



Albany Waterfront Task Force

MEETING NO.	4
DATE	November 6, 2011



**GOLDEN GATE FIELDS/ALBANY WATERFRONT TASK FORCE
REGULAR MEETING**

**Community Center Main Hall
1249 Marin Avenue Avenue
November 6, 2011 – 7:00 p.m.**

1. WELCOME

2. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:

- 2-1.** Updates and comments from Task Force members regarding new information and follow up questions
- 2.2.** Old Business:
 - a. Review of topics and activities scheduled for Task Force through December 4, 2011
 - b. Review of City Council agenda item for November 7, 2011 for Council to clarify its expectations of the Albany Waterfront Task Force and request an interim report from the Task Force for the special City Council work session of Sunday, December 4, 2011, that contains members' understandings to date of the strengths, challenges, questions, concerns, and suggested direction associated with the proposal to locate a second campus and other development on the Golden Gate Fields property on the waterfront.
- 2-3.** Presentation by The Stronach Group related to proposed voter initiative; initiative process; Measure C; the California Environmental Quality Act (CEQA); and related matters
 - o Discussion/ comments/ questions by Task Force
 - o Public comments/ questions
- 2-4.** Presentation by The Stronach Group on status of environmental studies conducted and planned in near future, and related matters
 - o Discussion/comments/questions by Task Force
 - o Public comments/ questions

3. PUBLIC COMMENT

For persons desiring to address the Task Force on an item that is not on the agenda please note that each speaker is limited to two (2) minutes. The Brown Act limits the Task Force's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

4. NEXT MEETING—November 13, 2011.

5. ADJOURNMENT

The Task Force packet is available for public inspection at City Hall. The agenda and supporting staff reports, if available, can be found on our web page at www.albanyca.org, as well as www.voicestovision.com. Please note that if you provide your name and address when speaking before the Task Force it will become part of the official public record, which will be posted on the Internet. Agenda related writings or documents provided to a majority of the Task Force members regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, 1000 San Pablo Avenue, Albany CA.

Note: The following notes from the October 30th Task Force Meeting attempt to summarize and convey the gist of the presentations, as well as comments and questions of Task Force members and the public. In spite of the fast moving nature of the Task Force and the complexity of the issue, we've endeavored to capture the comments and thoughts. At the Task Force's November 6th meeting, we will ask for any clarifications or corrections to the notes, and if necessary produce a final version.

**Albany Waterfront Development Task Force
Orientation Meeting Notes**

October 30, 2011

draft

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 (absent), 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: Ownership of property and improvements / City of Albany Measure C / Entitlement process / California Environmental Quality Act (CEQA) / and Voter Initiative Process, with City Attorney and Community Development Director present to make brief presentations and answer questions.

Task Force Members' comments or updates

Fern Tiger began with update regarding verbal communication with the city of Berkeley, stating that until LBNL makes a decision on which site it selects the city of Berkeley will not be involved with the proposal (given that three of the sites being considered involve properties in Berkeley). If LBNL selects a site in Berkeley, the City plans to engage the community at that time. Regarding the Task Force's question regarding any legal actions that the City of Berkeley has taken against LBNL or UC in recent years, it was noted that all such information is public and readily accessible online.

Ms. Tiger also noted that the City Council workshop (which may be a joint session with the Task Force) appears to be scheduled for Sunday, December 4. The time has not yet been determined, although it will likely be 6:00 - 8:00 or 7:00 - 9:00 p.m.

David Arkin noted TSG's Open House to be held on Tuesday, Nov. 1 at GGF; the topic is Sustainability, with a presentation by David Johnson of William McDonough + Partners.

John Dyckman noted that the questions he has submitted have not yet been answered and he hopes that they will be soon, as the Task Force needs this information in order to do its job. Ms. Tiger responded that his questions have been noted for the appropriate Task Force session and that the questions have been disseminated to the developer.

Susan Moffat noted confusion regarding the role of the Task Force, especially in relation to the timing of the process and its potential to provide recommendations to the City Council related to

a November decision by LBNL. Ms. Moffat suggested that the Task Force might make a recommendation regarding its current sense of whether it would like to see a proposal that includes LBNL. Ms. Moffat noted that since there was not a fully-developed “project” currently being proposed by the developer, she was not recommending that the Task Force make a recommendation on the “project,” but rather a recommendation regarding its sense of whether or not the City Council should indicate to LBNL that the City of Albany thinks that the Lab coming to Albany is, in general, a good idea.

Beth Pollard, Albany City Manager, noted that the Council indicated that it would like the Task Force to be a platform for information, rather than an action oriented task force. Fern Tiger referred to the Task Force Mission Statement (approved at the Orientation Meeting on October 9: *To ensure the collection, review, and dissemination (to the Albany community) of adequate, factual information and data related to potential development by The Stronach Group at the Albany Waterfront (GGF site).*

In response to Ms. Moffat’s question regarding the opportunity and timing to make a motion stating a recommendation from the Task Force, Ms. Pollard noted that since the Task Force was operating under Brown Act guidelines, it would not be able to take action on items not on the agenda, and again noted that the Council was looking for this body (the Task Force) to be a platform for information gathering and exchange and not necessarily be action-oriented.

Francesco Papalia asked for confirmation regarding how the Task Force is being funded.

Beth Pollard stated that the developer (TSG) had indicated that they would continue to reimburse the city for costs associated with the Task Force, at least through December 4 (the scheduled date of the City Council Workshop).

Pam Radkey asked for confirmation of the initiative timeline. Ms. Tiger noted that this would be discussed shortly.

Presentations on Ownership of property and improvements / City of Albany Measure C / Entitlement process / California Environmental Quality Act (CEQA) / and Voter Initiative Process

City Attorney Robert Zweben presented an overview of the information included in the Task Force Meeting Packet related to ownership, Measure C, and the entitlement process, noting that the answers to many of the questions depends – to a large degree – on how the developer and the University structure the transaction (e.g., ownership vs. leasing of the property).

Task Force members questioned Mr. Zweben (primarily related to Measure C and the Entitlement process):

Q: If TSG sells the land to LBNL, will transfer tax be paid to the city?

A: *It is my view that they would. We are conferring with the County Assessor's Office and the City of Albany has retained outside legal counsel with expertise related to this topic.*

Q: LBNL has a somewhat spotty record on environmental safety. What would be the city's ability to deal with toxics and other related issues?

A: *Our ability will be somewhat compromised because the Lab can do what they like. There are serious issues with how a local entity like a city deals with UC and federal entities. We will lose some local control; the questions are when, where, and how?*

Q: Can we get clear information regarding the type and specificity of information that can be included in a Development Agreement?

A: *A Development Agreement is a negotiated document. Depending on what the different parties agree to include, there could be less detail than what is in a regular planning process. For example, some areas or topics may be "off limits."*

Comment:

I would like to be more clear that we are dealing with DOE (Department of Energy), and not DOD (Department of Defense.)

Q: Under the Measure C vote that is being contemplated, would the entitlement process be a Development Agreement or a change to zoning?

A: *We don't know what will be included in the proposed initiative or the language being contemplated. It is our understanding that the Stronach initiative is currently being drafted, but the City has not yet seen anything. That said, it is the guess of the City Attorney that this Initiative will ask for approval of a process that changes Zoning and also changes the General Plan. For example, the Initiative might say that voters would be approving LBNL to be built in x phases over x years, with a maximum of x in height; and accompanying development for x, y, and z. If approved, it would give permission for the proposal, at which point the City would process a project through the normal city process, after which it would go through a year or two of CEQA studies before gaining project approval. My guess is that at this point there would be no opportunity for a second vote.*

Q: Would the Initiative vote be done simultaneously with a Development Agreement?

A: *The Development Agreement negotiation would be after the vote on the Initiative. The voters would approve the general idea for the site, which we assume will be on the Initiative, but the Development Agreement would be the tool that is negotiated by the City, TSG, and possibly LBNL and/or UC – after the vote. The Development Agreement has its own process; it is presented in many ways with opportunities for community input but the terms of the Development Agreement would not be subject to a citizen vote.*

Q: What happens if the voters of Albany approve an Initiative that changes zoning at the

waterfront and subsequently TSG goes through a process, and then the City Council doesn't approve the project? What does the vote entitle TSG to do?

A: *It depends on the wording of the Initiative.*

Q: How does a ballot measure like this relate to the General Plan?

A: *The General Plan is the basic constitutional document, with which zoning should be consistent. You can assume that the General Plan controls what Zoning can allow. If the project were to move forward, the General Plan would be amended.*

[Additional note from Task Force member: If an Initiative went forward and the proposed project met the criteria included in the initiative, the City would be hard pressed to reject the project. The Initiative would take precedent over the General Plan, if it were otherwise legal.]

Q: Given that there are so many impacts that relate to the Initiative and the proposed project – which is still undefined in many ways – would it be possible to consider various scenarios, especially related to revenue generation?

A: *Ms. Tiger responded that various scenarios are being explored by the economists, to be discussed November 13th.*

Community Development Director Jeff Bond presented an overview of the information included in the Task Force Meeting Packet related to CEQA. He noted that normally when a project comes to the City, it is reviewed through the CEQA process, and goes through the Planning and Zoning Commission and the City Council. As Measure C is written today, it adds a vote of Albany residents to the process. What is different in what is being proposed is that the vote is happening *first*, then CEQA.

Task Force members asked the following questions of Mr. Bond (primarily related to CEQA):

Q: Why is the process being reversed (vote on the Initiative first, CEQA review after)?

A: *The timeline for approval, apparently being required by LBNL, requires TSG to show that the project has community support (which in this case would mean voter approval of a change to waterfront zoning, through an initiative process). An Initiative brought by a private party who gets the necessary signatures to place a measure on the ballot, does not require an EIR.*

Q: Would CEQA review provide information that the City Council would use to determine whether or not to approve the project?

A: *A CEQA review provides information that helps determine the validity of a project. CEQA doesn't, itself, start or stop any project. There are large projects that create large impacts*

that are still approved by governing bodies. CEQA uses consistent methodology and that information can be used to determine mitigations to the impacts identified. CEQA allows public entities to determine that there are some impacts that are acceptable; there are also what are called “overriding concerns.” Ultimately the City Council decides what is acceptable.

Q: What if the City Council were – for example – to say that it does not like the traffic generated by the project and that this needs to be fixed, or the project won’t be approved?

A: *Assuming that the City is the lead agency for CEQA purposes, it seems likely that if a project is reviewed that meets the terms of an approved voter initiative, the City would be constrained and would likely need to work with the developer to come up with a solution to any issues raised by the Council.*

Q: If a voter initiative passes and an EIR is required for a project, who pays?

A: *The property owner (and possibly the University).*

Q: Are there circumstances where UC is the lead agency for purposes of CEQA?

A: *There are sections of CEQA law that determine who is the lead agency. The ownership of the land is a major indicator.*

Q: If UC is running the CEQA process and the City makes comments that are ignored, could the City sue the University?

A: *There are CEQA lawsuits all the time. UC usually does pretty good CEQA documents.*

City Attorney Robert Zweben noted that the voter initiative process is governed by the Elections Code. TSG has indicated that they would like an initiative to be on the ballot in June (with timing reflected in “Potential Initiative Calendar for a June 2012 Election” included in Task Force Meeting Packet, page A23). Mr. Zweben also noted that the City Council can ask for a report from staff, which would, in his opinion, be most helpful to the city if done prior to signature collection.

Task Force members asked the following questions of Mr. Zweben:

Q: Who pays for the election?

A: *I believe the property owner has indicated they will pay for the election.*

Q: Have you seen a draft of the initiative? It’s hard to talk about it in a vacuum. It would be helpful to hear from TSG: What’s planned? Is the initiative process going forward even without LBNL? Will it include re-zoning?

A: *The City has not seen any draft language for the Stronach Initiative. It is our understanding that TSG has hired legal consultants to develop the Initiative, and these*

experts would likely develop language that does not leave TSG open to liability (law suit), and that would result in a situation in which a project that meets new zoning would not require a subsequent vote. We expect the Initiative to carve out additional uses, perhaps in designated locations, such that projects proposed that fit with the zoning included in the initiative would not require a Measure C vote.

- Q: Could you provide clarification on the initiative timing? Are there specific dates or milestones not included in the description (on A23 of packet)?
- A: *TSG is dealing with the calendar; the outline provided is meant to give a sense of the overall timing.*

Norman LaForce, attorney, presented a summary of correspondence he sent to Task Force members and handed out at the meeting related to the City of Berkeley's Measures N and Q (related to the Waterfront). Mr. LaForce provided background and history of the waterfront property, ultimately leading to the City of Berkeley's Measure Q, which essentially re-zoned the Berkeley waterfront (which, prior to Measure Q, had been zoned as "unclassified," meaning it had no zoning). Measure Q restricted development on certain portions of the Berkeley waterfront, and allowed for limited development in other areas (including the stables portion of the GGF property).

Later (in 2000-2001), GGF/ Magna Entertainment/ Stronach proposed a development project, Rancho San Antonio, on the land where the ballfields are now and on the land used by GGF stables – bringing up the issue as to what was the remaining development potential on those parcels. Under Measure Q, the total amount of development that had been allowed was 565,000 square feet, but that was permitted on a greater amount of property than what remained. A conflict arose between the GGF team, who felt the development potential was 565,000 square feet (per their interpretation of Measure Q) and the Sierra Club, who argued that the development potential was less because that amount contemplated more land available. The City of Berkeley took the position that the maximum amount of development should be 265,000 square feet on the remaining property (the stable area). Measure N was the result of this conflict, which, upon passage by Berkeley voters, amended Measure Q to require a defined planning process for determining the development potential of this property (but whatever the outcome, could not be greater than 565,000 square feet).

According to Mr. LaForce, this means that if TSG was to develop up to 565,000 square feet on the Berkeley portion of their site (stable area), a planning process of approximately two years would be required. To develop more than 565,000 square feet will require amending or nullifying Measures Q/N.

Mr. LaForce also noted that under CEQA, impacts are determined in relation to a baseline. For the stables area, it's unclear how the baseline would be determined. If the allowable use changes, it could mean that the baseline relates to that use, rather than what currently exists (the stables, which might be viewed as having very minimal impact).

Task Force members asked the following questions of Mr. LaForce:

Q: Did GGF or Magna purchase the stables from Santa Fe?

A: *Santa Fe became Catellus, which was sold to Ladroke, and then to Magna Entertainment.*

Q: What was located in the stables area prior to the stables?

A: *GGF was constructed in the 1930s. In the 1940s, the Army Corps of Engineers took over the site and did some upgrades. The site was later returned to GGF and the stables were there at that point (maybe prior, but not much is known).*

Q: Is there a record of purchase dates and prices for the land where the stables are now and also for the land where the soccer fields are now?

A: *There would be purchase information for the ball fields because the land was purchased by the East Bay Regional Park District. For the stables, the various owners bought the company that holds the land (not the land itself) so there is no actual transfer of title of the land.*

Q: How does the 1.5 million square feet of development proposed for the Berkeley portion of the site relate to Measures N/Q?

A: *Based on the City of Berkeley's memo (in the Task Force packet), 265,000 square feet (for a 170 room hotel, related retail, and restaurant plus parking for 200 or 300 cars) is permitted. To get up to the 1.5 million square feet that Stronach is proposing would require a vote by Berkeley residents to amend Measure Q and to nullify Measure N. If one assumes – as the developers have stated – that the Stronach project is one project that stretches over the two cities, then that vote would most likely have to be concurrent with the Albany vote to make the project work.*

Task Force Members' comments

Tom Cooper noted his concern about the impact of a June vote – the door that such an action would open – due to the large number of variables. Given the potential for many changes, he thinks the City Council should be able to have some influence in the shaping of the initiative. For example, perhaps the initiative should include a sunset clause and other types of protections.

Mr. Zweben responded that the concern is real, and that the landowner will need to craft an initiative that makes Albany voters comfortable.

Delores Dalton expressed the same concerns. She noted that the potential re-zoning is something that the community needs to understand, and that the City loses a lot of bargaining power if the re-zoning is accomplished. She also noted that five Task Force members were appointed by the AUSD School Board, so it is especially important for them to understand, in detail, the effect of the Stronach proposal on the schools (especially in terms of funding). She asked that different scenarios be developed to understand the impact on revenue streams.

Anne Foreman asked if there was any way to push the Economics session to next week.

Ms. Tiger noted that work was still in progress and she did not think the city's economic consultants could be ready by Nov. 6.

Brian Johns re-iterated the concern noted at the start of the meeting by another Task Force member regarding the group's charge and responsibility. He stated that he was concerned about the difference between democracy and the appearance of democracy. He noted that TSG is investing a lot of money in the Task Force and on the project, and feels the Task Force should agree on what it values. He recommended not waiting for permission from the Council to make decisions and recommendations, regardless of the limited information.

Peggy McQuaid stated that it will be incumbent upon the developers to write an initiative that is as clear as possible.

Susan Moffat noted that she understood Tom's concern, but that in terms of re-zoning there is a limit to how much control can be retained. She does not think it is possible to approve a certain amount of square feet square feet solely for LBNL use (her sense is that you approve a "use," not a tenant). She also expressed interest in understanding more about Albany's impact fees as they relate to the Stronach project's impact on schools. Finally, she proposed that at the next meeting the Task Force recommend to the City Council that they would welcome a proposal from LBNL (an indication that the City supports LBNL in Albany).

Francesco Papalia stated that he is becoming increasingly aware of the compressed timeline and wants to be sure the Task Force uses its time efficiently. He thinks the Stronach team should have a seat at the Task Force table. He noted that the Task Force is comprised of an incredible cross section of Albany, and hopes they can act as a body that says something, making the most of the major investment being made by the developer. Finally, he suggested that all Task Force members be sure to go to the site and imagine the Stronach plan from various points on the site.

Pam Radkey seconded another Task Force member's suggestion to understand various scenarios and how each impacts economics and other concerns.

Ellen Toomey expressed her interest in understanding the proposal's economic impact on the city and the schools, as well as less obvious impacts. She noted that the legal nuances of control regarding future development and decisionmaking are also important to understand. She stated that she is not sure that the Task Force would be able to come to agreement, but that reviewing detailed scenarios and impacts is beneficial.

Bob Uhrhammer suggested that everyone attend the Stronach Group Open House(s).

Public Comment

Ed Moore stated his concerns with the initiative's impact on the CEQA process, noting his view that the initiative would ask voters to change the context and framework within which impacts would be analyzed under CEQA and thus important decisions would be made prior to CEQA review.

Jim Cleveland thanked Norman LaForce for his analysis and requested that someone review and compare the ratio of land to commercial development square footage on the Berkeley and Albany portions of the site. [Note from FTA: *Berkeley: 29 acres with 1.5 million square feet proposed; Albany: 107 acres with 2.9 million square feet proposed, of which 2 million square feet is designated for LBNL.*]

Norman LaForce stated that an initiative could be written in a way that eliminates much of Albany's discretion to make decisions, noting the differences between "permitted uses" and "conditional uses." He reiterated the fact that the wording of the initiative will be very critical, and that the Initiative could include "vested rights" in which case denial of the "right" is considered a "taking."

Argument in favor of Berkeley Measure Amending Measure Q

Measure ___ authorizes Berkeley to begin a planning process to amend the current waterfront plan for the remaining privately held waterfront lands in Berkeley. The Sierra Club and Citizens for the Eastshore State Park urge a YES vote for Measure ___ because it continues responsible waterfront planning and retains voter control over the waterfront planning process. All nine members of the Berkeley City Council voted to put this measure on the ballot.

In 1986 Berkeley voters passed Measure Q. This measure determined the amount and location of development on the waterfront lands then owned by Santa Fe Railroad. Measure Q limited development to 565,000 square feet total and located that development along the North Basin Strip and Stables area, leaving the Brickyard and Meadow protected as open space.

Magna Entertainment Corporation now owns this property. An issue has arisen over how many square feet of development is allowable under Measure Q on these lands, creating confusion for the public and planners. Moreover, Berkeley has seen many changes since 1986 resulting in the need to modify the plan then approved. In order to continue responsible waterfront planning, the city should re-evaluate the current plan for these waterfront lands to make certain the appropriate amount and type of development and that such development meets current environmental conditions not present twenty years ago.

Because Measure Q required voter approval for any changes to the waterfront plan, the voters have to first authorize the City to initiate a planning process. Measure ___ authorizes the City to begin a planning process that will include community input. Any changes will also have to be approved by the voters.

We urge a YES vote on Measure ___ so Berkeley can continue responsible waterfront planning that preserves voter control over the waterfront.

Shirley Dean, Mayor of Berkeley

Tom Bates, former State Assemblyman

Helen Burke, for Sierra Club

Sylvia McLaughlin Co-Founder of Save the Bay

Ed Bennett, for Citizens for the Eastshore State Park

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CITY OF BERKELEY
CITY CLERK DEPT

*291 Words
check alone
D. J. Fane*

WATERFRONT PLAN BALLOT MEASURE

TEXT OF ORDINANCE

ORDINANCE NO.

-N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 11.56.070 TO AUTHORIZE REVISION OF WATERFRONT PLAN

The people of the City of Berkeley do ordain as follows:

Section 1. The people of the City of Berkeley hereby find and declare as follows:

A. In 1986, the people of Berkeley adopted Measure Q, codified as Berkeley Municipal Code chapter 11.56, to protect the environmental resources of the Berkeley Waterfront, as set forth therein. Measure Q was developed and enacted against a backdrop dominated by two major planning determinants: (1) the Berkeley Waterfront was owned by a single private owner, and (2) Golden Gate Fields was expected to close in the mid- to late-1990's. Measure Q was designed to ensure that the property owner was able to receive a reasonable economic return based on the entirety of the property that was then privately owned.

B. Since Measure Q was adopted, most of the privately owned land at the Berkeley Waterfront has been purchased by the State of California for inclusion in the Eastshore State Park, and Golden Gate Fields has stayed in operation. The only remaining privately-owned part of the Berkeley Waterfront is adjacent to Golden Gate Fields, and has been sold to the owner of Golden Gate Fields.

C. Since the state's acquisition of the privately owned land at the Berkeley Waterfront the East Bay Regional Park District has begun its planning process for the Eastshore State Park.

D. Since 1986, there have been significant changes in the conditions and infrastructure affecting vehicle and pedestrian circulation that affect the Berkeley Waterfront and Marina, including, but not limited to the following.

1. The stretch of Interstate 80 along the Berkeley Waterfront has been widened; nevertheless, because the Bay Area's transportation system, including in particular Interstate 80, has been forced to accommodate significant additional traffic, it experiences some of the highest peak hour congestion of any freeway in California. In addition, the state is planning to replace the eastern span of the Bay Bridge. Traffic impacts on Interstate 80 due to development in the Measure Q area could be significant.

2. Substantial parts of the regional Bay Trail have been developed, and the state has made significant improvement to the Buchanan Street interchange.

3. Planned projects include completion of the Bay Trail, improvement of the Ashby interchange and possibly a ferry terminal at the foot Gilman Street or perhaps some other location at the Berkeley Waterfront or Marina.

4. In 2002, the City completed construction of the Berkeley Bicycle-Pedestrian Overcrossing and the facility opened. This facility provides cross-freeway access from Aquatic Park to the Berkeley Waterfront and Marina. It also provides a vital link for Berkeley residents to the still-unfinished regional Bay Trail, whose right-of-way runs along the west side of the frontage road adjacent to Golden Gate Fields' Berkeley property.

E. In 1993 the City adopted the West Berkeley Plan, which is designed to foster blue-collar, industrial and manufacturing jobs in West Berkeley. Since 1986 the City's economic base has shifted toward industrial sectors engaged in environmentally-friendly production and in internet or high technology applications, with attendant changes in the character of Berkeley's economy. A high quality of life is important to these industries in attracting workers and businesses to Berkeley. In addition, the City is scheduled to adopt a revised Marina Plan in 2002.

F. In 2001 and 2002 the City adopted its first new General Plan since 1977, incorporating policies of the West Berkeley Plan.

G. Because of these and other changes in economic conditions and planning requirements, the people of the City of Berkeley declare that it is now appropriate to revisit and update the 1986 Waterfront Specific Plan, which formed the basis for Measure Q, and to authorize the City Council to undertake a comprehensive and inclusive planning process to amend the Waterfront Specific Plan, as set forth in section 2.

H. The people of the City further declare that the purpose of this measure is to authorize a comprehensive planning effort to revisit and update the 1986 Waterfront Specific Plan, while respecting the constitutional rights of the owner of the affected property.

Section 2. That section 11.56.070 of the Berkeley Municipal Code (Ord. 5788- N.S., section 7) is amended to read as follows:

A. No part of this chapter shall be amended or repealed, except by a vote of the people. Notwithstanding the preceding sentence, the City Council may amend this chapter and the Waterfront Specific Plan to address changed circumstances since 1986, including changing the amount and type of currently authorized land uses on the remaining privately-owned property at the Berkeley Waterfront, so long as the development potential as allowed in the current Waterfront Specific Plan is not increased. In the event that the type or amount of development authorized is changed, any amendments shall ensure that the property owner's constitutional rights are respected.

B. Any amendments adopted pursuant to this section shall be placed before the voters at the next general municipal election following adoption by the City Council. Any such amendments shall be adopted in the manner required by state and local law and that includes public and commission review. Any

amendments adopted by the Council and proposed to the voters pursuant to this section shall be subject to environmental review under the California Environmental Quality Act prior to adoption.

Section 3. This ordinance shall take effect immediately upon its passage by the voters of the City of Berkeley.

Golden Gate Fields Task Force

(Albany Waterfront Development Task Force)

Meeting Dates and Topics (as of 11/3/11) - All meetings 7 - 9 pm

DATE	TOPIC/ FOCUS	STATUS	LOCATION	TIME
October 9	Orientation	Complete	Community Hall	7-9pm
October 16	Brown Act; Voter Initiative Timing/Process; Site Plan	Complete	Community Hall	7-9pm
October 30	Ownership; Voter Initiative Process; CEQA/ Measure C/ Development Agreement	Complete	Community Hall	7-9pm
November 6	Voter Initiative follow-up; Environmental Issues; Public Open Space	Scheduled	Community Hall	7-9pm
November 13	Economic Impacts	Scheduled	Community Hall	7-9pm
November 20	Task Force Discussion: Benefits/ Challenges/ Open Items Prep for December 4 Council Workshop Review / Comment on inter-relationship between topics	Scheduled	Senior Center	7-9pm
<i>December 4</i>	<i>City Council Workshop (6:00 - 8:00 or 7:00 - 9:00 pm)</i>	<i>Scheduled</i>	<i>Community Hall</i>	
January 8	Traffic Impacts	Proposed	Community Hall	7-9pm
January 15	Wrap Up	Proposed	Senior Center	7-9pm

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

Agenda Date: November 7, 2011
Reviewed by: BP

SUBJECT: Golden Gate Fields/Albany Waterfront Task Force

REPORT BY: Beth Pollard, City Manager

STAFF RECOMMENDATION

That Council clarify its expectations of the Albany Waterfront Task Force and request an interim report from the Task Force for the special City Council work session of Sunday, December 4, 2011, that contains members' understandings to date of the strengths, challenges, questions, concerns, and suggested direction associated with the proposal to locate a second campus and other development on the Golden Gate Fields property on the waterfront.

BACKGROUND

The Lawrence Berkeley National Laboratory (Lab) is seeking a location for a second campus to consolidate and expand its operations. In May 2011, the Golden Gate Fields property was selected as one of six finalists for site selection. The property owner – The Stronach Group – has been developing a proposal for the Lab and associated private development. The City hired Fern Tiger Associates (FTA) – the same firm that conducted the Voices to Vision waterfront visioning process for the City between 2008 and 2010 – to inform and engage the community about what is being proposed, and TSG agreed to reimburse the City for the costs of this work.

On September 19, 2011, FTA reported to the City Council on progress to date, and suggested options for next steps. The Council approved the option to form a 20-25 member Task Force. The stated purpose of the Task Force was "to focus specifically on the developer's proposal for the waterfront; to monitor and assess changes; to request and understand/analyze information related to the project's impact on the community; to understand tradeoffs, options and alternatives; and to help determine both the strengths and challenges of the proposal as it adapts to address community concerns and needs."

The Task Force met for the first time on October 9, 2011, at which time it adopted the following mission, based on direction from the City Council when the group was formed:

To ensure the collection, review, and dissemination (to the Albany community) of adequate, factual information and data related to potential development by The Stronach Group at the Albany Waterfront(GGF site).

The Task Force also met on October 16 and 30th, and has meetings scheduled for November 6, 13, and 20, 2011, as well as January 8 and 15, 2012. Attached are meeting notes from October 9

and 16. The meeting notes from October 30 are being prepared for the meeting of November 6. All documents presented to the Task Force are available at www.voicestovision.com or at City Hall. The meetings are video recorded and can be viewed on the KALB section of the City website, www.albanyca.org.

On October 17, 2011, the City Council stated its intent to hold a Council work session to understand the information being reviewed by the Task Force. That work session is being scheduled for the evening of Sunday, December 4, either from 6 - 8 or 7 - 9.

DISCUSSION

One of the issues that has been raised by Task Force members concerns their role and responsibility with respect to submitting a report and/or recommendations to the City Council or community. It would be useful to their discussion if the City Council could clarify its expectations of parameters for, or outcomes from, the group.

What staff recommends is that Council ask the Task Force to prepare information for the December 4th City Council work session that contains members' understandings to date of the strengths, challenges, questions, concerns, and suggestions associated with the proposed project. By the start of its November 20th meeting, the Task Force will have already met five times and focused on a range of project-related topics (site plan; entitlement processes, CEQA, Measure C, initiative process; environment; economics; open space). The Task Force invited the Lab to attend a session to respond to questions that are within their purview and which cannot be answered by either the City or The Stronach Group, and there has not been a response.

By the November 20 meeting, the members will be in a position to reflect on their understanding, analysis and evaluation of what they have learned to date that can help inform the City Council in its work session. They will also, likely, be able to articulate information they believe is missing or necessary to gather should the project move forward. It is the City's understanding that LBNL will announce its selected site(s) by the end of November.

After Council's review of the information presented from the Task Force for December 4th, the Council could then identify any further information or other work products it desires from the group.

SUSTAINABILITY IMPACT

N/A

FINANCIAL IMPACT

The Stronach Group has agreed to reimburse the City for costs associated with FTA's work to facilitate the Task Force, at least up until the Lab makes its announcement about a selection at around the end of November.

Attachments

Task Force meeting notes to date

**Task Force Questions and Information Requests
Related to Environmental Issues
November 3, 2011**

Information requested:

- Anticipated hazards / toxics resulting from LBNL uses and uses by private labs and proposed mitigations
- Seismic studies used to determine construction at GGF site
- Wind studies used to determine construction at GGF site
- Geotechnical studies used to determine construction at GGF site
- Sea level rise projections used to determine construction at GGF site
- Anticipated toxic materials to be at site: potential impacts, and plans for disposal
- Traffic/ air quality studies (also included in separate category related to Traffic) with all background data
- Copies of biological survey(s) developed by TSG consultants, related to wetlands, wild life, etc.

Questions:

- What is LBNL's record re: environmental impacts/pollution in Berkeley?
- Are there plans for LEED certification of buildings at the site (also discussed in related to Site Plan)?
- What mitigation efforts will be made to address light pollution?