

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

RESOLUTION NO #06-50

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

1 EIR, Catellus did not submit any applications, but, instead, extended the lease to allow
2 racing to continue. Thereafter, Catellus sold the property to Ladbroke.

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

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

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

16 **WHEREAS**, within the last two years, the present owner of the private property,
17 Magna Entertainment, has expressed interest in exploring changes to the regulations that
18 apply to the Waterfront lands and most recently entered into a joint venture agreement
19 with Caruso Affiliated to prepare an application for a predominately retail development
20 on the waterfront

21 **WHEREAS**, the Albany Shoreline Specific Plan Initiative, if approved by the
22 voters, would require the City to establish a special task force to prepare a specific plan
23 in accordance with specified guidelines and procedures. The specific plan that would be

1 created under the initiative would have to follow specified policies and guidelines and
2 would not allow for community viewpoints differing from those policies or guidelines to
3 be considered.

4 **WHEREAS**, a process that provides technical analysis and community dialogue
5 on a full spectrum of possible land use configurations is the most desirable way to
6 address the competing factors that arise when contemplating significant regulatory
7 changes at the waterfront.

8 **WHEREAS**, City staff recommends to the City Council that it authorize a City
9 planning process in a format to be developed by the Planning and Zoning Commission in
10 consultation with other City commissions and committees.

11 **WHEREAS**, Caruso Affiliated representatives and Albany staff have discussed
12 for several months formulating a process that includes review of the Caruso project in
13 conjunction with a City planning process designed to study other alternative proposals
14 appropriate for the Albany Waterfront area;

15 **WHEREAS**, a joint process would have included the preparation of an EIR to
16 analyze the Caruso project along with other alternatives:

17 **WHEREAS**, Caruso Affiliated recently indicated in a letter dated July 7, 2006
18 that it believed the proposed City process might create added legal exposure to Caruso
19 Affiliated if the Caruso project was adopted;

20 **WHEREAS**, Caruso Affiliated requested that the Albany City Council adopt a
21 resolution prepared by Caruso that would require the City Council to agree to the
22 preparation of an EIR for their project at this time prior to even submitting its
23 application;

1 **WHEREAS**, the City Council indicated that it was not comfortable with
2 approving the Caruso drafted resolution prior to the submission of an application in order
3 to understand and to review the types of approvals being requested;

4 **WHEREAS**, the City Council wishes to assure Caruso Affiliated that the City
5 would process a Caruso Affiliated application in accordance with City standard
6 processing protocols and in conformity with the laws and regulations of the City of
7 Albany and the State of California;

8 **WHEREAS**, staff has summarized to the City Council the basic steps included in
9 the standard manner in which applications are reviewed;

10 **NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY**
11 **RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

12 1. The community would be best served if the City commenced its own
13 planning process;

14 2. A range of viewpoints for the future of the waterfront would be included
15 in a City-initiated planning process, including the property owner, potential developer,
16 proponents of the initiative, and other community members;

17 3. Staff is authorized to identify funding for the costs of the City-initiated
18 planning process;

19
20
21
22
23
24

