

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda date: 3/20/06  
Prepared date: 3/14/06  
Reviewed by: \_\_\_\_\_

**SUBJECT:** Waterfront Planning Process

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**STAFF RECOMMENDATION**

That Council provide feedback to staff on alternative approaches to waterfront planning, and consider directing staff to take next steps in initiating a waterfront planning constraints analysis.

**BACKGROUND**

At the City Council meeting of February 20, 2006, Vice Mayor Javandel asked that an item be agendaized regarding a possible City Council waterfront planning process.

At City Council meetings of July 18, 2005, October 10, 2005, and February 6, 2005, the Council has received background information on the Golden Gate Fields property. In response to public comments, Council direction has included a decision (October 2005) not to proceed with a City-initiated waterfront planning process, but rather to establish a consultant team as necessary to advise the City on the environmental review process and other aspects of processing the anticipated application from Caruso Affiliated for development on the Golden Gate Fields property. In addition, staff has been in negotiation with Caruso Affiliated to establish a reimbursement agreement to cover City costs associated with their anticipated application.

Subsequently, a *Notice of Intent* to circulate an initiative petition for the November 2006 general election has been submitted to the City Clerk. The initiative, if qualified for the ballot and approved by the voters, would amend the General Plan and mandate the preparation of a Specific Plan, within development, environmental, open space and revenue parameters established in the initiative language, and associated CEQA (California Environmental Quality Act) review under the direction of a nine-member Task Force. When completed, the Task Force's Specific Plan would be subject to the vote of the electorate.

Simultaneously, the City expects an application from Caruso Affiliated for development of property owned by Magna Corporation. Staff has recently confirmed that Caruso Affiliated is actively continuing to prepare an application for submission to the City in spring 2006.

## **DISCUSSION**

At this time, it appears that waterfront planning will be proceeding along dual tracks of: (a) processing an application for development expected to be submitted by Caruso Affiliated and; (b) the potential for the planning process prescribed in the proposed ballot initiative.

In light of the potentially conflicting planning processes, a key consideration will be to ensure that City officials and citizens have the background information necessary to make informed decisions about the future of the waterfront. Both the Caruso Affiliated application and the ballot initiative require voter approval.

### *Applicant Initiated Planning Process*

The City has limited control over the substance of the Caruso Affiliated land use application. Typically, an applicant will modify their proposal based on comments received from the community, Commissions, Council members, or from staff. Any changes, however, are made to the application at the discretion of the applicant. Once the application is filed, the City will begin the CEQA review of the proposed changes to the City's land use policies. No advance planning on the part of the City is required as part of this approach.

The standard applicant-initiated planning process could be modified by incorporating a more thorough analysis of project alternatives than is typically incorporated into CEQA analyses. This enhanced CEQA analysis could include outreach to advocates for a variety of alternatives, but could lengthen the time associated with the review process. In addition, this enhanced analysis would not be available until publication of the draft environmental impact report.

### *Initiative Mandated Planning Process*

In an initiative-mandated planning process, the scope of the analysis and outcome of the process would be restricted by the policies that are incorporated in the initiative, and hence there would be less flexibility to look at alternatives or make mid-course adjustments during the planning process. In addition, the membership on the Task Force is somewhat pre-determined before initiation of the planning process.

### *Council Initiated Planning Process*

In a Council-initiated planning process, there is flexibility in determining the scope of the planning process and the manner in which the community, City commissions, and outside agencies interact with the planning team. There also is discretion in determining the scope of the plan, ranging from preparation of a comprehensive legally binding plan to preparation of a general statement of planning principles.

A process that is focused more on soliciting from the community a series of planning principles could be prepared more quickly, and would be available to the applicant and to the Citizen's Task Force if the proposed initiative were to pass. Such principles could address issues such as waterfront relationship/setback, revenue generation to the City and Schools, desired uses - if any - outside the scope of Measure C zoning, and open space/relationship with Eastshore State Park. It would not, however, represent formal City policy until those principles are incorporated into a formal land use documents such as the General Plan or a specific plan that is approved by the voters. They could, however, be presented as an advisory ballot measure from which further planning or other decisions could occur.

If a comprehensive plan is desired, given the size and complexities of Golden Gate Fields, a professional planning team with experience with similar types of projects, and capacity to complete the plan on a timely basis, should be retained. Once a team is selected, the process typically involves an initial series of information gathering and fact-finding meetings, followed by preparation of a set of alternatives. Following further community dialogue, alternatives are modified and a preferred alternative emerges. There also would typically be an implementation section that describes the sequence of steps required to carry out the preferred plan. Furthermore, a CEQA analysis would be required before the plan could be formally incorporated into City land use policy documents, such as a specific plan, a general plan amendment, a zoning ordinance amendment, etc. Normally, such a plan would take several years to prepare, and would not necessarily preclude simultaneous processing of the Caruso Affiliated application.

Preparation of a comprehensive community plan does not necessarily lead to its implementation. Depending on timing, it could provide voters with additional information with which to consider a citizens initiative Task Force planning proposal or a development application proposal; however, without interest by the property owner in pursuing the plan, or the resources from the community to acquire the property, the plan may not get implemented.

#### *Council Initiated Waterfront Constraints Analysis*

Any planning process has to be sensitive to the fiscal realities and legal constraints associated with potential restrictions on the use of private property. Examples of constraints include identification of the baseline amount of development that would be required to comply with constitutional protections of property rights. In addition, an analysis could evaluate municipal revenues and expenditures associated with the alternatives and the potential range of development-funded public improvements that could be expected at different scales of development. Furthermore, preliminary analysis of the traffic considerations associated with each alternative would be informative. The analysis could look at several different alternatives representing different assumptions about preservation of open space and scale of development. Furthermore, each alternative could be phased to include both the current situation with the racetrack in operation, and a potential long-term assumption without the racetrack in operation.

The preparation of a constraints analysis would involve some fact-finding meetings to accurately define alternative waterfront scenarios. In addition, presentation of results to various stakeholders could be arranged.

## **FINANCIAL IMPACT**

For a large scale Council or initiative-mandated planning process, additional City funding is expected to be required. The cost of the process depends on a variety of factors, including the range of technical studies required, the extent of community outreach and meetings, the number of alternatives studied, and the length of the decision-making process. For comparative purposes, a planning process with which the City is familiar from the last several years is the Eastshore State Park; its site planning, public outreach, preparation of the General Plan, and associated CEQA analysis was budgeted at approximately \$720,000 in the year 2000. . Preparation of more accurate cost estimates and identification of sources of funds for a range of planning processes can be explored by staff and presented at future meetings if requested.

## **CONCLUSION**

If the City Council wishes to initiate a planning process, staff recommends that Council consider a phased approach that would allow for cautiously budgeting and evaluating the value and effectiveness of the process and the information. One approach could be to first conduct a constraints analysis; a next step could be to establish planning principles for the property. If a comprehensive plan was still desired and a funding source was identified and available, that process could either directly follow the constraints analysis or follow the preparation of planning principles.

## **Attachments**

Albany Shoreline Protection Initiative