include a quorum of members (in this case, 12 of the 22 members).

With regard to online discussions in social media forums, Zweben noted that as a matter of general policy, Task Force members should not have discussions in public media such as Albany Patch. Rather, he suggested that if the committee desired to provide information to the community, it should consider forming a subcommittee structure that could be responsible for information dissemination. He also pointed out that being on the Task Force does not take away any First Amendment rights.

Mr. Zweben further stated that if any Task Force members had additional questions, they could call him (or contact Fern Tiger - 5102087700 or fern@ferntiger.com).

Q & A from the Task Force (and from general public) re: Brown Act:

Q. Doesn't the Brown Act only apply to decision making bodies?

A. Given the fact that the Task Force was appointed by the City Council, it is the City's determination that it is best to have this body conform to Brown Act guidelines.

It is unclear, at this time, whether or not the Task Force will make a decision. The mandate for the Task Force, by the Council, does not require it to make a decision, but it does not preclude the Task Force from making a recommendation(s) to the City Council (either at the end of the process, on particular issues, or periodically).

Q. Isn't it very unlikely that 12 members (majority of Task Force) would ever become involved in an online discussion?

A. While it is unlikely this would happen, it can happen. Perhaps, more important, it is possible for some Task Force members to want to participate in such a discussion, but that discussion could compete with this forum (the Task Force), which could lead to frustration and confusion for the public.

Q. Could a sub-group of members prepare a presentation for a public body? For example, could the five members appointed by the School Board develop and create a presentation for that body?

A. Yes, that would be permissible under the Brown Act. Subcommittees are not subject to Brown Act rules. If another public body has a meeting, that discusses the project or the work of the Task Force, Task Force members may attend. But if more than 12 Task Force members wanted to speak at that meeting, that would need to be worked out. There could be a joint meeting in order to avoid Brown Act matters.

Q. Is the issue really this: who may speak for the Task Force? Does it make a difference if we identify ourselves specifically as *not* speaking on behalf of the Task Force?

A. Unless you are authorized to speak on behalf of the Task Force, comments that members may make to a news forum should clearly state that the member is speaking on his/her own behalf.

Following the question period, Mr. Zweben pointed out that once an initiative process begins, the Task Force, as a public body, cannot be "pro" or "con" (as a group). When asked whether "starting" meant "starting of signature drive" or "filing of initiative," Mr. Zweben responded that he will need to consider this question and would provide a response to the Task Force shortly.

Project proposal in relation to City process

City Manager Beth Pollard noted that the topic (Waterfront Development Proposal and City process to ensure public information) will be included in the City Council's agenda for Monday, October 17.

She referred Task Force members to the memo from the developers included in the packet, and stated that it was the City's expectation that The Stronach Group would continue to fund the City's time as well as those consultants the City deemed necessary to fully understand the impact of the proposal on the City.

Questions from the Task Force (and general public) to the City Manager re: Payments to City by The Stronach Group:

Q. What will happen if The Stronach Group does not continue to fund the City? What would be the practical effect on the Task Force if The Stronach Group does not pay?

A. In the event that the Stronach Group decides to stop funding the City for its work or for the work of consultants the City deems critical to the process, the City will need to determine how to proceed. The City Manager clarified that 'there is much work to do in a very short time.'

Q. Is The Stronach Group current in paying the city's bills?

A. The City Manager stated that she didn't have the information available at the meeting, but would check the status and provide that information to the Task Force prior to the next meeting. TSG has made some payments and it is the expectation of the City that they will continue to cover city costs related to analysis, outreach, and engagement related to the proposal.

Q. Is the lab still expected to make a decision at the end of November?

A. As far as the City knows, LBNL/UC will announce it's preferred site (or possibly sites) by the end of November.

Q. Will TSG put the ballot initiative on the ballot even if they are not the lab's selected site?

A. No information is available to answer that question.

Comments from Task Force and General Public (Task Force and General Public):

During the public comment periods there were questions raised regarding:

- the relationships between the proposed voter initiative, Measure C, and CEQA requirements [Response: With regard to the voter initiative and CEQA, the City Attorney explained that a ballot initiative filed (as described by TSG in its memo) would *not* be City Council sponsored measure and would *not* require an EIR prior to the election. It appears that if an initiative – as currently being described by TSG – was to pass, the “project” itself would not be approved by the voters, but would require that an application be filed that is consistent with the specifics of the initiative. That application, filed after the initiative, would be subject to a CEQA environmental review.

According to the City Attorney, it appears likely that the initiative under discussion by the developers would set up some type of project review process, and that CEQA review could be

less detailed, given that certain entitlements and zoning amendments would be “granted” through the ballot measure.

In other words, if the initiative intended to be placed on the ballot this June, passes (50% + 1 vote), Albany residents would be approving changes to the zoning ordinance (and possibly the General Plan) without a prior CEQA review, but when an application is filed that is consistent with whatever the initiative criteria are, a CEQA review would be required prior to approving the project application. (This assumes that the “project” – which will come to the City after approval of the initiative by the voters – conforms to the new zoning included in the ballot initiative.

- the costs to the city related to the proposal (including costs related to the Task Force). [The City Manager stated that she did not have the information available at the meeting, but would provide it as a follow up, prior to the next Task Force meeting.] As noted, TSG has made some payments and it is the expectation of the City that they will continue to cover city costs related analysis, outreach, engagement related to the proposal.

Proposed Waterfront Development (“The Project”): Site Plan (presented by Wei Chiu (WC), representative of The Stronach Group (TSG).

Mr. Chiu explained the qualifications of the TSG team and their vision for the project. He then reviewed various aspects of the site plan.

Following the October 9, 2011 Task Force meeting, the developer was asked to prepare and deliver particular materials prior to October 12 (for Task Force review). That list and status is noted below:

Materials Requested for October 16 TF meeting (available 72 hours prior)	Available Prior to TF Session	Updated Information	Status
Master Plan Documents (most recent version – presented by Developers at developer-hosted Open House)	Yes		
Intended land uses in Albany beyond currently allowed by zoning	Yes		
Intended land uses in Berkeley beyond currently allowed by zoning	Yes		
Acreage and Sq. Ft. Calcs for Open Space, Buildings, Infrastructure, Parking	Open Space calcs provided prior to TF	Parcel info (acreage only) - provided Oct 19; posted	Still need sq ft calcs for each building, parking, infrastructure
Calculation of parking needed to comply with current zoning; calculation of parking sq ft/acreage anticipated and ratio	No WC stated that TSG plans to do project as PUD, enabling TSG to deal with parking		

Materials Requested for October 16 TF meeting (available 72 hours prior)	Available Prior to TF Session	Updated Information	Status
	calculations differently; TSG will also rely on TDM programs		
Anticipated building heights and locations on site	TSG states that they have created "height zones" on the site. Floor to ceiling heights for lab buildings are 16 to 20'; 4-story lab building is 68'; buildings at the site will range from 65' to 90', and the hotel is to be 120' (12 floors)	Height zone diagram not yet provided	
FAR Studies (floor area ratios)	Not provided; there is 6M sq ft of land and 4.5M sq ft of buildings + parking (1.5M sq ft for 5,000 cars?)		
Land Survey	Not provided	Not provided as of this date	
Site sections from various locations	Provided in packet		
Site and building elevations	Not available	TSG: only master planning dwgs available	
Architectural drawings	Not available		Follow up from Task Force: can massing drawings be provided from locations at the site and also Albany Hill and also Freeway
Views from public locations (Pierce Street, Bulb, Beach, Freeway, Albany Hill, etc.)	Not prior to session	Views from Pierce Street and Solano Street provided posted	Other requested views not yet provided
Simulated skyline points in Albany	Not prior to session	Some skyline views provided (see above)	

Materials Requested for October 16 TF meeting (available 72 hours prior)	Available Prior to TF Session	Updated Information	Status
Phasing Plan	Not provided prior to session	At session, it was explained that there would be 400 residential units in Berkeley; conference ctr, hotel, and 500K sq ft for LBNL in Albany; road infrastructure – in Phase One; market studies will determine any other decisions	

Additional comments, questions, suggestions from Task Force and general public:

- Consider the possibility of Task Force members visiting locations where there are buildings of similar scale to what is being proposed and/or similar projects so that the Task Force can get a better sense of the proposed project size, heights, massing)
- Consider potential to hear from urban designers/planners (perhaps faculty at UC Berkeley or planners/architects who have worked in the East Bay on projects of similar scale) to help the Task Force understand:¹
 - if/how the project reflects distribution of open space and buildings;
 - whether proposed parking will block views and/or be sufficient for the project;
 - whether the development could be compacted even further;
 - whether the drawings portray the square footage delineated and intended to be built;
 - whether footprint of garages portray the amount of space needed for 5,000 cars; whether heights are accurately portrayed; etc.).

One of the focused topic areas for the Task Force includes a review of Measure C, CEQA, and entitlement processes. The City Attorney was asked to provide additional information on these topics to help the Task Force understand the issues.

Other Information

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List expanded as to what Task Force would like explained, based on follow up questions, comments after Task Force meeting by members and others. Comments from Task Force members and general public indicate it is difficult to assess the project by viewing primarily flat, diagrammatic site plans without shadows and other information that helps understand massing and heights.

- Clarification re: land uses (currently intended by developers to be added to existing uses in Albany and in Berkeley – uses beyond what are currently allowed through Albany Measure C and Berkeley Measures N and Q))

Land uses currently intended by TSG to be added to existing uses in Albany:

Public Laboratory (LBNL, including 1800' long linear accelerator, underground), child care center, hotel, retail (cafes, restaurants, small specialty retail), conference facilities, "forum/learning center," private lab/office

Land uses currently intended by TSG to be added in Berkeley:

housing (600 units), private lab/offices

- Status of Fleming Point/ What are the dimensions of the landscaped area on Fleming Point that is above parking deck?

See acreage chart by parcel area, posted October 19.

- Phasing Plan

According to TSG, Phase One (timing?) Will include 400 of the 600 residential units in Berkeley; conference center, hotel, and 500,000 sq. ft. of LBNL labs in Albany; road and infrastructure. All other decisions will be dictated by market studies.

- Plan for toxics disposal (as related to Master Plan)

TSG stated that is hoping no toxics will be uncovered during construction, but if they are, they will deal with it. Regarding toxics that might be associated with lab operations, TSG is unable to answer that question. (FTA has sent an invitation to LBNL to attend a Task Force meeting.)

- Infrastructure costs (by component)

TSG stated that overall infrastructure costs will total \$300,000,000; of that \$135,000,000 are costs associated with parking. Other costs include: roads, sewer, water, grading, raising the site level 36" to address sea level rise, landscaping, and utility connection fees. TSG stated that the cost breakdown (by component) would be made available. (This information has not been received, as of this date.)

Additional questions posed by Task Force and general public, following presentation by developer:

- Why is the housing located in Berkeley; wouldn't make sense to have some housing in Albany to enhance "eyes on the park"?

Housing is planned for Berkeley portion of site due to what developers have been told about community responses to notion of housing on waterfront site, and results of Voices

to Vision/ citizen input.²

- Why is the hotel 120' tall (approximately 12 stories)?
TSG explained that the height of the hotel allows for 'vertical definition' on the site, and also responds to demands for open space.
- Are the square footage calculations gross or net building area?
Calculations are gross building area; they include internal corridors, etc.
- Is Phase One financially feasible?
TSG is not certain Phase One is feasible, because they have not yet received confirmation from LBNL regarding how much LBNL would allocate toward infrastructure costs for the first phase of the project.
- If/where: co-generation facilities located?
TSG does not know where a co-generation facility would be located. LBNL is currently discussing WAPA power, which provides low rates for federal facilities.
- What kind of non-motor vehicle connections are being designed to accommodate access to site?
According to Mr. Chiu, one of TSG's dreams for the site would be to extend Solano Avenue for pedestrian/bicycle access, but that they have not yet determined how to address the tracks or an at-grade crossing (multiple issues related to this idea were raised by the Task Force).
- Is TSG still considering bike/pedestrian connection over the freeway at Codornices Creek?
TSG stated that they would love to do that; but it is estimated at \$10 million, and is not currently in the budget.
- What are plans for LEED certification?
TSG stated that the baseline for LBNL buildings is LEED Gold, which would be the intended minimum for private development as well. Other levels of LEED certification are also being investigated.
- How will aesthetics and architectural quality be addressed?

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In both Voices to Vision (participatory sessions and online survey) and prior visioning sessions about the Waterfront over the years, it has been confirmed over and over again that Albany residents do not support housing at the waterfront for a variety of reasons, including the concern that housing on "the other side of the freeway" will create a split community and that the concerns of residents on one side of the freeway may be very different from concerns and perceptions of residents on the other side of the freeway. Similarly residents believe the freeway is too big a divider to create a cohesive city for a population the size of Albany.

Aesthetics and architectural quality will be addressed later. Currently the developer is addressing Master Plan level issues; architecture would be developed at a later phase.

- How has the value of changes to zoning been calculated by TSG? How will the cities of Albany and Berkeley benefit in relation to increased value of property?
TSG stated that the value of the property will depend on the uses allowed; changes to the taxation level would be determined based on city/county processes.
- How would the Master Plan accommodate less building than anticipated? [E.g. if LBNL builds less than 2M sq. ft., what would site plan /development scheme look like?]
TSG has not studied this issue.
- Can TSG estimate the amount of excavation and describe nature of construction (piles, foundations, etc.) below grade?
*TSG anticipates that the key issue will be fill, rather than excavation. The 100 year plan for the site will anticipate 55" of sea level rise; Treasure Island is being required to accommodate 36" sea level rise.
It is anticipated that there will be drilling, not pile driving.*
- How will title to the property be held?
Over the past few weeks, there has been some discussion about different forms of ownership, but the concept has been, and remains, for TSG to continue to own the property and to provide a long term land lease.
- Have there been studies made regarding fiscal impacts in a “worst case scenario”?
Question deferred to the Task Force session focused on Economic Impacts.
- Will there be an on-site solar program?
TSG noted that there is a full sustainability program being developed.
- What would happen if LBNL does not get the contract for the FSF (future science facility/ linear accelerator)?
No answer provided
- How much of the infrastructure is deemed a federal project?
No answer provided