



# Fort Ord Reuse Authority

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933  
Phone: (831) 883-3672 • Fax: (831) 883-3675 • [www.fora.org](http://www.fora.org)

## ADMINISTRATIVE COMMITTEE MEETING

8:15 A.M. WEDNESDAY, MARCH 6, 2013

920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

### AGENDA

1. **CALL TO ORDER AT 8:15 AM**
2. **PLEDGE OF ALLEGIANCE**
3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**
  - a. May 2-3, 2013 Fort Ord Prevailing Wage Training Conference
4. **PUBLIC COMMENT PERIOD:**

Members of the audience wishing to address the Fort Ord Reuse Authority (FORA) Administrative Committee on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period. Public comments are limited to three minutes. Public comments on specific agenda items will be heard under that item.
5. **APPROVAL OF MEETING MINUTES**
  - a. February 20, 2013 Administrative Committee Minutes ACTION
6. **AGENDA REVIEW**
  - a. March 15, 2013 Regular Board Meeting ACTION
  - b. March 22, 2013 Special Board Meeting/Workshop ACTION
7. **OLD BUSINESS**
  - a. CIP Review – Phase II Study: FORA Fees Formula Calculation INFORMATION/ACTION
  - b. Master Resolution Correction INFORMATION/ACTION
8. **NEW BUSINESS**
  - a. Consistency Determination: Seaside Local Coastal Program ACTION
9. **ITEMS FROM MEMBERS**
10. **ADJOURNMENT**

**NEXT SCHEDULED MEETING: MARCH 20, 2013**

*Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Deputy Clerk at: 831-883-3672 \* 920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933 by 5:00 p.m. one business day prior to the meeting. Agendas can also be found on the FORA website: [www.fora.org](http://www.fora.org).*



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## ADMINISTRATIVE COMMITTEE MEETING

8:15 A.M. WEDNESDAY, FEBRUARY 20, 2013

920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

### MINUTES

#### 1. CALL TO ORDER

Chair Dawson called the meeting to order at 8:18 a.m. The following were present, as indicated by signatures on the roll sheet:

Daniel Dawson, City of Del Rey Oaks\*  
Carl Holm, County of Monterey\*  
John Dunn, City of Seaside\*  
Doug Yount, City of Marina\*  
Anya Spear, CSUMB  
Vicki Nakamura, MPC  
Graham Bice, UC MBEST  
Kathleen Lee, Sup. Potter's Office  
Patrick Breen, MCWD  
Brian Lee, MCWD

Mike Zeller, TAMC  
Sid Williams, UVC  
Scott Hilk, MCP  
Chuck Lande, Marina Heights  
Bob Schaffer  
Andy Sterbenz, Schaaf & Wheeler  
Brian Boudreau, Monterey Downs  
Beth Palmer, Monterey Downs  
Jane Haines

FORA Staff:  
Michael Houlemard  
Steve Endsley  
Jim Arnold  
Jonathan Garcia  
Crissy Maras  
Lena Spilman

\* Voting Members

#### 2. PLEDGE OF ALLEGIANCE

Jonathan Garcia led the Pledge of Allegiance.

#### 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

The Committee discussed a February 8, 2013 letter distributed by the Monterey County District Attorney regarding Brown Act violations. The Committee answered questions from members of the public and reviewed Brown Act requirements.

#### 4. PUBLIC COMMENT PERIOD

The Committee received comments from members of the public.

#### 5. APPROVAL OF FEBRUARY 6, 2013 MEETING MINUTES

**MOTION:** Doug Yount moved, seconded by Carl Holm, to approve the February 6, 2013 Administrative Committee meeting minutes with the addition of Tim O'Halloran to the list of those present.

**MOTION PASSED:** Unanimous

#### 6. FEBRUARY 15, 2013 BOARD MEETING – FOLLOW UP

Executive Officer Michael Houlemard reviewed Board actions taken at the February 15, 2013 Board meeting and discussed necessary follow-up items. He announced a special Board meeting had been scheduled for February 22, 2013. Staff had previously distributed the Board packet for the special meeting, but anticipated release of a revised agenda in response to several requests to postpone the election of Executive Committee Member-at-Large to the March Board meeting.

#### 7. NEW BUSINESS

##### a. CIP Review – Phase II Study

##### i. Implementing Formulaic Approach - Update

David Zehnder and Ellen Martin, Economic and Planning Systems, joined the meeting via teleconference and presented the draft Phase II CIP Review FORA Fee formula calculation.

**b. Draft Habitat Conservation Plan Update**

**i. Schedule/Outstanding Policy Items**

**ii. California Department of Fish and Wildlife Conservation Easement Language**

Senior Planner Jonathan Garcia discussed the Department of Fish and Wildlife template conservation easement deed and reviewed the draft Habitat Conservation Plan schedule.

**8. NEW BUSINESS**

None

**9. ITEMS FROM MEMBERS**

None

**10. ADJOURNMENT**

Chair Dawson adjourned the meeting at 9:36 a.m.

*Minutes Prepared by:*

*Lena Spilman, Deputy Clerk*

*Approved by:*

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*Michael A. Houlemard, Jr., Executive Officer*

**- BEGIN -**

**DRAFT 3/15/13**

**BOARD PACKET**



# Fort Ord Reuse Authority

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Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

## BOARD OF DIRECTORS REGULAR MEETING Friday, March 15, 2013 at 3:30 p.m. 910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenter's Union Hall)

### AGENDA

#### 1. CALL TO ORDER AND ROLL CALL

#### 2. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Four Cases
  - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Numbers: M114961, M116438, M119217
  - ii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566
- b. Conference with Legal Counsel – Anticipated Litigation, Gov Code 54956.9(b) – Two Cases
- c. Public Employee Performance Evaluation – Authority Counsel, Gov Code 54957

#### 3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

*(Open session will begin at the later of: a) 4:00 p.m. or b) immediately following closed session)*

#### 4. PLEDGE OF ALLEGIANCE

#### 5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. May 2-3, 2013 Fort Ord Prevailing Wage Training Conference ACTION

#### 6. CONSENT AGENDA

- a. Approval of the February 15, 2012 Board Meeting Minutes ACTION
- b. Approval of the February 22, 2012 Board Meeting Minutes ACTION

#### 7. OLD BUSINESS

- a. Conduct Executive Committee Member-at-Large Election ACTION
- b. CIP Review – Phase II Study ACTION
  - i. FORA Fees Formula Calculation
  - ii. Adopt Resolution to Implement Fee Adjustment
- c. Authorize the Executive Officer to Execute ICF International Contract Amendment #5 ACTION
- d. Consider FORA Expense Policies
- e. Base Reuse Plan Reassessment Report “Category I” Text and Figure Corrections ACTION

#### 8. NEW BUSINESS

- a. Consistency Determination: Seaside Local Coastal Program ACTION
- b. Master Resolution Corrections ACTION

**9. PUBLIC COMMENT PERIOD**

*Members of the audience wishing to address the Fort Ord Reuse Authority (“FORA”) Board on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period. Public comments are limited to a maximum of three minutes.*

**10. EXECUTIVE OFFICER’S REPORT**

- a. Outstanding Receivables
- b. Administrative Committee
- c. Water and Wastewater Oversight Committee
- d. Habitat Conservation Plan Update
- e. Travel Report
- f. Public Correspondence to the Board

INFORMATION  
INFORMATION  
INFORMATION  
INFORMATION  
INFORMATION  
INFORMATION

**11. ITEMS FROM MEMBERS**

**12. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED BOARD MEETING: APRIL 12, 2013**

*Persons seeking disability related accommodations should contact FORA 24 hours prior to the meeting. This meeting is recorded by Access Monterey Peninsula (AMP) to be televised Sundays at 9:00 a.m./Sundays at 1:00 p.m. on Marina/Peninsula Chanel 25. The video and full Agenda packet are available online at [www.fora.org](http://www.fora.org).*

# FORT ORD REUSE AUTHORITY BOARD REPORT

## OLD BUSINESS

**Subject:** Conduct Executive Committee Member-at-Large Election

**Meeting Date:** March 15, 2013

**Agenda Number:** 7a

**ACTION**

### RECOMMENDATION:

Elect one voting member of the FORA Board to serve as the Member-at-Large on the FORA Executive Committee for a term of one year.

### BACKGROUND/DISCUSSION:

On February 15, 2013 the Board conducted elections for the 2013 FORA Board officers. The Board received a report from 2013 Nominating Committee Chair, Mayor Bill Kampe, and elected the following Board members to serve as Board officers for the term of one year:

Chair: Del Rey Oaks Mayor Jerry Edelen  
1<sup>st</sup> Vice Chair: Marina Mayor Pro-Tem Frank O'Connell  
2<sup>nd</sup> Vice Chair: Seaside Mayor Ralph Rubio  
Past Board Chair: Monterey County Supervisor Dave Potter

Per the FORA Master Resolution, the above listed Board officers are joined on the FORA Executive Committee by one Member-at-Large. At the February 15, 2013 Board meeting, both Monterey County Supervisor Jane Parker and Sand City Mayor David Pendergrass were nominated for Member-at-Large. The subsequent election resulted in a tie (6-6) vote, and the item was continued to the next Board meeting.

### FISCAL IMPACT:

Reviewed by FORA Controller \_\_\_\_\_

None

### COORDINATION

Nominating Committee and Executive Committee

Prepared by \_\_\_\_\_  
Lena Spilman

Approved by \_\_\_\_\_  
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## OLD BUSINESS

**Subject:** Capital Improvement Program Review – Phase II Study

**Meeting Date:** March 15, 2013

**Agenda Number:** 7b

**ACTION**

### RECOMMENDATION(S):

- i. Receive a report on the Fort Ord Reuse Authority (FORA) Fee Formula Calculation by EPS (**Attachment A**).
- ii. Adopt resolution 13-XX to implement the FORA Community Facilities District (CFD) Special Tax and Base-wide Development Fee adjustment (**Attachment B**).

### BACKGROUND/DISCUSSION:

On May 13, 2011, the FORA Board adopted resolution 11-02, implementing a FORA CFD and Base-wide Development Fee adjustment based on Economic and Planning Systems' (EPS) Capital Improvement Program (CIP) Review – Phase I Study. The result was a 27% across the board fee reduction, and authorization for EPS's work on a Phase II Study. On August 29, 2012, the FORA Board adopted a resolution and approved an amendment to FORA's Implementation Agreements with jurisdictions that provide for a formula to the setting/adjustment of FORA fees.

FORA and Marina signed the August 29, 2012 approved Implementation Agreement amendment in September 2012. The amendment stipulates that FORA will conduct a fee calculation within 90 days of signing the amendment. The attached fee calculation report from EPS results in a recommended fee reduction from \$34,610 to \_\_\_\_\_ per new residential unit. Adoption of the attached resolution would accomplish the recommended fee reduction.

During recent Administrative Committee meetings, there have been a number of concerns that EPS should use FORA's annual CIP development forecasts (provided to FORA by its land use jurisdictions) as the basis for the formula absorption assumptions. EPS has offered to include any known project delivery information from Fort Ord development projects, but recommends continued application of the market study absorption assumption generated during the Base Reuse Plan Reassessment process in 2012 as a more realistic absorption model. EPS will also analyze a range of options including alternative absorption schedules and policy-based fee adjustments.

### FISCAL IMPACT:

Reviewed by FORA Controller \_\_\_\_\_

Staff time for this item is included in the approved annual budget.

### COORDINATION:

Administrative Committee, Executive Committee, and Authority Counsel.

Prepared by \_\_\_\_\_ Reviewed by \_\_\_\_\_  
Jonathan Garcia Steve Endsley

Approved by \_\_\_\_\_  
Michael A. Houlemard, Jr.



# **Placeholder for Attachment A to Item 7b**

CIP Review – Phase II Study

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This item will be distributed under separate cover and uploaded to the FORA website as soon as it is available.

# **Placeholder for Attachment B to Item 7b**

CIP Review – Phase II Study

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This item will be distributed under separate cover and uploaded to the FORA website as soon as it is available.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## OLD BUSINESS

<b>Subject:</b>	Authorize the Executive Officer to Execute ICF International Contract Amendment #5	
<b>Meeting Date:</b>	March 15, 2013	<b>ACTION</b>
<b>Agenda Number:</b>	7c	

### RECOMMENDATION(S):

Authorize the Executive Officer to Execute ICF International ("ICF") Contract Amendment #5, not to exceed \$40,000 in additional budget authority (**Attachment A**).

### BACKGROUND/DISCUSSION:

On May 13, 2011, the Fort Ord Reuse Authority ("FORA") Board approved contract amendment #4 with ICF (formerly known as Jones & Stokes), to assist FORA through preparation of a public review draft Fort Ord Habitat Conservation Plan ("HCP"). ICF is currently addressing wildlife agencies' comments on the administrative draft HCP and has prepared contract amendment #5 to: 1) conduct additional meetings to resolve specific technical comments from the wildlife agencies and 2) include Bank Swallows (a threatened species under the California Endangered Species Act) as a covered HCP species, now requested by CDFW and State Parks.

Contract amendment #5 combines \$40,000 that is available in the approved FY 12-13 HCP budget with \$25,900 in reallocated funding from ICF's existing contract, specifically Task 11: Prepare Public Review Draft (a task that is not anticipated until FY 13-14). ICF anticipates that these technical comments and inclusion of Bank Swallows in the HCP can be resolved by July 2013. Staff expects to present a future ICF contract amendment for Board consideration at the beginning of the FY 13-14 for production of the screen-check HCP and completion of the Public Review Draft HCP.

### FISCAL IMPACT:

Reviewed by FORA Controller \_\_\_\_\_

ICF contract amendment #5 will increase the contract's budget authority by \$40,000, which is included in FORA's approved FY 12-13 budget. Staff time for this item is included in the approved annual budget.

### COORDINATION:

ICF, Administrative Committee, Executive Committee, and Authority Counsel.

Prepared by \_\_\_\_\_ Reviewed by \_\_\_\_\_  
Jonathan Garcia Steve Endsley

Approved by \_\_\_\_\_  
Michael A. Houlemard, Jr.

# **Placeholder for Attachment A to Item 7c**

Authorize the Executive Officer to Execute ICF International  
Contract Amendment #5

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This item will be distributed under  
separate cover and uploaded to the  
FORA website Monday, March 4, 2013.

# **Placeholder for Item 7d**

**Consider FORA Expense Policies**

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Staff report will be included in the final Board packet, draft policies are included now.

## Travel Policy

### PURPOSE

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This sets forth conditions and procedures governing Fort Ord Reuse Authority (FORA) Board member or employee official duty travel related expense authorization and reimbursement.

### GENERAL POLICY

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Persons traveling on FORA official business will maintain a standard of economy that generates the highest function and effectiveness at the lowest cost to FORA. Travel expenses must be "reasonable and necessary" to complete the business; the most economical accommodations and mode of transportation shall be secured in keeping with availability, convenience, and safety. When possible, reservations should be made in advance to take advantage of discounts or special offers.

### TRAVEL AUTHORIZATION AND TRAVEL ARRANGEMENTS/PAYMENTS

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Each travel event must be authorized on a Travel Request (TR) form to provide pertinent information including dates, destination, estimated costs, and business purpose of the intended trip. In addition, a copy of official conference or meeting materials documenting scheduled event dates must be included with the TR form.

1. Executive Officer approves travel for FORA employees.
2. Executive Committee approves travel for FORA Board members and Executive Officer.
3. If an expense is to be reimbursed to the Executive Officer, then a designated member of the Executive Committee should be one of the check signers.

When feasible, a FORA credit card will be used to pay for travel items such as registration, airfare and hotel accommodations unless the lowest available purchase price necessitates payment by other means.

### TRAVEL REIMBURSEMENT GUIDELINES

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Actual expenses supported by original receipt will be capped at the current IRS per-diem rate.

#### **A. Lodging**

The cost of overnight lodging will be reimbursed to the traveler if the authorized travel is 50 miles or more from the FORA office or traveler's home. Government rates will be requested and used if available. Special circumstances requiring lodging expenses exceeding the allowable reimbursement limits (i.e. a conference held at a hotel charging in excess of the per-diem price, no IRS rate lodging available, etc.) are to be reviewed/approved on an individual basis by the Executive Officer or Controller for staff travel and by the Executive Committee for the Executive Officer's and Board members' Travel.

#### **B. Meals (including gratuities)**

Actual expenses up to allowable reimbursement limits may be claimed for complete 24-hour period for overnight travel that is 50 miles or more from the FORA office or traveler's residence. Actual expense up to the allowable reimbursement limits may be claimed for a trip lasting less than 24 hours but more than three hours if returning after 9 a.m. (breakfast), 2p.m. (lunch), 8p.m. (dinner)

### **C. Transportation Expenses**

The traveler must choose the most economical transportation method.

Mileage: Business related personal vehicle use will be reimbursed at the IRS current per mile rate. FORA employees receiving monthly mileage allowance are not entitled to mileage reimbursement.

Air Fare: Air travel cost reimbursement will be at common carrier coach airfare.

Rental Vehicle: Vehicles may be rented if the rental cost is less than other reasonable transportation.

Registration: Conference and seminar registration fees may be claimed at actual cost.

Other Transportation Expenses: The following transportation expenses may be claimed at actual cost when accompanied by an original receipt if exceeding \$10.00: taxi, shuttle, public transit fares, parking, bridge tolls, and other transportation expenses determined reasonable by the Controller.

### **D. Ineligible Travel Expenses**

- Alcoholic beverages.
- Personal expenses such as personal phone calls, hotel movies or porter services, laundry, barbering, valet services, etc.
- Charges for lodging provided by a friend or relative.
- FORA travelers are not eligible to claim meals or other expenses for family members and other persons who are not otherwise eligible to file a claim themselves for FORA reimbursement.
- Traffic or parking fines.

### **BOARD MEMBER REIMBURSEMENT**

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FORA will pay for Board member travel expense in the following manner:

FORA Related Travel: (Travelers representing FORA business)

100% for travel costs consistent with FORA adopted travel reimbursement policy.

FORA/Jurisdiction Related Travel: (Travelers representing FORA and FORA member's business) 100% for registration costs.

*Reimbursements for special events and/or circumstances (ex. Board members asked to speak on behalf of FORA etc.) will be considered on an individual basis by the Executive Committee.*

### **PROCESSING TRAVEL REIMBURSEMENT**

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The traveler must complete the Expense reimbursement (ER) form. Each traveler is required to submit their own ER Form, claiming charges for another employee is not allowed.

Whenever possible, claims should be submitted within 14 days of travel to the Accounting office for processing. All travel ER forms must be accompanied by an authorized TR form.

### **BOARD REPORTING**

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All non-local travel (outside the Monterey Peninsula (50 miles of the FORA Office)) will be reported to the FORA Board under the Executive Officer's Reports.

## Business Expense and Reimbursement Policy

The Fort Ord Reuse Authority (FORA) is authorized to pay actual and necessary expenses of FORA employees and FORA Board members provided those expenses are incurred in the performance of their official duties. The purpose of this policy is to define the types of occurrences that qualify for payment or reimbursement.

1. Expenses must be actual, necessary, and reasonable and incurred while performing services on behalf of FORA as an employee or Board member.
2. **Out of town lodging and meal** reimbursement are governed by the current IRS per-diem rates unless specifically approved by the Executive Committee on case-by-case basis. This is included and is matter of FORA Travel Policy.
3. **Local lodging and meal** reimbursement is not allowed, unless specifically approved by the Executive Committee. The local commuting area is defined as a 50 mile radius of the FORA office or the employee's residence.
4. **Local mileage** reimbursement is allowed for use of a personal car when used for FORA business at the currently approved IRS rate per mile.
5. **Business meals/meetings (local or out-of-town).** FORA funds may not be expended to purchase meals for third parties, such as consultants, constituents, legislators and private business owners. The Executive Officer (for staff)/Executive Committee (for Executive Officer and Board members) is authorized to approve exceptions to this general rule on a case-by-case basis for meals associated with an official FORA-sponsored event or official FORA business.
6. **Light refreshments** may be occasionally served at the FORA sponsored meetings and other official functions. "Light refreshment" means snacks and beverages consumed outside a regular meal and may include pastries, cookies, fruit, vegetables, coffee and water.
7. **Annual subscriptions and individual professional dues/memberships** must be directly related to FORA business and should only be paid if approved by the Executive Committee.
8. One **Award /Recognition event** where FORA employees are recognized for their contributions to the organization is permitted. The amount spent on the function is limited to \$500.00 unless otherwise determined by the Executive Committee.
9. **Cost sharing arrangements** with other jurisdictions/organizations must be by written agreement.

### AUTHORIZATION AND REIMBURSMENT PROCESSING

Anticipated expenses must be preapproved using the Purchase Authorization (PA) form, substantiated by business purpose. If an employee incurs an unplanned business expense without the prior authorization, the employee should provide reasoning for seeking after-the-fact approval on the PA form when requesting approval.



- PA requests at the staff level are approved by Executive Officer, Assistant Executive Officer, or Controller;
- PA requests for the Executive Officer, Authority Counsel, and Board members are approved by the Executive Committee;
- Expenditures exceeding \$25,000 and/or expenditures not included in the approved budget must be approved by the FORA Board; and
- An individual may not approve his or her own purchase requisition and/or expense reimbursement request.

Employees seeking reimbursement must complete the Expense Reimbursement (ER) form. Such forms are to be submitted to the Accounting Office within 14 days of incurring an expense for processing. Itemized receipts must be provided.

Employees may claim local travel (mileage) limited to \$25 per request on their bi-weekly time sheets/project sheets; such reimbursement will be paid via payroll check. Minor purchases limited to \$25 may be paid by petty cash. All other reimbursements will be paid by FORA check.

Reimbursed business expenses are not wages and are not subject to payroll tax and income tax withholdings.

**Persons Covered by This Policy/Approving Authority**

This policy applies to FORA employees, FORA Authority Counsel, and FORA Board members, including members of FORA committees.

## Cell Phone Policy

Certain Fort Ord Reuse Authority (FORA) job performance may require or be enhanced by cellular phone or a Smart phone ("cell phone") support. Effective April 1, 2013, FORA will issue stipends designed to offset the cost to the employee for using his/her personal cell phone for FORA business according to this policy and will phase out the past provision of FORA owned cell phones.

### Monthly Service Stipend

Based on job responsibilities, eligible employees may qualify for a stipend of up to \$50.00 to cover the business use of personal cell phones. Pursuant to the IRS Notice 2011-72 and memorandum to its field examination agents of September 14, 2011 a stipend is considered non-taxable if all three of the following requirements are met:

1. FORA must require the employee to use the employee's cell phone in connection with FORA's business;
2. The employee must maintain the type of a cell phone and service reasonably related to the needs of FORA's business; and
3. The reimbursement must be reasonably calculated and not exceed expenses the employee actually incurs in maintaining the cell phone.

The stipend will be paid as a flat rate added to the employee's regular semi-monthly payroll check. The stipend does not increase the employee's base salary and will not be included in the calculation of any FORA benefits.

The amount of the stipend (not to exceed \$50.00) will be a) determined based on the business use required for the employee to perform his or her job responsibilities. A tiered model based on the current market rates\* (\*Attachment A):

Cellular Service	Usage/Need		
	<i>Light</i>	<i>Regular</i>	<i>Extensive</i>
Voice	10	20	25
Data	13	16	20
Text	2	4	5

### Eligibility

An employee is eligible for a stipend if at least one of the following criteria is met:

- The job requires considerable time outside the office during working hours and it is significantly beneficial to FORA operations that the employee be immediately accessible to receive and/or make frequent business calls during those times;
- The job function of the employee requires him/her to be accessible outside of scheduled normal working hours; or

- The job function of the employee requires him/her to have wireless data and internet access outside of scheduled normal working hours or when away from the office.

Employees who are not eligible for a cell phone stipend may be reimbursed for business calls on their personal cell phones with supervisor's approval.

### Oversight and Approvals

The Executive Officer confirms employees who may require cell phone/data access and for annually assessing each employee's ongoing demand for a cell phone stipend.

The FORA Executive Committee will review/approve the Executive Officer's use/ stipend.

### Employees Rights and Responsibilities

- The employee is responsible for establishing a service contract with the cell phone service provider of his/her choice. The cell phone contract is in the name of the employee, who is solely responsible for all payments to the service provider and securing the phone/equipment.
- The employee may use the cell phone for both business and personal purposes, as needed.
- Support from the FORA's Information Technology (IT) Department is limited to connecting a personally-owned PDA/Smartphone to FORA IT-provided services, including email, calendar, and contacts.
- The employee must demonstrate to the Executive Officer and/or FORA Controller, upon request, that their monthly service charges (including taxes and fees), are equal to or greater than the stipend amount. If the monthly bills, on average, fall short of the stipend amount, the Executive Officer must adjust the stipend to a lower level, or may opt to discontinue the stipend provision for that employee.
- FORA does not accept liability for claims, charges or disputes between the service provider and the employee. Use of the phone in a manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the stipend.
- Any cell phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cell phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the wireless device service provider, and to FORA IT as soon as possible.
- Employees must delete FORA data from the cell phone upon employment severance, except when required to maintain that data to comply with litigation hold notice(s).

### Current Contracts Transition

In order to avoid cancellation fees and to allow for an orderly transition, employees currently using a FORA-owned cell phone can make alternative arrangements to comply with the new policy.

FORA employees who currently use FORA issued cell phones and who qualify for the stipend may keep their existing cellular number and transfer it to a personal account with AT&T or a

different carrier. The IT coordinator will initiate the process for “transfer of billing responsibility” and release of the cell phone number to the employee through AT&T’s business services. The employee will continue and finalize the transition. Since FORA will no longer issue phone devices to employees, the employee may choose to keep the existing FORA owned cell phone and FORA no longer holds liability for the condition of the equipment or return it as spare cellular equipment.

Cancellation

A stipend agreement will be cancelled when/if:

- An employee terminates FORA employment.
- A management decision results in a change in the employee's duties that eliminates the need/benefit of the support.
- The employee terminates his/her cell phone service.
  - Employee must notify his/her supervisor within 5 business days to terminate the stipend if services are discontinued.

DRAFT

## FORT ORD REUSE AUTHORITY BOARD REPORT

### OLD BUSINESS

<b>Subject:</b>	Base Reuse Plan – 2012 Reassessment Report “Category I” Text and Figure Corrections	
<b>Meeting Date:</b>	March 15, 2013	<b>ACTION</b>
<b>Agenda Number:</b>	7e	

### RECOMMENDATION

Approve Reassessment Report Category I corrections, to be included in a future republication of the Base Reuse Plan (compilation and publication of previous Board actions and approvals, 2001 to present).

### BACKGROUND

On December 14, 2012, the FORA Board unanimously received the final Base Reuse Plan (BRP) Reassessment Report prepared by EMC Planning Group. The Reassessment Report identified a policy options list and potential BRP errata/correction consideration for the Board's review. The report grouped its main findings into five categories:

- I. Modifications and Corrections (i.e., typos, outdated references in the BRP, minor clarifications—see **Attachment A** for the full text of the corrections);
- II. Prior Board Actions and Regional Plan Consistency;
- III. Implementation of Policies and Programs;
- IV. Policy and Program Modifications; and
- V. FORA Procedures and Operations.

The five categories are briefly described on page 1-4 of the final report, and are explored in depth in Chapter 3. The final report as received by the Board, listing identified corrections and revisions, is available on FORA's web site: [www.fora.org/resources.htm](http://www.fora.org/resources.htm). A summary of the policy topics identified in the final Reassessment Report was appended to the Jan./Feb. 2013 Board reports, and is attached to this report for ease of reference (**Attachment B**).

At the February 15, 2013 post-reassessment policy workshop (the first of three planned workshops), Board discussion included a request that staff provide excerpts relating to the BRP's fundamental vision. The relevant BRP pages are attached (**Attachment C**) and may also be viewed in the full context of BRP Volume I on line at [www.basereuse.org/reuseplan/ReusePln/Volume1.pdf](http://www.basereuse.org/reuseplan/ReusePln/Volume1.pdf)

### DISCUSSION

At the February 15 workshop, the Board unanimously voted to endorse staff's recommendation to return the previously identified Category I corrections as a March 2013 agenda item for further review. The full text of the corrections, including brief clarifying explanations where warranted, appeared in strikethrough/underline form on pp. 3-2 through 3-19 of the final Reassessment Report, reproduced as Attachment A to this Board report.

In staff's opinion, these edits are of a “housekeeping,” non-substantive nature. Representative examples include corrections of spelling and punctuation errors, out-of-date place names, and references to the incorrect jurisdiction for a given site in the BRP. However, staff is respectfully cognizant that some may not concur. Therefore, these errata will be discussed contextually at the March 15 meeting. Substantive potential BRP edits related to Reassessment Report categories II, III, and IV<sup>1</sup> are scheduled to be discussed at the March 22 and April 19 Board workshops.

<sup>1</sup> Category V pertains to FORA procedures and operations beyond the scope of the BRP.

The 1997 BRP was most recently published in 2001. If the Board directs, the identified Category I corrections will be included in a future BRP publication, along with other potential adjustments related to Category II topics/options (publication scope, schedule, and budget to be determined, pending outcome of the March/April Board policy workshops).

The purpose of compiling Board actions and publishing the BRP from time to time is to keep the BRP up to date with approved consistency determinations, other Board actions/approvals, incremental regional plan changes, and factual corrections. Although some number of hard copies will be desirable for Board members and others, it is anticipated that the work product will be published and distributed primarily as an electronic, on-line document.

### **FISCAL IMPACT**

Reviewed by FORA Controller \_\_\_\_\_

The BRP reassessment has been funded through FORA's FY 11-12 and FY 12-13 budgets to accomplish the final BRP Reassessment Report prepared by EMC Planning Group; there is a balance of about fifty thousand dollars remaining in the current year's budget in this category. Future costs associated with BRP republication and/or other potential post-reassessment action items under consideration have not yet been determined.

### **COORDINATION**

Administrative Committee, Executive Committee, FORA counsel.

Prepared by \_\_\_\_\_ Reviewed by \_\_\_\_\_  
Darren McBain Steve Endsley

Approved by \_\_\_\_\_  
Michael A. Houlemard, Jr.

**Category I Policy Topics/Options**

	<b>BRP Corrections and Updates</b> (typographical errors, minor clarifications, etc.)	FINAL Reassess. Report page ref.
<b>I</b>	I-1 Text corrections	3-3
	I-2 Figure corrections	3-13

**Expanded description:** A number of typographical errors, minor clarifications, minor omissions, etc., have been identified in both the BRP text and graphics. The BRP also contains a number of factual references that have become outdated due to the passage of time. The Category I corrections identified have no material effect on the purpose, intent, or guidance provided in the BRP, but are meant solely as BRP “clean-up” items.

**Proposed follow-up:** Bring back as an agenda item in **March 2013** to allow for possible questions, comments, or additional edits. Adopt/approve the Category I BRP corrections at that time.

**Considerations:**

1. These text/figure corrections would not become integrated into the main text of the BRP until a future BRP republication (to be determined). Until that time, they could be added as an errata sheet to the BRP web page and existing printed copies. The BRP was last published in 2001, using reproductions of figures and maps created mostly in the mid-1990s. No “openable”/operable digital files are known to exist for the figures. As part of a future BRP republication, it may be feasible (depending on available resources and budget) to re-create or replace some of the existing figures using current GIS software/data to incorporate the identified corrections. Alternatively, the corrections could be footnoted onto copies of the existing figures, or simply noted in an errata sheet.
2. Figure 3.5-1, Proposed 2015 Transportation Network (BRP page 114, Reassessment Report page 3-14) should be replaced by a new exhibit with a longer time horizon, possibly from the TAMC 2005 Fee Reallocation Study, at the time of a future BRP republication.

***See attached full text of the Category I corrections***

**Example: Category I – Corrections and Updates ⇔ Category IV – Specific Applicability of Programs/ Policies to Del Rey Oaks and Monterey**

If the FORA Board were to decide to expand the policy and program presentation within the BRP to specifically include the cities of Del Rey Oaks and Monterey, this could be efficiently performed in conjunction with implementation of the modifications and corrections suggested in Category I.

**Example: Category IV – Refinement of Integrated Mixed Use Concepts ⇔ Category IV – Prioritization of Multimodal (Bicycle, Pedestrian, Transit) Transportation**

If the FORA Board were to determine to address these topic areas, a synergy of policy effect could be achieved by addressing them together. The typically higher development intensity of a mixed use area is often well-served by a well-designed multimodal transportation network; each enhances the value and success of the other.

**Example: Category IV – Capitalization on Existing Infrastructure – Consider Costs/Benefits/Efficiencies of Capital Improvement Program ⇔ Category V Assess Infrastructure Maintenance Cost Issues**

Consideration of these two topics together could result in a comprehensive approach to infrastructure that would address both capital and maintenance costs, and could potentially yield savings both in implementation of the items and in future infrastructure development and maintenance costs.

## 3.2 CATEGORY I – BRP CORRECTIONS AND UPDATES

### *Introduction*

A number of typographical errors, minor clarifications, minor omissions, etc., have been identified in both the BRP text and graphics. Further, the BRP now contains a number of factual references that have become outdated due to the passage of time. This section of the Reassessment Report addresses the topic of corrections to BRP text and graphics for the FORA Board’s consideration.

**Background.** Over time and as part of the Scoping Report process, a number of corrections to the BRP have been identified. The corrections do not address background information contained in the BRP. Rather, corrections have been identified for the more substantive components of the BRP, particularly policies and programs and figures that are commonly used as guidance in FORA Board decision making and in public review of FORA Board actions. Table 5, Index of BRP Corrections, lists the identified corrections. The text following Table 5 shows the exact corrections to be considered.

**Description and Key Issues.** The corrections identified in Table 5 have no material effect on the purpose, intent, or guidance provided in the BRP, but are meant solely as BRP “clean-up” items. Because the corrections do not materially affect the content of the BRP or the direction it provides, the FORA Board could determine that significant deliberation of these modifications may not be necessary. Consequently, it is possible that the FORA Board could elect to direct FORA staff to implement these corrections as an initial step in modifying the BRP.



**Table 5 Index of BRP Corrections and Updates**

Corrections
Institutional Land Use Program B-1.1 (Seaside) typographical error
Streets and Roads Program D-1.3 typographical error
Land Use and Transportation Program A-2.1 typographical error
Recreation Policy A-1 (Marina and Seaside) typographical error
Recreation Policy A-2 (Marina) typographical error
Recreation Policy G-1 (all) typographical error
Soils and Geology Program A-2.3 (Seaside/County) format
Soils and Geology Policy A-4 (all) out-of-date reference
Soils and Geology Program A-6.1 (all) clarification
Soils and Geology Program C-2.1 (all) clarification
Hydrology and Water Quality Policy B-1 (all) format
Hydrology and Water Quality Program B-1.2 to 1.7 (Seaside/County) format
Hydrology and Water Quality Program B-2.4 to 2.7 (County) incorrect reference
Hydrology and Water Quality Program B-1.5 (all) clarification
Hydrology and Water Quality Program C-1.2 (all) out of date reference
Hydrology and Water Quality Program C-1.5 (County) typographical error
Hydrology and Water Quality Program C-2.1 (all) wording/format
Hydrology and Water Quality Policy C-3 (all) typographical error
Hydrology and Water Quality Program C-6.1 (Seaside/County) format
Biological Resources Objective A (all) period missing
Biological Resources Program A-3.2 (County) clarifications
Biological Resources Program A-3.2 (County) clarifications
Biological Resources Program A-7.1 (County) typographical error
Biological Resources Program A-8.1 (County/Del Rey Oaks) out-of-date reference
Biological Resources Program A-8.2 (County/Del Rey Oaks) out-of-date reference
Biological Resources Program C-2.2 (County) typographical error
Cultural Resources Program B-2.3 (County) out of date reference

Corrections
Noise Programs B-2.1 and B-2.2 (Seaside and County) mis-numbered
Seismic and Geologic Hazards Policy A-2.3 (all) out-of-date reference
Seismic and Geologic Hazards Policy A-3 (all) typographical error
Seismic and Geologic Hazards Program A-3.1 (Marina and Seaside) typographical error
Seismic and Geologic Hazards Program B-1.1 (all) out-of-date reference
Seismic and Geologic Hazards Program C-1.1 (Seaside) format error
Fire Flood and Emergency Management Program A-2.1 (Marina) out-of-date reference
Mitigation Measure (hydrology/water quality) typographical error
Mitigation Measure (biological resources) typographical error
Figure Corrections (Various map formatting and content inconsistencies)

**Potential Options:**

- Make no corrections to the existing typographical and other non-substantive errors found in the BRP.
- Direct FORA staff to modify the BRP with all corrections listed in Table 5.
- Deliberate all or some of the corrections listed in Table 5 before providing direction to FORA staff to modify the BRP with selected corrections.

**Synopsis of Public Comments:**

None

**Text Corrections**

Most of the text corrections referenced in Table 5, Index of BRP Corrections and Updates, were identified in the Scoping Report. Others have been independently identified by FORA staff apart from the Scoping Report process. The corrections are largely associated with BRP policies, programs, or mitigation measures. The corrections are grouped by the BRP Element in which the subject text is found. In

instances where the correction may not be obvious, an explanatory note is provided in *italics*. Some corrections are repeated two or three times, typically with different page references, one occurrence for each member jurisdiction to which the subject text applies. Text deletions are noted in ~~strikethrough~~ and text insertions are underlined.

**Land Use Element**

Volume II, Page 237

Program ~~E-1.2~~ E-1.3: The City of Marina shall designate convenience/specialty retail land use on its zoning map and provide standards for development within residential neighborhoods.

Volume II, Page 241

Program C-1.2: The City of Seaside shall zone and consider development of a golf course community in the New Golf Course Community District totaling 3,365 units. The ~~district~~ District includes the existing 297-unit Sun Bay apartment complex on Coe Road and 3,068 new housing units within the remainder

of this District. The City of Seaside shall replace the remaining residential stock in the New Golf Course Community District with a range of market-responsive housing. Development of this area is contingent on the reconfiguration of the existing POM Annex so that the Army residential enclave is located totally to the east of ~~North-South Road~~ General Jim Moore Boulevard.

Program C-1.3: The City of Seaside shall assist the U.S. Army to reconfigure the POM Annex. The reconfigured POM Annex should include approximately 805 existing units on 344 acres east of General Jim Moore Boulevard and an additional 302 acres of surrounding, vacant land that is intended to be developed for housing to replace the existing POM Annex housing west of ~~North-South Road~~ General Jim Moore Boulevard.

**Volume II, Page 255**

Program E-2.3: ~~The City~~ The City of Marina shall preserve sufficient land at the former Fort Ord for right-of-ways to serve long-range commercial build-outs.

**Volume II, Page 265**

Program B-2.4: In the Planned Development/Mixed Use District in the Existing City of Marina Neighborhoods Planning Area, intended for public facilities such as the future Marina Civic Center and related facilities, the City shall install an open space barrier along the border of adjacent Polygons 5a and 5b to prevent potential degradation of this undeveloped habitat. Both polygons provide corridor linkage from the maritime chaparral around the airfield to the habitats in the interior.

**Volume II, Page 266**

Program C-1.3: The City of Marina shall designate land uses for the following park locations and acreages:

- Neighborhood Park in housing area (Polygon 4): 27 acres.
- Neighborhood Park with community recreation center (Polygon 2B): 10 acres.
- Community Park at existing equestrian center (Polygon 2G): 39.5 acres.
- ~~Community Park with equestrian trailhead (Polygon 17A): 46 acres.~~

*Note: Polygon 17A is near the Youth Camp and is not within the City of Marina.*

**Volume II, Page 271**

Program C-1.2: The County of Monterey shall designate land uses for the following park locations and acreages:

- Neighborhood Park in Eucalyptus Road Residential Planning Area (Polygon 19a): 10 acres.
- A minimum of 200 acres in permanent open space within the Eucalyptus Road residential planning area.
- Community Park with equestrian trailhead (Polygon 17A): 46 acres.

*Note: See note above regarding City of Marina Program C-1.3.*

**Volume II, Page 276**

Program A-1.1: The City of Seaside shall request to be included in the master planning efforts undertaken by the California State University and shall take an active role to ensure compatible land uses ~~use~~ use ~~into~~ transitions between university lands and non-university lands.

Program B-1.1: The City of Seaside shall review all planning and design for Fort Ord land use and infrastructure improvements in the vicinity of schools and

ensure appropriate compatibility including all safety standards for development near schools, as a condition of project approval.

**Circulation Element**

**Volume II, Page 303**

Program D-1.3: Each jurisdiction shall evaluate all new development proposals for the need to provide on-street parking as part of the overall on-street parking program.

**Volume II, Page 312**

Program ~~A-2.1~~ A-2.1: Each jurisdiction with lands at former Fort Ord shall develop transportation standards for implementation of the transportation system, including but not limited to, rights-of-way widths, roadway capacity needs, design speeds, safety requirements, etc. Pedestrian and bicycle access shall be considered for ~~an~~ incorporation into all roadway designs.

**Recreation and Open Space Element**

**Volume II, Page 321**

Recreation Policy A-1: The City of Marina shall work with the California State Park System to coordinate the development of Fort Ord ~~Beach~~ Dunes State Park.

**Volume II, Page 321**

Recreation Policy A-2: The City of Marina shall support the development of a regional Visitor Center/ Historical Museum complex adjacent to the 8th Street entrance to Fort Ord ~~Beach~~ Dunes State Park which will serve as a an orientation center to communicate information about ~~all~~ the former Fort Ord recreation opportunities.

**Volume II, Page 324**

Recreation Policy G-1: The City of Marina shall use incentives to promote the development of an integrated, attractive park and open space system during the ~~development~~ planning of individual districts and ~~neighborhood's~~ neighborhoods within the former Fort Ord.

Recreation Policy A-1: The City of Seaside shall work with the California State Park System to coordinate the development of Fort Ord ~~Beach~~ Dunes State Park.

**Volume II, Page 327**

Recreation Policy G-1: The City of Seaside shall use incentives to promote the development of an integrated, attractive park and open space system during the ~~development~~ planning of individual districts and ~~neighborhood's~~ neighborhoods within the former Fort Ord.

**Volume II, Page 330**

Recreation Policy G-1: Monterey County shall use incentives to promote the development of an integrated, attractive park and open space system during the ~~development~~ planning of individual districts and ~~neighborhood's~~ neighborhoods within the former Fort Ord.

**Conservation Element**

**Volume II, Page 337**

Soils and Geology Policy A-4: The City shall continue to enforce the ~~Uniform~~ California Building Code to minimize erosion and slope instability.

Program A-6.1: The City shall prepare and make available a slope map to identify locations in the ~~study area~~ former Fort Ord where slopes poses severe constraints for particular land uses.

**Volume II, Page 338**

Program C-2.1: The City shall require that the recipients of land recipients of properties within the former Fort Ord implement the Fort Ord Habitat Management Plan.

**Volume II, Page 339**

Soils and Geology Policy A-4: The City shall continue to enforce the Uniform California Building Code to minimize erosion and slope instability problems.

Program A-6.1: The City shall prepare and make available a slope map to identify locations in the study area former Fort Ord where slopes poses severe constraints for particular land uses.

Program A-2.3: See description of this program above.

**Volume II, Page 341**

Soils and Geology Policy A-4: The County shall continue to enforce the Uniform California Building Code to minimize erosion and slope instability problems.

Program C-2.1: The City shall require that the recipients of land recipients of properties within the former Fort Ord implement the Fort Ord Habitat Management Plan.

**Volume II, Page 342**

Program A-2.3: See description of this program above.

**Volume II, Page 343**

Program C-2.1: The County shall require that the recipients of land recipients of properties within the former Fort Ord implement the Fort Ord Habitat Management Plan.

**Volume II, Page 346**

Hydrology and Water Quality Policy B-1: The City/County shall ensure additional water supply.

**Volume II, Page 347**

Program B-1.2: The City/County shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s).

Program B-1.3: The City/County shall adopt and enforce a water conservation ordinance developed by the Marina Coast Water District.

Program B-1.4: The City/County shall continue to actively participate in and support the development of "reclaimed" water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord.

Program B-1.5: The City/County shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface rain water for in-tract irrigation and other non-portable use.

Program B-1.6: The City/County shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord.

Program B-1.7: The City/County, in order to promote FORA's DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from FORA's allocation and water from other available sources; 2) estimate of existing and projected jobs

within its Fort Ord boundaries based on development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA's monitoring of water supply, use, quality, and yield.

*Note: These programs were originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, they are being separated out to match the predominant BRP format.*

**Volume II, Page 348**

Program C-1.2: The City shall comply with the current version of the General Industrial Storm Water Permit adopted by the SWRCB ~~in November 1991~~ that requires all storm drain outfalls classified as industrial to apply for a permit for discharge.

Program C-2.1: The City/~~County~~ shall develop and make available a description of feasible and effective measures and site drainage designs that will be implemented in new development to minimize water quality impacts.

*Note: This program was originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, it is being separated out to match the predominant BRP format.*

Hydrology and Water Quality Policy C-3: The ~~MCWRA and the~~ City shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on Salinas Valley Basin Management Plan.

**Volume II, Page 350**

Program B-1.2: ~~See description of this program under Marina above. The City shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s).~~

~~Program B-1.3: See description of this program under Marina above. The City shall adopt and enforce a water conservation ordinance developed by the Marina Coast Water District.~~

~~Program B-1.4: See description of this program under Marina above. The City shall continue to actively participate in and support the development of "reclaimed" water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord.~~

~~Program B-1.5: See description of this program under Marina above. The City shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface rain water for in-tract irrigation and other non-portable use.~~

~~Program B-1.6: See description of this program under Marina above. The City shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord.~~

~~Program B-1.7: See description of this program under Marina above. The City, in order to promote FORA's DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from FORA's allocation and water from other available sources; 2) estimate of existing and projected jobs within its Fort Ord boundaries based on development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA's monitoring of water supply, use, quality, and yield.~~

*These separate programs are added for format consistency. See note above for Page 347.*

Program C-1.2: The City shall comply with the current version of the General Industrial Storm Water Permit adopted by the SWRCB in November 1991 that requires all storm drain outfalls classified as industrial to apply for a permit for discharge.

**Volume II, Page 351**

Hydrology and Water Quality Policy C-3: The ~~MCWRA and the~~ City shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on Salinas Valley Basin Management Plan.

**Volume II, Page 352**

Program C-6.1: ~~See Program C-6.1 above.~~ The City shall work closely with other Fort Ord jurisdictions and the CDPR to develop and implement a plan for stormwater disposal that will allow for the removal of the ocean outfall structures and end the direct discharge of stormwater into the marine environment. The program must be consistent with State Park goals to maintain the open space character of the dunes, restore natural landforms, and restore habitat values.

*This separate program is added for format consistency. See note above for Page 348.*

**Volume II, Page 353**

Program B-1.2: ~~See description of this program under Marina above.~~ The County shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s).

Program B-2.4: ~~See description of this program under Marina above.~~ The County shall continue to actively participate in and support the development of “reclaimed” water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord.

Program B-2.5: ~~See description of this program under Marina above.~~ The County shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface rain water for in-tract irrigation and other non-portable use.

Program B-2.6: ~~See description of this program under Marina above.~~ The County shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord.

Program B-2.7: ~~See description of this program under Marina above.~~ The County, in order to promote FORA’s DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from FORA’s allocation and water from other available sources; 2) estimate of existing and projected jobs within its Fort Ord boundaries based on development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA’s monitoring of water supply, use, quality, and yield.

*These separate programs are added for format consistency. See note above for Page 347.*

Program C-1.2: The County shall comply with the current version of the General Industrial Storm Water Permit adopted by the SWRCB in November 1991 that requires all storm drain outfalls classified as industrial to apply for a permit for discharge.

Program C-1.5: The County shall adopt and enforce ~~an~~ a hazardous substance control ordinance that requires that hazardous substance control plans be prepared and implemented for construction activities involving the handling, storing, transport, or disposal of hazardous waste materials.

**Volume II, Page 354**

~~See Program C-6.1 above.~~ Program C-6.1: The County shall work closely with other Fort Ord jurisdictions and the CDPR to develop and implement a plan for stormwater disposal that will allow for the removal of the ocean outfall structures and end the direct discharge of stormwater into the marine environment. The program must be consistent with State Park goals to maintain the open space character of the dunes, restore natural landforms, and restore habitat values.

*This separate program is added for format consistency. See note above for Page 348.*

Hydrology and Water Quality Policy C-3: ~~The MCWRA and the~~ County shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on Salinas Valley Basin Management Plan.

**Volume II, Page 356**

Objective A: Preserve and protect the sensitive species and habitats addressed in the Installation-Wide Habitat Management Plan (HMP) for Fort Ord in conformation with its resource conservation and habitat management requirements and with the guidance provided in the HMP Implementing/Management Agreement.

**Volume II, Page 378**

Program A-3.2: The County shall restrict uses in the natural lands, outside of campground facilities, to low-impact programs for youth, outdoor nature, education, resource management, and trails. The existing pond in the parcel Polygon 17b shall continue to be used for recreational fishing.

Program A-3.3: The County shall prepare, or cause to be prepared, a management plan for the parcel Polygon 17b that addresses special status species

monitoring, controlled burning and firebreak construction/maintenance, vehicle access controls, erosion controls, and regular patrols to assure public use/unauthorized actions are not impacting the habitat. The County shall coordinate with the California Department of Forestry and CDFG to determine suitable habitat management practices for retaining and enhancing habitat values within the oak woodlands.

*Note: Polygon 17b is referenced in the related policy.*

**Volume II, Page 381**

Program A-7.1: The County shall consult with CSUMB during its Master Plan ~~Process~~ process regarding potential pedestrian, bicycle and vehicle access to adjacent habitat conservation and corridor areas from the campus. Methods for controlling this access should be developed by CSUMB with assistance from the County and UCNRS.

Biological Resources Policy A-8: ~~The County~~ City of Del Rey Oaks shall maintain the quality of the habitat in the Frog Pond Natural Area.

*Note: The Frog Pond Natural Area was unincorporated County land when the BRP was adopted but has since been annexed to Del Rey Oaks.*

Program A-8.1: The direct discharge of storm water or other drainage from new impervious surfaces created by development of the office park parcel into the ephemeral drainage in the natural area expansion parcel will be prohibited. No increase in the rate of flow of storm water runoff beyond pre-development quantities shall be managed on-site through the use of basins, percolation wells, pits, infiltration galleries, or any other technical or engineering methods which are appropriate to accomplish these requirements. Indirect sub-surface discharge is acceptable. These storm water management requirements will be used for ~~development~~ development on Polygon 31b.



Program A-8.2: The ~~County~~ City of Del Rey Oaks shall require installation of appropriate firebreaks and barriers sufficient to prevent unauthorized vehicle access along the border of Polygons 31a and 31b. A fuel break maintaining the existing tree canopy (i.e. shaded fuel break) shall be located within a five acre primary buffer zone on the western edge of Polygon 31b. No building or roadway will be allowed in this buffer zone with the exception of picnic areas, trailheads, interpretive signs, drainage facilities, and park district parking. Firebreaks should be designed to protect structures in Polygon 31b from potential wildfires in Polygon 31a. Barriers should be designed to prohibit unauthorized access into Polygon 31a.

*Note: Polygons 31a and 31b were unincorporated County land when the BRP was adopted but have since been annexed to Del Rey Oaks.*

**Volume II, Page 383**

Program C-2.2: The County shall apply certain restrictions for the preservation of oak and other protected trees in accordance with Chapter 16.60 of Title 16 of the Monterey County Code (Ordinance 3420).

**Volume II, Page 398**

Program B-2.3: The County of Monterey, ~~in association with Monterey Peninsula College~~ and all other proponents of new uses of historic structures in the East Garrison area, shall cooperate with the California State Historic Preservation Officer to develop a management strategy that recognizes the historic value of the East Garrison historic district, in accordance with the 1994 agreement developed by the U.S. Army, the Advisory Council on Historic Preservation and the California SHPO. The county will be responsible for initiating any further consultation with the SHPO needed to modify these covenants or conditions.

*Note: Monterey Peninsula College no longer has land at East Garrison, where this program applies.*

**Noise Element**

**Volume II, Page 414**

Program ~~3-2.1~~ B-2.1: See description of Program A-1.1 above.

Program ~~3-2.2~~ B-2.2: See description of Program A-1.2 above.

**Volume II, Page 416**

Program ~~3-2.1~~ B-2.1: See description of Program A-1.1 above.

Program ~~3-2.2~~ B-2.2: See description of Program A-1.2 above.

**Safety Element**

**Volume II, Page 427**

Program A-2.3: The City shall continue to update and enforce the ~~Uniform~~ California Building Code to minimize seismic hazards impacts from resulting from earthquake induced effects such as ground shaking, ground rupture, liquefaction, and or ~~soils~~ soil problems.

Seismic and Geologic Hazards Policy A-3: The City shall designate areas with severe seismic hazard risk as open space or similar use if adequate measures cannot be taken to ensure the structural stability of ~~habituat~~ habitable buildings and ensure the public safety.

**Volume II, Page 428**

Program A-3.1: As appropriate, the City should amend its General Plan and zoning maps to designate areas with severe seismic hazard risk as open space if ~~not~~ no other measures are available to mitigate potential impacts.

Program B-1.1: The City shall evaluate the ability of critical and sensitive buildings to maintain structural integrity as defined by the ~~Uniform~~ California

Building Code (~~UBC~~) in the event of a 6.0 magnitude or greater earthquake. The Public Works Director shall inventory those existing facilities determined to be unable to maintain structural integrity, and make recommendations for modifications and a schedule for compliance with the UBC California Building Code. The City shall implement these recommendations in accordance with the schedule.

**Volume II, Page 429**

Program A-2.3: The City shall continue to update and enforce the ~~Uniform~~ California Building Code to minimize seismic hazards impacts ~~from~~ resulting from earthquake induced effects such as ground shaking, ground rupture, liquefaction, and or ~~soils~~ soil problems.

Seismic and Geologic Hazards Policy A-3: The City shall designate areas with severe seismic hazard risk as open space or similar use if adequate measures cannot be taken to ensure the structural stability of ~~habituat~~ habitable buildings and ensure the public safety.

Program A-3.1: As appropriate, the City should amend its General Plan and zoning maps to designate areas with severe seismic hazard risk as open space if ~~not~~ no other measures are available to mitigate potential impacts.

**Volume II, Page 430**

Program B-1.1: The City shall evaluate the ability of critical and sensitive buildings to maintain structural integrity as defined by the ~~Uniform~~ California Building Code (~~UBC~~) in the event of a 6.0 magnitude or greater earthquake. The Public Works Director shall inventory those existing facilities determined to be unable to maintain structural integrity, and make recommendations for modifications and a schedule for compliance with the UBC California Building Code. The City shall implement these recommendations in accordance with the schedule.

Seismic and Geologic Hazards Policy C-1: The City shall, in cooperation with other appropriate agencies, create a program of public education for earthquakes which includes guidelines for retrofitting of existing structures for earthquake protection, safety procedures during an earthquake, necessary survival material, community resources identification, and procedures after an earthquake. ~~Program C-1.1: The City shall prepare and/or make available at City hall libraries and other public places, information and educational materials regarding earthquake preparedness.~~

Program C-1.1: The City shall prepare and/or make available at City hall, libraries, and other public places, information and educational materials regarding earthquake preparedness.

*Note: Correction to formatting error.*

**Volume II, Page 431**

Program A-2.3: The County shall continue to update and enforce the ~~Uniform~~ California Building Code to minimize seismic hazards impacts ~~from~~ resulting from earthquake induced effects such as ground shaking, ground rupture, liquefaction, and or ~~soils~~ soil problems.

Seismic and Geologic Hazards Policy A-3: The County shall designate areas with severe seismic hazard risk as open space or similar use if adequate measures cannot be taken to ensure the structural stability of ~~habituat~~ habitable buildings and ensure the public safety.

**Volume II, Page 432**

Program B-1.1: The County shall evaluate the ability of critical and sensitive buildings to maintain structural integrity as defined by the ~~Uniform~~ California Building Code (~~UBC~~) in the event of a 6.0 magnitude or greater earthquake. The Public Works Director shall inventory those existing facilities determined to

be unable to maintain structural integrity, and make recommendations for modifications and a schedule for compliance with the ~~UBC~~ California Building Code. The County shall implement these recommendations in accordance with the schedule.

**Volume II, Page 436**

Program A-2.1: The City shall incorporate the recommendations of the City Fire Department for all residential, commercial, industrial, and public works projects to be constructed in high fire hazard areas before a building permit can be issued. Such recommendations shall be in conformity with the current applicable ~~codes~~ Uniform Building Code Fire Hazards Policies. These recommendations should include standards of road widths, road access, building materials, distances around structures, and other standards for compliance with the ~~UBC Fire Hazards Policies~~ California Building Code, California Fire Code, and Urban Wildland Intermix Code.

**Volume IV, Page 4-66**

Mitigation: Add a new program that shall require preparation of Mater Drainage Plan ~~should be developed~~ for the Fort Ord property to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan and develop plans for the control of storm water runoff from future development, including detention/retention and enhanced percolation to the ground water. This plan shall be developed by FORA with funding for the plan to be obtained from future development. All Fort Ord property owners (federal, state, and local) shall participate in the funding of this plan. Reflecting the incremental nature of the funding source (i.e. development), the assessment of existing facilities shall be completed first and by the year 2001 and submitted to FORA. This shall be followed by recommendations for improvements and an implementation plan to be completed by 2003 and submitted to FORA.

**Volume IV, Page 4-173**

Mitigation: Because of the unique character of Fort Ord flora, the County shall use native plants from on-site stock ~~shall be used in for~~ all landscaping except turf areas. This is especially important with popular cultivars such as manzanita and ceonothus that could hybridize with the rare natives. All cultivars shall be obtained from stock originating on Fort Ord.

**Figure Corrections**

The graphics corrections described below were identified in the Scoping Report or have been identified by FORA staff. Textual descriptions of each change are presented; FORA staff would complete corrections to the figures after the reassessment process is complete. The figures are presented in the order in which they appear in the BRP, with a reference to the BRP volume, page number, figure number, and figure name. These corrections apply to figures in Volume 1 and Volume 2.

**Framework for the Reuse Plan**

**Volume I, Page 72**

**3.2-1 Regional Vicinity Map**

- Salinas and Carmel Rivers need labels
- Various font problems with labels

**Volume I, Page 73**

**3.2-2 Topographic Relief Map**

- No street names (inconsistent with other maps)
- No jurisdiction labels (inconsistent with other maps)

**Volume I, Page 77**

**3.2-3 Regional Land Use Context**

- Inconsistent labeling: Monterey County vs. Monterey Co.

- Does not show land use to northeast of former Fort Ord

**Volume I, Page 83**

**3.2-4 Existing Development**

- No Legend items - make it unclear what elements in map represent

**Volume I, Page 87**

**3.2-5 Fort Ord Assets and Opportunities**

- Fort Ord Dunes State Park identified as State Beach
- Some boundaries/names have changed, but that this map presents historic context

**Volume I, Page 95**

**3.3-1 Land Use Concept: Ultimate Development**

- SF Low Density Residential color in legend does not match color on map
- University Medium Density Residential color in legend does not match color on map
- Inconsistent labeling: Monterey County vs. Monterey Co.

**Volume I, Page 97**

**3.3-2 Proposed Land Use and Regional Context**

- Legend does not include regional context land uses (i.e. land uses outside the former Fort Ord)
- SF Low Density Residential color in legend does not match color on map
- University Medium Density Residential color in legend does not match color on map
- Inconsistent labeling: Monterey County vs. Monterey Co.

**Volume I, Page 114**

**3.5-1 Proposed 2015 Transportation Network**

- Remove Highway 68 Bypass
- Remove Prunedale Bypass
- Relocate Multimodal Corridor per prior FORA Board approval
- Remove realignment of Reservation Road at East Garrison to reflect adopted Specific Plan

**Volume I, Page 117**

**3.5-2 Roadway Classification and Multimodal Network**

- Fort Ord Boundary (in green on map) not identified on legend/not consistent with other figures
- Add proposed Monterey Road State Route 1 interchange, per current Caltrans plans
- Relocate Multimodal Corridor per prior FORA Board approval

**Volume I, Page 129**

**3.6-1 Regional Open Space System**

- Change BLM to Fort Ord National Monument
- "Bautista" misspelled "Batista"
- Star symbol not in legend

**Volume I, Page 133**

**3.6-2 Habitat Management Plan**

- No labels
- Revise HMP boundaries and designations per 2002 changes

**Volume I, Page 137**

**3.6-3 Open Space & Recreation Framework**

- Change BLM to Fort Ord National Monument

- CSUMB on map is shown in two different shades of blue (only one shade of which is identified in legend)
- Light Green & Lime Green colors on map are not identified on legend
- Dark Brown item in legend is not shown (clearly) on map
- Golf Course Item on Legend is not shown on map
- Equestrian Center item on legend is not shown on map
- Visitor/Cultural item on legend in now shown on map
- Fort Ord boundary (in green on map) not identified on legend/not consistent with other figures
- Update trailhead locations to reflect existing conditions and current plans

**Volume I, Page 149**

**3.8-1 Marina Planning Areas**

- Jurisdictional boundary labels: Monterey County as “County” inconsistent with other maps
- Font issue
- Leader lines inconsistent with Seaside and Monterey County maps

**Volume I, Page 163**

**3.9-1 Seaside Planning Areas**

- Jurisdictional boundary labels: Monterey County as “County” inconsistent with other maps

**Volume I, Page 173**

**3.10-1 County Planning Areas**

- No City/County boundary labels, inconsistent with other maps – Identify City of Monterey and Del Rey Oaks

- Change BLM to Fort Ord National Monument
- Typographical error in South Gate Planning Area

**Volume I, Page 206**

**3.11-1 Legislative Land Use Consistency Determinations**

- Not identified as a “Figure” (no figure number) on the figure

**Volume I, Page 210**

**3.11-2 Appeals and Review of Development Entitlements**

- Not identified as a “Figure” (no figure number) on the figure

**Land Use Element**

**Volume II, Page 215**

**4.1-1 Existing Development Pattern at Fort Ord**

- No legend items - unclear what elements in map represent
- Add historic U.S. Army Housing Area names

**Volume II, Page 218**

**4.1-2 Planning Areas and Local Jurisdictions**

- Inconsistent labeling: Monterey County vs. Monterey Co.
- Two labels for Seaside and Marina
- No legend item for Fort Ord boundary – Area shown in blue
- Coastal zone in legend does not appear on map
- Fort Ord Dunes State Park identified as State Beach

**Volume II, Page 221**

**4.1-3 Generalized Land Use Setting**

- Inconsistent labeling: Monterey County vs. Monterey Co.
- Does not show land use to northeast of former Fort Ord
- Fort Ord Dunes State Park identified as State Beach

**Volume II, Page 227**

**4.1-4 Sphere of Influence and Annexation Requests**

- Inconsistent labeling: Monterey County vs. Monterey Co.
- Legend item description can be confusing – Jurisdiction titles need to be added
- Fort Ord Dunes State Park identified as State Beach
- Polygon 1d mislabeled as Polygon 1e

**Volume II, Page 229**

**4.1-5 City of Marina Land Use Concept**

- Eq label on map not identified in legend
- Salinas River shown in black (shown in blue on other maps)
- Polygon 1d mislabeled as Polygon 1e

**Volume II, Page 231**

**4.1-6 City of Seaside Land Use Concept**

- SF Low Density in legend, but not shown on map
- Veterans' Cemetery site missing

**Volume II, Page 233**

**4.1-7 County of Monterey Land Use Concept**

- Outdated – Shows Monterey (City) and Del Rey Oaks as Monterey County

- SFD Medium Density and Military Enclave Shown in Legend not on Map

- H Symbol shown on map, not in legend
- Fort Ord Dunes State Park identified as State Beach
- Polygon 1d mislabeled as Polygon 1e

**Volume II, Page 239**

**4.1-8 Reconfigured POM Annex**

- Out of date – should also show final configuration

**Circulation Element**

**Volume II, Page 287**

**4.2-1 Existing Transportation Network**

- Outdated reference to “Fort Ord Access Gate” on Legend/Map – add “1997” to figure title

**Volume II, Page 294**

**4.2-2 Proposed 2015 Transportation Network**

- Remove Highway 68 Bypass per current Caltrans plans
- Remove Prunedale Bypass per current Caltrans plans
- Relocate Multimodal Corridor per prior FORA Board approval
- Remove realignment of Reservation Road at East Garrison to reflect adopted Specific Plan

**Volume II, Page 296**

**4.2-3 Buildout Transportation Network**

- Add proposed Monterey Road State Route 1 interchange per current Caltrans plans
- Relocate Multimodal Corridor per prior FORA Board approval
- Remove realignment of Reservation Road at East Garrison to reflect adopted Specific Plan

**Volume II, Page 302**

**4.2-4 Roadway Design Standards**

*No changes noted.*

**Volume II, Page 305**

**4.2-5 Transit Activity Centers and Corridors**

- Relocate Multimodal Corridor
- Remove 12th Street label

**Volume II, Page 309**

**4.2-6 Proposed Bicycle Network**

- Remove 12th Street label
- Arterial Bicycle Route in legend does not appear on map

**Volume II, Page 313**

**4.2-7 Transportation Right-of-Way Reservations**

- No street names
- City boundary labels Monterey County as “County” inconsistent with other maps
- Label Highway 68 Bypass
- Add proposed Monterey Road State Route 1 interchange
- Update right-of-way widths in response to relocation of the intermodal corridor

**Recreation and Open Space Element**

**Volume II, Page 323**

**4.3-1 Marina Open Space and Recreation Element**

- Jurisdiction lines on map do not include city name label (inconsistent with other maps)
- Y symbol on map not identified in legend
- Orange arrows on map not identified in legend

- Golf Course and Equestrian items in legend are not shown on map
- Hatching on map not identified in legend
- Fort Ord Dunes State Park identified as State Beach
- Trails marker on map displays poorly

**Volume II, Page 325**

**4.3-2 Seaside Recreation and Open Space Element**

- Jurisdiction lines on map do not include city name label (inconsistent with other maps)
- CSUMB Legend Color does not match color on Map
- Other public Open Space/Rec legend color does not match color on map
- “Trail” Legend items are color coated in Legend, but one color (black) on map
- Trails marker on map displays poorly
- Black arrows on map not identified in legend and inconsistent with Marina map
- Equestrian and Visitor Center shown in legend not shown on map
- Change BLM to Fort Ord National Monument (legend)
- North Arrow mistake
- Remove color from hatching in legend

**Volume II, Page 329**

**4.3-3 County Recreation and Open Space Element**

- Jurisdiction lines on map do not include city name label (inconsistent with other maps)
- “Trail” Legend items are color coated in legend, but one color (black) on map

- Trails marker on map displays poorly
- Black arrows on map not identified in legend and inconsistent with Marina map
- Change BLM to Fort Ord National Monument
- Golf Course and Equestrian items in legend are not shown on map
- “Other Public Open Space – Habitat Management” areas shown in green, not consistent with other maps (where it’s shown as brown)
- Fort Ord Dunes State Park identified as State Beach
- Remove color from hatching in legend
- Update trailhead locations to reflect existing conditions and current plans

### **Conservation Element**

#### **Volume II, Page 369**

##### **4.4-1 Oak Woodland Areas**

- No jurisdiction names – inconsistent with other maps
- Polygon 1d mislabeled as Polygon 1e
- Highway 68 Bypass not labeled

#### **Volume II, Page 393**

##### **4.4-2 Archaeological Resource Sensitivity**

- No jurisdiction names – inconsistent with other maps
- Change BLM to Fort Ord National Monument
- Fort Ord Dunes State Park identified as State Beach

### **Noise Element**

#### **Volume II, Page 403**

##### **4.5-1 Noise Contours for Monterey Peninsula Airport**

- Legend does not include Fort Ord area shown on map
- No jurisdiction names – inconsistent with other maps

#### **Volume II, Page 408**

##### **4.5-2 Forecast Year 2015 Airport Noise Contours**

- Legend does not include Fort Ord area shown on map
- No jurisdiction names – inconsistent with other maps

#### **Volume II, Page 409**

##### **4.5-3 Forecast Year 2010 and CNEL 65db Noise Contour for Monterey Peninsula Airport**

- North Arrow mistake
- Legend does not include Fort Ord area shown on map
- No jurisdiction names – inconsistent with other maps

### **Safety Element**

#### **Volume II, Page 424**

##### **4.6-1 Seismic Hazards**

- No jurisdiction names – inconsistent with other maps
- Legend does not include Highway 68 Bypass shown on map
- Fort Ord streets shown but no street names



**Volume II, Page 434**

**4.6-2 Fire, Flood, and Evacuation Routes**

- No jurisdiction names – inconsistent with other maps
- Legend does not include Highway 68 Bypass shown on map
- Fort Ord streets shown but no street names

**Volume II, Page 442**

**4.6-3 Hazardous and Toxic Waste Sites (June 1995)**

- No jurisdiction names – inconsistent with other maps
- Legend does not include Highway 68 Bypass shown on map
- Fort Ord streets shown but no street names

**3.3 Category II – Prior Board Actions and Regional Plan Consistency**

Category II options address two types of possible modifications to the BRP. The first type of modification is based on actions the FORA Board has already taken. These actions address the subject of modifications to BRP Figure 3.3-1, Land Use Concept Ultimate Development and modifications to BRP

transportation related figures and text. The second type of modification addresses the subject of adding new policies or programs or expanding existing BRP policies or programs to ensure the BRP is consistent with regional and local plans. Past consistency determinations and consistency of the BRP with regional and local plans are addressed in the Scoping Report. This chapter of the Reassessment Report includes discussion of the above-noted subjects, identifies topics to be considered for each subject as summarized in Table 6, Prior Board Action and Regional Plan Consistency Topics, and includes potential optional action items for each topic for FORA Board consideration.

**Modification of the BRP Land Use Concept Map**

**Land Use Concept Map Modifications Based on Prior FORA Board Consistency Determinations**

**Background.** Over time, the FORA Board has made numerous determinations regarding the consistency of legislative actions taken by local member jurisdictions with the BRP. A complete history of these consistency determinations is included in Section 4.3 of the Scoping Report. A number of the consistency determinations result in more precise descriptions of the actual land use and development approach for lands within the boundaries of member jurisdictions to which the consistency determinations apply.

**Table 6 Prior Board Action and Regional Plan Consistency Topics**

Topic
Land Use Concept Map Modifications Based on Prior FORA Board Consistency Determinations
Land Use Concept Map Modifications Based on Other Actions
Modify Circulation Related Maps and Text in the BRP and Modify Capital Improvements Program
BRP Modifications Regarding Consistency with Regional and Local Plans

Cat.	Topics/Policies	FINAL Reassess. Report page ref.
<b>I</b>	<b>BRP Corrections and Updates</b> (typographical errors, minor clarifications, etc)	
	Text corrections	3-3
	Figure corrections	3-13
<b>II</b>	<b>Prior Board Actions and Regional Plan Consistency</b>	
	Land Use Concept Map Modifications Based on Prior FORA Board Consistency Determinations (map “republication” based on prior approvals)	3-19
	Land Use Concept Map Modifications Based on Other Actions	3-22
	Modify Circulation Related Maps and Text in the BRP and Modify Capital Improvement Program	3-24
	BRP Modifications Regarding Consistency with Regional and Local Plans	3-25
<b>III</b>	<b>Implementation of “Incomplete”/Yet-to-be-Completed BRP Policies and Programs</b>	
	Land Use, Circulation, Recreation & Open Space, Conservation, Noise, and Safety BRP elements	3-32
	Jurisdictional implementation responsibilities	3-33
	FORA implementation responsibilities	3-33
<b>IV</b>	<b>Policy and Program Modifications</b>	
	<u>Land Use/General</u>	
	1. BRP Visions and Goals	3-71
	2. Evaluation of Land Use Designations Related to the East Garrison-Parker Flats Land Swap Agreement	
	3. Specific Applicability of Programs/Policies to Del Rey Oaks and Monterey	
	4. Support for the Needs of Disadvantaged Communities	
	5. Refinement of Integrated Mixed Use Concepts	
	6. Promotion of Green Building	
	7. Climate Action and Greenhouse Gas Reduction	
	8. Policy on Development/Habitat Interfaces	
	9. Prioritization of Development within Army Urbanized Areas	
	10. Policy on Land Use Compatibility Adjacent to CSUMB Campus	
11. Issues Relating to Gambling		

<p><u>Economic Development and Jobs</u></p> <p>12. Reversal of the Loss of Middle Class Job and Housing Opportunities</p> <p>13. Constraints and Uncertainties for Development on Fort Ord</p> <p>14. Promotion of Economic Development through Outdoor Recreational Tourism/Ecotourism</p> <p>15. Capitalization on Existing Regional Strengths to Promote Expansion of Office and Research Sectors</p> <p>16. Establishment and Marketing of a Brand for Fort Ord</p>	3-83
<p><u>Urban Blight and Cleanup</u></p> <p>17. Prioritization of Funding for and Removal of Blight</p> <p>18. Evaluation of Base Clean-up Efforts and Methods</p>	3-89
<p><u>Aesthetics</u></p> <p>19. Prioritization of Design Guidelines</p>	3-92
<p><u>Housing</u></p> <p>20. Effects of Changes in Population Projections</p> <p>21. Policy Regarding Existing Residential Entitlements Inventory</p> <p>22. Cost of Housing and Targeting Middle-income Housing Types</p>	3-93
<p><u>Transportation</u></p> <p>23. Re-evaluation of Transportation Demands and Improvement Needs</p> <p>24. Capitalization on Existing Infrastructure – Consider Costs/Benefits/Efficiencies of Capital Improvement Program</p> <p>25. Policy on Through Traffic at CSUMB</p> <p>26. Prioritization of Multimodal (Bicycle, Pedestrian, and Transit) Transportation</p>	3-96
<p><u>Water</u></p> <p>27. Re-evaluation of the Salinas Valley Groundwater Basin Water Supply</p> <p>28. Prioritization of Water Augmentation</p> <p>29. Prioritization of Water Conservation</p>	3-101
<p><u>Fort Ord National Monument</u></p> <p>30. Potential for the National Monument and Tourism to be a Catalyst to Economic Growth in the Region</p> <p>31. Policy on Land Use Adjacent to the National Monument</p> <p>32. Integrated Trails Plan</p> <p>33. Fort Ord Nat'l Monument – Fort Ord Dunes State Park Trail Connection</p> <p>34. Access Points and Trailhead Development for the Fort Ord Nat'l Mon.</p>	3-106

	<u>Cultural Resources</u> 35. Site for a Native American Cultural Center 36. Additional Policy on Historic Building Preservation	3-111
	<u>Veterans' Cemetery</u> 37. Veterans' Cemetery Location 38. Veterans' Cemetery Land Use Designation 39. Policy Regarding the Veterans' Cemetery	3-112
	<b>FORA Procedures and Operations</b>	
<b>V</b>	1. FORA Board composition, representation, and voting process 2. Oversight of the land use/development implementation decisions of local jurisdictions 3. Regularly track and report on the status of BRP policy and program implementation 4. Clarify the methodology for making consistency determinations and track and report results of consistency determinations 5. Provide regular updates on modifications to the BRP Land Use Concept map 6. Regularly monitor, update and report on status of BRP build-out constraint variables and other measures of BRP implementation status 7. Improve access to and disclosure of FORA Board decisions and fundamental data regarding the status of base reuse 8. Periodically Assess the BRP 9. Prepare a FORA Phase-Out Plan 10. Assess Infrastructure Maintenance Cost Issues	3-118



**Environmental Remediation:** Cleaning up contaminated property is a critical part of the legal process for transferring ownership of military property. Under federal law, title may not be transferred until the toxic or hazardous situation is remedied, or the remediation process is in place and operating correctly. Successful reuse of the former Fort Ord requires the Army to clean up each parcel on the base to the level required for its intended use as designated by this document. The duration and nature of clean-up activities will affect interim and long term reuse implementation.

The former Fort Ord was listed on the Superfund list in 1990. Cleanup here will include extracting and treating contaminated groundwater and capping the landfills to limit future infiltration and minimize additional leaching. Forty-one sites have been identified as potentially hazardous sites.

### **Framework for the Reuse Plan**

The Framework for the Reuse Plan establishes the broad development considerations that link the various Reuse Plan elements for each of the land use jurisdictions into an integrated and mutually supporting structure.

**Community Design Vision:** The design and planning vision for the future of the former Fort Ord draws its inspiration from several sources:

- the nature of the land and existing facilities on the base;
- the history and culture of the Monterey Peninsula, and particularly Fort Ord itself;
- sound principles of community-making; and
- a responsible and positive attitude toward the environment.

The opportunity provided by this 27,879.4-acre resource is inestimable. The challenge, however, to not squander or abuse the special qualities of this place is substantial as well. The designation of Fort Ord as a model reuse project chosen among the 1991 round of base closures is indicative both of the challenges to be met in the future and the opportunities inherent in this unique site and its surrounding region.

The prevalence of the Peninsula academic and environmental communities has in recent years spawned a variety of educational and research initiatives. Following this lead, University of California (UC) and California State University (CSU) have both begun to plan and implement ambitious and important facilities at the former base. These facilities in many ways will form the nucleus of the future community envisioned to grow at this site.

The vision for the future of the former Fort Ord is that a community will grow up on the former Base, having a special character and identity. This community, at the same time, will fit with the character of the Peninsula, complementary with the scale and density of the existing communities from Marina to Carmel. It will demonstrate a respect for the special natural environment of the Peninsula



## Fort Ord Reuse Plan

and the scenic qualities of the Bay, coastal dune areas, and upland reaches. It will also be complementary to the rich tradition and reality of agriculture in the Salinas Valley, which forms such an important part of the regional character and economy, while enhancing the experience of visitors to the Peninsula. Most importantly, the community will be a special place for living and working. It will provide a diversity of experience and opportunity, with a development approach that is sustainable and appropriate.

*Design Principle 1: Create a unique identity for the new community around the educational institutions.* The centerpiece of the community at the former Fort Ord will be the education centers that have been integrated into the reuse of the former Fort Ord and which provide a central focus for the reintegration of the former military base into the regional economy. Three major post-secondary institutions are participating in the reuse of the base. The CSUMB campus, the UC MBEST Center, and the Monterey Peninsula College District will all become significant catalysts to the economic development of the region.

*Design Principle 2: Reinforce the natural landscape setting consistent with Peninsula character.* The former Fort Ord is part of the gentle crescent that frames Monterey Bay, situated between the great Salinas River Valley and the dramatic coastal range that juts into the Pacific to form the Monterey Peninsula.

*Design Principle 3: Establish a mixed-use development pattern with villages as focal points.* Consistent with the character of a college town with a vibrant, around-the-clock level of activity and vitality, the community is planned to consist of a series of villages with mixed-use centers.

*Design Principle 4: Establish diverse neighborhoods as the building blocks of the community.* The special character of the communities in the Monterey Peninsula is due in part to the diversity of their residential neighborhoods. They are typically small scaled, with one and two story buildings. Open space is plentiful, giving the overall impression of a green and lush landscape.

*Design Principle 5: Encourage sustainable practices and environmental conservation.* The reuse of the former Fort Ord as a mixed-use community within the larger Monterey Peninsula provides the opportunity to demonstrate a wide range of design and planning practices that are consistent with accepted notions of sustainability and environmental conservation. A majority of the area of the former Fort Ord will be set aside for habitat management with limited recreation opportunities included. The remaining portions of the former base will be developed into a mixed-use community which provides housing and employment opportunities, reducing the need for long distance commuting throughout the region.

*Design Principle 6: Adopt regional urban design guidelines.* The visual character of the former Fort Ord will play a major role in supporting its attractiveness as a destination for many visitors every year. Maintaining the visual quality of this gateway to the peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire peninsula. Regional urban design guidelines will be prepared and adopted by FORA to govern the visual quality of areas of regional importance within the former Fort Ord.



The Reuse Plan provides Design Objectives to guide development of the former Fort Ord that address:

- Community Form;
- Development Pattern;
- Town and Village Centers;
- Existing Neighborhoods;
- New Neighborhoods;
- Major Development Sites; and
- Landscape and Open Space.

### **Existing Setting and Character of the Former Fort Ord**

The regional character provides a description of the landscape and communities of the Peninsula. The urbanism of the Peninsula provides a description of the architectural and urban design resources.

The existing development at the former Fort Ord describes the various land use zones that make up the current land resource. The major development opportunities and assets are identified including:

- CSUMB;
- UC MBEST Center;
- Monterey Peninsula College District;
- Marina Municipal Airport;
- Fort Ord Dunes State Park;
- BLM Land Management;
- Golf Courses;
- Existing Housing Resources;
- Monterey Peninsula Unified School District (MPUSD) Resources; and
- Military Enclave including the POM Annex, DFAS, and other facilities.



### **The Land Use Concept**

The Ultimate Development Plan and Map is a consensus plan and the product of the on-going reuse planning process at the former Fort Ord. The Land Use Concept reflects the ultimate reuse of the lands at the former Fort Ord and expresses a long range vision for the property consistent with the role the former Fort Ord will play in the region.

**Development Capacity:** The land supply is expected to accommodate growth for 40 to 60 years depending on the land use type and future market conditions.

**Public Uses at the former Fort Ord:** Of the nearly 28,000 acres at the former Fort Ord, 85 to 86% of the lands are reserved for public use.

**Economic Development at For Ord:** The remaining 14 to 15% of the lands at the former Fort Ord are planned in a coordinated way to provide a mix of uses that reflect market projections, promote the strategic objectives identified during the course of the reuse planning efforts, and can pay for infrastructure costs.

**Employment Projections:** The ultimate development land use plan is expected to generate a total of between 45,000 to 46,000 jobs.

**Population Projections:** The ultimate development land use plan will accommodate a resident population of an estimated 51,770 people, excluding the resident student population at CSUMB. With the resident full-time equivalent (FTE) students, the population at the former Fort Ord will rise to 71,770.

### **Land Use Designations and Land Resources**

The land use designations which are shown on the Ultimate Development Map are organized by:

- Residential Uses;
- Mixed Use and Commercial Uses;
- Retail Uses;
- Visitor Serving Uses;
- Open Space, Recreation, and Habitat Uses;
- Institutional and Public Facilities; and
- Community ROW.

### **Circulation Concept**

It is clear that the redevelopment of the former Fort Ord, plus growth throughout the remainder of Monterey County and the region, will significantly increase the demand placed on the region's transportation infrastructure and services. While the former Fort Ord will be the location of a portion of this





growth, reuse will only contribute to a region-wide traffic problem. To some extent, the increases in travel demand will be managed by building or improving transportation facilities, but there also exists a variety of concepts and objectives that can be used to minimize the demand for vehicle trips as an alternative to increasing roadway capacity. The approach taken as part of the Fort Ord Reuse Plan seeks to balance these two components to achieve a transportation system that is both financially feasible and operationally acceptable.

The Circulation Concept identifies the major regional and localized issues and defines the proposed roadway network. Approaches to travel demand management are identified including:

- Jobs/Housing Balance;
- Mixed-Use Development/Increased Densities;
- Design of the Street Networks;
- Pedestrian Facilities;
- Bicycle Programs;
- Transit-Oriented Design;
- Transit Service and Facilities;
- Park-and-ride Lots;
- Rideshare Program;
- Parking Management;
- Employer-Based Transportation Demand Management (TDM) Programs; and
- Telecommunications.

### **Conservation, Open Space, and Recreation Concept**

Many of the land uses proposed for the future development of the former Fort Ord fall into the category of open space. Among these are lands set aside for habitat protection, park lands dedicated to public recreation, commercial recreation lands such as golf courses, institutional settings such as the CSUMB campus, and some isolated peripheral areas which form image gateways along major roadways.

In order to take advantage of these existing land-based opportunities, and to form a meaningful greater whole throughout the former Fort Ord with regards to conservation and recreation, four major concepts, or themes, were developed to guide conservation and recreation planning. These themes are seen as ways to ground planning in a conceptual framework based on sound ecological ideas combined with a vision of economic redevelopment. The essence of these themes can be summarized as follows:



## Fort Ord Reuse Plan

*Theme 1: Connect the individual open space parcels into an integrated system for movement and use of both native plant and animal species and people.*

*Theme 2: Integrate the former Fort Ord with the regional open space system, creating a network of recreation and habitat resources which is unique considering the adjacent agricultural and urban amenities, and which will attract economic growth through a variety of recreation experiences.*

*Theme 3: Achieve a balance between recreation and conservation with appropriate land use designations to support both functions. Plan with multiple goals in mind, so that lands identified primarily as recreation resources will also be managed for value as habitat, and habitat lands can also serve as a recreation resource. For example, habitat can promote a recreation value, such as serving as a trail conduit, or for nature viewing.*

*Theme 4: Achieve a permanent conservation of all habitat types. A multiplicity of habitat types have been identified at the former Fort Ord, each with its own complement of special status species. True conservation means regarding each as having some value in its own right, not just those identified as having the highest habitat values. This may best be achieved by distributing open space areas throughout the former Fort Ord.*

### **Planning Areas and Districts**

Planning Areas and Districts within the County of Monterey and cities that have corporate limits within the former Fort Ord are designated to manage long-term growth and reinforce the community design vision for the former Fort Ord. They are based on the surrounding development context and the Development Framework, Circulation Framework, and Conservation, Open Space and Recreation Framework. They build on the major assets within the former Fort Ord including: CSUMB, UC MBEST Center, the Marina Municipal Airport, the East Garrison and the existing housing resources and recreational and open space features. The Planning Areas and Districts provide a flexible tool for planning and implementing coordinated development to take advantage of these assets for achieving the desirable community vision.

Planning Areas and Districts are defined for the City of Marina, the City of Seaside, and Monterey County. For each district, the Reuse Plan:

- Projects a development program based on the land use provisions; and
- Identifies Development Character and Design Objectives.

### **Reuse Plan Implementation**

The strategies for economic recovery for the redevelopment of the former Fort Ord depend upon the following foundation:

- Community Development Themes to identify desirable outcomes;



- the on-going use of Phasing Scenarios as a strategic planning tool to help formulate policy and forecast future conditions and feasibility; and
- the Principles and Approaches to growth management which will form the basis for preparing a Community Improvements Plan and for managing growth.

**Community Development Themes:** The Reuse Plan articulates four Community Development Themes to facilitate the economic recovery at the former Fort Ord:

*Theme 1: Recovery and Long Term Economic and Fiscal Health of the former Fort Ord Communities, the Monterey Peninsula, and the Region with respect to:*

- Job Replacement;
- Balanced Growth;
- Rapid Redevelopment;
- Positive Fiscal Impact;
- Managed Water Supply; and
- Managed Residential Development.

*Theme 2: Environmental Responsibility with respect to:*

- Habitat Management;
- Allocating the Costs of Habitat Management;
- Open Space and Recreational Resources;
- Visual Gateway to the Monterey Peninsula;
- Sustainability; and
- Clean-Up of Hazardous Materials.

*Theme 3: Regulatory Framework with respect to:*

- Simple But Flexible Growth Management;
- Equitableness; and
- Responsibility.

*Theme 4: Regional Accountability with respect to:*

- Integration of Long Range Plans for the former Fort Ord.



## Fort Ord Reuse Plan

**Business and Operations Plan Development Strategies:** The Business and Operations Plan has been prepared for a twenty-year planning horizon (to the year 2015) which attempts to optimize financial performance in order to see whether, under realistic assumptions, the identified program can be feasibly constructed in the market place.

The Comprehensive Business Plan (CBP) was prepared to assist FORA in devising a viable and equitable financing plan for reuse and is based on many assumptions for which information is continuously improved. The CBP serves as a guide to indicate how FORA could establish fees, and finance the identified capital costs, while respecting real estate market projections. The recommendations of the CMP and the financing tools recommended in the Public Facilities Improvement Plan (PFIP) is under review and refinement by FORA. **Adoption of a financing plan and development fees will be separate actions taken by FORA subsequent to certification of the Final EIR and adoption of the Reuse Plan.**

The Business and Operations Plan is built from the following development strategies:

*Market Strategy: Accommodate the broadest number of segments of the desirable real estate market during the initial years.* This strategy will: 1) allow leverage of the housing market to enhance the attractiveness of the former Fort Ord as a jobs center; 2) use market support to generate investment capital for infrastructure improvements; and 3) if properly managed, put into place the threshold investments that will carry the vision for the former Fort Ord beyond the 2015 horizon.

*Circulation Strategy: Build on the existing transportation network to the greatest advantage so that the most expensive improvements can be postponed for the longest time.* This strategy will: 1) maximize the available capacity at the existing interchanges located on State Highway 1; 2) utilize the existing roadway alignment and capacity in the Imjin Road Corridor for the longest period possible; 3) implement a new east-west corridor between Reservation Road (extending north-east along the Davis corridor to Salinas) and General Jim Moore Boulevard to augment the capacity in the Imjin/Blanco Corridor; 4) connect the existing Marina neighborhoods north of the former Fort Ord with the existing housing resources in the northwest corner of the former Fort Ord; and 5) preserve sufficient ROW's to serve long-range build-out.

*Infrastructure Strategy: Maximize the use of existing infrastructure improvements to support development in the initial years while preserving the greatest flexibility to respond to future development opportunities.* Establish the principle that every area covers "its own cost of service." This strategy will: 1) identify opportunities that can be developed easily and with modest improvements in the service network; 2) take advantage of the existing network of services that facilitates the long-range development opportunities; 3) identify opportunity areas where infrastructure can be more cost effectively provided with services independent of the main



*Community-Building Strategy: Capitalize on the valuable synergy that can be achieved by developing coherent and balanced communities that take advantage of the major existing assets and public investments.* This strategy will: 1) provide a community that supports the emerging CSUMB campus; 2) build on the activity that is emerging at the new Marina Municipal Airport; 3) support the inherent opportunities at the UC MBEST Center to attract new technology-driven and research-based employers; 4) fully integrate the communities within the former Fort Ord with the regional recreation and open space resources managed by the State Parks and BLM; 5) take advantage of the proximity to State Highway 1 to create a gateway to the former Fort Ord; 6) utilize the two existing golf courses in Seaside; 7) integrate the existing housing stock into the surrounding communities; and 8) build on the continuing commitments by the DoD represented by the Defense Finance and Accounting Service (DFAS), and POM Annex and other elements of the military enclave.

*Fiscal Strategy: Balance the cost of services with the potential revenue stream to the various jurisdictions within the former Fort Ord boundaries to optimize the fiscal health and self-sufficiency of each governmental entity.* This strategy should result in a positive cost/revenue balance for each land use agency.

*Growth Management Principles: The CIP will be the primary tool for growth management at the former Fort Ord by guiding the provisions for infrastructure.* Two basic principles have been identified for managing the provision of infrastructure within FORA. These principles underlie all management approaches that were considered for the implementation of the Reuse Plan.

*Growth Management Principle 1:* All of the developable lands within FORA's jurisdiction have the potential to be served with infrastructure.

*Growth Management Principle 2:* Properties within FORA's jurisdiction will have access to infrastructure on a "first-come, first-served" basis based on the adopted CIP.

**Implementation Process and Procedures:** The Reuse Plan defines the process and procedures for Plan Amendments, Consistency Determination, and Development Entitlements and Appeals, pursuant to California Government Code Section 67675.

**Implementation of the HMP:** The Reuse Plan describes the "Implementing/Management Agreement" and its relationship to the HMP and the member agencies of FORA.

### 1.2.2 Volume 2 - Elements of the Reuse Plan

Each land use jurisdiction approving development within the former Fort Ord will need to adopt General Plan Elements or Master Plans consistent with the Reuse Plan. The elements of the Reuse Plan provide the specific provisions for each of the three land use jurisdictions with current responsibility for controlling development of the former Fort Ord lands: the City of Marina, the City of Seaside, Monterey County, University of California, California State University, and the California Department of Parks and Recreation.



## Fort Ord Reuse Plan

former Fort Ord network or where special financing will cover the cost of the service; and 4) set the stage for development after 2015 with a sufficient reserve to finance major investments in capacity.

The heart of the Reuse Plan Elements is a set of integrated and internally consistent goals, objectives, policies, and programs for each of the three land use jurisdictions. They reflect the vision for the former Fort Ord and establish who will carry out the activities needed to reach each goal. Goals and objectives are the same for each jurisdiction, while the policies and programs have been designed to meet the specific needs of each jurisdiction.

**Section 4** includes Goals, Objectives, Policies and Programs by land use jurisdiction for each element, including:

- Land Use Element;
- Circulation Element;
- Recreation and Open Space Element;
- Conservation Element;
- Noise Element; and
- Safety Element.

The goals for the Reuse Plan Elements are:

**Land Use Goal:** Promote orderly, well-planned, and balanced development to ensure educational and economic opportunities as well as environmental protection.

**Circulation Goal:** Create and maintain a balanced transportation system, including pedestrian ways, bikeways, transit, and streets, to provide for the safe and efficient movement of people and goods to and throughout the former Fort Ord.

**Recreation and Open Space Goal:** Establish a unified open space system which preserves and enhances the health of the natural environment while contributing to the revitalization of the former Fort Ord by providing a wide range of accessible recreational experiences for residents and visitors alike.

**Conservation Goal:** Promote the protection, maintenance and use of natural resources, with special emphasis on scarce resources and those that require special control and management.

**Noise Goal:** To protect people who live, work, and recreate in and around the former Fort Ord from the harmful effects or exposure to excessive noise; to provide noise environments that enhance and are compatible with existing and planned uses; and to protect the economic base of the former Fort Ord by preventing encroachment of incompatible land uses within areas affected by existing or planned noise-producing uses.



**Seismic and Geologic Hazards Goal:** To prevent or minimize loss of human life and personal injury, damage to property, and economic and social disruption potentially resulting from potential seismic occurrences and geologic hazards.

**Fire, Flood and Emergency Management Goal:** To prevent or minimize loss of human life and personal injury, damage to property, and economic and social disruption potentially resulting from fire, flooding, or other natural disasters.

**Hazardous and Toxic Material Safety Goal:** To prevent or minimize loss of human life and personal injury, damage to property, and economic and social disruption potentially resulting from hazardous and toxic materials.

# Placeholder for Item 8a

Consistency Determination: Seaside Local Coastal Program

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This item will be distributed under separate cover and uploaded to the FORA website Monday, March 4, 2013.

**Attachment A**, City of Seaside's Consistency Determination submittal package, is included in this packet.



**CITY OF SEASIDE**  
440 Harcourt Avenue  
Seaside, CA 93955

Telephone (831) 899-0020  
FAX (831) 899-6211



March 1, 2013

Michael A. Houlemard Jr., Executive Officer  
Fort Ord Reuse Authority  
920 2nd Ave., Suite A  
Marina, CA 93933

**RE: Request for Consistency Determination of the City of Seaside Local Coastal Program with the Fort Ord Base Reuse Plan in Accordance with FORA Master Resolution, Article 8.01.020**

Dear Mr. Houlemard:

The City of Seaside (City) requests that the Fort Ord Reuse Authority (FORA) adopt a finding that the City of Seaside Local Coastal Program (LCP) is consistent with the Fort Ord Base Reuse Plan (BRP).

The LCP is the contract between the City and the State specifying how the City will protect California's coastal resources. The LCP consists of two major parts: the Land Use Plan (LUP) and the Coastal Implementation Plan (CIP) which includes a zoning ordinance and maps. The LCP applies to only those lands that fall within the California Coastal Zone. The only land in the coastal zone that is also under the jurisdiction of the Fort Ord Reuse Plan is land located in the State Route 1 right-of-way, which is under the jurisdiction of the California Department of Transportation (Caltrans).

In February 2011, the City Council adopted an Ordinance approving the LCP for the City of Seaside and authorized the City Manager to submit certified copies of the LCP and implementing Ordinance amending the Seaside General Plan and Municipal Code to the Coastal Commission for its review and certification. Coastal staff presented the LCP with recommended modifications to the Commission at its December 13, 2012 Meeting. The Commission unanimously approved the LCP with the modifications.

On January 9, 2013, the Seaside Planning Commission held a public hearing to consider the modifications that were made to the LCP by the CCC and recommended that the City Council approve the modified LCP and adopt an Ordinance amending the Seaside General Plan and Seaside Municipal to incorporate the changes to the Land Use Map of the General Plan and the Coastal Implementation Plan (CIP) of the LCP as Title 18 of the Seaside Municipal Code. On February 7, 2013, the City Council voted unanimously to approve the first reading of an ordinance that amends and approves a proposed map amendment to the land use map of the Seaside General Plan and proposed text and map amendments to the Seaside Municipal Code in its consideration of accepting the modifications that have been made to the LCP by the California Coastal Commission. The City Council made no changes to the LCP or the ordinance as it was introduced.

On February 2013, the City Council held a second reading and unanimously adopted **Resolution No. 2013-14** accepting the modified LCP and authorizing the City Manager to submit the LCP and implementing **Ordinance No. 203-01** amending the Seaside General Plan and Municipal Code to the Coastal Commission for final certification.

Based on the attached reports and consistency analysis matrix, the City finds the Local Coastal Program to be consistent with the Fort Ord Base Reuse Plan, and requests that FORA concur with this determination and certify the project.

The attached submittal package was prepared in accordance with FORA Master Resolution Article 8.01.020 and instructions received from FORA staff. The submittal package includes two complete hard copies containing the following requested documents.

- Exhibit A: Consistency Analysis Table
- Supplemental Consistency Determination checklist – Seaside
- Memorandum containing website links to documents
- Letter dated December 19, 2012 regarding California Coastal Commission Action on Seaside Local Coastal Program Amendment Number 1-11 (LUP Update and IP Certification)
- Planning Commission Packet for January 9, 2013 Public Hearing to consider recommendation to City Council to adopt modified Local Coastal Program and Addendum to the Negative Declaration
- City Council Packet for February 7, 2013 Public Hearing to consider adoption of 1) modified Local Coastal Program (First Reading) and 2) Addendum to the Negative Declaration
- City Council Packet for February 21, 2013 Continued Public Hearing to consider adoption of modified Local Coastal Program (Second Reading)
- Addendum to the previously adopted Negative Declaration/Initial Study
- Previously adopted Negative Declaration -November 18, 2010
- Coastal Zone Area and Subarea Map as modified
- Coastal Zone Land Use Designations as modified
- Coastal Commission Staff Report for the December 13, 2013 Coastal Commission Meeting

- Seaside Local Coastal Program Land Use Plan and Coastal Implementation Plan as modified.

If you have any questions or require additional information, please do not hesitate to contact me or Rick Medina, Senior Planner, (831) 899-6727 or [rmedina@ci.seaside.ca.us](mailto:rmedina@ci.seaside.ca.us).

Sincerely,



John Dunn  
City Manager

Cc: Diana A. Ingersoll, P. E., Deputy City Manager- Resource Management Services  
Lisa Brinton, Community and Economic Development Services Manager  
Rick Medina, Senior Planner

MEMORANDUM

City of Seaside  
Resource Management Services

Date: February 28, 2013

To: Steve Endsley, Acting Assistant Executive Officer/Director of Planning and Finance

From: Rick Medina, Senior Planner

Subject: Web link for City of Seaside Local Coastal Program 2013

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This memorandum is part of the City of Seaside's submittal for a FORA consistency determination for City of Seaside Local Coastal Program (LCP). An Initial Study and Negative Declaration for LCP was prepared and certified in accordance with the California Environmental Quality Act.

Interested persons/agencies can access all documents which have been included in the FORA Consistency Determination Package for City of Seaside Local Coastal Program on the City's website (<http://www.ci.seaside.ca.us/index.aspx?page=191#HE>). Posted documents include:

# FORT ORD REUSE AUTHORITY BOARD REPORT

## NEW BUSINESS

<b>Subject:</b>	Master Resolution Corrections	
<b>Meeting Date:</b>	March 15, 2013	<b>ACTION</b>
<b>Agenda Number:</b>	8b	

### **RECOMMENDATION:**

Amend Master Resolution to read as follows:

- a. Section 8.01.010 (a): Change third word in the second sentence from 'may' to "shall." That sentence would read: "Such plan shall contain the elements..." etc.
- b. Section 2.04.060: Delete this section in its entirety.

### **BACKGROUND:**

Section 8.01.010 (a): The need for this amendment was brought to your attention by the Sierra Club in a letter dated February 14, 2013. This amendment corrects an inadvertent error made in 2010.

Section 2.04.060. This section is duplicative of the preceding section 2.04.050.

### **DISCUSSION:**

Section 8.01.010 (a): This subject is discussed further in the memorandum from Authority Counsel dated February 26, 2013 (**Attachment A**).

### **FISCAL IMPACT:**

None

### **COORDINATION:**

Executive Committee, Administrative Committee, and Authority Counsel.

Prepared by \_\_\_\_\_ Approved by \_\_\_\_\_  
Jerry Bowden Michael A. Houlemard, Jr.



## Fort Ord Reuse Authority

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

# MEMO

Attachment A to Item 8b  
FORA Board Meeting, 3/15/13

**To:** Fort Ord Reuse Authority BOARD  
**From:** JERRY BOWDEN, Authority Counsel  
**Subject:** ALLEGED BREACH OF SIERRA CLUB SETTLEMENT AGREEMENT  
**Date:** February 26 2013

This memorandum is a response to the February 14, 2013 Sierra Club letter alleging that FORA committed an actionable breach of contract when it amended the word "shall" to "may" in Master Resolution (MR) section 8.02.010 (a). I will address the points made in the letter.

1. In March, 2010 the FORA Board adopted an omnibus amendment of the entire MR. The changes were made publically after broad distribution of the proposed changes to all interested parties. Contrary to press reports, the Board did not accept all of the proposed amendments. For example, the Board rejected a suggestion that the bond required for the Executive Officer be eliminated. A total of 17 "shalls" were changed to "may" throughout the MR. The word "shall" appeared 424 times prior to the 2010 edits. The word "shall" appears five times in the current version. Only one of these appeared in the section referred to in the Sierra Club letter. It changed a single word "shall" to "may" in MR section 8.02.101 (a).
2. The amendment of section 8.02.101 (a) changing one word from "shall" to "may" was an error. The distinction between shall and may is apparent to everyone. This change was apparently swept up with many other unobjectionable "shall/may" changes made simultaneously. The change was a regrettable and unintentional oversight that must be corrected.
3. The change of this single word is at most a technical breach of the Sierra Club Settlement Agreement. The Sierra Club Agreement is a discrete document and it remains unaltered. Its amendment, like any contract, would require mutual written consent of both parties. The change was to the part of the Agreement that was duplicated in Chapter 8 of the MR. The partial copy of the Agreement found in the MR is not the Settlement Agreement. It is true, however, that the Settlement Agreement called for giving notice to the Sierra Club of any amendment to Chapter 8 of the MR. Staff believes the Sierra Club received that notice, but we have no record to confirm that belief.
4. The FORA Board has not made any decisions based on the changed word, and none are pending.
5. I recommend the Board reverse this single word change to its original form.

**- END -**

**DRAFT 3/15/13**

**BOARD PACKET**



# Fort Ord Reuse Authority

920 2<sup>nd</sup> Avenue, Ste. A, Marina, CA 93933  
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

## BOARD OF DIRECTORS SPECIAL MEETING/ WORKSHOP Friday, March 22, 2013 at 2:00 p.m. 910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenter's Union Hall)

### AGENDA

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE
4. WORKSHOP - Base Reuse Plan Reassessment Report Topics and Options
  - a. **Category II: Previous Board Actions, Regional Plan Consistency**
    - i. Recap of previous discussion at Feb. 15, 2013 workshop  
Staff recommendation: Endorse conceptual work plan for Cat. II action items as summarized in Board report (staff to return each Cat. II action item as a separate agenda item in May-July for further review)
    - ii. Initial Board member questions, comments, or requests for clarification
  - b. **Category III: Implementation of Policies and Programs**
    - i. Overview/framing of issues  
Staff recommendation: Direct Administrative Committee and FORA staff to coordinate a work plan to address yet-to-be-completed BRP policies and programs. Return work plan recommendations for Board consideration/direction as a subsequent Board agenda action item (target: July/August 2013).
    - ii. Initial Board member questions, comments, or requests for clarification
  - c. **Category IV: Policy and Program Modifications**
    - i. Overview/framing of issues  
Staff recommendation: Appoint a Post-Reassessment ad hoc committee of Board members to identify near-term and medium-term (through FY 13-14) Cat. IV work plan priority recommendations for full Board review at a subsequent Board meeting(s). Authorize contract amendment #1 with Concur, Inc. for Post-Reassessment ad hoc committee facilitation services, not to exceed \$\_\_\_\_\_ (to be determined).
    - ii. Initial Board member questions, comments, or requests for clarification
  - d. **Public comment on Categories II, III, and IV**
  - e. **Board deliberation/direction on Categories II, III, and IV staff recommendations**
9. PUBLIC COMMENT PERIOD

*Members of the audience wishing to address the Fort Ord Reuse Authority ("FORA") Board on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period. Public comments are limited to a maximum of three minutes.*
10. ITEMS FROM MEMBERS
11. ADJOURNMENT

NEXT REGULARLY SCHEDULED BOARD MEETING: APRIL 12, 2013