



FORT ORD REUSE AUTHORITY

920 2nd Avenue, Suite A, Marina, CA 93933

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

JOINT ADMINISTRATIVE COMMITTEE/ CAPITAL IMPROVEMENT PROGRAM COMMITTEE MEETING

8:15 a.m. Wednesday, May 7, 2014

920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE
4. PUBLIC COMMENT PERIOD
Individuals wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so during the Public Comment Period for up to three minutes. Comments on specific agenda items are heard under that item.
5. APPROVAL OF MINUTES
 - a. March 27, 2014 Joint Administrative/CIP meeting minutes ACTION
 - b. April 16, 2014 Joint Administrative/CIP meeting minutes ACTION
6. MAY 16, 2014 BOARD MEETING - AGENDA REVIEW INFORMATION/ACTION
7. OLD BUSINESS
 - a. Consistency Determination: Review the City of Seaside Zoning Code Amendments Related to the 2013 Zoning Code Update as Consistent with the 1997 Fort Ord Reuse Plan. INFORMATION/ACTION
 - b. Recreational Trails Presentation INFORMATION
 - c. Regional Urban Design Guidelines Task Force Status Report INFORMATION
 - d. FY 2014-15 Capital Improvement Program
 - i. Presentation by FORA Staff INFORMATION
 - ii. Phase III Study Presentation by Economic & Planning Systems INFORMATION
 - iii. Review Draft FY 2014/15 Capital Improvement Program ACTION
 - iv. Review Resolution to Implement Fee Adjustment ACTION
8. ITEMS FROM MEMBERS
9. ADJOURNMENT

Upcoming Meetings:

FORA Board meeting: 2:00 pm, May 16, 2014

Administrative Committee meeting: 8:15am, May 21, 2014

To request disability related accommodations please contact the Deputy Clerk 48 hours prior to the meeting at (831)883-3672. Agenda materials are available on the FORA website at www.fora.org.



FORT ORD REUSE AUTHORITY
JOINT ADMINISTRATIVE AND CAPITAL IMPROVEMENT PROGRAM COMMITTEE
REGULAR MEETING MINUTES

3:00 p.m., Thursday, March 27, 2014 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Co-chair Houlemard called the meeting to order at 3:07 p.m. The following were present:

Committee Members:

Carl Holm, County of Monterey
Elizabeth Caraker, City of Monterey
John Dunn, City of Seaside
Layne Long, City of Marina
Vicki Nakamura, MPC
Rick Riedl, City of Seaside
Anya Spear, CSUMB
Paul Greenway

Others Present:

Jane Haines
Patrick Breen, MCWD
Bob Schaffer
Wendy Elliot, MCP
Chuck Lande, Marina Heights
Doug Yount, ADE
Jim Fletcher, East Garrison
Kathleen Lee, Sup. Potter

FORA Staff:

Michael Houlemard
Steve Endsley
Jim Arnold
Crissy Maras
Jonathan Garcia

2. PLEDGE OF ALLEGIANCE

John Dunn led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Co-chair Houlemard noted that some FORA staff members and FORA chair Edelen had recently attended meetings in Sacramento to discuss issues related to the California Central Coast Veterans Cemetery and the Habitat Conservation Program. He added that he would be recommending adding a new Economic Development position to address a need to link educational, agricultural and environmental jobs.

4. PUBLIC COMMENT PERIOD

Jane Haines, a member of the public, provided printed copies of an email she sent to FORA staff regarding how the Monterey Downs Horse Park is projected in the FY 2013/14 Capital Improvement Program (CIP). Mr. Dunn agreed to work with his staff to ensure Seaside's projects would be accurately reflected in the upcoming FY 2014/15 CIP.

5. MARCH 14, 2014 BOARD MEETING FOLLOW UP

Follow-up from the March 14, 2014 Board meeting included the 6-6 tie vote on the Monterey County consistency determination which was subsequently remanded back to the County.

6. NEW BUSINESS

a. FY 2014/2015 Capital Improvement Program Workshop

i. Final Development Forecasts

ii. Revenue Projections

1. CFD Special Tax

2. Land Sales

3. Property Taxes

iii. CIP Obligations

1. Transportation/Transit

2. Water Augmentation

3. Habitat Management

4. **Storm Drainage**
5. **Fire Rolling Stock**
6. **Property Management/Caretaker Costs**
7. **Other Costs & Contingency**
8. **Building Removal**

iv. CIP Review – Phase III Study

Senior Planner Jonathan Garcia reviewed a presentation which included land use jurisdictions' final development forecasts/revenue projections and an overview of FORA's remaining CIP obligations. He highlighted a graphic which demonstrated FORA Community Facilities District (CFD) fee forecasts comparison: 2013/14 Approved CIP vs. Projections, wherein it was noted that the jurisdictions had projected FORA would collect \$11.1M in CFD fees in 2013/14; \$1.2M was actually collected. Another graphic showed \$6.3M in 2013/14 projected Land Sales Revenue vs. \$1.1M in actual collections. Mr. Garcia noted that FORA would begin differentiating between entitled and planned projects when describing future CFD fee and land sales collection.

At this point, EPS staff David Zehnder and Ellen Martin reviewed four main updates to their CIP Phase III review work and noted the importance of realistic, accurate development projections: 1) EPS is reviewing the unit costs and contingencies on remaining on and off-site transportation projects; 2) Reviewing the Marina Coast Water District (MCWD) voluntary contribution in the FORA CIP to determine if it would be more accurately reflected in MCWD's CIP since it is not a Base Reuse Plan California Environmental Quality Act FORA obligation. Removing this contribution from FORA's CIP would reduce the development fee; 3) Which was the more predictable automatic inflator, the San Francisco or 20-City construction cost index; and 4) The HCP contingency and pay-out rate.

EPS estimates the Phase III study will be complete in May. A draft presentation will be made to the FORA Board prior to FORA presentation of the draft re-programmed FY 14/15 CIP.

7. ITEMS FROM MEMBERS

None.

8. ADJOURNMENT

Co-Chair Houlemard adjourned the meeting at 4:50 p.m.



FORT ORD REUSE AUTHORITY
JOINT ADMINISTRATIVE AND CAPITAL IMPROVEMENT PROGRAM COMMITTEE
REGULAR MEETING MINUTES

8:15 a.m., Wednesday, April 16, 2014 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Co-chair Houlemard called the meeting to order at 8:17 a.m. The following were present:

Carl Holm, County of Monterey
Elizabeth Caraker, City of Monterey
John Dunn, City of Seaside
Vicki Nakamura, MPC
Anya Spear, CSUMB
Paul Greenway, County of Monterey

Patrick Breen, MCWD
Bob Schaffer
Wendy Elliot, MCP
Doug Yount, ADE
Tim O'Halloran, City of Seaside

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

2. PLEDGE OF ALLEGIANCE

Elizabeth Caraker led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Anya Spear provided an update to the Committee on California State University, Monterey Bay's (CSUMB) blight removal progress and Co-Chair Houlemard stated that the Monterey County Weekly was currently coordinating with FORA and CSUMB on an article related to Fort Ord blight removal.

4. PUBLIC COMMENT PERIOD

None.

5. APRIL 11, 2014 BOARD MEETING FOLLOW UP

Co-Chair Houlemard led a review of Board actions taken at the April 11, 2014 meeting.

6. OLD BUSINESS

a. Capital Improvement Program Follow-up

i. Development Forecasts Methodology

FORA Senior Planner Jonathan Garcia provided updated CIP spreadsheets reflecting recently revised development forecasts. Mr. Garcia explained the methodology used to model development forecasts, initially introduced at the Administrative Committee and subsequently reviewed and confirmed by the Economic & Planning Systems (EPS) Phase III study. The Finance Committee also reviewed the new forecasting methodology. The approach includes: 1) Jurisdictions will work with FORA to differentiate between entitled and planned development; 2) As jurisdictions coordinate with their developers to review and revise development forecasts each year, they will consider permitting and market constraints; 3) As FORA staff and committees review submitted jurisdiction forecasts, they will consider permitting and market constraints in making additional revisions; and 4) FORA Administrative and CIP Committees will confirm final development forecasts. This approach will be explained in the CIP narrative and in the board report transmitting the draft FY 2014/15 CIP.

ii. Final Development Forecasts

Committee members confirmed their final development forecasts.

iii. FORA/TAMC Hwy 68 Reimbursement Agreement Revenue Projections

Highway 68 Operational Improvements was a Regional Improvement in the FORA CIP. As lead agency, Monterey County requested that the Transportation Agency for Monterey County (TAMC) utilize their impact fees to fund the project. TAMC funded the project in 2012 and is now requesting reimbursement. A draft reimbursement agreement was provided for review. It was noted that this project had been programmed to receive funding in 2013/14 and funds were available to retire this obligation by the end of the fiscal year. FORA's financial contribution was only a percentage of the overall project total.

FORA Assistant Executive Officer Steve Endsley announced that the next joint Administrative/CIP meeting would focus on reviewing the draft CIP (narrative and tables), with EPS in attendance (via telephone) to review their Phase III study results, and the draft presentation to the FORA Board. FORA Board review is typically a two-step process, with their first review in May allowing the option to request edits, additional information or a vote to approve. The second meeting in June should include final approval. FORA staff will make every attempt to provide the draft CIP as early as possible to allow full review by the joint committee.

b. Status Update - Regional Urban Design Guidelines

Associate Planner Josh Metz stated that staff had received a number of high-quality responses to the previously released Request for Qualifications for development of the Regional Urban Design Guidelines (RUDG). The RUDG Task Force would hold their first meeting the following week to review the responses.

7. ITEMS FROM MEMBERS

Elizabeth Caraker announced that the Monterey City Council had appointed Mike McCarthy as permanent City Manager. Carl Holm noted that the County of Monterey was re-engaged in the development of the Fort Ord Recreational Habitat Area Master Plan and emphasized the importance of coordination with FORA during that process. He suggested that the Committee receive a recreational trails presentation at their next meeting and the Committee concurred.

8. ADJOURNMENT

Co-Chair Houlemard adjourned the meeting at 9:23 a.m.

-START-

**DRAFT
BOARD PACKET**



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SPECIAL MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, May 16, 2014 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **CLOSED SESSION**
 - a. Public Employee Performance Evaluation – Executive Officer (Gov Code 54957)
 - b. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – **2 Cases**
 - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case Number: M114961
 - ii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M11856
4. **ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**
5. **ROLL CALL**
6. **STATE LEGISLATIVE SESSION** INFORMATION
Federal Legislative Session was held at the May 11, 2014 Board meeting
 - a. Receive Report from Senator Bill Monning (17th State Senate District)
 - b. Receive Report from Assemblymember Mark Stone (29th State Assembly District)
7. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**
8. **CONSENT AGENDA** ACTION
 - a. Approve April 11, 2014 Board Meeting Minutes
 - b. Approve Highway 68 Operational Improvements Reimbursement Agreement
 - c. Approve Positions on Current State Legislation
 - d. Approve Denise Duffy & Associates Contract Extension Amendment #8
 - e. Approve Property Transfer Recordation Resolution
9. **OLD BUSINESS** ACTION
 - a. Approve Resolution Requesting Preston Park Loan Extension
10. **NEW BUSINESS**
 - a. Appeal: Marina Coast Water District Determination Bay View Community Annexation ACTION
 - b. FY 2014-15 Capital Improvement Program INFORMATION/ACTION
 - i. Presentation by FORA Staff INFORMATION
 - ii. Presentation by Economic & Planning Systems INFORMATION
 - iii. Adopt FY 2014/15 Capital Improvement Program ACTION
 - iv. Approve Resolution to Implement Fee Adjustment ACTION

- c. Adopt FORA FY 2014-15 Annual Budget ACTION
- d. Consistency Determination: Consider Certification, in whole or in part, of the City of Seaside Zoning Code amendments related to the 2013 Zoning Code update as Consistent with the 1997 Fort Ord Reuse Plan ACTION

11. PUBLIC COMMENT PERIOD

Members of the public wishing to address the FORA Board of Directors on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period for up to three minutes. Comments on specific agenda items are heard under that item.

12. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables INFORMATION
- b. Habitat Conservation Plan Update INFORMATION
- c. Administrative Committee INFORMATION
- d. Veterans Issues Advisory Committee INFORMATION
- e. Finance Committee INFORMATION
- f. Water/Wastewater Oversight Committee INFORMATION
- g. Regional Urban Design Guidelines Task Force INFORMATION
- h. Post Reassessment Advisory Committee INFORMATION
- i. Travel Report INFORMATION
- j. Public Correspondence to the Board INFORMATION

13. ITEMS FROM MEMBERS

14. ADJOURNMENT

NEXT REGULAR BOARD MEETING: June 13, 2014

Persons seeking disability related accommodations should contact FORA 24 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Chanel 25. The video and meeting materials are available online at www.fora.org.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Approve Highway 68 Operational Improvements Reimbursement Agreement	
Meeting Date:	May 16, 2014	ACTION
Agenda Number:	8b	

RECOMMENDATION:

Approve the attached reimbursement agreement (**Attachment A**) between the Fort Ord Reuse Authority (FORA), County of Monterey (County) and Transportation Agency for Monterey County (TAMC) for Highway 68 Operational Improvements.

BACKGROUND:

FORA Capital Improvement Program (CIP) Project R12 (Highway 68 Operational Improvements) was assigned by TAMC during their 2005 FORA Fee Reallocation Study. The project involved operational improvements at San Benancio, Laureles Grade and Corral De Tierra, including left turn lanes and/or improved signal timing. As a Regional Improvement, FORA's assigned funding to Project R12 was a percentage (\$223,660) of the total projected cost. That amount was annually inflated and is currently \$312,205 in the FY 2013/14 CIP.

DISCUSSION:

During CIP reprogramming in FY 2012/13, County and TAMC staff requested that Project R12 receive priority funding. The FORA Board adopted the FY 2012/13 CIP, which included funding Project R12 in FY 2012/13. Although County was identified as the project lead agency, they requested TAMC utilize Regional Development Impact Fees to complete the improvements. The project concluded in 2012, but reimbursement funds were unavailable in that fiscal year.

Again during CIP reprogramming in FY 2013/14, County and TAMC staff requested that Project R12 remain eligible for funding in the immediate fiscal year. The FORA Board adopted the FY 2013/14 CIP which included fully funding Project R12 (\$312,205) in FY 2013/14. TAMC staff requested, and FORA staff and Administrative Committee recommend, that the FORA Board approve the attached reimbursement agreement for Highway 68 Operational Improvements. Payment satisfies this mitigation requirement.

FISCAL IMPACT:

Reviewed by FORA Controller _____

FORA collected about \$1.5 million in FY 2013/14 developer fees. Therefore, reimbursement funds are available per the approved CIP budget.

COORDINATION:

TAMC, County of Monterey, Administrative Committee

Prepared by _____ Reviewed by _____
Crissy Maras D. Steven Endsley

Approved by _____
Michael A. Houemard, Jr.

**REIMBURSEMENT AGREEMENT BETWEEN THE FORT ORD REUSE
AUTHORITY, THE COUNTY OF MONTEREY AND THE TRANSPORTATION
AGENCY FOR MONTEREY COUNTY FOR CONSTRUCTION OF CERTAIN
OPERATIONAL IMPROVEMENTS ON HIGHWAY 68 AT SAN BENANCIO,
LAURELES GRADE AND CORRAL DE TIERRA**

THIS AGREEMENT is made on this ____ day of _____, 2014, by and between the FORT ORD REUSE AUTHORITY, hereinafter called "FORA," and the TRANSPORTATION AGENCY FOR MONTEREY COUNTY, hereinafter called "TAMC".

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report and a Fort Ord Base Reuse Plan (Plan). The Plan defines a series of project obligations of the Plan as the Public Facilities Improvement Plan (PFIP). The PFIP serves as the baseline Capital Improvement Program (CIP) for the Plan. The FORA Board of Directors annually revisits, reviews and considers a modified CIP that includes reprogramming of projects or other modifications deemed appropriate and necessary, such as the inclusion of the most recent TAMC study that reallocated transportation mitigation funds. That Study, entitled "FORA Fee Reallocation Study", was endorsed by the FORA Board of Directors on April 8, 2005.
- B. The 2005 "FORA Fee Reallocation Study" defined \$223,660 in FORA fees to pay for the preliminary engineering, design, environmental, construction and construction management of the "Hwy 68 Operational Improvements" project (FORA CIP Regional Improvement Project #R12). Project #R12 includes left turn lanes and improved signal timing at San Benancio, Laureles Grade and Corral De Tierra. The funds are currently programmed in FY 2013/2014.
- C. The initial \$223,660 delineated in CIP funding has been annually indexed under CIP policies and is now \$312,205 as the FORA obligation total for Project #R12.
- D. On September 13, 2013 the FORA Board of Directors revised, reviewed and approved the FY 2013/2014 through Post-FORA CIP. Development fees for construction of Project #R12 are included in the FY 2013/2014 through Post-FORA CIP and are programmed in FY 2013/2014.
- E. On August 6, 2009, due to the need for additional funding to complete Project #R12 due to unanticipated supplementary environmental analysis, the County of Monterey, Lead Agency for the Project, submitted a letter to TAMC requesting the allocation of ad-hoc development fees to allow the County of Monterey to fully fund the construction phase of the Highway 68 transportation projects in a timeframe much sooner than programmed under the FORA Capital Improvement Program.
- F. On August 26, 2009, the TAMC Board of Directors approved allocation of Regional Development Impact Fee funds from TAMC to the County of Monterey, and funding was provided up to the FORA Project share of \$312,205, on the

condition that the Transportation Agency would be reimbursed from the County of Monterey's share of the FORA fees for the Project.

- G. The County of Monterey completed construction of the Project on October 11, 2012.
- H. The purpose of this Agreement is to establish the extent and manner in which TAMC will be reimbursed by FORA for the FORA CIP portion of the Project costs.

NOW THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Reimbursement to TAMC. FORA's obligation to reimburse TAMC is contingent upon the development market and FORA's corresponding collection of Community Facilities District (CFD) fees. Fees collected under the FORA Community Facilities District are the only source of funds obligated for reimbursement under this Agreement. As of April 2, 2014, FORA has collected \$1.2 million in CFD fees. FORA shall reimburse TAMC for the costs incurred from August 26, 2009 through Project completion to the limit of FORA's obligation to the Project under the, then current, CIP.
2. Amount of Reimbursement. FORA, under this Agreement with TAMC, shall reimburse TAMC for the FORA share of the total Project cost as presented in the, then current, FORA CIP. FORA shall allocate \$312,205 in CFD fees in fulfillment of its obligations for Project #R12 to mitigate impacts under its CIP. Any funds designated to reimbursements shall not exceed FORA's allocation to the CIP transportation mitigations.
3. Invoices to FORA. TAMC shall submit an invoice to FORA. The invoice shall include a copy of a Notice of Completion filed with the County Recorder's office for the project.
4. Timing of Reimbursement. FORA shall reimburse TAMC with CFD fees, programmed to fund the Project, with the payment due no later than June 30, 2014, which is the last day of FY 2013/14 4th quarter.
5. Audit. TAMC agrees that TAMC's books and expenditures related to the Project shall be subject to audit by FORA.
6. Amendment by Written Recorded Instrument. This Agreement may be amended or modified, in whole or in part, only by a written and recorded instrument executed by both parties.
7. Indemnity and Hold Harmless. TAMC agrees to indemnify, defend and hold harmless from and against any loss, cost claim or damage directly related to TAMC's actions or inactions under this Agreement. FORA agrees to indemnify, defend and hold harmless from and against any loss, cost claim or damage directly related to FORA's actions or inactions under this Agreement.

8. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
9. Entire Agreement. This Agreement, along with any exhibits and attachments hereto, constitutes the entire Agreement between the parties hereto concerning the subject matter hereof.
10. Interpretation. It is agreed and understood by the parties hereto that this Agreement has been arrived at through negotiation and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set out opposite their respective signatures,

Fort Ord Reuse Authority

_____ Date: _____
Michael A. Houlemard, Jr.
Executive Officer

Approved as to form:

Jon R. Giffen
FORA Authority Counsel

Transportation Agency for Monterey County

_____ Date: _____
Debra L. Hale
Executive Director

Approved as to form:

Kathryn Reimann, TAMC Counsel

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Approve Positions on Current State Legislation

Meeting Date: May 16, 2014

Agenda Number: 8c

ACTION

RECOMMENDATION(S):

Approve Legislative Committee Recommended Positions on State Legislation, as demonstrated in the Legislative Track Document.

BACKGROUND/DISCUSSION:

The Legislative Committee met on May 7, 2014 to discuss the status of federal and state legislative matters and to consider recommendations to the Board regarding legislative support. The attached Bill Track document (**Attachment A**) has been amended to reflect the Committee's recommendations.

FISCAL IMPACT:

Reviewed by FORA Controller _____

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

COORDINATION:

Legislative Committee, JEA and Associates

Prepared by _____
Lena Spilman

Approved by _____
Michael A. Houlemard, Jr.

Placeholder for Attachment A to Item 8c

Legislative Bill Track Document

The FORA Legislative Committee will review this document at their May 7, 2014 meeting and their recommendations will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Approve Denise Duffy & Associates Contract Amendment #8

Meeting Date: May 16, 2014

Agenda Number: 8d

ACTION

RECOMMENDATION(S):

Authorize the Executive Officer to execute contract amendment #8 (**Attachment A**) with Denise Duffy & Associates (DD&A) for completion of species and project-specific analyses, and completion of the Public Review Draft Habitat Conservation Plan (HCP) Environmental Impact Statement/Environmental Impact Report (EIS/EIR), not to exceed \$99,910.

BACKGROUND/DISCUSSION:

FORA and US Fish and Wildlife Service (USFWS) selected DD&A in 2005 to perform the HCP EIS/EIR document. Contract amendment #8 provides for completion of additional California Tiger Salamander and other species analyses, analyses associated with Fort Ord Recreational Trail and Greenway (FORTAG) and potential Multi-Modal Transit Corridor (MMTC) covered activities, and 2nd Administrative, Screencheck, Public Review Draft EIS/EIR documents. Staff notes that USFWS is the lead agency for the Draft HCP EIS, while FORA is the lead agency for the Draft HCP EIR.

FISCAL IMPACT:

Reviewed by FORA Controller _____

DD&A's contract has been funded through FORA's annual budgets to support HCP preparation and conduct environmental review. The approved FY 13-14 Budget includes funding for this proposed amendment. Staff time for this item is included in the approved FORA budget.

COORDINATION:

Executive Committee, Administrative Committee, Authority Counsel, USFWS, CDFW, ICF, and DD&A.

Prepared by _____ Reviewed by _____
Jonathan Garcia Steve Endsley

Approved by _____
Michael A. Houlemard, Jr.

SCOPE OF WORK
for the
FORT ORD HCP
Environmental Impact Statement/Environmental Impact Report
Amendment #8
May 2, 2014

Denise Duffy & Associates, Inc. (DD&A) is currently contracted to prepare the environmental documentation for the Fort Ord Habitat Conservation Plan (HCP) (February 1, 2005). Due to changes in the documentation approach and the HCP consultant, DD&A prepared a Scope of Work that assumed the preparation of a joint NEPA/CEQA environmental document, dated July 21, 2008 (Amendment #1 to the original contract). Since the approval of contract amendment #1, additional revisions to the scope of work and budget occurred, which were approved as Amendments #2-4. To reflect these revisions to the original contract and provide a budget to complete the environmental review process through a screencheck draft Environmental Impact Statement/Environment Impact Report (EIS/EIR) (note: screencheck draft EIS/EIR means an Administrative draft EIS/EIR document that addresses substantive issues identified in previous Administrative drafts – this is the final draft prior to the public review draft EIS/EIR), DD&A prepared a Revised Scope of Work, dated January 3, 2012, which was referred to as “Amendment #5.” Amendment #5 included: Tasks 1-7 of the Revised Scope of Work; and the tasks described in Amendment #4. The Fort Ord Reuse Authority (FORA) approved Amendment #6, which included revising the impact analysis for the California Tiger Salamander (CTS) (see Task 5, below). Due to completion of several tasks and increased technical discussions and analyses, DD&A prepared contract amendment #7, which included a revised Scope of Work and budget amendment to update the HCP impact analysis and the 2nd Administrative Draft EIS/EIR and Screencheck Draft EIS/EIR to reflect the results of the technical discussions.

While most of the species issues from contract amendment #7 have been resolved, technical discussions concerning a few of the covered species remain outstanding. This proposed contract amendment (#8) has been prepared to complete these tasks, as well as a few additional tasks. In addition to resolving species issues, this amendment includes tasks to address potential additional covered activities and publish and finalize the EIS/EIR. These tasks were not included in previous contracts. Please note that this contract amendment would replace previous versions, as the order and numbering of tasks have been revised.

TASK 1. PREPARE FIRST ADMINISTRATIVE DRAFT EIS/EIR - COMPLETED

TASK 2. COMPLETE TASKS DESCRIBED IN AMENDMENT #4 - COMPLETED

TASK 3. REVIEW AGENCY COMMENTS ON DRAFT HCP - COMPLETED

TASK 4. AGENCY COORDINATION AND MEETINGS (AMENDED)

DD&A will continue coordinating with the HCP Working Group and working to resolve remaining issues and concerns. DD&A will participate in the meetings that ICF identified in their meeting schedule. In addition, DD&A will coordinate closely with ICF to maintain project schedule and completion.

DD&A will attend and participate in working group meetings as necessary throughout the project either in-person or on telephone conferences, including regular communication with the U.S. Fish and Wildlife Service (Service) and California Department of Fish and Wildlife (CDFW) to address key issues and confer on environmental impacts and what types of actions are suitable for avoidance, mitigation or conservation measures. For meetings where DD&A is the lead, we will prepare agendas and minutes with the action items, give presentations, and provide presentation materials, as needed. A log of all action items will be maintained to ensure that the required actions occur.

In total, this scope of work assumes that DD&A will attend the following meetings associated with other tasks in this scope of work: up to four HCP Working Group Meetings; two meetings with the Service, CDFW, ICF, and FORA; and seven conference calls. Any request(s) for meeting attendance by DD&A not provided for within this scope will be billed on a time and materials basis. This task includes the preparation of agendas, meeting minutes, and action item lists, as needed.

Responsibility: DD&A

Deliverables: Agendas, Meeting Minutes, Log of Action Items

TASK 5. REVISED CTS ANALYSIS (IN PROGRESS)

Per the requests of CDFW, DD&A has revised the CTS impact analysis as described in Amendment #6 and letter to FORA dated April 30, 2013. Pending resolution of a few species issues from the HCP Working Group, DD&A will finalize the tables, figures, and text associated with the impact analysis and submit the revisions to ICF for inclusion in the Screencheck Draft HCP.

Responsibility: DD&A

Deliverables: Revised CTS Occurrence and Impact Figures, Tables, and Text

TASK 6. UPDATE HCP COVERED SPECIES OCCURRENCE DATA (IN PROGRESS)

Per the requests of the Service and CDFW, DD&A will update the occurrence and impact data and maps for all covered species for inclusion in the HCP and EIS/EIR based on most recent scientific evidence. Due to factors of time and additional data, the effort for this task was significantly more time intensive than originally anticipated in contract amendment #7. The following tasks were identified as action items that are currently in progress and will be finalized upon receipt of final comments and resolution of species issues:

- Review of over a dozen data resources (e.g., CNDDDB, U.S. Army and FORA ESCA monitoring reports, additional survey data, U.S. Army GIS data, and State Parks data)
- Coordination with various Permittees to check for any revisions to their covered activities (e.g., MCWD, City of Marina, Monterey County Resource Management Agency - Planning and Parks Departments, BLM, and State Parks)
- Review status of future road projects (e.g., Multi-Modal Transportation Corridor)
- Update natural communities and existing development GIS layers to reflect changes in the landscape since 2009, revise each covered species occurrence layer accordingly, and update natural communities impact calculations to reflect changes
- Three new aquatic features have been documented within the former Fort Ord since 2009, which resulted in revisions to the natural communities, California tiger salamander, California red-legged frog, and fairy shrimp GIS layers; revise figures and impact calculations
- Revise western snowy plover habitat layer in GIS in coordination with State Parks to more accurately depict existing habitat; resolve impact analysis issues associated with access points and special treatment areas
- Revisions to the State Park Management Zone figure and impact assessment for State Parks
- Field visit with the Service on the populations of dune and sea cliff buckwheat east of Highway 1 to better inform the take assessment
- Confirm final critical habitat for snowy plover is consistent with proposed rule
- Update impact assumptions tables
- Create new table: Covered species impacts by HMA
- Revise Stay Ahead table to reflect revisions to impact calculations
- Update 2081 Individual Permit Table

Pending resolution of a few species issues from the HCP Working Group, DD&A will finalize the tables, figures, and text associated with the impact analysis update and submit the revisions to ICF for inclusion in the Screencheck Draft HCP.

Responsibility: DD&A

Deliverables: Updated Species Occurrence and Impact Figures and Tables

TASK 7. FORTAG ANALYSIS

Per the request of FORA, DD&A will conduct an analysis of the proposed Fort Ord Recreational Trail and Greenway (FORTAG) to determine its consistency with the HMP, HCP, and other planning documents, and identify any potential impacts to covered species. DD&A will utilize existing GIS data and prepare tables, figures, and text, as needed to provide the results of the analysis to FORA and the HCP Working Group. DD&A will coordinate with the FORTAG proponents, U.S. Army and BRAC, Service, and CDFW, as needed, during the analysis, and participate in up to four in-person meetings and two conference calls. The analysis will provide the data required to incorporate FORTAG-associated covered activities into the HCP Impact Assessment, if determined appropriate.

Responsibility: DD&A

Deliverables: FORTAG Analysis: Figures, Tables, and Text

TASK 8. MMTC ALTERNATIVES ANALYSIS

Per the request of FORA, DD&A will conduct an analysis of the proposed Multi-Modal Transportation Corridor (MMTC) alternatives to identify any potential impacts to covered species. DD&A will utilize existing GIS data and prepare tables, figures, and text, as needed to provide the results of the analysis to FORA and the HCP Working Group. DD&A will coordinate with the Transportation Agency for Monterey County (TAMC), U.S. Army and BRAC, Service, and CDFW, as needed, during the analysis, and participate in up to two in-person meetings and one conference call. The analysis will provide the data required to incorporate MMTC-associated covered activities into the HCP Impact Assessment, if determined appropriate.

Responsibility: DD&A

Deliverables: MMTC Alternatives Analysis: Figures, Tables, and Text

TASK 9. REVIEW SCREENCHECK DRAFT HCP (TO BE COMPLETED)

After review of agency comments, ICF will be incorporating agency comments and preparing a Screencheck Draft HCP. DD&A will review the Screencheck Draft HCP to determine whether any significant revisions have occurred that affect the environmental analysis. It is anticipated that minor revisions to the EIS/EIR will be required for consistency purposes, but that no new significant issues will be raised during this review. It is anticipated that any significant issues raised on the HCP by the Wildlife Agencies would have been resolved during prior tasks. The anticipated minor revisions are included in the attached budget spreadsheet. If significant revisions are required to the EIS/EIR as a result of revisions to the Screencheck Draft EIS/EIR, DD&A may request an amendment to this scope of work.

Responsibility: DD&A and ICF

Deliverable(s): Email to FORA containing a determination whether the Screencheck Draft will result in significant revisions to the EIS/EIR

TASK 10. PREPARE 2ND ADMINISTRATIVE DRAFT EIS/EIR AND SCREENCHECK DRAFT EIS/EIR (IN PROGRESS)

Upon conclusion of the review of the 1st Administrative Draft EIS/EIR and Screencheck Draft HCP, DD&A will revise the document based on internal team comments, as appropriate, and submit the 2nd Administrative Draft to the entire HCP Working Group, Service Solicitors, and CDFW Counsel for review. DD&A will revise the 2nd Administrative Draft EIS/EIR based on comments received and prepare a Screencheck Draft EIS/EIR for final review by the HCP Working Group, Service Solicitors, and CDFW Counsel before publishing the document for public review.

Responsibility: DD&A

Deliverables: 2nd Administrative Draft EIS/EIR and Screencheck Draft EIS/EIR

TASK 11. PREPARE PUBLIC REVIEW DRAFT EIS/EIR DOCUMENTATION

DD&A will incorporate minor comments anticipated on the Screencheck Draft EIS/EIR, and prepare the Draft EIS/EIR for formal public review. We will provide copies of the document on CD and in a pdf file so that it can be posted on the FORA, Service, and CDFW websites upon publication of the Federal Register notice. DD&A will provide five (5) hard copies of the Public Draft EIS/EIR to FORA, one (1) hard copy to the Service, and one (1) hard copy to CDFW. DD&A will be responsible for circulating the public review draft to the approved distribution list, which will be created during this task with internal team input. DD&A will also be responsible for the preparation of the CEQA notices (Notice of Availability and Notice of Completion), and filing and posting with the State Clearinghouse and County Clerk. The Public Review Draft EIS/EIR will be circulated concurrently with the Public Review Draft HCP and IA. This scope of work assumes ICF will be responsible for the production of the Public Draft HCP and IA and provide the requested number of copies to DD&A for distribution.

During the public review phase, DD&A will attend two public meetings in the project area. The FORA, Service, and CDFW (as needed) will be responsible for facilitating the public meetings. DD&A will prepare comprehensive documentation of the public meeting(s) and the Draft EIS/EIR circulation. This will include preparation of the Record of Public Meeting (including a certified transcript of the public meeting proceedings) and a Record of Draft EIS/EIR Circulation.

Responsibility: DD&A, Service, and FORA

Deliverables: Public Review Draft EIS/EIR and Noticing (hard copies, CDs, and pdf format), Record of Public Meeting, and Record of Draft EIS/EIR Circulation

DD&A Budget Amendment #8
May 2, 2014
Fort Ord Habitat Conservation Plan
Environmental Impact Statement/Environmental Impact Report

Billing Title		Principal	Senior Project Manager	Senior Planner	Senior Environmental Specialist	Assoc Planner or Biologist	Assist Planner	Word Processing	Graphics	Hours Per Task	Cost Per Subtask	Cost Per Task
1	Prepare 1st Admin Draft EIS/EIR									0	\$ -	\$ -
2	Complete Tasks Described in Amendment #4									0	\$ -	\$ -
3	Review Agency Comments on Draft HCP									0	\$ -	\$ -
4	Agency Coordination and Meetings	1	38			6		4	4	53	\$ 7,007	\$ 7,007
5	Revised CTS Analysis			16		8			6	30	\$ 3,428	\$ 3,428
6	Update HCP Covered Species Occurrence Data			30		32			20	82	\$ 8,706	\$ 8,706
7	FORTAG Analysis		18	20		18			12	68	\$ 8,084	\$ 8,084
8	MMTC Analysis		6	16		10			10	42	\$ 4,804	\$ 4,804
9	Review Screencheck Draft HCP	1	2	20		4				27	\$ 3,683	\$ 3,683
10	Prepare 2nd Admin Draft and Screencheck Draft EIS/EIR	1	68	170	80	120	40	30	26	535	\$ 63,971	\$ 63,971
11	Prepare Public Review Draft EIS/EIR	1	10	46	16	24	16	10	14	137	\$ 15,639	\$ 15,639
Total Hours		4	142	318	96	222	56	44	92	974		
Hourly Rate		\$ 211	\$ 150	\$ 139	\$ 139	\$ 98	\$ 88	\$ 57	\$ 70			
Total Labor		\$ 844	\$ 21,300	\$ 44,202	\$ 13,344	\$ 21,756	\$ 4,928	\$ 2,508	\$ 6,440		\$ 115,322	\$ 115,322
Subconsultants:												
Traffic											\$ 2,000	
TOTAL SUBCONSULTANTS												\$ 2,000
Expenses:												
Printing/Xerox											\$ 450	
Mileage/Communication											\$ 350	
Miscellaneous											\$ 75	
TOTAL EXPENSES												\$ 875
SUBTOTAL												\$ 2,875
15% Admin Fee												\$ 431
TOTAL												\$ 118,628
REMAINING BUDGET												\$ 18,718
REQUESTED AMENDMENT												\$ 99,910

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Approve Property Transfer Recordation Resolution	
Meeting Date:	May 16, 2014	ACTION
Agenda Number:	8e	

RECOMMENDATION:

Adopt Fort Ord Reuse Authority (FORA) Resolution 14-XX updating and adjusting the FORA property transfer document recording process.

BACKGROUND:

On March 14, 1997, the FORA Board adopted the Fort Ord Reuse Authority Master Resolution. Article 2.04.04 (b) (7), Executive Officer, Powers and Duties of the Executive Officer provides that; *"The Executive Officer has the following duties ... (7) To execute agreements, contracts, and documents on behalf of the Authority; ..."* In June 2000, the FORA Board Chair executed/entered into the Fort Ord Economic Development Conveyance (EDC) Agreement with the U.S. Army setting forth terms by which FORA was to receive certain defined Fort Ord properties. Subsequently, in May 2001, FORA and five underlying jurisdictions entered into an Implementation Agreement/Contract (I/A) that established property transfer acquisition, authority and other terms (Section 4). Past FORA property transfer deeds and other documentary attachments (where required) were executed by the FORA Executive Officer in conformance with the Master Resolution, the Fort Ord EDC Agreement and the I/As. These documents were been recorded at the Monterey County Recorder's Office.

Recently, while reviewing upcoming Army-FORA Deed Amendment correction documents, FORA Counsel noted a language flaw in the original deeds. The deeds recite FORA's acceptance, but are not semantically aligned with Government Code section 27281 and do not cite the Executive Officer's consent to recordation authority.

Government Code Section 27281: Deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant. (underline added)

FORA Counsel recommends that the FORA Board adopt the attached stand-alone Resolution 14-XX (**Attachment A**) specifically authorizing the FORA Executive Officer to record future property transfer documents on behalf of the Authority so that this resolution can be referenced in future property transfer documents submitted to the Monterey County Recorder's Office.

FORA staff and Counsel will work with the U.S. Army to integrate Government Code section 27281 requirements into future Army-FORA property transfer documents.

FISCAL IMPACT: Reviewed by FORA Controller _____

None.

COORDINATION: Administrative Committee; Executive Committee; FORA Authority Counsel

Prepared by _____ Approved by _____
Stan Cook Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY
Resolution 14-XX

Resolution of the Fort Ord Reuse Authority Board Authorizing the FORA Executive Officer to Record Future Property Transfer Documents on Behalf of the Authority to the Monterey County Recorder's Office

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. On March 14, 1997 the Board adopted the Fort Ord Reuse Authority Master Resolution. Article 2.04.04 (b) (7), Executive Officer, Powers and Duties of the Executive Officer provides that *"The Executive Officer has the following duties: ...(7) To execute agreements, contracts, and documents on behalf of the Authority; ..."*
- B. In June 2000, the Board as executed by Chair Edith Johnsen, entered into the Fort Ord Economic Development Conveyance (EDC) Agreement with the U.S. Army to receive certain Fort Ord properties.
- C. Subsequently, in May 2001, FORA and certain underlying jurisdictions entered into Implementation Agreements/Contracts (I/As) that defined property transfer acquisition, transfer authority and terms.
- D. Past FORA property transfers were executed by the FORA Executive Officer in conformance with the Master Resolution, the I/As and the EDC Agreement, and these property transfer documents were recorded at the Monterey County Recorder's Office.
- E. While reviewing upcoming Army-FORA Deed Amendment correction documents, FORA Authority Counsel noted that language contained in the original Army transfer deeds recites FORA's acceptance, but is not worded in precise conformity with current California Government Code section 27281 and should reflect the source of the Executive Officer's authority to consent to recordation.
 - a. **"Government Code Section 27281: Deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant."** (underline added)

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F. FORA Counsel recommends that the FORA Board adopt a resolution specifically authorizing the FORA Executive Officer to record future property transfer documents on behalf of the Authority so that this resolution can be referenced in future property transfer documents be submitted to the Monterey County Recorder's Office.

NOW THEREFORE the Board hereby resolves that:

1. The Board authorizes the FORA Executive Officer to consent to and cause to be recorded FORA property transfer documents on their behalf.

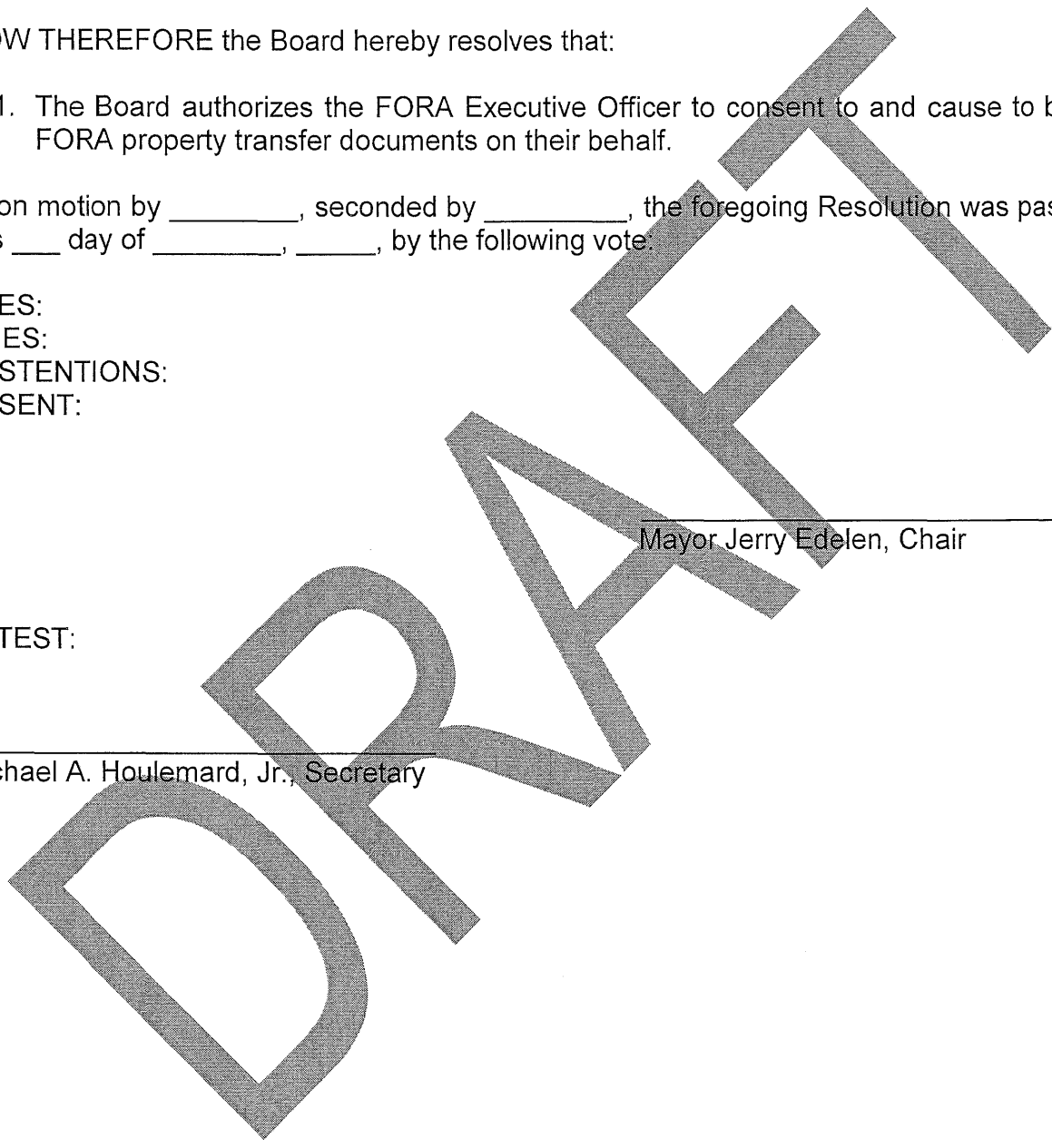
Upon motion by _____, seconded by _____, the foregoing Resolution was passed on this ___ day of _____, _____, by the following vote.

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Mayor Jerry Edelen, Chair

ATTEST:

Michael A. Houlemard, Jr., Secretary



Placeholder for Item 9a

***Approve Resolution Requesting Preston
Park Loan Extension***

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject: Appeal: Marina Coast Water District Determination Bay View Community Annexation

Meeting Date: May 16, 2014

Agenda Number: 10a

ACTION

RECOMMENDATION(S):

Adopt a proposed resolution from interim MCWD General Manager and Bay View Community Owners (**Attachment A**). The proposed resolution would not result in MCWD assuming ownership and operational responsibility of the water system located within Bay View Community. However, the proposed resolution may result in an acceptable metering program for the community.

BACKGROUND/DISCUSSION:

Bay View Community is a privately owned 223-residential unit community located at 5100 Coe Avenue, Seaside, within the former Fort Ord. MCWD provides water and wastewater services to the community. In April 2012, the owners of the Bay View Community requested that MCWD assume ownership and operational responsibility of the water distribution system located within Bay View Community. On May 10, 2012, the MCWD General Manager refused the request.

On September 21, 2012, Bay View Community addressed a letter to FORA, appealing MCWD's request denial (**Attachment B**). Over the course of the last two years, MCWD and Bay View Community representatives have attempted to negotiate a solution to the issue. A few months ago, the interim MCWD General Manager and Bay View Community representatives negotiated a proposed resolution. However, the MCWD Board has not adopted the proposed resolution. On April 10, 2014, Bay View Community representatives requested an additional 30-day period to attempt to resolve the issue with MCWD before bringing their appeal of MCWD's denial to the FORA Board of Directors for consideration, as provided for on page 7 of the FORA-MCWD Facilities Agreement Section 5.13, which reads:

"5.1.3 Complaints. Complaints about MCWD's operation of the facilities will be dealt with in the first instance by MCWD's General Manager or designee. Decisions of the General Manager or designee may be appealed to the FORA Board in the same manner that decisions within the boundaries of MCWD are appealed to MCWD's Board. The decision of the FORA Board on complaints will be final and will exhaust all administrative remedies."

Additional correspondence on this issue is provided under **Attachment C**.

FISCAL IMPACT:

Reviewed by FORA Controller _____

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

COORDINATION:

MCWD, Bay View Community representatives, Administrative and Executive Committees.

Prepared by _____ Reviewed by _____

Jonathan Garcia

Steve Endsley

Approved by _____

Michael A. Houlemard, Jr.

Proposed resolution:

1. Bay View Community owners agree to purchase replacement individual community water meters. Marina Coast Water District (MCWD) agrees to install the replacement meters.
2. MCWD agrees to read and bill the community water meters individually.
3. The eight-inch water meter serving Bay View Community will remain in place. MCWD will read this meter as a control meter.
4. Bay View Community owners and MCWD agree that Bay View Community owners will be responsible for payment above a system loss of 10% as measured between the eight-inch water meter and individual community water meters.
5. Bay View Community owners remain responsible for upkeep and maintenance of the water system.

ANTHONY LOMBARDO & ASSOCI
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMGNANI TIPTON

450 LINCOLN AVENUE, SUITE 101
P.O. BOX 2330
SALINAS, CA 93902
(831) 751-2330
FAX (831) 751-2331

September 21, 2012

File No. 03138.001

Mr. Michael Houlemard, Jr.
Fort Ord Reuse Authority
100 12th Street, Building 2880
Marina, CA 93933

Re: **Bay View Community**

Dear Mr. Houlemard:

Our firm represents the owners of the Bay View Community located in the former Fort Ord area.

Please accept this letter as an appeal to the Ford Ord Reuse Authority (FORA) of the May 10, 2012 decision of the Marina Coast Water District ("MCWD") General Manager refusing to assume ownership and operational responsibility of the water distribution system located within the Bay View Community.

The attached May 10th letter from MCWD provides no explanation for MCWD's refusal to accept the system. Bay View Community is entitled to receive water service on the same basis as all other properties within the former Fort Ord. I am also enclosing copies of the relevant documents from my research which seem to indicate that MCWD does have an obligation to accept the responsibility for the ownership and maintenance of the system.

Attached as Exhibit A is Amendment No. 1 to the MOA between the United States Army and FORA. Article 1, paragraph f of that Agreement states that Bay View Community is to receive service under the same terms and conditions as any other existing residential development in the City of Seaside. The language of this document is clearly inconsistent with MCWD's interpretation that the Bay View Community is to be held to a different standard than the remaining existing residential development in the City of Seaside and treated as if it were a multi-unit residential development in Marina. It appears clear to me from the unequivocal language of this document that Bay View is entitled to have the water system turned over to MCWD and have MCWD read and bill the meters just as they do with every other residential property owner in the City of Seaside.

Attached as Exhibit B is correspondence from the former Mayor of Seaside, former General Manager of the MCWD and the Executive Director of FORA confirming that fact to the owner of Bay View, which again reiterates and amplifies the fact that MCWD is going to provide the

Mr. Michael Houlemard, Jr.
Fort Ord Reuse Authority
September 21, 2012
Page 2

same level of service as it does to other existing residential housing units within the City and FORA development area. Based on our research, it appears that all of those developments are individually metered as has been requested by Bay View.

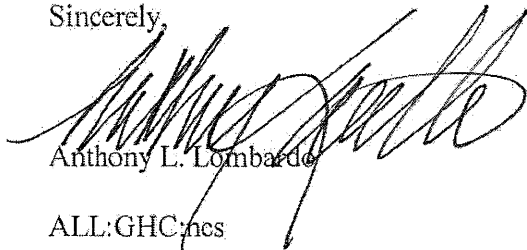
I have also reviewed the In-Tract Water and Wastewater Collection System Infrastructure Policy dated January, 2004 from MCWD and nowhere in that policy does it describe a situation where any capital improvement is required of a water system within Fort Ord absent the redevelopment of the site by the property owner. Since this portion of the Bay View development is neither scheduled for development nor redevelopment, there is nothing in this property which would mandate any changes to the existing water system which MCWD should have taken ownership and control of many years ago.

Further, the Water/Wastewater Facilities Agreement between the Fort Ord Reuse Authority and MCWD reiterates in paragraph 5.5.1 that it will operate the facilities in Fort Ord consistent with the rules, regulations and policies established by the FORA Board and MCWD which, as they relate to this property, are clearly set forth in the correspondence I referenced previously.

Since paragraph 5.13 of that Agreement makes decisions of the General Manager of the MCWD appealable to the FORA Board, we are hereby filing that appeal.

Please let me know if there is any additional information you need to process this appeal.

Sincerely,



Anthony L. Lombardo

ALL:GHC:ncs

Enclosures

cc: Mr. Ray Roeder
Jerry Bowden, Esq.
Terra Chaffee, Esq.



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099
Home Page: www.mcwd.org
TEL: (831) 384-6131 FAX: (831) 883-5995

DIRECTORS

DAN BURNS
President

HOWARD GUSTAFSON
Vice President

KENNETH K. NISHI
JAN SHRINER
WILLIAM Y. LEE

May 10, 2012

Mr. Ray Roeder
RINC Diversified
5100 Coe Avenue
Seaside, CA 93955

Subject: Bay View Community Water and Sewer Infrastructure

Dear Mr. Roeder,

The Marina Coast Water District (District) has reviewed your request for the District assuming ownership and operational responsibility for the potable water and sanitary sewer infrastructure that serves your Bay View Community in Seaside. The District staff has reviewed the submitted Bay View water and sewer system as-built drawings and has conducted a review of the infrastructure.

The results of the review indicate that the Bay View Community water and sewer systems do not conform to MCWD requirements and standards and would require substantial modification to achieve compliance. As such, it would not be in the best interest of the District to assume ownership and operational responsibility.

If you would like to meet to review our findings, please give me a call at (831) 883-5925. Thank you for your patience in this matter.

Sincerely,

Carl Niizawa, P.E.
Deputy General Manager/District Engineer

Cc: James Derbin Jim Heitzman
Lloyd Lowrey Brian True

EXHIBIT A

KR LLP DRAFT
7/26/01

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AMENDMENT NO. 1
TO THE
MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
ACTING BY AND THROUGH
THE SECRETARY OF THE ARMY
UNITED STATES DEPARTMENT OF THE ARMY
AND
THE FORT ORD REUSE AUTHORITY
FOR THE SALE OF
PORTIONS OF THE FORMER FORT ORD
LOCATED IN MONTEREY COUNTY, CALIFORNIA

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THIS AMENDMENT NO. 1 to the *Memorandum of Agreement between the United States of America acting by and through the Secretary of the Army, United States Department of the Army, and the Fort Ord Reuse Authority for the Sale of Portions of the Former Fort Ord Located in Monterey County, California dated June 20, 2000* ("Agreement") is entered into on this ____ day of _____ 2001 by and between **THE UNITED STATES OF AMERICA**, acting by and through the Department of the Army ("Government"), and **THE FORT ORD REUSE AUTHORITY** ("Authority"), recognized as the local redevelopment authority by the Office of Economic Adjustment on behalf of the Secretary of Defense. Government and Authority are sometimes referred to herein collectively as the "Parties."

RECITALS

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WHEREAS, the Parties did enter into the Agreement for the "No Cost" Economic Development Conveyance ("EDC") to the Authority of a portion of the former Fort Ord, California ("Property") pursuant to Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, as amended, and the implementing regulations of the Department of Defense (32 CFR Part 175);

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WHEREAS, subsequent to the execution and delivery of the Agreement, the Parties determined that in accordance with the Reuse Plan and in order to facilitate the economic redevelopment of the Property, it is desirable and necessary to include within the scope of the Agreement the Water and Wastewater Systems at the former Fort Ord ("Water Systems"), more particularly described in the Quitclaim Deed attached as Exhibit A to this Amendment No. 1, for transfer through the Authority to the Marina Coast Water District ("District") in lieu of a direct transfer of the Water Systems from the Government to the District under a Public Benefit Conveyance ("PBC");

FORT ORD MOA AMENDMENT NO. 1

1
2 WHEREAS, subsequent to the execution and delivery of the Agreement, Section
3 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 was amended by Section
4 2821 of the National Defense Authorization Act for Fiscal Year 2001 (Pub. L. No. 106-398) to
5 change certain requirements regarding the use of proceeds from the sale or lease of the Property
6 transferred under the Agreement.
7

8 NOW THEREFORE, in consideration of the foregoing premises and the respective
9 representations, agreements, covenants and conditions herein contained, and other good and
10 valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the
11 Parties agree as follows:
12

13 AGREEMENTS
14

15 **Article I. Water and Wastewater Systems**
16

17 a. In lieu of the Government transferring the Water and Wastewater Systems and all
18 associated and ancillary rights directly to the District under the PBC dated August 26, 1997, as
19 described in paragraph 5.01 of the Agreement, the Government, pursuant to paragraph 2.01 of
20 the Agreement, shall transfer to the Authority at no-cost, as part of the Economic Development
21 Conveyance, simultaneously with the execution of this Amendment No. 1, the Water and
22 Wastewater Systems on the Property and the Presidio of Monterey Annex, together with all their
23 respective water rights and wastewater discharge rights and ancillary rights.
24

25 b. Notwithstanding Article 5.02 of the MOA, the Government and the Authority
26 agree that the water rights reserved to the Government are reduced by 38 acre feet per year
27 ("afy") for a total reservation of water rights for the Government of 1691 afy. The Government
28 and the Authority agree further that the water rights to be conveyed to the Authority pursuant to
29 this Amendment No. 1 shall be 38 afy in addition to the water rights described in the District
30 PBC Application dated August 26, 1997 for a total conveyance of water rights to the Authority
31 of 4,909 afy.
32

33 c. The Transfer of the Water and Wastewater Systems on the Property and the
34 Presidio of Monterey Annex, together with all their respective water rights and wastewater
35 discharge rights and ancillary rights, shall be accomplished upon the execution by the
36 Government and the recordation by the Authority of the Deed attached as Exhibit A to this
37 Amendment No. 1.
38

39 d. Immediately following the transfer of the Water and Wastewater Systems and
40 their associated and ancillary rights from the Government to the Authority, the Authority shall
41 transfer the Water and Wastewater Systems and all associated and ancillary rights to the District.
42

FORT ORD MOA AMENDMENT NO. 1

1 e. The Authority, through allocation instructions to the District, the Authority
2 selected water purveyor, agrees to provide water service to the SunBay Housing Area
3 ("SunBay"), in an amount up to 120 afy in the same fashion as water service is provided to other
4 users on the former Fort Ord.

5
6 f. The Authority, through allocation instructions to the District, the Authority
7 selected water purveyor, agrees to provide water service to the Bay View Community/Brostrom
8 Housing Area ("Bay View"), in an amount equal to .21 afy per residential housing unit times 223
9 residential housing units, and 38 afy (.21 afy X 223 + 38 afy) as follows:

- 10
11 1. Under the same terms and conditions of any other existing residential
12 development in the City of Seaside, California ("Seaside").
13 2. Bay View residents will have three years to reduce consumption at Bay View to
14 meet Seaside's .21 afy per unit conservation requirement without penalty.
15 3. Bay View residents will be charged at the then District rate as any other former
16 Fort Ord user will be charged for similar water services.
17 4. The same level of water service (.21 afy per residential housing unit times 223
18 residential housing units, and 38 afy) shall be available for future residential
19 development on the Bay View site when and if a project is approved in
20 conformity with Seaside's General Plan and Zoning requirements.
21 5. If a future development on the Bay View site can achieve a more efficient use of
22 this amount of water service, credit for such conservation may be applied to an
23 increase in units on the Bay View property in conformity with Seaside's General
24 Plan and Zoning requirements if and when a project is approved.
25

26 **Article 2. Reporting Period**

27
28 In accordance with Section 2821 of the National Defense Authorization Act for Fiscal
29 Year 2001 (Pub. L. No. 106-398) and the Agreement, the Agreement is hereby amended as
30 follows:

31
32 a. In paragraph 1.20 of the Agreement, delete the definition of Reporting Period in
33 its entirety and substitute the following:

34
35 "A period of time, beginning with the recordation of the Deed or Lease in
36 Furtherance of Conveyance ("LIFOC") for the initial transfer of property and
37 ending seven (7) years thereafter, within which the Authority will submit annual
38 statements as described in paragraph 2.01(F) of this Agreement."
39

40 b. In paragraph 2.01(F) of the Agreement delete the first sentence and substitute the
41 following:
42

FORT ORD MOA AMENDMENT NO. 1

1 "The Authority shall prepare and submit to the Government an annual financial
2 statement certified by an independent certified public accountant. The statement
3 shall cover the Authority's use of proceeds it receives from the sale, lease, or
4 equivalent use of the Property. The first such statement shall cover the 12 month
5 period beginning on the date of recordation of the first Deed or LIFO and shall
6 be delivered to Government within 60 days of the end of that period and annually
7 thereafter. The seven-year period will commence with the recordation of the
8 Deed or LIFO for the initial transfer of property. The last such statement shall
9 cover the 12 month period beginning on the date seven years following the
10 recordation of the Deed or LIFO for the initial transfer of property. The
11 financial statements shall cover all parcels of property that have been conveyed
12 during the seven-year period."
13

14 **Article 3. Survival and Benefit**

15
16 a. Unless defined separately, the terms used in this Amendment No. One shall be the
17 same as used and defined in the Agreement.

18
19 b. Except as set forth herein, and unless modified specifically by this Amendment
20 No. 1, the terms and conditions contained in the Agreement shall remain binding upon the
21 Parties and their respective successors and assigns as set forth in the Agreement.
22

23 In Witness whereof, the Parties, intending to be legally bound, have caused their duly
24 authorized representatives to execute and deliver this Amendment No. 1 as of the date first above
25 written.
26

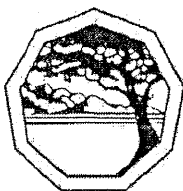
27 **UNITED STATES OF AMERICA,**
28 **Acting by and through the Department of the Army**

29
30
31 By: _____
32 **PAUL W. JOHNSON**
33 **Deputy Assistant Secretary of the Army (I&H)**
34
35

36 **FORT ORD REUSE AUTHORITY**
37 **LOCAL REDEVELOPMENT AUTHORITY**
38
39

40 By: _____
41 **JIM PERRINE**
42 **Chair**

EXHIBIT B



FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933
PHONE: (831) 883-3672 - FAX: (831) 883-3675
WEBSITE: www.fora.org

January 4, 2002.

Bay View/Brostrom
ATTN: Ray Roeder
c/o The RINC Organization
5100 Coe Avenue
Seaside, CA 93955

RE: Bay View/Brostrom - Commitment Regarding Provision of Water Resources and Services

Dear Mr. Roeder:

This letter offers a specific commitment from the City of Seaside ("the City"), the Fort Ord Reuse Authority ("FORA") and the Marina Coast Water District ("MCWD") regarding the provision of water resources and services for the Bay View Community/Brostrom Housing Area ("Bay View/Brostrom") at the former Fort Ord.

FORA has adopted a policy that all existing and future developments on the former Fort Ord will be treated on an equitable basis. In order to implement this policy, and to comply with other provisions of the Final Fort Ord Base Reuse Plan, FORA has adopted a water resources and services distribution program that includes requirements for water conservation and use. The distribution program is formally acknowledged in agreements with the MCWD, the United States Army, and the underlying jurisdictions, including the City, to guide the supply of water resources and services to properties within the former Fort Ord geographic envelope.

As the State empowered redevelopment entity for the former Fort Ord, and in compliance with the approved distribution program, FORA recognizes the water resource and service needs for Bay View and assures the provision of water resources and services to these existing residential housing units under the same terms and conditions as other existing developments within the City and the FORA development area. Specifically, and pursuant to Amendment No. 1 dated October 23, 2001 to the Fort Ord Economic Development Memorandum of Agreement, FORA, through allocation instructions to MCWD, agrees to provide water resources and services to Bay View, in an amount equal to .21 acre feet per year ("afy") per residential housing unit times 223 residential housing units, and 38 afy (.21 afy X 223 + 38 afy) as follows:

1. Under the same terms and conditions of any other existing residential development in the City.
2. Bay View residents will have three years to reduce consumption at Bay View to meet the City's .21 afy per unit conservation requirement without penalty.
3. Bay View residents will be charged at the then MCWD rate as any other former Fort Ord user will be charged for similar water services.
4. The same level of water service (.21 afy per residential housing unit times 223 residential housing units, and 38 afy) shall be available for future residential development on the Bay View site when and if a project is approved in conformity with the City's General Plan and Zoning requirements.

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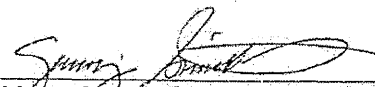
January 4, 2002

Page 2

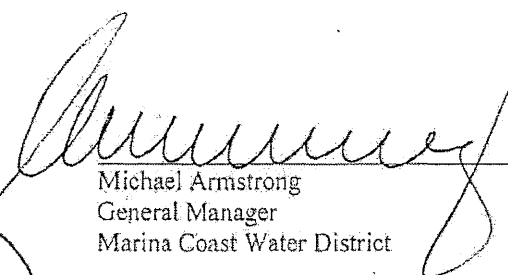
5. If a future development can achieve a more efficient use of this amount of water service, credit for such conservation will be applied to an increase in units on the Bay View property in conformity with the City's General Plan and Zoning requirements.

MCWD, as the FORA selected water purveyor for the former Fort Ord, accepts responsibility for providing the above-described level of water resources and services to Bay View consistent with the provision of water resources and services for all other projects and in compliance with the policies for conservation required throughout the former Fort Ord.

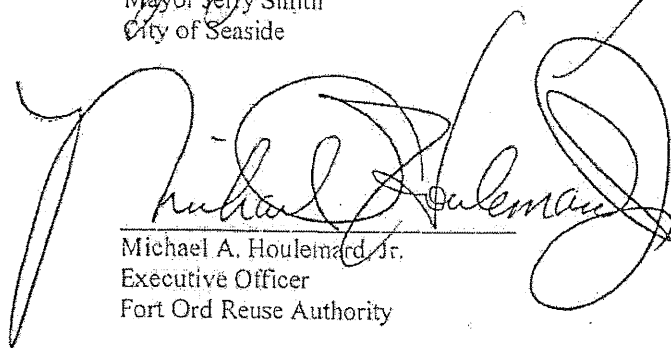
Yours truly,



Mayor Jerry Smith
City of Seaside



Michael Armstrong
General Manager
Marina Coast Water District



Michael A. Houlemard, Jr.
Executive Officer
Fort Ord Reuse Authority

c: George Schlossberg, Esq., Kutak Rock
Jim Feeney, FORA

ANTHONY LOMBARDO & ASSOCI.
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMGNANI TIPTON

450 LINCOLN AVENUE, SUITE 101
P.O. Box 2330
SALINAS, CA 93902
(831) 751-2330
FAX (831) 751-2331

AUG 14 2012

August 13, 2012

File No. 03138.001

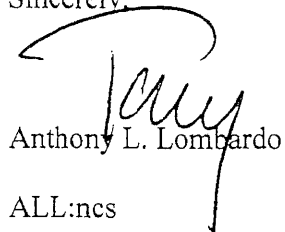
Mr. Michael Houlemard
Fort Ord Reuse Authority
920 Second Avenue, Suite A
Marina, CA 93933

Re: **Marina Coast Water District Issues/Bay View Mobile Home Park**

Dear Michael:

Per our conversation of last week, please find enclosed copies of my correspondence with Lloyd Lowrey and Jim Heitzman. Please call me after you have had a chance to review these.

Sincerely,


Anthony L. Lombardo

ALL:ncs

Enclosures

Tony Lombardo

8138.1

From: Tony Lombardo
Sent: Thursday, July 19, 2012 10:33 AM
To: Lowrey, Lloyd (lloyre@nheh.com); jheitzman@mcwd.org
Cc: rr@rincorg.com
Subject: BAY VIEW COMMUNITY

Lloyd and Jim:

I am writing to inform you that Marina Coast's most recent billing on Account No. 000990-000 of \$6,276.63 has been deposited in my trust account in addition to the amount previously deposited pending resolution of the dispute over the ownership and maintenance of the water system within the Bay View project.

Anthony L. Lombardo
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
450 Lincoln Avenue, Suite 101
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
Email tony@alombardolaw.com

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5

3817

BAY VIEW COMMUNITY DE LLC-AP
GENERAL ACCOUNT
5100 COE AVENUE
SEASIDE, CA 93955
(831) 899-9900

Fb FREMONT BANK
CARMEL OFFICE
26356 CARMEL RANCHO LANE, CARMEL, CA 93923
90-788-1211

ECheck® Check Fraud
Protection for Business

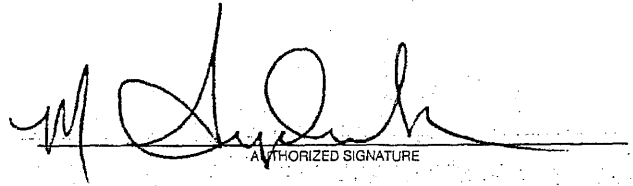
7/16/2012

PAY TO THE ORDER OF Anthony Lombardo & Associates

\$ **6,276.63

Six Thousand Two Hundred Seventy-Six and 63/100 ***** DOLLARS

Anthony Lombardo & Associates
450 Lincoln Ave, Suite 103
Salinas, Ca. 93901


AUTHORIZED SIGNATURE

MEMO Marina Coast Water - Acct: 000990-000

⑈003817⑈ ⑆121107882⑆ 14⑈90250⑈8⑈

Security features. Details on back

BAY VIEW COMMUNITY DE LLC-AP

3817

Anthony Lombardo & Associates

Date	Type	Reference	Original Amt.	Balance Due	7/16/2012	Discount	Payment
7/10/2012	Bill		6,276.63	6,276.63			6,276.63
					Check Amount		6,276.63

BVC - AP

Marina Coast Water - Acct: 000990-000

6,276.63

Tony Lombardo

3138.1

From: Tony Lombardo
Sent: Wednesday, July 11, 2012 3:31 PM
To: jheitzman@mcwd.org; Lowrey, Lloyd (lloyre@nheh.com)
Cc: rr@rincorg.com
Subject: BAY VIEW COMMUNITY

Jim and Lloyd:

I am following up on my letter of June 29th regarding the water system serving the Bay View Mobile Home Park. In light of the dispute between Bay View and the Marina Coast Water District over Marina Coast's responsibility to operate the system, my client has made payment to my trust account of \$5,229.90 which is the last month's billing to the master meter in addition to the billings which you were sending to the individual accounts in Bay View. I have deposited those amounts in my trust account for the benefit of Marina Coast Water District and will hold the monthly amounts of those billings in my trust account pending the resolution of this dispute.

I look forward to your reply to my previous correspondence.

Anthony L. Lombardo
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
450 Lincoln Avenue, Suite 101
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
Email tony@alombardolaw.com

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9

ANTHONY LOMBARDO & ASSOCIATES

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ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
LINDA NEFF SUNDE

450 LINCOLN AVENUE, SUITE 101
P.O. Box 2330
SALINAS, CA 93902
(831) 751-2330
FAX (831) 751-2331

June 29, 2012

File No. 03138.001

Mr. Jim Heitzman
General Manager
Marina Coast Water District
11 Reservation Road
Marina, CA 93933-2099

Lloyd W. Lowrey, Esq.
Noland, Hamerly
333 Salinas Street
Salinas, CA 93901

Re: **Bay View Community Water Service**

Dear Jim and Lloyd:

Thank you for sending me the information you referenced during our last meeting. I have also done some additional research regarding agreements between FORA and the Marina Coast Water District related to the Bay View property.

I am enclosing copies of the relevant documents from my research which seem to indicate that the District does have an obligation to accept the responsibility for the ownership and maintenance of the system.

Attached as Exhibit A is Amendment No. 1 to the MOA between the United States Army and FORA.

Article 1, paragraph f. of that Agreement states that Bay View Community is to receive service under the same terms and conditions as any other existing residential development in the City of Seaside. The language of this document is clearly inconsistent with the District's interpretation that the Bay View Community is to be held to a different standard than the remaining existing residential development in the City of Seaside and treated as if it were a multi-unit residential development in Marina. It appears clear to me from the unequivocal language of this document that Bay View is entitled to have the water system turned over to Marina Coast and have Marina Coast read and bill the meters just as they do with every other residential property owner in the City of Seaside.

Attached as Exhibit B is correspondence from the former Mayor of Seaside, former General Manager of the Marina Coast Water District and the Executive Director of FORA confirming that fact to the owner of Bay View, which again reiterates and amplifies the fact that Marina Coast is going to provide the same level of service as it does to other existing residential housing units within the City and FORA development area. As we discussed at our meeting last week, it



Mr. Jim Heitzman
Lloyd W. Lowrey, Esq.
June 29, 2012
Page 2

appears that all of those developments are individually metered as has been requested by Bay View.

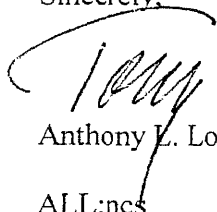
I have also reviewed the In-Tract Water and Wastewater Collection System Infrastructure Policy dated January, 2004 from Marina Coast Water District and nowhere in that policy does it describe a situation where any capital improvement is required of a water system within Fort Ord absent the redevelopment of the site by the property owner. Since this portion of the Bay View development is neither scheduled for development nor redevelopment, there is nothing in this property which would mandate any changes to the existing water system which Marina Coast should have taken ownership and control of many years ago.

The document Lloyd was kind enough to send me, which is entitled Water/Wastewater Facilities Agreement between the Fort Ord Reuse Authority and Marina Coast reiterates in paragraph 5.5.1 that it will operate the facilities in Fort Ord consistent with the rules, regulations and policies established by the FORA Board and District which, as they relate to this property, are clearly set forth in the previous correspondence I referenced.

I also noted in paragraph 5.13 of the same Agreement that it references decisions of the General Manager being appealed to the FORA Board, not to the Marina Coast Board as it relates to this water system. It also, therefore, appears that the appeal of the General Manager's decision should potentially be to the FORA Board, not to the Marina Coast Board.

Please give me a call after you have had a chance to review this so we can determine how we need to proceed.

Sincerely,



Anthony L. Lombardo

ALL:ncs

Enclosures

cc: Mr. Ray Roeder

EXHIBIT A

KR LLP DRAFT

7/26/01

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AMENDMENT NO. 1
TO THE
MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
ACTING BY AND THROUGH
THE SECRETARY OF THE ARMY
UNITED STATES DEPARTMENT OF THE ARMY
AND
THE FORT ORD REUSE AUTHORITY
FOR THE SALE OF
PORTIONS OF THE FORMER FORT ORD
LOCATED IN MONTEREY COUNTY, CALIFORNIA

THIS AMENDMENT NO. 1 to the *Memorandum of Agreement between the United States of America acting by and through the Secretary of the Army, United States Department of the Army, and the Fort Ord Reuse Authority for the Sale of Portions of the Former Fort Ord Located in Monterey County, California dated June 20, 2000* (“Agreement”) is entered into on this ____ day of _____ 2001 by and between **THE UNITED STATES OF AMERICA**, acting by and through the Department of the Army (“Government”), and **THE FORT ORD REUSE AUTHORITY** (“Authority”), recognized as the local redevelopment authority by the Office of Economic Adjustment on behalf of the Secretary of Defense. Government and Authority are sometimes referred to herein collectively as the “Parties.”

RECITALS

WHEREAS, the Parties did enter into the Agreement for the “No Cost” Economic Development Conveyance (“EDC”) to the Authority of a portion of the former Fort Ord, California (“Property”) pursuant to Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, as amended, and the implementing regulations of the Department of Defense (32 CFR Part 175);

WHEREAS, subsequent to the execution and delivery of the Agreement, the Parties determined that in accordance with the Reuse Plan and in order to facilitate the economic redevelopment of the Property, it is desirable and necessary to include within the scope of the Agreement the Water and Wastewater Systems at the former Fort Ord (“Water Systems”), more particularly described in the Quitclaim Deed attached as Exhibit A to this Amendment No. 1, for transfer through the Authority to the Marina Coast Water District (“District”) in lieu of a direct transfer of the Water Systems from the Government to the District under a Public Benefit Conveyance (“PBC”);

FORT ORD MOA AMENDMENT NO. 1

1
2 **WHEREAS**, subsequent to the execution and delivery of the Agreement, Section
3 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 was amended by Section
4 2821 of the National Defense Authorization Act for Fiscal Year 2001 (Pub. L. No. 106-398) to
5 change certain requirements regarding the use of proceeds from the sale or lease of the Property
6 transferred under the Agreement.
7

8 **NOW THEREFORE**, in consideration of the foregoing premises and the respective
9 representations, agreements, covenants and conditions herein contained, and other good and
10 valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the
11 Parties agree as follows:
12

13 **AGREEMENTS**
14

15 **Article 1. Water and Wastewater Systems**
16

17 a. In lieu of the Government transferring the Water and Wastewater Systems and all
18 associated and ancillary rights directly to the District under the PBC dated August 26, 1997, as
19 described in paragraph 5.01 of the Agreement, the Government, pursuant to paragraph 2.01 of
20 the Agreement, shall transfer to the Authority at no-cost, as part of the Economic Development
21 Conveyance, simultaneously with the execution of this Amendment No. 1, the Water and
22 Wastewater Systems on the Property and the Presidio of Monterey Annex, together with all their
23 respective water rights and wastewater discharge rights and ancillary rights.
24

25 b. Notwithstanding Article 5.02 of the MOA, the Government and the Authority
26 agree that the water rights reserved to the Government are reduced by 38 acre feet per year
27 ("afy") for a total reservation of water rights for the Government of 1691 afy. The Government
28 and the Authority agree further that the water rights to be conveyed to the Authority pursuant to
29 this Amendment No. 1 shall be 38 afy in addition to the water rights described in the District
30 PBC Application dated August 26, 1997 for a total conveyance of water rights to the Authority
31 of 4,909 afy.
32

33 c. The Transfer of the Water and Wastewater Systems on the Property and the
34 Presidio of Monterey Annex, together with all their respective water rights and wastewater
35 discharge rights and ancillary rights, shall be accomplished upon the execution by the
36 Government and the recordation by the Authority of the Deed attached as Exhibit A to this
37 Amendment No. 1.
38

39 d. Immediately following the transfer of the Water and Wastewater Systems and
40 their associated and ancillary rights from the Government to the Authority, the Authority shall
41 transfer the Water and Wastewater Systems and all associated and ancillary rights to the District.
42

FORT ORD MOA AMENDMENT NO. 1

1 e. The Authority, through allocation instructions to the District, the Authority
2 selected water purveyor, agrees to provide water service to the SunBay Housing Area
3 ("SunBay"), in an amount up to 120 afy in the same fashion as water service is provided to other
4 users on the former Fort Ord.
5

6 f. The Authority, through allocation instructions to the District, the Authority
7 selected water purveyor, agrees to provide water service to the Bay View Community/Brostrom
8 Housing Area ("Bay View"), in an amount equal to .21 afy per residential housing unit times 223
9 residential housing units, and 38 afy (.21 afy X 223 + 38 afy) as follows:
10

- 11 1. Under the same terms and conditions of any other existing residential
12 development in the City of Seaside, California ("Seaside").
- 13 2. Bay View residents will have three years to reduce consumption at Bay View to
14 meet Seaside's .21 afy per unit conservation requirement without penalty.
- 15 3. Bay View residents will be charged at the then District rate as any other former
16 Fort Ord user will be charged for similar water services.
- 17 4. The same level of water service (.21 afy per residential housing unit times 223
18 residential housing units, and 38 afy) shall be available for future residential
19 development on the Bay View site when and if a project is approved in
20 conformity with Seaside's General Plan and Zoning requirements.
- 21 5. If a future development on the Bay View site can achieve a more efficient use of
22 this amount of water service, credit for such conservation may be applied to an
23 increase in units on the Bay View property in conformity with Seaside's General
24 Plan and Zoning requirements if and when a project is approved.
25

26 **Article 2. Reporting Period**
27

28 In accordance with Section 2821 of the National Defense Authorization Act for Fiscal
29 Year 2001 (Pub. L. No. 106-398) and the Agreement, the Agreement is hereby amended as
30 follows:
31

32 a. In paragraph 1.20 of the Agreement, delete the definition of Reporting Period in
33 its entirety and substitute the following:
34

35 "A period of time, beginning with the recordation of the Deed or Lease in
36 Furtherance of Conveyance ("LIFOC") for the initial transfer of property and
37 ending seven (7) years thereafter, within which the Authority will submit annual
38 statements as described in paragraph 2.01(F) of this Agreement."
39

40 b. In paragraph 2.01(F) of the Agreement delete the first sentence and substitute the
41 following:
42

FORT ORD MOA AMENDMENT NO. 1

1 "The Authority shall prepare and submit to the Government an annual financial
2 statement certified by an independent certified public accountant. The statement
3 shall cover the Authority's use of proceeds it receives from the sale, lease, or
4 equivalent use of the Property. The first such statement shall cover the 12 month
5 period beginning on the date of recordation of the first Deed or LIFO and shall
6 be delivered to Government within 60 days of the end of that period and annually
7 thereafter. The seven-year period will commence with the recordation of the
8 Deed or LIFO for the initial transfer of property. The last such statement shall
9 cover the 12 month period beginning on the date seven years following the
10 recordation of the Deed or LIFO for the initial transfer of property. The
11 financial statements shall cover all parcels of property that have been conveyed
12 during the seven-year period."
13

14 **Article 3. Survival and Benefit**

- 15
16 a. Unless defined separately, the terms used in this Amendment No. One shall be the
17 same as used and defined in the Agreement.
18
19 b. Except as set forth herein, and unless modified specifically by this Amendment
20 No. 1, the terms and conditions contained in the Agreement shall remain binding upon the
21 Parties and their respective successors and assigns as set forth in the Agreement.
22

23 In Witness whereof, the Parties, intending to be legally bound, have caused their duly
24 authorized representatives to execute and deliver this Amendment No. 1 as of the date first above
25 written.
26

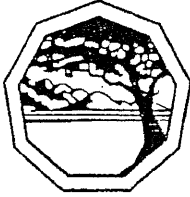
27 **UNITED STATES OF AMERICA,**
28 **Acting by and through the Department of the Army**
29
30

31 **By:** _____
32 **PAUL W. JOHNSON**
33 **Deputy Assistant Secretary of the Army (I&H)**
34
35

36 **FORT ORD REUSE AUTHORITY**
37 **LOCAL REDEVELOPMENT AUTHORITY**
38
39

40 **By:** _____
41 **JIM PERRINE**
42 **Chair**

EXHIBIT B



FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933
PHONE: (831) 883-3672 - FAX: (831) 883-3675
WEBSITE: www.fora.org

January 4, 2002

Bay View/Brostrom
ATTN: Ray Roeder
c/o The RINC Organization
5100 Coe Avenue
Seaside, CA 93955

RE: Bay View/Brostrom - Commitment Regarding Provision of Water Resources and Services

Dear Mr. Roeder:

This letter offers a specific commitment from the City of Seaside ("the City"), the Fort Ord Reuse Authority ("FORA") and the Marina Coast Water District ("MCWD") regarding the provision of water resources and services for the Bay View Community/Brostrom Housing Area ("Bay View/Brostrom") at the former Fort Ord.

FORA has adopted a policy that all existing and future developments on the former Fort Ord will be treated on an equitable basis. In order to implement this policy, and to comply with other provisions of the Final Fort Ord Base Reuse Plan, FORA has adopted a water resources and services distribution program that includes requirements for water conservation and use. The distribution program is formally acknowledged in agreements with the MCWD, the United States Army, and the underlying jurisdictions, including the City, to guide the supply of water resources and services to properties within the former Fort Ord geographic envelope.

As the State empowered redevelopment entity for the former Fort Ord, and in compliance with the approved distribution program, FORA recognizes the water resource and service needs for Bay View and assures the provision of water resources and services to these existing residential housing units under the same terms and conditions as other existing developments within the City and the FORA development area. Specifically, and pursuant to Amendment No. 1 dated October 23, 2001 to the Fort Ord Economic Development Memorandum of Agreement, FORA, through allocation instructions to MCWD, agrees to provide water resources and services to Bay View, in an amount equal to .21 acre feet per year ("afy") per residential housing unit times 223 residential housing units, and 38 afy (.21 afy X 223 + 38 afy) as follows:


1. Under the same terms and conditions of any other existing residential development in the City.
2. Bay View residents will have three years to reduce consumption at Bay View to meet the City's .21 afy per unit conservation requirement without penalty.
3. Bay View residents will be charged at the then MCWD rate as any other former Fort Ord user will be charged for similar water services.
4. The same level of water service (.21 afy per residential housing unit times 223 residential housing units, and 38 afy) shall be available for future residential development on the Bay View site when and if a project is approved in conformity with the City's General Plan and Zoning requirements.

RECEIVED JAN 11 2002

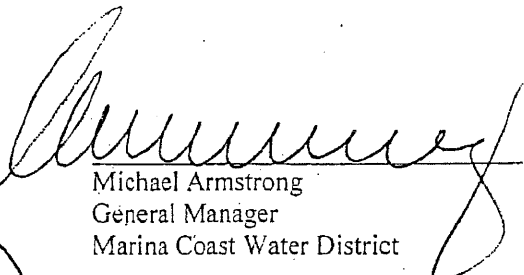
5. If a future development can achieve a more efficient use of this amount of water service, credit for such conservation will be applied to an increase in units on the Bay View property in conformity with the City's General Plan and Zoning requirements.

MCWD, as the FORA selected water purveyor for the former Fort Ord, accepts responsibility for providing the above-described level of water resources and services to Bay View consistent with the provision of water resources and services for all other projects and in compliance with the policies for conservation required throughout the former Fort Ord.

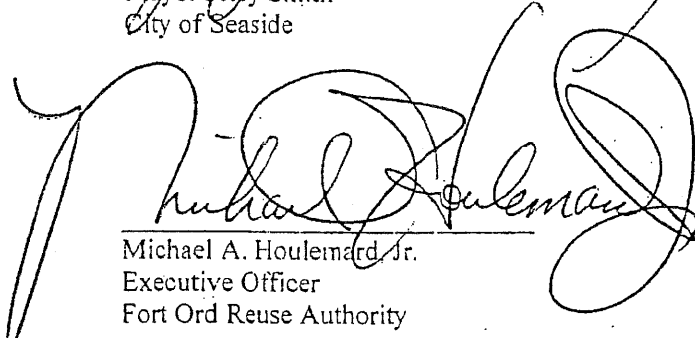
Yours truly,



Mayor Jerry Smith
City of Seaside



Michael Armstrong
General Manager
Marina Coast Water District



Michael A. Houlemard, Jr.
Executive Officer
Fort Ord Reuse Authority

c: George Schlossberg, Esq., Kutak Rock
Jim Feeney, FORA

Nancy Stafford

From: Nancy Stafford
Sent: Friday, June 29, 2012 11:57 AM
To: jheitzman@mcwd.org; Lowrey, Lloyd (lloyre@nheh.com)
Cc: rr@rincorg.com
Subject: BAY VIEW COMMUNITY WATER SERVICE
Attachments: L-HEITZMAN, LOWREY.06.29.12.pdf

Good morning, Mr. Heitzman and Mr. Lowrey:

Please find attached a letter to you from Mr. Lombardo regarding the above referenced subject. The originals have been placed in today's mail.

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Nancy Stafford
Secretary to Anthony L. Lombardo and Dale Ellis
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
450 Lincoln Avenue, Suite 101
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
Email nancy@alombardolaw.com

Tony Lombardo

From: Tony Lombardo
Sent: Friday, June 01, 2012 2:28 PM
To: Lowrey, Lloyd (lloyre@nheh.com)
Cc: rr@rincorg.com; 'Dave Fuller (dfuller@wwdengineering.com)'; jheitzman@mcwd.org
Subject: BAY VIEW/MCWD

Lloyd:

Thank you for scheduling yesterday's meeting.

I am writing to follow up on our discussions.

My client would like to first investigate the issues raised in our discussions prior to scheduling the appeal hearing. Please accept this as a request by appellant to not set the hearing for the appeal until such time as we have had a chance to review the information we discussed yesterday. We can pick a date to set the hearing on the appeal (if necessary) once we have had an opportunity to further discuss the information you are going to provide.

In that regard, it is my understanding that the District is going to provide a copy of their Master Metering/Multi-Unit Residential Metering Ordinance as well as a copy of the Water/Wastewater Facilities Agreement between the District and Ft. Ord.

It would also be helpful, I believe, if the District could provide information on its ownership of the water system within the former Ft. Ord particularly those which were constructed prior to Base closure and are not consistent with the current construction standards for Marina Coast. As I mentioned yesterday, we could do this by Public Records Act request, but I assume we can work cooperatively to obtain this information.

I have also requested more information from my client on his future plans for the property and the status of the property as a mobile home park.

Thank you for your assistance. I look forward to receiving the information from you and will probably set up a subsequent meeting at that time.

Anthony L. Lombardo
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A Professional Corporation
450 Lincoln Avenue, Suite 101
Salinas, CA 93901
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May 17, 2012

File No. 03138.001

MAY 18 2012



Mr. Jim Heitzman
General Manager
Marina Coast Water District
11 Reservation Road
Marina, CA 93933-2099

Re: **Bay View Community**

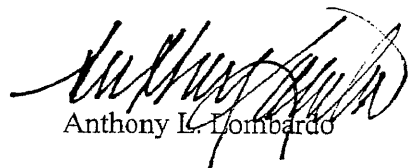
Dear Mr. Heitzman:

Our firm represents the owners of the Bay View Community located in the former Fort Ord area.

Please accept this letter as an appeal of the May 10, 2012 decision of the General Manager of the Marina Coast Water District ("MCWD") refusing to assume ownership and operational responsibility of the water distribution system located within the Bay View Community. The fifteen dollar (\$15.00) filing fee is enclosed.

The May 10th letter provides no explanation for the reason the District is refusing to accept the system. Bay View Community is entitled to receive water service on the same basis as all other properties within the former Fort Ord.

Respectfully submitted,



Anthony L. Lombardo

ALL:ncs

Enclosure

cc: Mr. Ray Roeder (without Enclosure)
Lloyd W. Lowrey, Esq. (without Enclosure)



3138.001

ANTHONY LOMBARDO & ASSOCIATES
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May 15, 2012

Lloyd Lowery, Esq.
Noland, Hamerly, Etienne & Hoss
Post Office Box 2510
Salinas, California 93902-2510

Re: **Marina Coast Water District**

Dear Lloyd:

We represent the Bay View Community in Seaside. On May 10, 2012, our client received a letter from your client, the Marina Coast Water District ("MCWD"), indicating that the MCWD staff had declined to "assume ownership and operational responsibility" for the water and sewer systems currently providing water to the Bay View Community. Can you please let me know what the process is that we need to follow to appeal the staff's decision?

Thank you.

Sincerely,


Anthony L. Lombardo

ALL/gp

cc: client

Tony Lombardo

3138.1

From: Tony Lombardo
Sent: Monday, May 14, 2012 4:33 PM
To: jheitzman@mcwd.org; Lowrey, Lloyd (llowrey@nheh.com)
Cc: rr@rincorg.com
Subject: BAY VIEW COMMUNITY WATER SYSTEM

Gentlemen:

I received a copy of the letter that was sent to my client last week.

I would appreciate it if the District would provide specifics of why you are refusing to accept the system and provide me with information regarding whether or not there is any right of appeal of that determination to the District Board and when such an appeal would have to be made.

Anthony L. Lombardo
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3138.1

Tony Lombardo

From: Tony Lombardo
Sent: Wednesday, May 02, 2012 4:13 PM
To: jheitzman@mcwd.org
Cc: rr@rincorg.com
Subject: BAY VIEW

Jim:

I think I recall you telling me you were meeting with your staff last week on scheduling the hearing date. Do you have an update?

Anthony L. Lombardo
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Tony Lombardo

3138.1

From: Tony Lombardo
Sent: Thursday, April 19, 2012 2:59 PM
To: jheitzman@mcwd.org
Cc: rr@rincorg.com
Subject: BAY VIEW SYSTEM DEDICATION

Jim:

I left you a message yesterday regarding the Bay View water system acceptance.

It is my understanding that all of the technical issues have been resolved and the client would like to get this on an agenda for the District as soon as possible so this property would be able to have its water service treated the same as everyone else in your District.

Thank you for your assistance.

Anthony L. Lombardo
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FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject: FY 2014/15 Capital Improvement Program

Meeting Date: May 16, 2014

Agenda Number: 10b

INFORMATION/ACTION

RECOMMENDATION:

- i. Receive a presentation by Fort Ord Reuse Authority (FORA) staff regarding the FY 2014/15 Capital Improvement Program (CIP);
- ii. Receive a presentation by Economic & Planning Systems (EPS) regarding the CIP Review – Phase III Study;
- iii. Adopt the FY 2014/15 CIP (**Attachment A**); and
- iv. Approve Resolution 14-xx (**Attachment B**) to implement a Community Facilities District (CFD) Special Tax and Base-wide Development Fee adjustment.

BACKGROUND/DISCUSSION:

i. Annually, FORA staff provides an overview of the CIP, including any updates made through the currently ongoing reprogramming and text editing. The most significant updates this year include: 1) budget adjustment to reflect the actual collection of CFD fees/development fees (\$1.5M) versus FY 2013/14 forecasts (\$11M); 2) moving transportation projects and other CIP expenditures out in time to accommodate anticipated CFD fee/development fee collection, land sales and property tax collection and development forecasts; 3) incorporating a new methodology for current and future fiscal year forecasting to reflect market realities (described through text edits); and 4) removal of the Marina Coast Water District (MCWD) "voluntary contribution" per MCWD request and EPS recommendation. FORA staff will provide a PowerPoint presentation on these and other relevant issues.

ii. In December 2013, the FORA Board approved a CIP Review - Phase III Study by EPS, to follow on their first two studies and to further review: 1) the appropriate cost-index; 2) transportation costs and contingencies; 3) other contingency costs (including Habitat Conservation Plan endowment funding, additional utility/storm drainage, and other costs); 4) water augmentation costs; 5) any surplus fund balance; and 6) calibration of FORA CFD fee/development fee as a result of contingency reductions. EPS will present their findings and recommendations, as well as their suggested fee adjustment (The EPS work product will be included as **Attachment C** in the *final* Board packet).

iii. Annually, staff requests updated reuse forecasts from the land use jurisdictions. FORA staff reviews the submitted forecasts to ensure that resource-constrained limits of the Base Reuse Plan and associated environmental documentation/Sierra Club Settlement Agreement are met and that forecasts are realistic. Using reuse forecasts and other information, FORA staff coordinated with EPS to estimate CIP funding sources, including CFD fees/development fees, land sales, property taxes, grant proceeds, etc. anticipated to be received per fiscal year. The estimated revenue stream is used to place in time FORA expenditures on transportation/transit, water augmentation, habitat management, property management/caretaker costs, and building removal.

The CIP Phase III Study work product recommends a 17.9% CFD fee/development fee reduction to balance CIP revenues and expenditures through FORA's legislated dissolution on

June 30, 2020. The draft FY 2014/15 CIP currently assumes CFD fee/development fee rates consistent with the proposed fee reduction.

Due to the nature of forecasting, today's best reuse forecasts may differ from what may be realized in current market conditions. Recognizing this, CIP reprogramming continues to be a routine procedure every fiscal year to assure that mitigation projects are implemented in the best possible sequence with reuse needs. Next year's CIP may differ, based on updated jurisdiction forecasts and actual fee collection. The CIP is typically presented to the FORA Board for its initial review in May each year. The CIP has either been adopted at this first presentation or at the June meeting in order to implement the program and CFD fee/development fee adjustments by the start of the fiscal year on July 1. The draft FY 2014/15 CIP is included as **Attachment A** for Board consideration.

iv. In August 2012, the FORA Board adopted a formula for calculating periodic CFD Special Tax and Base-wide Development Fee adjustments on a biennial or material change basis. Resolution 14-xx (**Attachment B**) implements a fee adjustment consistent with the formula, indicating that a 17.9% fee reduction is appropriate. The recommended fee reduction calibrates the CFD Special Tax and Development Fee with CIP adjustments. Those adjustments include removing FORA's MCWD "Voluntary Contribution" and other expenditure and funding source factors. If the Board adopts Resolution 14-xx, the fee reduction would take effect on July 1, 2014. If the Board does not adopt Resolution 14-xx, the existing fee (\$27,180/new residential unit, et.al.) would be indexed, increasing by 2.4% on July 1, 2014.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time and consultant (EPS) cost are included in the approved FY 13-14 annual budget.

COORDINATION:

Administrative Committee, CIP Committee

Prepared by _____
Crissy Maras

Reviewed by _____
D. Steven Endsley

Approved by _____
Michael A. Houlemard, Jr.

Attachment A to Item 10b
FORA Board Meeting, 5/16/2014



DRAFT

FY 2014/15
Capital Improvement
Program

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I. EXECUTIVE SUMMARY

The Fort Ord Reuse Authority (FORA) Capital Improvement Program (CIP) was created in 2001 to comply with and monitor mitigation obligations from the 1997 Fort Ord Base Reuse Plan (BRP). These mitigation obligations are described in the BRP Appendix B as the Public Facilities Implementation Plan (PFIP) – which was the initial capital programming baseline. The CIP is a policy approval mechanism for the ongoing BRP mitigation requirements as well as other capital improvements established by FORA Board policy decisions. The CIP is re-visited annually by the FORA Board to assure that projects are implemented on a timely basis.

This FY 2013/14 – “Post-FORA” CIP document has been updated with reuse forecasts by the FORA land use jurisdictions and adjusted to reflect staff analysis and Board policies. Adjusted annual forecasts are enumerated in the CIP Appendix B. Forecasted capital project timing is contrasted with FY 2012/13 adopted timing, outlining adjustments. See Tables 2 & 3, depicting CIP project forecasts.

Current State law sets FORA’s sunset on June 30, 2020 or when 80% of the BRP has been implemented, whichever occurs first– either of which is prior to the Post-FORA CIP end date. The revenue and obligation forecasts will be addressed in 2018 under State Law and will likely require significant coordination with the Local Agency Formation Commission.

1) Periodic CIP Review and Reprogramming

Recovery forecasting is impacted by the market. However, annual jurisdictional forecast updates remain the best method for CIP programming since timing of project implementation is the purview of the individual on-base FORA members. Consequently, FORA annually reviews and adjusts its jurisdiction forecast based CIP to reflect project implementation and market changes. The protocol for CIP review and reprogramming was adopted by the FORA Board on June 8, 2001. Appendix A, herein, defines how FORA and its member agencies review reuse timing to accurately forecast revenue. A March 8, 2010 revision incorporated additional protocols by which projects could be prioritized or placed in time. Once approved by the FORA Board, this CIP will set project priorities. The June 21, 2013 Appendix A revision describes the method by which the “Fort Ord Reuse Authority’s Basewide Community Facilities District (“CFD”), Notice of Special Tax Lien” is annually indexed.

The Finance Committee reviewed the FY 2014/15 CIP budget as a component of the overall FORA mid-year and preliminary budgets. They made known their concern for a higher degree of accuracy and predictability in FORA’s revenue forecasts. Board members concurred and recommended that staff, working with the Administrative and CIP Committees, hone and improve CIP development forecasts and resulting revenue projections.

CIP Development Forecasts Methodology

From January to May 2014, FORA Administrative and CIP Committees formalized a methodology for developing jurisdictional development forecasts: 1) Committee members recommended differentiating between entitled and planned projects (Appendix B) and correlate accordingly, 2) Basic market conditions necessary to moving housing projects forward should be recognized and reflected in the methodology. On average, a jurisdiction/project developer will market three or four housing types/products and sell at least one of each type per month, 3) As jurisdictions coordinate with developers to review and revise development forecasts each year, FORA staff and committees will review submitted jurisdiction forecasts, using the methodology outlined in #2, translated into number of building permits expected to be pulled from July 1 to June 30 of the prospective fiscal year and consider permitting and market constraints in making additional revisions; and 4) FORA Administrative and CIP Committees will confirm final development forecasts, and share those findings with the Finance Committee.

In FY 2010/11, FORA contracted with Economic & Planning Systems ("EPS") to perform a review of CIP costs and contingencies (CIP Review - Phase I Study), which resulted in a 27% across-the-board CFD/Development Fee reduction in May 2011. On August 29, 2012, the FORA Board adopted a formula to calibrate FORA CIP costs and revenues on a biennial basis, or if a material change to the program occurs. Results of the EPS Phase II Review resulted in a further 23.6% CFD/Development Fee reduction. ~~These reductions are continued in this CIP. However, an increase of 2.8% as noted in the January Engineering News Record ("ENR") Construction Cost Index ("CCI") is applied across the board to developer fees to keep pace with inflationary construction cost factors (as described in Appendix A).~~ A Phase III review, to update CIP project and contingency costs and revenues, is planned prior to the formulaic application in early 2014 ~~will result in a FY 2014/15 CFD/Development Fee rate recommendation for a 17.9% fee reduction to take effect on July 1, 2014.~~

2) CIP Costs

The costs assigned to individual CIP elements were first estimated in May 1995 and published in the draft 1996 BRP. Those costs have been adjusted to reflect actual changes in construction expenses noted in contracts awarded on the former Fort Ord and to reflect the Engineering News Record (ENR) Construction Cost Index (CCI) inflation factors. This routine procedure has been applied annually since the adoption of the CIP - excepting 2011, at Board direction. ~~It is expected, according to the Phase III CIP Review study results just completed, that the recently adopted formulaic fee review will be were applied and are submitted for FORA Board consideration in this CIP, in spring 2014.~~

3) CIP Revenues

The primary CIP revenue sources are CFD special taxes, development fees, and land sale proceeds. These primary sources are augmented by loans, property taxes and grants. The CFD has been adjusted annually to account for inflation, with an annual cap of 5%. Development fees were established under FORA policy to govern fair share contributions to the basewide infrastructure and capital needs. The CFD implements a portion of the development fee policy and ~~is restricted by State Law to paying for funds~~ mitigations described in the BRP Final Environmental Impact Report (FEIR). The FORA CFD pays CIP costs including Transportation/Transit projects, Habitat Management obligations, Water Augmentation, Water and Wastewater Collection Systems improvements, Storm Drainage System improvements and Fire Fighting Enhancement ~~improvements~~. Land sale proceeds are earmarked to cover costs associated with the Building Removal Program per FORA Board policy.

Tables 4 and 5 herein contain a tabulation of the proposed developments with their corresponding fee and land sale revenue forecasts. Capital project obligations are balanced against forecasted revenues on Table 3 of this document.

4) Projects Accomplished to Date

FORA has actively implemented capital improvement projects since 1995. As of this writing, FORA has completed approximately:

- a) \$756M in roadway improvements, including underground utility installation and landscaping, predominantly funded by US Department of Commerce - Economic Development Administration (EDA) grants (with FORA paying any required local match), FORA CFD fees, loan proceeds, payments from participating jurisdictions/agencies, property tax payments (formerly tax increment), and a FORA bond issue.
- b) \$75M-82M in munitions and explosives of concern cleanup on the 3.3K acres of former Fort Ord Economic Development Conveyance properties, funded by a US Army grant and property tax payments.

- c) \$29M in building removal at the Dunes on Monterey Bay, East Garrison, Imjin Parkway and Imjin Office Park site.
- d) \$10M in Habitat Management and other capital improvements instrumental to base reuse, such as improvements to the water and wastewater systems, Water Augmentation obligations, and Fire Fighting Enhancement.

Section III provides detail regarding how completed projects offset FORA basewide obligations. As revenue is collected and offsets obligations, they offsets will be enumerated in Tables 1 and 3.

This CIP provides the FORA Board, Administrative Committee, Finance Committee, jurisdictions, and the Monterey Regional Public with a comprehensive overview of the capital programs and expectations involved in former Fort Ord recovery programs. As well, the CIP offers a basis for annually reporting on FORA's compliance with its environmental mitigation obligations and policy decisions by the FORA Board. It is also accessed on the FORA website at: www.fora.org.

II. OBLIGATORY PROGRAM OF PROJECTS – DESCRIPTION OF CIP ELEMENTS

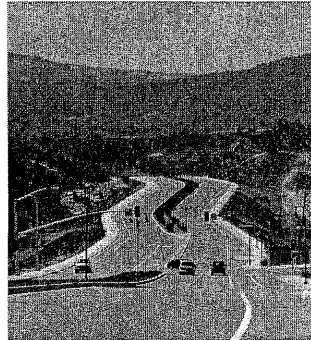
As noted in the Executive Summary, obligatory CIP elements include Transportation/Transit, Water Augmentation, Storm Drainage, Water and Wastewater Collection System, Habitat Management, Fire Fighting Enhancement and Building Removal. The first elements noted are to be funded by CFD/development fees. Land sale proceeds are earmarked to fund the Building Removal Program to the extent of FORA's building removal obligation. Beyond that obligation, land sale proceeds may be allocated to CIP projects by the FORA Board. Summary descriptions of each CIP element follow:

a) Transportation/Transit

During the preparation of the BRP and associated FEIR, the Transportation Agency for Monterey County (TAMC) undertook a regional study (The Fort Ord Regional Transportation Study, July 1997) to assess Fort Ord development impacts on the study area (North Monterey County) transportation network.

When the BRP and accompanying FEIR were adopted by the Board, the transportation and transit obligations as defined by the TAMC Study were also adopted as mitigations to traffic impacts resulting from development under the BRP.

The FORA Board subsequently included the Transportation/Transit element (obligation) as a requisite cost component of the adopted CFD. As implementation of the BRP continued, it became timely to coordinate with TAMC for a review and reallocation of the FORA financial contributions that appear on the list of transportation projects for which FORA has an obligation.



General Jim Moore Boulevard at Hilby Avenue; one of three intersections upgraded/opened in the City of Seaside

Toward that goal, and following Board direction to coordinate a work program with TAMC, FORA and TAMC entered into a cooperative agreement to move forward with re-evaluation of FORA's transportation obligations and related fee allocations. TAMC, working with the Association of Monterey Bay Area Governments (AMBAG) and FORA, completed that re-evaluation. TAMC's recommendations are enumerated in the "FORA Fee Reallocation Study" dated April 8, 2005; the date the FORA Board of Directors approved the study for inclusion in the FORA CIP. The complete study can be found online at www.fora.org, under the Documents menu.

TAMC's work with AMBAG and FORA resulted in a refined list of FORA transportation obligations that are synchronous with the TAMC Regional Transportation Plan (RTP). Figure 1 illustrates the refined FORA

transportation obligations that are further defined in Table 1. Figure 2 reflects completed transportation projects, remaining transportation projects with FORA as lead agency, and remaining transportation projects with others as lead agency (described below).

Transit

The transit obligations enumerated in Table 1 remain unchanged from the 1997 TAMC Study and adopted BRP. However, current long range planning by TAMC and Monterey-Salinas Transit (MST) reflect a preferred route for the multi-modal corridor than what was presented in the BRP, FEIR and previous CIPs. The BRP provided for a multi-modal corridor (MMC) along Imjin Parkway/Blanco Road serving to and from the Salinas area to the TAMC/MST intermodal center planned at 8th Street and 1st Avenue in the City of Marina portion of the former Fort Ord. Long range planning for transit service resulted in an alternative Intergarrison/Reservation/Davis Roads corridor to increase habitat protection and fulfill transit service needs between the Salinas area and Peninsula cities and campuses.

A series of stakeholder meetings were conducted to advance adjustments and refinements to the proposed multi-modal corridor plan-line. Stakeholders included, but were not limited to, TAMC, MST, FORA, City of Marina, Monterey County, California State University Monterey Bay (CSUMB), and the University of California Monterey Bay Education, Science and Technology Center. The stakeholders completed a Memorandum of Agreement (MOA) outlining the new alignment of the multi-modal transit corridor plan line in February 2010. Since all stakeholders have signed the MOA, the FORA Board designated the new alignment and rescinded the original alignment on December 10, 2010.

TAMC is in the process of re-evaluating the MMC route, holding stakeholder and public outreach meetings, to determine how to best meet the transit needs of the community. If a new route is selected, the 2010 MOA must be amended to reflect that alignment and the FORA Board will be apprised as to any proposed changes.

Lead Agency Status

FORA has served as lead agency in accomplishing the design, environmental approval and construction activities for all capital improvements considered basewide obligations under the BRP and this CIP. As land transfers continue and development gains momentum, certain basewide capital improvements may be advanced by the land use jurisdictions and/or their developers.

As of this writing, reimbursement agreements are in place with Monterey County and the City of Marina for several FORA CIP transportation projects. Table 2 identifies those projects. FORA's obligation toward those projects is financial, as outlined in the reimbursement agreements. FORA's obligation toward projects for which it serves as lead agent is the actual project costs. Other like reimbursement agreements may be structured as development projects are implemented and those agreements will be noted for the record.

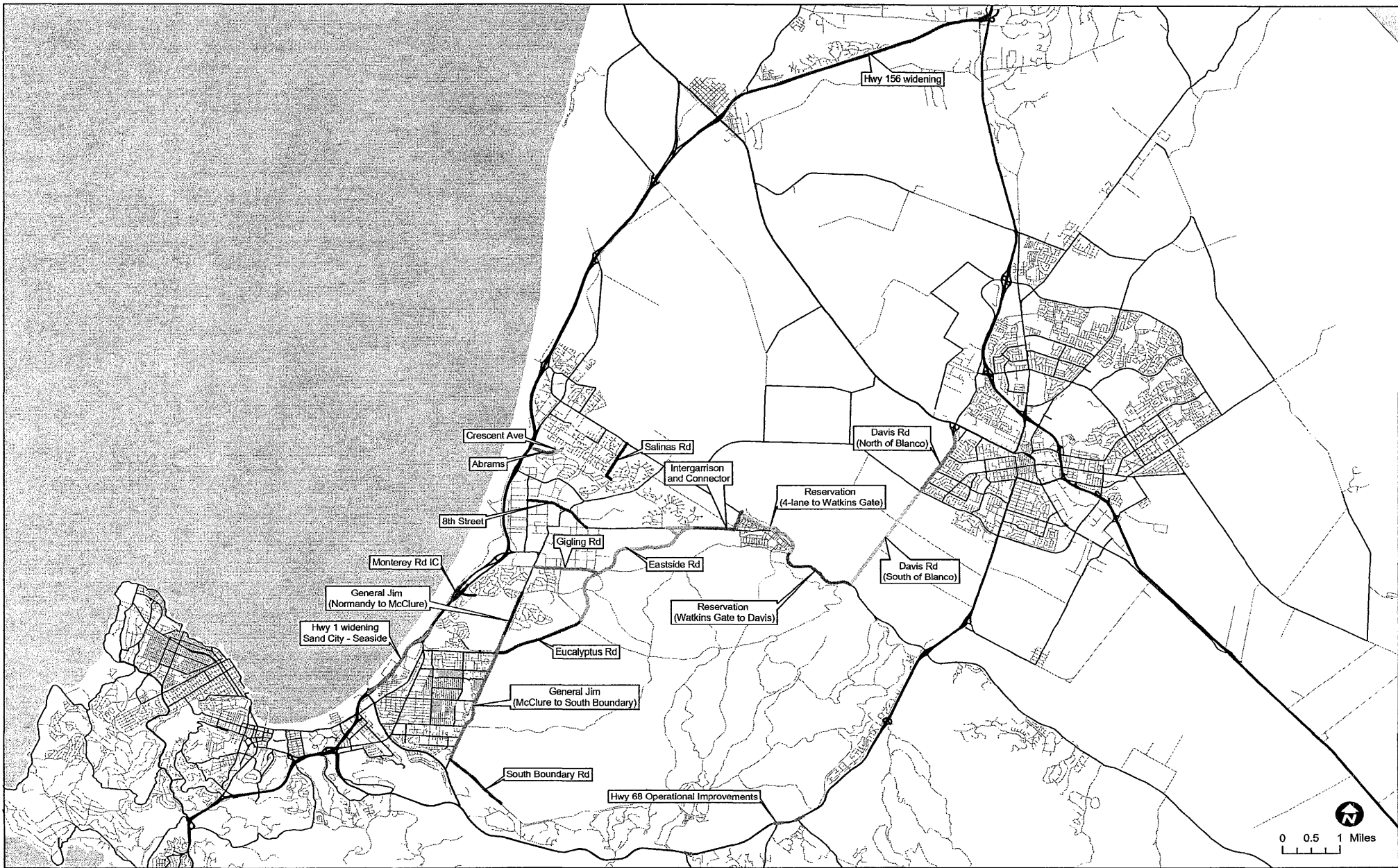


Figure 1: Transportation Map

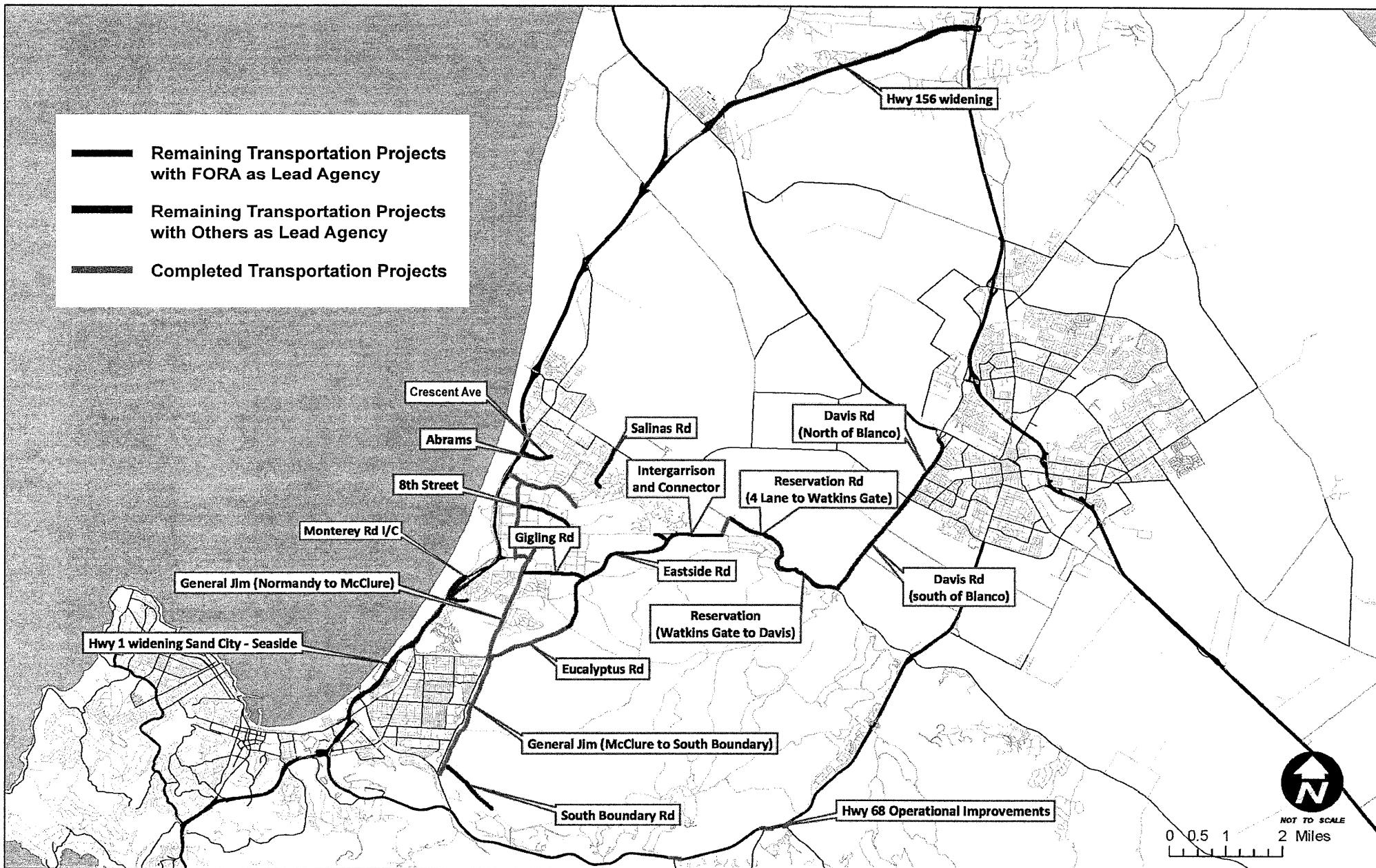


Figure 2: Remaining Transportation Projects

b) Water Augmentation

The Fort Ord BRP identifies availability of water as a resource constraint. The BRP anticipated build out development density utilizes the 6,600 acre-feet per year (AFY) of available groundwater supply, as described in BRP Appendix B (PFIP section p 3-63). In addition to groundwater supply, the BRP assumes an estimated 2,400 AFY augmentation to achieve the permitted development level as reflected in the BRP (Volume 3, figure PFIP 2-7).

FORA has contracted with Marina Coast Water District (MCWD) to implement a water augmentation program. Following a comprehensive two-year process of evaluating viable options for water augmentation, the MCWD Board of Directors certified, in October 2004, a program level Environmental Impact Report (EIR) analyzing three potential augmentation projects. The projects included a desalination project, a recycled water project and a hybrid project (containing components of both recycled water and desalination water projects).

In June 2005, MCWD staff and consultants, working with FORA staff and Administrative Committee, recommended the hybrid project to the FORA and MCWD Boards of Directors. Additionally, it was recommended that FORA-CIP funding toward the former Fort Ord Water and Wastewater Collection Systems be increased by an additional \$17M to avert additional burden on rate payers due to increased capital costs. However, a 2013 MCWD rate study recommended removing that "voluntary contribution" from the MCWD budget and the EPS Phase III CIP Review results concurred, resulting in a potential commensurate lowered FORA CFD/developer fee.

Subsequently, several factors required reconsideration of the water augmentation program. Those factors included increased augmentation program project costs (as designs were refined); MCWD and the Monterey Regional Water Pollution Control Agency (MRWPCA) negotiations regarding the recycled component of the project were not accomplished in a timely manner; and the significant economic downturn (2008-2012). These factors deferred the need for the augmentation program and provided an opportunity to consider the alternative "Regional Plan" as the preferred project for the water augmentation program.

At the April 2008 FORA Board meeting, the Board endorsed the Regional Plan as the preferred plan to deliver the requisite 2,400 AFY of augmenting water to the 6,600 AFY groundwater entitlements. Since that time, the Regional Plan was designated by the State Public Utilities Commission as the preferred environmental alternative and an agreement in principal to proceed entered into by Cal-Am, MCWD and MRWPCA. This agreement is unlikely to proceed under the present circumstances. MCWD is still contractually obligated to provide an augmented source for the former Fort Ord as distinct from the Regional Project. The proposed CIP defaults to the prior Board approved 'hybrid' project that MCWD has performed CEQA for and is contractually required to implement. It is expected that MCWD will present the FORA Board with alternatives for moving forward during the coming fiscal year.

c) Storm Drainage System Projects

The adopted BRP recognized the need to eliminate the discharge of storm water runoff from the former Fort Ord to the Monterey Bay National Marine Sanctuary (Sanctuary). In addition, the BRP FEIR specifically addressed the need to remove four storm water outfalls that discharged storm water runoff to the Sanctuary.

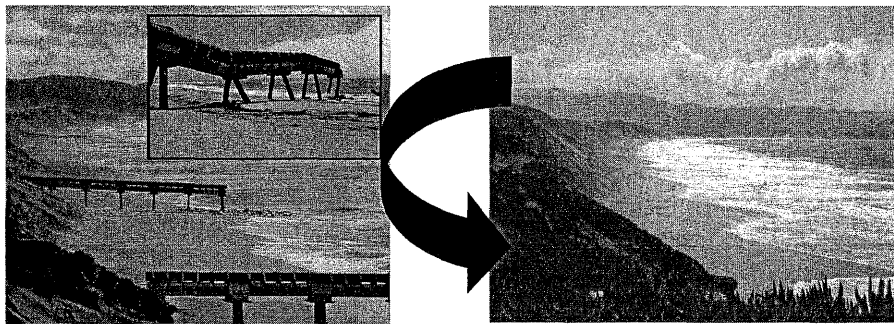
Section 4.5 of the FEIR, Hydrology and Water Quality, contains the following obligatory Conservation Element Program: **"Hydrology and Water Quality Policy, C-6: In support of Monterey Bay's National Marine Sanctuary designation, the City/County shall support all actions required to ensure that the bay and inter-tidal environment will not be adversely affected, even if such actions should exceed state and federal water quality requirements."**

"Program C-6.1: The City/County shall work closely with other Fort Ord jurisdictions and the California Department of Parks and Recreation (CDPR) to develop and implement a plan for storm water disposal that will allow for the removal of the ocean outfall structures and end the direct discharge of

storm water into the marine environment. The program must be consistent with State Park goals to maintain the open space character of the dunes, restore natural land forms and restore habitat values."

With these programs/policies in mind, FORA and the City of Seaside, as co-applicants, secured EDA grants to assist in funding the design and construction of alternative disposal (retention) systems for storm water runoff that allowed for the removal of the outfalls. FORA completed the construction and demolition project as of January 2004. Table 3 reflects this obligation having been met.

In the future, following build-out of on-site storm water disposal facilities, FORA or its successor will remove, restore and re-grade the current, interim disposal sites on CDPR lands. The cost of this restoration is currently unknown and therefore presented as a CIP contingency.



Storm drainage outfall removal – Before and After

d) Habitat Management Requirements

The BRP Appendix A, Volume 2 contains the Draft Habitat Management Program (HMP) Implementing/Management Agreement. This Management Agreement defines the respective rights and obligations of FORA, its member agencies, California State University and the University of California with respect to implementation of the HMP. ~~For the HMP to be implemented~~ to allow FORA and its member agencies to implement the HMP and BRP meet the requirements of compliance with the Endangered Species Act, the California Endangered Species Act, and other statutes, the US Fish & Wildlife Service (USFWS) and the California Department of Fish & Wildlife (CDFW) must also approve the Fort Ord Habitat Conservation Plan (HCP) and its funding program, as paid for and caused to be prepared by FORA.

The funding program is predicated on an earnings rate assumption acceptable to USFWS and CDFW for endowments of this kind, and economies of scale provided by unified management of the Cooperative's (the future HCP Joint Powers Authority) habitat lands by qualified non-profit habitat managers. The Cooperative will consist of the following members: FORA, County of Monterey, City of Marina, City of Seaside, City of Del Rey Oaks, City of Monterey, State Parks, University of California (UC), CSUMB, Monterey Peninsula College (MPC), Monterey Peninsula Regional Park District, Bureau of Land Management and MCWD. The Cooperative will hold the HCP endowments, except in the case of the UC endowment, and secure the services of appropriately experienced habitat manager(s) via a formal selection process. The Cooperative will control expenditure of the annual line items. FORA will fund the endowments, and the initial and capital costs, to the agreed upon levels.

FORA has provided upfront funding for management, planning, capital costs and HCP preparation. In addition, FORA has dedicated \$1 out of every \$4 collected in development fees to build to a total endowment of principal funds necessary to produce an annual income sufficient to carry out required habitat management responsibilities in perpetuity. The original estimate was developed by an independent consultant retained by FORA and totaled \$6.3M.

Based upon recent conversations with the regulatory agencies, it has become apparent that the Habitat Management obligations will increase beyond the costs ~~noted above~~ originally projected. Therefore, this document contains a \pm \$~~39.140.6~~ 39.140.6M line item of forecasted requisite expenditures (see Table 3 column '2005-143' amount of \$~~5,654,084,042,831~~ 5,654,084,042,831 plus column '20134-154 to Post FORA Total' amount of \$~~33,437,419,34,523,364~~ 33,437,419,34,523,364). As part of the FY 2010-11 FORA CIP Review process conducted by EPS, TAMC and FORA, at the FORA Board's April 8, 2011 direction, included \$~~19,220.3M~~ 19,220.3M million in current dollars as a CIP contingency for additional habitat management costs should the assumed earnings rate for the endowment be less than the current 4.5% assumption. It is hoped that this contingency will not be necessary, but USFWS and CDFW are the final arbiters as to what the final endowment amount will be, with input from FORA and its contractors/consultants. It is expected that the final endowment amount will be agreed upon in the upcoming fiscal year. FORA's annual operating budget has funded the annual costs of HCP preparation, including consultant contracts. HCP preparation is funded through non-CFD/development fee sources such as FORA's share of property taxes.

The current administrative draft HCP prepared in March 2012 includes a cost and funding chapter, which provides a planning-level cost estimate for HCP implementation and identifies necessary funds to pay for implementation. Concerning the annual costs necessary for HCP implementation and funded by FORA of approximately \$1.86 million, estimated in 2014+ dollars, approximately 34% is associated with habitat management and restoration, 27% for program administration and reporting, 23% for species monitoring, and 16% for changed circumstances and other contingencies.

e) Fire Fighting Enhancement Requirements

In July 2003, the FORA Board authorized FORA to lease-purchase five pieces of fire-fighting equipment, including four fire engines and one water tender to supplement the equipment of existing, local fire departments. The equipment recipients included the Cities of Marina, Monterey and Seaside, the Ord Military Community Fire Department and the Salinas Rural Fire Department.

This lease purchase of equipment accommodated FORA's capital obligations under the BRP to enhance the firefighting capabilities on the former Fort Ord in response to proposed development. The lease payments began July 2004, and ~~will be paid through~~ were retired in FY 2013/14. ~~Once~~ Now that the lease payments, funded by developer fees, have been satisfied, FORA's obligation for fire-fighting enhancement ~~will have been fully met.~~ FORA transferred equipment titles to the appropriate fire-fighting agencies in April 2014.



Fire engines received by Fire Departments in the Cities of Marina, Monterey and Seaside and the Ord Military Community were utilized during the Parker Flats habitat burn in 2005

f) Building Removal Program

As a basewide obligation, the BRP includes the removal of building stock to make way for redevelopment in certain areas of the former Fort Ord. The FORA Board established policy regarding building removal obligations with adoption of the FY 01/02 CIP. That policy defines FORA obligations and has been sustained since that time. For example, one of FORA's obligations includes some City of Seaside Surplus II buildings. The policy fixes the overall FORA funding obligation to Surplus II at \$4M, and the City of Seaside decides which buildings to remove. The FORA Board additionally established criteria to address how the building removal program would proceed at Surplus II: 1) buildings must be within Economic Development Conveyance parcels; 2) building removal is required for redevelopment; 3) buildings are not programmed for reuse; and, 4) buildings along Gigling Road potentially fit the criteria. When the City of Seaside, working with any developer, determines which buildings should be removed, FORA would forego a portion of land sale proceeds in an amount

commensurate with actual costs, up to \$4M (December 1996 Reimer Associates Fort Ord Demolition Study). All jurisdictions have been treated in a similar manner but have widely varying building removal needs that FORA does its best to accommodate with available funds.

As per Board direction, building removal is funded by land sale revenue and/or credited against land sale valuation. Two MOAs have been finalized for these purposes, as described below:

In August 2005 FORA entered into an MOA with the City of Marina Redevelopment Agency and Marina Community Partners (MCP), assigning FORA \$46M in building removal costs within the Dunes on Monterey Bay project area and MCP the responsibility for the actual removal. FORA paid \$22M and MCP received credits of \$24M for building removal costs against FORA's portion of the mutually agreed upon land sale proceeds. FORA's building removal obligation was thus completed as agreed by the City of Marina and MCP in 2007.

In February 2006 FORA entered into an MOA with Monterey County, the Monterey County Redevelopment Agency and East Garrison Partners (EGP). In this MOA, EGP agreed to undertake FORA's responsibility for removal of certain buildings in the East Garrison Specific Plan for which they received a credit of \$2.1M against FORA's portion of land sale proceeds. Building removal in the East Garrison project area is now complete. Since this agreement was made, the property was acquired by a new entity who is complying with the financial terms of the MOA.

FORA's remaining building removal obligations include the former Fort Ord stockade within the City of Marina (\pm \$2.2M) and as previously discussed, buildings in the City of Seaside's Surplus II area (\pm \$4M). In 2011, FORA, at the direction of the City of Seaside, removed a building in the Surplus II area which is explained in more detail in Appendix C. FORA will continue to work closely with the Cities of Marina and Seaside as new specific plans are prepared for those areas.

Since 1996 FORA has been aggressively reusing, redeveloping, and/or deconstructing former Fort Ord buildings in environmentally sensitive ways to reuse or reclaim significant building materials. FORA has worked closely with the regulatory agencies and local contractors to safely abate hazardous materials, maximize material reuse and recycling, and create an educated work force that can take advantage of the jobs created on the former Fort Ord. FORA, CSUMB and the jurisdictions continue to leverage the accumulated expertise and experience and focus on environmentally sensitive reuse, removal of structures, and recycling remnant structural and site materials, while applying lessons learned from past FORA efforts to "reduce, reuse and recycle" materials from former Fort Ord structures as described in Appendix C.

g) Water and Wastewater Collection Systems

Following a competitive selection process in 1997, the FORA Board approved MCWD as the purveyor to own and operate water and wastewater collection systems on the former Fort Ord. By agreement with FORA, MCWD is tasked to assure that a Water and Wastewater Collection Systems Capital Improvement Program is in place and implemented to accommodate repair, replacement and expansion of the systems. To provide uninterrupted service to existing customers and to track with system expansion to keep pace with proposed development, MCWD and FORA staff coordinate system(s) needs with respect to anticipated development. MCWD is engaged in the FORA CIP process, and adjusts its program coincident with the FORA CIP.

In 2005, MCWD staff and consultants conducted a study of their rates, fees and charges to determine projected adjustments through five budget years. At the time, the study projected a significant increase to capacity charges to fund the improvements to and expansion of the former Fort Ord Water and Wastewater Collections Systems. The FORA Board made the policy decision to voluntarily increase the FORA CIP contribution toward this basewide obligation. However, with no agreement or other funding mechanism in place to transfer this additional contribution to MCWD, a 2013 MCWD rate study included recommendations to remove the additional FORA funding from their budget and

increase their capacity charge. Table 3 reflects this funding being removed from the FORA CIP and the FORA CFD/developer fee commensurately reduced.

In 1997, the FORA Board established a Water and Wastewater Oversight Committee (WWOC), which serves in an advisory capacity to the Board. A primary function of the WWOC is to meet and confer with MCWD staff in the development of operating and capital budgets and the corresponding customer rate structures. Annually at budget time, the WWOC and FORA staff prepare recommended actions for the Board's consideration with respect to budget and rate approvals. This process provides a tracking mechanism to assure that improvements to, and expansion of, the systems are in sequence with development needs. Capital improvements for system(s) operations and improvements are funded by customer rates, fees and charges. Capital improvements for the system(s) are approved on an annual basis by the MCWD and FORA Boards. Therefore, the water and wastewater capital improvements are not duplicated in this document.

h) Property Management and Caretaker Costs

During the EPS Phase I CIP Review process in FY 10/11, FORA jurisdictions expressed concern over accepting 1,200+ acres of former Fort Ord properties without sufficient resources to manage them. Since the late 1990's, FORA carried a CIP contingency line item for "caretaker costs." The EPS Phase I CIP Study identified \$16M in FORA CIP contingencies to cover such costs. These obligations are not BRP required CEQA mitigations, but are considered basewide obligations (similar to FORA's ~~additional water augmentation program contribution and building removal obligation~~). In order to reduce contingencies, this \$16M item was excluded from the CIP cost structure used as the original basis for the 2011-12 CFD Special Tax fee reductions.

However, the Board recommended that a "Property Management/Caretaker Costs" line item be added back as an obligation to cover basewide property management costs, should they be demonstrated.

As a result of EPS's Phase II CIP Review analysis in FY 11/12 and FY 12/13, FORA ~~has~~ agreed to reimburse its five member jurisdictions up to \$660,000 in annual funding for these expenses based on past experience, provided sufficient land sales revenue is available and jurisdictions are able to demonstrate property management/caretaker costs. Additional detail concerning this analysis is provided under Appendix D. These expenses are shown in Table 5 – Land Sales as a deduction prior to net land sales proceeds. The expenses in this category (FY ~~134/145~~ through Post-FORA) are planning numbers and are not based on identified costs. EPS's analysis also assumes that, as jurisdictions sell former Fort Ord property, their property management/caretaker costs will diminish.

III. FY ~~20134/20145~~ THROUGH POST-FORA CAPITAL IMPROVEMENT PROGRAM

Background Information/Summary Tables

Table 1 graphically depicts fiscal offsets of completed projects that have reduced BRP obligations. Since 1995, FORA has advanced approximately \$756M in capital projects and BRP obligations. These projects have been predominantly funded by EDA grants, loan proceeds and developer fees. Developer fees are the primary funding source for FORA to continue meeting its mitigation obligations under the BRP. Table 1 includes fiscal offsets inclusive of not only completed projects, but also funded projects to-be-completed during the course of the next fiscal year. As previously noted, work concluded in conjunction with TAMC and AMBAG has resulted in modification of transportation obligations for consistency with current transportation planning at the regional level.

Table 2 details current TAMC recommendations that are compatible with the RTP, and "time places" transportation and transit obligations over the CIP time horizon.

A summary of the CIP project elements and their forecasted costs and revenues are presented in Table 3. Annual updates of the CIP will continue to contain like summaries and account for funding received and applied against required projects.

Table 4, Community Facilities District Revenue, reflects forecasted annual revenue from CFD fee collection. On an annual basis, FORA requests updated development forecasts from its member agencies as a component of FORA's CIP preparation process. The five land use jurisdictions and other agencies with land use authority on former Fort Ord provide updated development forecasts for Table A1: Residential Annual Land Use Construction and Table A2: Non-Residential Annual Land Use Construction (Appendix B). FORA staff reviews the submitted development forecasts to ensure that BRP resource limitations are met (i.e. 6,160 New Residential Unit limit, etc.). FORA staff may make adjustments to the forecasts based on past experience. In previous years, jurisdictions' forecasts have been overly optimistic. In this FY 20134/145 CIP, FORA staff included development forecasts as submitted by the land use jurisdictions in July–April 20134. See '1) Periodic CIP Review and Reprogramming' on page 3 of this document for additional information.

FORA staff applied the anticipated FORA CFD special tax/Development Fee Schedule rates anticipated as of July 1, 20134 according to EPS's Phase III CIP study analysis to the forecasted development to produce Table 4 – Community Facilities District Revenue projections (see Appendix A for more information).

Table 5 - Land Sale Revenue reflects land sales projections resulting from EPS's Phase III CIP Review. EPS projected future FORA land sales from July 1, 2014 through June 30, 20220. EPS's land sales projections are shown in Table B-1D-2 included in Attachment C.A to Item 10b7c CIP Review—Phase II Study, May 160, 20143 FORA Board Packet. For this FY 20134/145 CIP, FORA staff based its land sale revenue forecasts using the same underlying assumptions as Table B-1D-2. Using past land sales transactions on former Fort Ord where FORA received 50% of the proceeds, EPS determined an underlying land value of \$1830,000 per acre of land. This value was applied to future available development acres to forecast land sale revenue, assuming the land sale would precede actual development by two years. As in Table B-1D-2, FORA staff calculated FORA's 50% share of the projected land sales proceeds, then deducted estimated caretaker costs, FORA costs, and other obligations (Initiatives, Petitions, Pollution Legal Liability Insurance, etc.) from the land sales revenue projections. Finally, FORA staff applied a discount rate of 4.855-3% prior to determining net FORA land sales proceeds.

OBLIGATORY PROJECT OFFSETS AND REMAINING OBLIGATIONS

Project #	Project Title	Project Limits	TAMC Reallocation Study 2005		FORA Offsets 2005-2014	FORA Remaining Obligation	FORA Remaining Obligation Inflated
			TOTAL COST	FORA PORTION			
Regional Improvements							
R3	Hwy 1-Seaside Sand City	Widen highway 1 from 4 lanes to 6 lanes from Fremont Avenue Interchange south to the Del Monte Interchange	45,000,000	15,282,245	-	21,332,350	21,844,326
R10	Hwy 1-Monterey Rd. Interchange	Construct new interchange at Monterey Road	19,100,000	2,496,648	-	3,485,049	3,568,690
R11	Hwy 156-Freeway Upgrade	Widen existing highway to 4 lanes and upgrade highway to freeway status with appropriate interchanges. Interchange modification as needed at US 156 and 101	197,000,000	7,092,169	-	9,899,896	10,137,494
R12	Hwy 68 Operational Improvements	Operational improvements at San Benancio, Laureles Grade and at Corral De Tierra including left turn lanes and improved signal timing	9,876,000	223,660	312,205	-	-
Subtotal Regional			270,976,000	25,094,722	312,205	34,717,295	35,550,510
Off-Site Improvements							
1	Davis Rd n/o Blanco	Widen to 4 lanes from the SR 183 bridge to Blanco	3,151,000	506,958	-	707,658	724,642
2B	Davis Rd s/o Blanco	Widen to 4 lanes from Blanco to Reservation; Build 4 lane bridge over Salinas River	22,555,000	8,654,502	462,978	11,594,107	11,872,366
4D	Widen Reservation-4 lanes to WG	Widen to 4 lanes from existing 4 lane section East Garrison Gate to Watkins Gate	10,100,000	3,813,916	476,584	4,747,829	4,861,777
4E	Widen Reservation, WG to Davis	Widen to 4 lanes from Watkins Gate to Davis Rd	5,500,000	2,216,321	-	3,093,742	3,167,992
8	Crescent Ave extend to Abrams	Extend existing Crescent Court Southerly to join proposed Abrams Dr (FO2)	906,948	906,948	-	1,266,001	1,296,385
Subtotal Off-Site			42,212,948	16,098,645	939,562	21,409,337	21,923,161
On-Site Improvements							
FO2	Abrams	Construct a new 2-lane arterial from intersection with 2nd Ave easterly to intersection with Crescent Court extension	759,569	759,569	-	1,060,275	1,085,722
FO5	8th Street	Upgrade/construct new 2-lane arterial from 2 nd Ave to Intergarrison Rd	4,340,000	4,340,000	-	6,017,440	6,161,859
FO6	Intergarrison	Upgrade to a 4-lane arterial from Eastside Rd to Reservation	4,260,000	4,260,000	1,559,469	4,079,909	4,177,827
FO7	Gigling	Upgrade/Construct new 4-lane arterial from General Jim Moore Blvd easterly to Eastside Rd	5,722,640	5,722,640	353,510	7,542,368	7,723,385
FO9B (Ph-II)	GJM Blvd-Normandy to McClure	Widen from 2 to 4 lanes from Normandy Rd to McClure	24,065,000	24,065,000	6,252,156	-	-
FO9B (Ph-III) [1]	GJM Blvd-s/o McClure to s/o Coe	Widen from 2 to 4 lanes from McClure to Coe			3,476,974	-	-
FO9C	GJM Blvd-s/o Coe to S Boundary	Widen from 2 to 4 lanes from s/o Coe to South Boundary Rd			13,698,746	986,813	1,010,497
FO11	Salinas Ave	Construct new 2 lane arterial from Reservation Rd southerly to Abrams Dr	3,038,276	3,038,276	-	4,241,102	4,342,888
FO12	Eucalyptus Rd	Upgrade to 2 lane collector from General Jim Moore Blvd to Eastside Rd to Parker Flats cut-off	5,800,000	5,800,000	5,328,055	485,159	496,803
FO13B	Eastside Pkwy (New alignment)	Construct new 2 lane arterial from Eucalyptus Rd to Parker Flats cut-off to Schoonover Dr	12,536,370	12,536,370	510,000	16,950,540	17,357,353
FO14	S Boundary Road Upgrade	Upgrade to a 2 lane arterial, along existing alignment from General Jim Moore Blvd to York Rd	2,515,064	2,515,064	338,986	3,076,067	3,149,893
Subtotal On-Site			63,036,919	63,036,919	31,517,896	44,439,673	45,506,225
Transportation Totals			376,225,867	104,230,286	32,769,663	100,566,305	102,979,896
[1] Remaining construction may be phased in future CIP documents based on available funds and habitat/environmental clearance.							
Transit Capital Improvements							
T3	Transit Vehicle Purchase/Replace	15 busses	15,000,000	6,298,254	378,950	8,344,527	8,544,796
T22	Intermodal Centers	(PFIP T-31) includes 3 elements: 1. Intermodal Transportation Center @ 1st. Avenue South of 8th. Street 2. Park and Ride Facility @ 12th Street and Imjin, and 3. Park and Ride Facility @ 8th. Street and Gigling	3,800,000	4,786,673	-	6,681,673	6,655,674
Transit Totals			18,800,000	11,084,927	378,950	15,026,200	15,200,470
Transportation/Transit Totals			395,025,867	115,315,212	33,148,613	115,592,505	118,180,366
Previous Offsets 1995 - 2004							
1. Transportation/Transit - TAMC Study 1995							
FORA offsets against obligations for transportation/transit network per 1995 TAMC Study from 1995-2004. Funded by EDA grant funds, state and local matching funds, revenue bond proceeds, development fees.					32,235,648		
2. Storm Drainage System							
Retain/Percolate stormwater, eliminate discharge of stormwater to Monterey Bay Sanctuary. Project completed/financial obligation met in 2004. Funded by EDA grant proceeds.					1,631,951		
TOTAL CUMULATIVE OFFSETS AGAINST TRANSPORTATION/TRANSIT AND STORM DRAINAGE PROJECTS TO DATE					67,016,212		

TRANSPORTATION NETWORK AND TRANSIT ELEMENTS

Lead Agency	Regional Improvements										
	Proj#	Description	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
TAMC/Caltrans	R3a	Hwy 1-Del Monte-Fremont-MBL							21,844,326	21,844,326	R3
TAMC/Caltrans	R10	Hwy 1-Monterey Rd. Interchange							3,568,690	3,568,690	R10
TAMC/Caltrans	R11	Hwy 156-Freeway Upgrade						5,000,000	5,137,494	10,137,494	R11
	Subtotal Regional		-	-	-	-	-	5,000,000	5,137,494	25,413,016	35,550,510

	Off-Site Improvements										
	Proj#	Description	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
Monterey County	1	Davis Rd north of Blanco			724,642					724,642	1
Monterey County	2B	Davis Rd south of Blanco	472,199			6,500,000	2,500,000	2,400,167		11,872,366	2B
Monterey County	4D	Widen Reservation-4 lanes to WG					2,440,000	2,421,777		4,861,777	4D
Monterey County	4E	Widen Reservation, WG to Davis			616,220	616,220	1,935,552			3,167,992	4E
City of Marina	8	Crescent Ave extend to Abrams			650,000	646,384				1,296,385	8
	Subtotal Off-Site		472,199	-	1,990,862	7,762,604	6,875,552	4,821,944	-	21,923,161	

	On-Site Improvements										
	Proj#	Description	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
City of Marina	FO2	Abrams			545,000	540,722				1,085,722	FO2
City of Marina	FO5	8th Street			3,090,000	3,071,859				6,161,859	FO5
FORA	FO6	Intergarrison			4,177,827					4,177,827	FO6
FORA	FO7	Gigling			2,500,000		5,223,385			7,723,385	FO7
FORA	FO9C	GJM Blvd			1,010,497					1,010,497	FO9C
City of Marina	FO11	Salinas Ave			2,130,000	2,212,888				4,342,888	FO11
FORA	FO12	Eucalyptus Road				496,802				496,803	FO12
FORA	FO13B	Eastside Parkway			8,712,577	8,644,776				17,357,353	FO13B
FORA	FO14	South Boundary Road Upgrade		1,500,000	1,649,892					3,149,893	FO14
	Subtotal On-Site		-	1,500,000	23,815,793	14,967,047	5,223,385	-	-	45,506,225	

Transportation Totals	472,199	1,500,000	25,806,655	22,729,651	17,098,937	9,959,438	25,413,016	102,979,896
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	Transit Capital Improvements										
	Proj#	Description	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
MST	T3	Transit Vehicle Purchase/Replace		1,715,634	1,715,634	1,715,634	1,715,643	1,682,251		8,544,796	T3
MST	T22	Intermodal Centers						3,340,000	3,315,674	6,655,674	T22
	Subtotal Transit		-	1,715,634	1,715,634	1,715,634	1,715,643	5,022,251	3,315,674	15,200,470	

Transportation and Transit GRAND TOTALS	472,199	3,215,634	27,522,289	24,445,285	18,814,580	14,981,689	28,728,690	118,180,366
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SUMMARY OF CAPITAL IMPROVEMENT PROGRAM 2014/15 - POST FORA

	2005-14 (1)	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post FORA	2014-15 to Post FORA Total
A. CIP PROJECTS FUNDED BY CFD DEVELOPMENT FEES									
Dedicated Revenues									
Development Fees	24,171,322	5,050,000	11,680,000	18,560,000	26,343,000	30,437,000	22,149,000	48,104,000	162,323,000
Other Revenues									
Property Taxes (2)	5,796,078	242,816	498,264	847,628	1,611,432	2,412,938	5,646,258	-	11,259,336
Loan Proceeds (3)	7,926,754	-	-	-	-	-	-	-	-
Federal Grants (4)	6,426,754	-	-	-	-	-	-	-	-
CSU Mitigation fees	2,326,795	-	-	-	-	-	-	-	-
Miscellaneous Revenues (Rev Bonds, CFD credit) (11)	2,762,724	-	-	-	-	-	-	-	-
TOTAL REVENUES	49,410,427	5,292,816	12,178,264	19,407,628	27,954,432	32,849,938	27,795,258	48,104,000	173,582,336
Expenditures									
Projects									
Transportation/Transit	33,148,613	472,199	3,215,634	27,522,289	24,445,285	18,814,580	14,981,689	28,728,690	118,180,366
Water Augmentation (5) CEQA Mitigation	561,780	-	1,168,000	1,856,000	2,634,300	3,043,700	2,214,900	13,098,748	24,015,648
Storm Drainage System [Completed by 2005] (6)	[Table 1]	-	-	-	-	-	-	-	-
Habitat Management (7)	6,042,831	1,540,250	3,562,400	5,363,840	8,034,615	9,283,285	5,872,779	-	33,657,169
Fire Rolling Stock	1,160,000	-	-	-	-	-	-	-	-
Property Management/Caretaker Costs (8)	20,000	-	-	-	-	-	-	-	-
Total Projects	40,933,223	2,012,449	7,946,034	34,742,129	35,114,200	31,141,565	23,069,368	41,827,438	175,853,183
Other Costs & Contingency (9)									
Additional CIP Costs	3,014,400	-	-	-	-	-	-	17,727,055	17,727,055
Habitat Mgt. Contingency	842,104	90,000	-	-	-	-	-	20,193,097	20,283,097
CIP/FORA Costs	925,690	404,509	400,000	400,000	400,000	400,000	395,491	-	2,400,000
Other Costs (Debt Service) (14)	3,695,010	2,785,858	4,006,766	-	-	-	-	-	6,792,624
Total Other Costs & Contingency	8,477,204	3,280,367	4,406,766	400,000	400,000	400,000	395,491	37,920,152	47,202,776
TOTAL EXPENDITURES	49,410,427	5,292,816	12,352,800	35,142,129	35,514,200	31,541,565	23,464,859	79,747,590	223,055,959
Net Annual Revenue			(174,536)	(15,734,501)	(7,559,768)	1,308,373	4,330,399	(31,643,590)	
Beginning Balance				(174,536)	(15,909,037)	(23,468,805)	(22,160,432)	(17,830,033)	
Ending Balance CFD & Other			(174,536)	(15,909,037)	(23,468,805)	(22,160,432)	(17,830,033)	(49,473,623)	(49,473,623)
B. CIP PROJECTS FUNDED BY LAND SALE REVENUES									
Dedicated Revenues									
Land Sales (10)	15,800,714	-	34,821,117	9,011,094	13,887,758	5,862,610	3,326,500	3,933,720	70,842,801
Land Sales - Credits (11)	6,767,300	-	-	6,750,000	-	-	12,659,700	-	19,409,700
Other Revenues (12)	1,425,000	-	-	-	-	-	-	-	-
Loan Proceeds (3)	7,500,000	-	-	-	-	-	-	-	-
Total Revenues	31,493,014	-	34,821,117	15,761,094	13,887,758	5,862,610	15,986,200	3,933,720	90,252,501
Expenditures									
Projects (13)									
Building Removal	28,767,300	2,725,714	3,474,286	6,750,000	-	-	12,659,700	-	25,609,700
Other Costs (Loan Pay-off) (14)	-	-	18,000,000	-	-	-	-	-	18,000,000
TOTAL PROJECTS	28,767,300	2,725,714	21,474,286	6,750,000	-	-	12,659,700	-	43,609,700
Net Annual Revenue	2,725,714	(2,725,714)	13,346,831	9,011,094	13,887,758	5,862,610	3,326,500	3,933,720	
Beginning Balance		2,725,714		13,346,831	22,357,925	36,245,683	42,108,294	45,434,794	
Ending Balance Land Sales & Other	2,725,714		13,346,831	22,357,925	36,245,683	42,108,294	45,434,794	49,368,515	49,368,515
TOTAL ENDING BALANCE-ALL PROJECTS			13,172,295	6,448,888	12,776,878	19,947,862	27,604,761	(105,108)	(105,109)

Table 3 CIP Summary Table Footnotes

- (1) This column summarizes CIP revenues and expenses from July 2005 through June 2014. These totals are not included in the 2014-15 to Post FORA totals.
- (2) "Property Taxes" (former Tax Incremental) revenue has been designated for operations and as a back-up to FORA CIP projects; to date, approximately \$5.8M was spent on ET/ESCA change orders and CIP road projects. See Tables A-1, A-2 and A-3 from the EPS Phase III Study for more information.
- (3) "Loan Proceeds": In FY 05-06 FORA obtained a line of credit (LOC) to ensure CIP obligations be met despite cash flow fluctuations. The LOC draw-downs were used to pay road design, construction and building removal costs and were partially repaid by available CIP funding sources. In FY 09-10 FORA repaid the remaining \$9M LOC debt (\$1.5M in transportation and \$7.5M in building removal) through a loan secured by FORA's share of Preston Park. The loan also provided \$6.4M matching funds to US Department of Commerce EDA/American Recovery and Reinvestment Act ("ARRA") grant funds.
- (4) "Federal grants": In FY 2010 FORA received ARRA funding to finance construction of General Jim Moore Boulevard (GJMB) and Eucalyptus Road. FORA obtained a loan against its 50% share in Preston Park revenues to provide required match to the ARRA grant (see #3 "Loan Proceeds").
- (5) "Water Augmentation" is FORA's financial obligation for the approved CEQA required water augmentation project. The original indexed CEQA obligation (\$243,015,452,648,781) is included in the total. The previous "voluntary contribution" has been subsumed in MCWD's capacity charge and FORA developer fee reduced commensurately so as not to double charge. The FORA Board approved an additional contribution (\$21,655,302) to keep MCWD capacity charges in check. Please refer to Section II g) Water and Wastewater Collection Systems.
- (6) FORA's "Storm Water Drainage System" mitigation has been retired. Through agreement with the California Department of Parks and Recreation, FORA is obligated to remove storm water disposal facilities west of Highway 1 following replacement of the outfall storm drains with on-site storm water disposal. Funding for this work is shown under Other Costs & Contingencies.
- (7) "Habitat Management" amounts are estimates. Habitat management endowment final amount is subject to approval by USFWS and CDFW. Please refer to Section II d) Habitat Management Requirements.
- (8) "Property Management/Caretaker Costs" amounts are deducted from net land sales revenue. As a result of EPS's CIP Review - Phase II Study analysis, FORA has agreed to reimburse its five member jurisdictions up to \$660,000 in annual funding for these expenses, provided sufficient land sales/lease revenue is available and jurisdictions are able to demonstrate property management/caretaker costs. Please refer to Section II h) Property Maintenance and Caretaker Costs.
- (9) "Other Costs & Contingencies" are subject to cash flow and demonstrated need. Primarily, this item is not funded until distant "out years" of the program.
~~"Additional Transportation CIP Costs" are potential and unknown additional basewide expenditures not included in current cost estimates for transportation projects (e.g. contract change orders to the ESCA, general consulting, etc.) street landscaping, unknown site conditions, project changes, habitat/environmental mitigation, etc.) and unknown additional basewide expenditures (street landscaping, unknown site conditions, project changes, additional habitat/environmental mitigation, Board discretion, etc.).~~
 "Habitat Management Contingency" provides interim funding for the University of California Fort Ord Natural Reserve until adoption of the HCP and as a result of CIP Review policy decisions, includes sufficient funding for Habitat Conservation Plan endowments should a lower endowment payout rate be required by Regulatory Agencies.
"CIP/FORA Costs" provides for FORA CIP staff, overhead, and direct CIP consulting costs (EPS, legal, etc.). These FORA costs were included as a part of transportation and other projects through FY 2012/13. During the FY 2013/14 budgeting process, in an effort to synchronize the FORA annual budget and CIP budget, the presentation format for both were revised (reporting FORA costs as a separate line item in the CIP budget) to provide consistent information.

~~“Additional Utility and Storm Drainage Costs” provides for restoration of storm drainage sites in State Parks land and relocation of utilities.~~

- (10) “Land Sales” revenue projections were evaluated by EPS as a component of their CIP Review – Phase II and III Studies. The same approach of determining a residual land value factor based on past FORA or Land Use Jurisdictions’ land sales transactions (resulting in \$1800,000 per acre) was used. The factor was then applied to non-transacted remaining development acres. The land sales revenue projections shown are net revenue after deducting identified costs, which include \$660,000 annually in property management/caretaker costs (obligation reduced as land is reused) and \$250,000 annually in other obligations (Initiatives, Petitions, Pollution Legal Liability Insurance, Etc.).
- (11) “CFD/Land Sales – Credit” is credit due specific developers who perform roadway improvements/building removal by agreement with FORA. The value of the work is subtracted from the developer’s CFD fee/land sale proceeds due FORA. Regarding CFD fees, FORA entered into agreement with East Garrison Partners for a total credit of \$2,075,621. Regarding land sale proceeds, FORA entered into two such agreements with Marina Community Partners (\$24M) and East Garrison Partners (\$2.1M) for a total land sale credit of \$26,177,000.
- (12) “Other Revenues” applied against building removal include Abrams B loan repayment of \$1,425,000.
- (13) “Projects” total include building removal at 1) Dunes on Monterey Bay (\$46M), 2) Imjin Office (\$400K), 3) East Garrison (\$2.177M), and remaining to be completed 4) Stockade (\$2.2M), and 5) Surplus II (\$4M).
- (14) “Other Costs (Debt Service)” payment of borrowed funds, principal and interest (see #3 “Loan Proceeds”). The \$7.96M repayment of remaining principal by FORA Development Fees/CFD special taxes, anticipated ~~in-through~~ FY 153-164, will be retained in the FORA Reserve fund. On May 10, 2013, the FORA Board approved a 23.6% reduction in the Basewide FORA Development Fee Schedule and FORA CFD special tax as a result of EPS’s CIP Review - Phase II Study. The study showed that FORA operations costs through 2020 will be offset by the \$7.96_M loan repayment from FORA Development Fees/CFD special taxes. The actual Preston Park loan will be paid off upon Preston Park disposition.

TABLE 4

Community Facilities District Revenue

	Number	Jurisdiction	2014-15 to Post FORA Total	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
<u>New Residential</u>										
Marina Heights	1050	MAR	\$ 23,427,000	\$ 446,000	\$ 1,696,000	\$ 3,213,000	\$ 4,016,000	\$ 4,150,000	\$ 4,016,000	\$ 5,890,000
The Promontory		MAR	-	-	-	-	-	-	-	-
Dunes on Monterey Bay	1237	MAR	25,190,000	1,116,000	1,339,000	2,008,000	2,008,000	2,008,000	2,008,000	14,703,000
TAMC Planned	200	MAR	4,462,000	-	-	-	-	2,231,000	2,231,000	-
CSUMB Planned		CSU	1,439,050	-	-	-	167,350	167,350	167,350	937,000
UC Planned	240	UC	5,352,000	-	-	892,000	892,000	892,000	892,000	1,784,000
East Garrison I	1472	MCO	29,049,000	2,053,000	2,008,000	2,008,000	4,350,000	3,793,000	3,793,000	11,044,000
Seaside Highlands Homes	152	SEA	-	-	-	-	-	-	-	-
Seaside Resort Housing	126	SEA	2,744,000	45,000	22,000	89,000	134,000	1,227,000	1,227,000	-
Seaside Planned	987	SEA	22,022,000	-	-	558,000	3,347,000	3,347,000	3,280,000	11,490,000
Del Rey Oaks Planned	691	DRO	15,416,000	-	-	2,900,000	6,403,000	6,113,000	-	-
Other Residential Planned	8	Various	178,000	-	-	-	-	-	-	178,000
<u>Existing/Replacement Residential</u>										
Preston Park	352	MAR	\$ 3,265,000	\$ -	\$ 3,265,000	\$ -	\$ -	\$ -	\$ -	\$ -
Cypress Knolls	400	MAR	8,924,000	-	-	2,231,000	2,231,000	2,231,000	2,231,000	-
Abrams B	192	MAR	-	-	-	-	-	-	-	-
MOCO Housing Authority	56	MAR	-	-	-	-	-	-	-	-
Shelter Outreach Plus	39	MAR	-	-	-	-	-	-	-	-
Veterans Transition Center	13	MAR	-	-	-	-	-	-	-	-
Interim Inc	11	MAR	-	-	-	-	-	-	-	-
Sunbay (former Thorson Park)	297	SEA	-	-	-	-	-	-	-	-
Brostrom	225	SEA	-	-	-	-	-	-	-	-
Seaside Highlands	228	SEA	-	-	-	-	-	-	-	-
<u>Office</u>										
Del Rey Oaks Planned		DRO	\$ 38,000	\$ -	\$ -	\$ 19,000	\$ -	\$ 19,000	\$ -	\$ -
Monterey Planned		MRY	139,000	-	-	23,000	23,000	23,000	35,000	35,000
East Garrison I Office Development		MCO	6,000	3,000	2,000	1,000	-	-	-	-
Imjin Office Park		MAR	2,000	2,000	-	-	-	-	-	-
Dunes on Monterey Bay		MAR	139,000	29,000	10,000	10,000	-	19,000	19,000	52,000
Cypress Knolls Community Center		MAR	3,000	-	-	3,000	-	-	-	-
Interim Inc. - Rockrose Gardens		MAR	-	-	-	-	-	-	-	-
TAMC Planned		MAR	8,000	-	-	-	-	4,000	4,000	-
Seaside Planned		SEA	17,000	-	-	5,000	5,000	5,000	2,000	-
UC Planned		UC	67,000	-	-	8,000	8,000	27,000	8,000	16,000
<u>Industrial</u>										
Monterey Planned		MRY	\$ 36,000	\$ -	\$ -	\$ -	\$ -	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
Industrial – City Corp. Yard		MAR	-	-	-	-	-	-	-	-

TABLE 4

TABLE 4
Community Facilities District Revenue

	Number	Jurisdiction	2014-15 to Post FORA Total	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
Dunes on Monterey Bay		MAR	-	-	-	-	-	-	-	-
Cypress Knolls Support Services		MAR	1,000	-	-	1,000	-	-	-	-
Marina Planned		MAR	40,000	5,000	5,000	5,000	5,000	5,000	5,000	10,000
TAMC Planned		MAR	6,000	-	-	-	-	3,000	3,000	-
Seaside Planned		SEA	27,000	-	-	13,000	8,000	6,000	-	-
UC Planned		UC	18,000	-	-	3,000	3,000	3,000	3,000	6,000
<u>Retail</u>										
Del Rey Oaks Planned		DRO	\$ 111,000	\$ -	\$ -	\$ 111,000	\$ -	\$ -	\$ -	\$ -
East Garrison I Retail		MCO	222,000	-	-	111,000	111,000	-	-	-
Cypress Knolls Community Center		MAR	166,000	-	-	166,000	-	-	-	-
Dunes on Monterey Bay		MAR	1,108,000	853,000	255,000	-	-	-	-	-
TAMC Planned		MAR	416,000	-	-	-	-	208,000	208,000	-
Seaside Resort Golf Clubhouse		SEA	90,000	-	90,000	-	-	-	-	-
Seaside Planned		SEA	5,603,000	-	-	554,000	554,000	3,653,000	842,000	-
UC Planned		UC	2,034,000	-	-	291,000	435,000	291,000	291,000	726,000
<u>Hotel (rooms)</u>										
Del Rey Oaks Planned	550	DRO	\$ 2,739,000	\$ -	\$ -	\$ 2,739,000	\$ -	\$ -	\$ -	\$ -
Dunes - Limited Service	100	MAR	498,000	498,000	-	-	-	-	-	-
Dunes - Full Service	400	MAR	1,992,000	-	1,992,000	-	-	-	-	-
Seaside Golf Course Hotel	330	SEA	1,643,000	-	-	-	1,643,000	-	-	-
Seaside Golf Course Timeshares	170	SEA	847,000	-	-	-	-	-	-	847,000
Seaside Planned	570	SEA	2,840,000	-	996,000	598,000	-	-	872,000	374,000
UC Planned	0	UC	-	-	-	-	-	-	-	-
Total			\$ 162,324,050	\$ 5,050,000	\$ 11,680,000	\$ 18,560,000	\$ 26,343,000	\$ 30,437,000	\$ 22,149,000	\$ 48,104,000

	<u>Adopted 2002</u>	<u>Effective 7/1/13</u>	<u>Fee Adjustment</u>	<u>Effective 7/1/14</u>
New Residential (per du)	\$ 34,324	\$ 27,180	-17.9%	\$ 22,310
Existing Residential (per du)	10,320	8,173	-17.9%	6,710
Office & Industrial (per acre)	4,499	3,567	-17.9%	2,930
Retail (per acre)	92,768	73,471	-17.9%	60,320
Hotel (per room)	7,653	6,065	-17.9%	4,980

**TABLE 5
Land Sale Revenue**

	Jurisdiction	2014-15 to Post-FORA	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
<u>New Residential</u>									
Seaside Planned	SEA	32,977,620		795,719	4,842,058	4,914,688	4,888,641	6,744,229	10,792,285
Del Rey Oaks Planned	DRO	22,382,858		4,140,794	9,258,014	8,984,050			
Other Residential Planned	Various	273,405							273,405
<u>Existing/Replacement Residential</u>									
Preston Park	MAR	56,900,558		56,900,558					
Cypress Knolls	MAR	13,010,436		3,180,333	3,228,038	3,276,459	3,325,606		
<u>Office</u>									
Del Rey Oaks Planned	DRO	2,541,044	-	1,251,607	-	1,289,437			
Monterey Planned	MRY	9,339,947	-	1,508,841	1,531,474	1,554,446	2,354,931	2,390,255	
Cypress Knolls Community Center	MAR	200,257	-	200,257					
Seaside Planned	SEA	1,109,523	-	312,902	317,595	348,148	130,878		
<u>Industrial</u>									
Monterey Planned	MRY	2,476,923	-	-	-	813,379	825,580	837,964	
Cypress Knolls Support Services	MAR	65,709	-	65,709					
Seaside Planned	SEA	1,498,335	-	547,653	555,792	394,890			
<u>Retail</u>									
Del Rey Oaks Planned	DRO	350,450	-	350,450					
Cypress Knolls Community Center	MAR	525,675	-	525,675					
Seaside Planned	SEA	18,221,234	-	1,752,250	1,778,534	11,905,370	2,785,080		
<u>Hotel (rooms)</u>									
Del Rey Oaks Planned	DRO	2,761,868	-	2,761,868					
Seaside Planned	SEA	2,910,710	989,474	602,589	-	-	918,917	399,729	
Subtotal: Estimated Transactions		\$167,546,552	989,474	74,897,207	21,511,504	33,480,868	15,229,633	10,372,176	11,065,690
FORA Share - 50%		83,773,276	494,737	37,448,604	10,755,752	16,740,434	7,614,816	5,186,088	5,532,845
Estimated Caretaker/Property Mgt. Costs		(\$2,508,289)	(494,737)	(663,630)	(559,544)	(431,623)	(225,936)	(132,819)	
Other obligations (Initiatives, Petitions, PLL insurance, etc.)		(\$1,408,116)		(265,225)	(273,182)	(281,377)	(289,819)	(298,513)	(306,307)
FORA Costs		(\$85,215)						(85,215)	
Net FORA Land Sales Proceeds		79,856,871	(0)	36,519,749	9,923,026	16,027,434	7,099,061	4,669,541	5,226,538
Net Present Value (4.85% Discount Rate)		75,789,556	(0)	34,830,471	9,464,021	15,286,060	6,770,683	4,453,544	4,984,776

Note #1: FORA and local jurisdiction split land sales revenue 50/50 with FORA paying sales costs from its share. Actual land sales revenue may vary from that shown here.

Note #2: Assumes per acre value of \$188,000 and that values escalate by 1.5% annually.

Appendix A

Protocol for Review/Reprogramming of FORA CIP (Revised June 21, 2013)

- 1.) Conduct quarterly meetings with the CIP Committee and joint committee meetings as needed with members from the FORA Administrative Committee. Staff representatives from the California Department of Transportation (CALTRANS), TAMC, AMBAG, and MST may be requested to participate and provide input to the joint committee.

These meetings will be the forum to review developments as they are being planned to assure accurate prioritization and timing of CIP projects to best serve the development as it is projected. FORA CIP projects will be constructed during the program, but market and budgetary realities require that projects must "queue" to current year priority status. The major criteria used to prioritize project placement are:

- Project is necessary to mitigate reuse plan
- Project environmental/design is complete
- Project can be completed prior to FORA's sunset
- Project uses FORA CIP funding as matching funds to leverage grant dollars
- Project can be coordinated with projects of other agencies (utilities, water, TAMC, PG&E, CALTRANS, MST, etc.)
- Project furthers inter-jurisdictional equity
- Project supports jurisdictional "flagship" project
- Project nexus to jurisdictional development programs

The joint committee will balance projected project costs against projected revenues as a primary goal of any recommended reprogramming/reprioritization effort.

- 2.) Provide a mid-year and/or yearly report to the Board (at mid-year budget and/or annual budget meetings) that will include any recommendations for CIP modifications from the joint committee and staff.
- 3.) Anticipate FORA Board annual approval of a CIP program that comprehensively accounts for all obligatory projects under the BRP.

These basewide project obligations include transportation/transit, water augmentation, storm drainage, habitat management, building removal and firefighting enhancement.

This protocol also describes the method by which the basewide development fee (Fee) and Fort Ord Reuse Authority Community Facilities District Special Tax (Tax) are annually indexed. The amount of the Fee is identical to the CFD Tax. Landowners pay either the Fee or the Tax, never both, depending on whether the land is within the Community Facilities District. For indexing purposes, FORA has always used the change in costs from January 1 to December 31. The reason for that choice is that the Fee and CFD Tax must be in place on July 1, and this provides the time necessary to prepare projections, vet, and publish the document. The second idea concerns measurement of construction costs. Construction costs may be measured by either the San Francisco Metropolitan index, or the "20-City Average." FORA has always used the 20-City Average index because it is generally more in line with the actual experience in suburban areas like the Monterey Peninsula. It should be noted that San Francisco is one of the cities used for the 20-City Average.

The Fee was established in February 1999 by Resolution 99-1. Section 1 of that Resolution states that "(FORA) shall levy a development fee in the amounts listed for each type of development in the... fee schedule until such time as ... the schedule is amended by (the) board." The CFD Tax was established in February 2002 by Resolution 02-1. Section IV of that CFD Resolution, beginning on page B-4,

describes "Maximum Special Tax Rates" and "Increase in the Maximum Special Tax Rates." That section requires the Tax to be established on the basis of costs during the "...immediately preceding Fiscal Year..." The Tax is adjusted annually on the basis of "...Construction Cost Index applicable to the area in which the District is located..."¹

The CFD resolution requires the adjusted Tax rate to become effective on July 1. It would be difficult to meet that deadline if the benchmark were set for a date later than January. FORA staff uses the adjusted Tax rate to reprogram the CIP. FORA staff requests development forecast projections from the land use jurisdictions in January. The forecasts allow staff to balance CIP revenues and expenditures, typically complete by April, for Administrative Committee review. The FORA Board typically adopts the CIP, and consequently updates the "Notice of Special Tax Lien" (Notice) in June.

Additionally, the Notice calls for "... (2) percentage change since the immediately preceding fiscal year in the (ENR's CCI) applicable to the area in which the District is located..." To assure adequate time for staff analysis, public debate and FORA Board review of modifications to the Special Tax Levy, it is prudent to begin in January. In addition, the FORA Board adopted a formulaic approach to monitoring the developer fee program which is typically conducted in the spring – as will be the case in 2014. If the anticipated Fee adjustment is unknown at the time of the formulaic calculation then the level of certainty about the appropriateness of the Fee is impaired. This factor supports that the Fee should be established in January.

To determine the percentage change, the CCI (Construction Cost Index) of the immediately prior January is subtracted from the CCI in January of the current year to define the arithmetic value of the change (increase or decrease). This dollar amount is divided by the CCI of the immediately prior January. The result is then multiplied by 100 to derive a percentage of change (increase or decrease) during the intervening year. The product of that calculation is the rate presented to the FORA Board.

Since the start of the CIP program in FY 2001/02, FORA has employed the CCI for the "20-City Average" as presented in the ENR rather than the San Francisco average. The current 20-City Average places the CCI in the range of \$9K to \$10K while the San Francisco CCI is in the \$10K to \$11K range. The difference in the two relates to factors which tend to drive costs up in an urban environment as opposed to the suburban environment of Fort Ord. These factors would include items such as time required for transportation of materials and equipment plus the Minimum Wage Rates in San Francisco as compared to those in Monterey County. Over a short term (1 year) one index may yield a lower percentage increase than the other index for the same time period.

¹ The pertinent paragraph reads as follows:

"On each July 1, commencing July 1, 2002, the Maximum Special Tax Rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's (ENR's) Construction Cost Index (CCI) applicable to the area in which the District is located (or, if such index is no longer published, a substantially equivalent index selected by the CFD Administrator)."

Table A1: Residential Annual Land Use Construction (dwelling units)

Land Use Type	Jurisdiction	Existing 7/1/14	Existing to 2021-22 Total	DRAFT							
				2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
<u>New Residential</u>											
Marina Heights	MAR		1,050	20	76	144	180	186	180	141	123
The Promontory	MAR										
Dunes on Monterey Bay	MAR	108	1,237	50	60	90	90	90	90	50	609
TAMC Planned	MAR		200					100	100		
Marina Subtotal			2,487								
CSUMB Planned	CSU						150	150	150	42	
UC Planned	UC		240			40	40	40	40	40	40
East Garrison I	MCO	170	1,472	92	90	90	195	170	170	170	325
Seaside Highlands Homes	SEA	152	152								
Seaside Resort Housing	SEA	3	126	2	1	4	6	55	55		
Seaside Planned	SEA		987			25	150	150	147	200	315
Seaside Subtotal			1,265								
Del Rey Oaks Planned	DRO		691			130	287	274			
Other Residential Planned	Various	-	8	-	-	-	-	-	-	-	8
Subtotal		433	6,163	164	227	523	948	1,065	782	601	1,420
TOTAL NEW RESIDENTIAL			6,160								
<u>Existing/Replacement Residential</u>											
Preston Park	MAR	352	352								
Cypress Knolls	MAR		400			100	100	100	100		
Abrams B	MAR	192	192								
MOCO Housing Authority	MAR	56	56								
Shelter Outreach Plus	MAR	39	39								
Veterans Transition Center	MAR	13	13								
Interim Inc	MAR	11	11								
Sunbay (former Thorson Park)	SEA	297	297								
Brostrom	SEA	225	225								
Seaside Highlands	SEA	228	228	-	-	-	-	-	-	-	-
Subtotal		1,413	1,813	-	-	100	100	100	100	-	-
TOTAL EXISTING RESIDENTIAL			1,813								
Total		1,846	7,976	164	227	623	1,048	1,165	882	601	1,420

Table A2: Non-Residential Annual Land Use Construction (building square feet or hotel rooms)

Land Use Type	Jurisdiction	DRAFT		DRAFT						DRAFT	
		Existing 7/1/14	Existing to 2021-22 Total	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
<i>Office</i>											
Del Rey Oaks Planned	DRO		200,000			100,000		100,000			
Monterey Planned	MRY		721,524			120,552	120,552	120,552	179,934	179,934	
East Garrison I Office Development	MCO		35,000	18,000	12,000	5,000					
Imjin Office Park	MAR	37,000	46,000	9,000	-						
Dunes on Monterey Bay	MAR	40,000	760,000	150,000	50,000	50,000		100,000	100,000		270,000
Cypress Knolls Community Center	MAR		16,000			16,000					
Interim Inc. - Rockrose Gardens	MAR	14,000	14,000	-							
TAMC Planned	MAR		40,000					20,000	20,000		
Seaside Planned	SEA		87,000			25,000	25,000	27,000	10,000		
UC Planned	UC	-	340,000	-	-	40,000	40,000	140,000	40,000	40,000	40,000
Subtotal		91,000	2,259,524	177,000	62,000	356,552	185,552	507,552	349,934	219,934	310,000
<i>Industrial</i>											
Monterey Planned	MRY		216,275					72,092	72,092	72,092	
Industrial – City Corp. Yard	MAR	12,300	12,300								
Dunes on Monterey Bay	MAR		-	-	-	-	-				
Cypress Knolls Support Services	MAR		6,000			6,000					
Marina Planned	MAR	250,000	486,000	29,500	29,500	29,500	29,500	29,500	29,500	29,500	29,500
TAMC Planned	MAR		35,000					17,500	17,500		
Seaside Planned	SEA		160,320			75,320	50,000	35,000			
UC Planned	UC	38,000	158,000	-	-	20,000	20,000	20,000	20,000	20,000	20,000
Subtotal		300,300	1,073,895	29,500	29,500	130,820	99,500	174,092	139,092	121,592	49,500
<i>Retail</i>											
Del Rey Oaks Planned	DRO		20,000			20,000					
East Garrison I Retail	MCO		40,000	-	-	20,000	20,000				
Cypress Knolls Community Center	MAR		30,000			30,000					
Dunes on Monterey Bay	MAR	368,000	568,000	154,000	46,000						
TAMC Planned	MAR		75,000	-	-	-	-	37,500	37,500	-	-
Seaside Resort Golf Clubhouse	SEA		16,300		16,300						
Seaside Planned	SEA		1,011,500	-		100,000	100,000	659,500	152,000	-	-
UC Planned	UC		367,000	-	-	52,500	78,500	52,500	52,500	52,500	78,500
Subtotal		368,000	2,127,800	154,000	62,300	222,500	198,500	749,500	242,000	52,500	78,500
<i>Hotel (rooms)</i>											
Del Rey Oaks Planned	DRO		550			550					
Dunes - Limited Service	MAR		100	100							
Dunes - Full Service	MAR		400		400						
Seaside Golf Course Hotel	SEA		330				330				
Seaside Golf Course Timeshares	SEA		170							170	
Seaside Planned	SEA		570		200	120			175	75	
UC Planned	UC	-	-	-	-	-	-	-	-	-	-
Subtotal		-	2,120	100	600	670	330	-	175	245	-

Appendix C

Building Removal Program to Date

FORA Pilot Deconstruction Project (PDP) 1996

In 1996, FORA deconstructed five wooden buildings of different types, relocated three wooden buildings, and remodeled three buildings. The potential for job creation and economic recovery through opportunities in deconstruction, building reuse, and recycling was researched through this effort.

Lessons learned from the FORA PDP project:

- A structure's type, size, previous use, end-use, owner, and location are important when determining the relevance of lead and asbestos regulations.
- Profiling the building stock by type aids in developing salvage and building removal projections.
- Specific market needs for reusable and recycled products drive the effectiveness of deconstruction.
- Knowing the history of buildings is important because:
 - Reusing materials is complicated by the presence of Lead Based Paint (LBP), which was originally thinned with leaded gasoline and resulted in the hazardous materials penetrating further into the substrate material.
 - Over time, each building develops a unique use, maintenance and repair history, which can complicate hazardous material abatement survey efforts.
- Additional field surveys were needed to augment existing U.S. Army environmental information. The PDP surveys found approximately 30 percent more Asbestos Containing Material (ACM) than identified by the Army.
- Hazardous material abatement accounts for almost 50 percent of building deconstruction costs on the former Fort Ord.
- A robust systematic program is needed for evaluating unknown hazardous materials early in building reuse, recycling and cleanup planning.

FORA Survey for Hidden Asbestos 1997

In 1997, FORA commissioned surveys of invasive asbestos on a random sample of buildings on Fort Ord to identify hidden ACM. Before closure, the U.S. Army performed asbestos surveys on all exposed surfaces in every building on Fort Ord for their operation and maintenance needs. The Army surveys were not invasive and therefore did not identify asbestos sources, which could be spread to the atmosphere during building deconstruction or renovation. In addition to commissioning the survey for hidden asbestos, FORA catalogued the ACM found during the removal of seventy Fort Ord buildings.

The survey for hidden asbestos showed:

- The Army asbestos surveys were conducted on accessible surfaces only which is not acceptable to the Monterey Bay Unified Air Pollution Control District (MBUAPCD).
- Approximately 30 percent more ACM lies hidden than was identified in the Army surveys.
- The number one cause for slow-downs and change orders during building deconstruction is hidden asbestos (see FORA website).

- *A comprehensive asbestos-containing materials survey must identify all ACM.*
- *All ACM must be remediated before building deconstruction begins. It is important to note that this includes non-friable ACM that has a high probability of becoming or has become friable - crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of deconstruction.*
- *All ACM must be disposed of legally.*

FORA Hierarchy of Building Reuse 1998

In response to the PDP project, FORA developed a Hierarchy of Building Reuse (HBR) protocol to determine the highest and best method to capture and save both the embodied energy and materials that exist in the buildings on Fort Ord. The HBR is a project-planning tool. It provides direction, helps contractors achieve higher levels of sustainability, and facilitates dialogue with developers in order to promote salvage and reuse of materials in new construction projects. The HBR protocol has only been used on WWII era wooden buildings. The HBR protocol prioritizes activities in the following order:

1. *Reuse of buildings in place*
2. *Relocation of buildings*
3. *Deconstruction and salvage of building materials*
4. *Deconstruction with aggressive recycling of building materials*

FORA Request for Qualifications (RFQ) for Building Deconstruction Contractors 1998

FORA went through an RFQ process in an attempt to pre-qualify contractors throughout the U.S. to meet the Fort Ord communities' needs for wooden building deconstruction (removal), hazardous material abatement, salvage and recycling, and identifying cost savings. The RFQ also included a commitment for hiring trainees in deconstruction practices.

FORA Lead-Based Paint Remediation Demonstration Project 1999

FORA initiated the LBP Remediation Demonstration Program in 1999 to determine the extent of LBP contamination in Fort Ord buildings and soil, field test possible solutions, and document the findings. The first step in controlling LBP contamination is to accurately identify the amount and characteristics of the LBP. This ensures that LBP is properly addressed during removal and reuse activities, in ways that protect the public, environment, and workers.

The FORA Compound and Water City Roller Hockey Rink were used as living laboratories to test the application of LBP encapsulating products. Local painting contractors were trained to apply various encapsulating products and the ease, effectiveness and expected product life was evaluated. This information was shared with the jurisdictions, other base closure communities and the regulatory agencies so that they could use the lessons learned if reusing portions of their WWII building stock.

FORA Waste Characterization Protocol 2001

A Basewide Waste Characterization Protocol was developed for building debris generated during the deconstruction of approximately 1,200 WWII era wooden structures. By profiling standing buildings utilizing the protocol, contractors are able to make more informed waste management and diversion decisions resulting in savings, greater implementation of sustainable practices, and more environmentally sensitive solutions.

The following assumptions further assist decision-making for a large-scale source-based recovery program:

- *Individual buildings have been uniquely modified over time within each building type.*
- *The basewide characterization protocol was verified by comparing it with the actual waste generated during the 12th street building removal.*

FORA Building Removal for 12th Street/Imjin Parkway 2002

FORA, in 2002, remediated and removed 25 WWII era buildings as the preparatory work for the realignment of 12th Street, later to be called Imjin Parkway.

FORA Building Removal for 2nd Avenue Widening 2003

FORA, in 2003, remediated and removed 16 WWII era buildings and also the remains of a theater that had burned and been buried in place by the Army years before the base was scheduled for closure.

FORA/CSUMB oversight Private Material Recovery Facility Project 2004

In 2004, FORA worked with CSUMB to oversee a private-sector pilot Material Recovery Facility (MRF), with the goal of salvaging and reusing LBP covered wood from 14 WWII era buildings. FORA collaborated in the development of this project by sharing its research on building deconstruction and LBP abatement. CSUMB and their private-sector partner hoped to create value added products such as wood flooring that could be sold to offset deconstruction costs. Unfortunately the MRF operator and equipment proved to be unreliable and the LBP could not be fully removed from the wood or was cost prohibitive.

Dune WWII Building Removal 2005

FORA, in partnership with Marina and Marina Community Partners, removed 406 WWII era buildings. Ninety percent of the non-hazardous materials from these building were recycled. FORA volunteered to be the Hazardous Waste Generator instead of the City of Marina and worked with the California Department of Toxic Substance Control, the State Board of Equalization and the hazardous waste disposal facility so that as stipulated by state law, State Hazardous Waste Generator taxes could be avoided.

East Garrison Building Removal 2006 thru 2007

FORA, in 2006, provided the East Garrison developer with credits/funds to remove 31select WWII and after buildings from East Garrison.

Imjin Office Park Building Removal 2007

FORA, in partnership with Marina and Marina Community Partners, removed 13 WWII era buildings to prepare the Imjin Office Park site.

FORA Removal of Building 4470 in Seaside 2011

In 2011, FORA had a concrete building in Seaside removed. Building 4470 was one of the first Korean War era concrete buildings removed on the former Fort Ord. Removal revealed the presence of hidden asbestos materials. The knowledge gained during this project will be helpful in determining removal costs of remaining Korean War era concrete buildings in Seaside and on CSUMB.

FORA/CSUMB Korean War Concrete Building Removal Business Plan Grant Application 2011

In 2011, FORA approached the U.S. Office of Economic Adjustment (OEA) about the possibility of applying for grant funds to assist in the removal of Korean War era concrete buildings located on CSUMB and Seaside property. The OEA was receptive to the idea and encouraged an application, noting that the amount available would likely be less than \$500,000. Since a large portion of the Korean War era concrete buildings are located on CSUMB property, FORA asked CSUMB to co-apply for the grant funds, which would be used to accurately identify hazardous materials in the buildings both on CSUMB and Seaside property, and to develop a Business Plan that would harness market forces to reduce building removal costs and drive economically sound building removal decisions. FORA and CSUMB have completed the grant application and submitted it to the OEA, who will consider it once federal funding becomes available.

Continuing FORA support for CSUMB Building Removal Projects

Over the years, FORA has shared knowledge gained through various deconstruction projects with CSUMB and others, and CSUMB has reciprocated by sharing their lessons learned. Over the years FORA has supported CSUMB with shared contacts, information, review and guidance as requested for the following CSUMB building removal efforts:

- 2003 removal of 22 campus buildings
- 2006 removal of 87 campus buildings
- 2007 removal of 9 campus buildings
- 2009 removal of 8 campus buildings
- 2010 removal of 33 campus buildings
- 2011 removal of 78 campus buildings
- 2013 removal of 24 campus buildings



Fort Ord Reuse Authority

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APPENDIX D

Materials for Item 7(d)(ii)
Admin. Comm. Meeting, 7/18/12

MEMORANDUM

Date: July 18, 2012

To: Fort Ord Reuse Authority ("FORA") Administrative Committee

CC: Michael A. Houlemard, Jr., Executive Officer
Steve Endsley, Assistant Executive Officer

From: Jonathan Garcia, Senior Planner

Re: **Caretaker Costs, item 7(d)(ii)**

The purpose of this memo is to provide background information on Caretaker/Property Management Costs on former Fort Ord. Over the last few months, Caretaker Costs have been discussed in conjunction with the FORA Capital Improvement Program ("CIP") Review - Phase II study/formulaic approach. It was suggested that FORA staff provide additional background on Caretaker costs for future discussion. In preparation of this memo, FORA staff reviewed background material on caretaker costs from the late 1990's to present.

Caretaker status has been defined by U.S. Army regulation as "the minimum required staffing to maintain an installation in a state of repair that maintains safety, security, and health standards." This Army term may have generated the context of FORA's analysis of Caretaker costs in the late 1990's. Caretaker costs were first described in the FORA CIP in FY 2001/2002 as a \$14 million dollar cost with footnote reading: "Costs associated with potential delays in redevelopment and represent interim capital costs associated with property maintenance prior to transfer for development (as per Keyser-Marston truthing of caretaker and other costs).

FORA has maintained Caretaker costs in its annual CIPs since the initial FY 2001/2002 CIP. Within the last five years, FORA and County of Monterey Office of Housing and Redevelopment staff discussed property management costs associated with the County's habitat property described in the draft Fort Ord Habitat Conservation Plan ("HCP"). FORA and its HCP consultant note that trails planning/maintenance costs for public access on these properties are costs that the U.S. Fish and Wildlife Service/California Department of Fish and Game do not allow to be funded by the HCP, but should be funded by other jurisdictional resources.

During FORA's CIP review - Phase I Study, concluded in May 2011, FORA's Financial Consultant recommended that Caretaker/Property Management costs be removed from FORA's CIP Contingencies since no costs had been defined. FORA jurisdictions requested that Caretaker costs be added back in order to cover basewide property management costs, should they be demonstrated.

FORA expended \$20,000 in the previous fiscal year toward Monterey County's Fort Ord Recreational Habitat Area ("FORHA") Master Plan preparation process, in which the County has undertaken planning for a proposed trail system. This line item is wholly dependent on whether sufficient revenue is received during the fiscal year. In its current CIP, FORA maintains a \$12.2 million dollar line item for



Fort Ord Reuse Authority

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caretaker costs. FORA Assessment District Counsel opined that FORA Community Facilities District Special Tax payments cannot fund caretaker costs. For this reason, funding for Caretaker costs would have to come from FORA's 50% share of lease and land sales proceeds on former Fort Ord, any reimbursements to those fund balances, or other designated resources should they materialize.

From approximately 2000 to 2004, the U.S. Army entered into Cooperative/Caretaker Agreements with the City of Marina, the City of Seaside, and the County of Monterey. Below are two tables summarizing the agreement periods, amounts of funding involved, and an example of tasks included in these agreements. It is noted that these tables are not a comprehensive summary of the Army's caretaker agreements with the jurisdictions, but provide additional information on the subject.

Cooperative/Caretaker Agreements between the U.S. Army and former Fort Ord Jurisdictions

Summary of Caretaker Agreement Periods	Marina Funding	Seaside Funding	County Funding
July 2000 – June 2001		\$647,512	
July 2002 – December 2002	\$50,694		
July 2002 – June 2003		\$52,736	\$49,500
July 2002 – June 2003	\$49,902	\$57,808	\$156,672
October 2003- June 2004	\$7,875	\$37,773	\$74,754
Totals	\$324,308	\$364,154	\$496,763

Description of tasks in Marina Caretaker Agreement for Period July – December 2002

Task #	Description	Budget
1	Tree Trimming	\$6,240
2	Mowing	\$10,000
3	Pavement Patching	\$3,425
4	Centerline/Stenciling	\$5,560
5	Barricades	\$3,100
6	Traffic Signs	\$2,080
7	Catch Basin/Storm Drain Maint.	\$1,600
8	Vacant Buildings	\$7,025
9	Vegetation Control/Spraying	\$2,055
13	Paving/Slurry Seal	\$5,000
14	Administration (10% of total)	\$4,608.50
	Totals	\$50,693.50

FORT ORD REUSE AUTHORITY Resolution 14-XX

Resolution of the Fort Ord Reuse Authority Board adjusting the FORA Community Facilities District Special Tax Rates and the Basewide Development Fee Schedule.

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. Government Code section 67679(e) authorizes the Fort Ord Reuse Authority (hereinafter referred to as "Authority") Board of Directors (hereinafter referred to as "Board") to levy development fees on a development project within the area of the base in compliance with Government Code section 66000, *et seq.* The section stipulates that "No local agency shall issue any building permit for any development within the area of the former Fort Ord until the Board has certified that all development fees have been paid."
- B. The Authority Board adopted Resolution 99-1 to establish Basewide Development Fees for all of the former Fort Ord area primarily to pay for basewide obligations intended to mitigate the costs associated with the impact of development of the Fort Ord territory. The basewide public facilities are identified in the Base Reuse Plan and the Public Facilities Improvement Plan and are annually approved by the Board as part of the Board's adopted Capital Improvement Plan (hereinafter referred to as "CIP"), in particular the transportation, habitat management and other impacts caused by development as identified in the Final Environmental Impact Report, adopted by this Board on June 13, 1997.
- C. On January 18, 2002, the Authority Board adopted Resolution No. 02-1 establishing the Fort Ord Reuse Authority Basewide Community Facilities District (hereinafter referred to as the "CFD") under State Law that approved a rate and method of apportionment of special taxes (the "RMA") and provided for the levy of special taxes (the "Special Taxes") on real property in selected areas of the former Fort Ord, and, on October 14, 2005, the Authority Board adopted Resolution No. 05-15, which effectively amended the CFD RMA in order to provide a special tax structure that would encourage and benefit the development of affordable and workforce housing.
- D. The Board heard testimony from professional consultants, affected businesses, and community representatives on August 29, 2012, and through adoption of resolution 12-5, authorized Implementation Agreement Amendments with Fort Ord land use jurisdictions. The Board directed calculation of a formula, which analyzes CIP contingent expenses and anticipated revenues to calibrate FORA's Development Fee Schedule and CFD Special Tax to the appropriate level. The formula calculation will be used as a basis for Board consideration of adjustments in the maximum Special Taxes for the CFD and Fee Policy.
- E. As part of their CIP Review – Phase III Study contract work for the Authority, Economic and Planning Systems, Inc. ("EPS") performed the Board-directed formula calculation (**Attachment C** to Item 10b, FORA Board meeting May 16, 2014), recommending an immediate proportional 17.9% reduction in FORA's Development Fee Schedule and CFD Special Tax. There is a reasonable relationship between the need for the public projects included in the CIP and the type of development project on which the development fee or

Special Tax is imposed. There is also a reasonable relationship between the amount of the development fee or Special Tax and the cost of the public projects attributable to the development on which the fee or Special Tax is imposed and the Board has determined that the fee and Special Tax structure will continue to provide sufficient fees and Special Taxes to meet its State Law obligations and basewide expenses.

- F. The purpose of this Resolution is to amend Resolution 99-1 and to provide for levies of Special Taxes in the CFD at rates lower than the authorized maximum Special Tax rates in the RMA in order to lower the fees charged to, and the Special Taxes levied on, development occurring on the former Fort Ord, while maintaining the financial resources to meet the Authority's mitigation measure and basewide expense obligations and to sustain parity between the Special Taxes levied within the CFD and the development fees charged in non-CFD areas.
- G. Section 6.01.010 of the Authority Master Resolution provides that all fees, penalties, refunds, reimbursements and charges imposed by the Authority may be adopted by resolution and amended by the Board. In addition, the Authority has entered into separate Implementation Agreements with each of its member land use jurisdictions. Those Agreements require all development projects to pay their fair share of the Authority's costs to mitigate development impacts. The Authority Board has approved further agreements with individual jurisdictions and/or their developers to carry out the Implementation Agreements and the other authoritative documents cited in this Resolution.
- H. The Board's annually approved CIP lists each project for which the Fort Ord Reuse Authority CFD special taxes and Basewide Development Fees are to be used and accompanying text describing the need for the project.
- I. The Basewide Development Fees and Special Tax rates listed in **Table 1** reflect a proportional 47.9% reduction. There is a reasonable relationship between the need for the public projects included in the CIP and the type of development project on which the development fee or Special Tax is imposed. There is also a reasonable relationship between the amount of the development fee or Special Tax and the cost of the public projects attributable to the development on which the fee or Special Tax is imposed and the Board has determined that the fee and Special Tax structure will continue to provide sufficient fees and Special Taxes to meet its State Law obligations and basewide expenses.
- J. Government Code Section 66001 requires the Authority to do the following before adopting or amending a development impact fee:
 - 1. Account for and expend the fees.
 - 2. For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:
 - i. Identify the purpose of the fee (as described in "E." above).
 - ii. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements listed in the CIP.
 - iii. Designate the approximate dates on which the funding necessary to complete the project is expected to be deposited into the appropriate account or fund serving the CIP.

K. Any development fee so adopted shall be effective on July 1, 2014.

NOW THEREFORE the Board hereby resolves that:

1. The CFD Special Tax and the Basewide Development Fee is amended in the amounts listed for each type of development in the attached fee schedule (**Table 1**) and these fees will hereafter be levied as Special Taxes at the maximum Special Tax rates in the attached schedule (**Table 1**).
2. This Basewide Development fee schedule and CFD maximum Special Tax shall be fixed to the CFD maximum Special Tax rates and indexed in the same manner on July 1st of every year as evidenced in the attached **Table 1 – Taxable Property Classifications and Maximum Development Fee Rates**.
3. The adjusted Development Fees and the revised maximum Special Tax rates shall become effective July 1, 2014.
4. Proceeds of Development Fees and Special Tax levies shall be appropriately segregated through use of generally accepted government fund accounting methods according to the Board's adopted Capital Improvement Program budget as provided for in section B and G of this resolution.

Upon motion by _____, seconded by _____ the foregoing Resolution was passed on this ___ day of _____, _____ by the following vote.

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Mayor Jerry Edelen, Chair

ATTEST:

Michael A. Houlemard, Jr., Secretary

TABLE 1 – TAXABLE PROPERTY CLASSIFICATIONS AND
 MAXIMUM DEVELOPMENT FEE RATES
 (Figures as of July 1, 2014)

PROPERTY CLASSIFICATION	Maximum Development Fee Rates (One-time Development Fee Payments)
Undeveloped Property	\$ - 0 -
Developed Property	
New Residential	\$ 22,310 / Dwelling Unit
Existing Residential	\$ 6,710 / Dwelling Unit
Office	\$ 2,930 / Acre
Industrial	\$ 2,930 / Acre
Retail	\$ 60,320 / Acre
Hotel	\$ 4,980 / Room

On July 1, commencing July 1, 2015, the Maximum Development Fee Rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's Construction Cost Index applicable to the area in which the fee overlay is located (or, if such index is no longer published, a substantially equivalent index selected by the Development Fee Administrator)

TABLE 1 – TAXABLE PROPERTY CLASSIFICATIONS AND
 MAXIMUM SPECIAL TAX RATES
 (Figures as of July 1, 2014)

PROPERTY CLASSIFICATION	Maximum Special Tax Rates (One-time Special Tax Payments)
Undeveloped Property	\$ - 0 -
Developed Property	
New Residential	\$ 22,310 / Dwelling Unit
Existing Residential	\$ 6,710 / Dwelling Unit
Office	\$ 2,930 / Acre
Industrial	\$ 2,930 / Acre
Retail	\$ 60,320 / Acre
Hotel	\$ 4,980 / Room

On July 1, commencing July 1, 2015, the Maximum Special Tax Rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's Construction Cost Index applicable to the area in which the District is located (or, if such index is no longer published, a substantially equivalent index selected by the CFD Administrator)

DRAFT

Placeholder for Attachment C to Item 10b

Attachment C will be included in the final Board packet.

Placeholder for Item 10c

FORA FY 14-15 Annual Budget

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject: Consistency Determination: Consider Certification, in Whole or in Part, of the City of Seaside Zoning Code Text Amendments related to the 2013 Zoning Code Update as Consistent with the 1997 Fort Ord Reuse Plan

Meeting Date: May 16, 2014

Agenda Number: 10d

ACTION

RECOMMENDATION(S):

Approve Resolution 14-XX (**Attachment A**), certifying the City of Seaside's (Seaside's) legislative land use decision that the Seaside Zoning Code text amendments related to the 2013 Zoning Code Update are consistent with the Fort Ord Base Reuse Plan (BRP).

BACKGROUND:

Seaside submitted the legislative land use decision for their 2013 Zoning Code Update for Fort Ord Reuse Authority (FORA) certification of their consistency determination on April 25, 2014 (*web url pending*). Seaside requested a legislative land use decision review of these items in accordance with sections 8.02.010 and 8.02.030, respectively, of FORA Master Resolution.

Under state law, (as codified in FORA's Master Resolution) legislative land use decisions (plan level documents such as General Plans, General Plan Amendments, Zoning Codes, Redevelopment Plans, etc.) must be scheduled for FORA Board review under strict timeframes. This item is included on the Board agenda because it includes a legislative land use decision, requiring Board certification.

On January 16, 2014 the Seaside City Council adopted Resolution No. 14-06: Adopting a negative declaration for proposed text amendments as part of a comprehensive update to the zoning code (Title 17 of the Seaside Municipal Code); and on February 20, 2014 the Seaside City Council adopted Resolution No. 1012: Adopting amendments to Title 17 (Zoning Code) of the Seaside Municipal Code as part of a comprehensive update to the zoning code consistent with the goals, policies and implementation programs of the 2004 Seaside General Plan.

DISCUSSION:

Seaside staff will be available to provide additional information to the Administrative Committee on May 7, 2014. In all consistency determinations, the following additional considerations are made and summarized in a table (**Attachment B**).

Rationale for consistency determinations FORA staff finds that there are several defensible rationales for certifying a consistency determination. Sometimes additional information is provided to buttress those conclusions. In general, it is noted that the BRP is a framework for development, not a precise plan to be mirrored. However, there are thresholds set in the resource constrained BRP that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. More particularly, the rationales for consistency analyzed are:

**LEGISLATIVE LAND USE DECISION CONSISTENCY FROM SECTION 8.02.010
OF THE FORA MASTER RESOLUTION**

(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence support by the record, that:

(1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;

Seaside's submittal is consistent with the Base Reuse Plan (BRP) and would not result in land use that would be more intense than the uses permitted in the Reuse Plan for the affected area within the City of Seaside. Staff notes that the 2013 Zoning Code Update did not result in changes to the Seaside Zoning Map.

(2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;

Seaside's submittal is consistent with the Base Reuse Plan and would not result in any type of land use that would be denser than the uses permitted in the Reuse Plan for the affected area within the City of Seaside.

(3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution;

Seaside's submittal is in substantial conformance with the applicable programs in the BRP and Master Resolution.

The 2004 Seaside General Plan was certified consistent with the Fort Ord Base Reuse Plan (BRP) on Dec 10, 2004. The proposed zoning code text amendments have been developed to implement the policies of the 2004 Seaside General Plan and are also consistent with the BRP and the Master Resolution.

The proposed zoning code text amendments will not change Seaside General Plan policies relating to: historical/cultural resources; waste reduction and recycling; on-site water collection; and inter-jurisdictional cooperation.

(4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;

Seaside's submittal is consistent with the BRP and noted documents. The submittal would not result in any type of land use that would be incompatible with the uses permitted in the Reuse Plan for the affected area within the City of Seaside.

(5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision;

Any future development affected by the 2013 Zoning Code Update will be required to comply with the policies & regulations of the Seaside General Plan, Zoning Code and the Reuse Plan relevant to this issue.

(6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan;

The City of Seaside 2013 Zoning Code Update provides for implementation of the Fort Ord Habitat Management Plan.

(7) Is not consistent with the Highway 1 Design Corridor Design Guidelines as such guidelines may be developed and approved by the Authority Board; and

The City of Seaside 2013 Zoning Code Update is consistent with the Highway 1 Design Corridor Design Guidelines.

(8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.

The City of Seaside 2013 Zoning Code Update is consistent with jobs/housing balance requirements. Any future development will be required to comply with the adopted job/housing policies and regulations of the Seaside General Plan and the Base Reuse Plan.

Additional Considerations

(9) Is not consistent with FORA's prevailing wage policy, section 3.03.090 of the FORA Master Resolution.

The City of Seaside 2013 Zoning Code Update is consistent with FORA's prevailing wage policy. Any future development will be required to comply with the policies & regulations of the Seaside General Plan, Zoning Code and the Reuse Plan relevant to this issue.

FISCAL IMPACT:

Reviewed by FORA Controller _____

This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. Seaside has agreed to provisions for payment of required fees for future developments in the former Fort Ord under its jurisdiction.

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

COORDINATION:

Seaside staff, Authority Counsel, Administrative Committee, and Executive Committee.

DRAFT

Prepared by _____ Reviewed by _____

Josh Metz

Steve Endsley

Approved by _____

Michael A. Houlemard, Jr.

Attachment A to Item 10d
FORA Board Meeting, 5/16/2014

Resolution 14-XX

Resolution Determining Consistency of)
Seaside General Plan zoning text amendments)
For the 2013 Zoning Code update)

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan under Government Code Section 67675, et seq.
- B. After FORA adopted the reuse plan, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of Seaside ("Seaside") is a member of FORA. Seaside has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After a noticed public meeting on December 11, 2013, the City of Seaside adopted a General Plan zoning text amendment related to the 2013 Zoning Code update. Seaside also found these items consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Fort Ord Base Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations.
- F. On April 29, 2014, the City of Seaside recommended that FORA concur in the City's determination that FORA's Final Base Reuse Plan, certified by the Board on June 13, 1997, and Seaside General Plan zoning text amendments related to the 2013 Zoning Code update are consistent. Seaside submitted to FORA these items together with the accompanying documentation.
- G. Consistent with the Implementation Agreement between FORA and Seaside, on April 29, 2014, Seaside provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and ordinance approving it, a staff report and materials relating to the City of Seaside's action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Seaside General Plan zoning text amendments related to the 2013 Zoning Code update are consistent with the Fort Ord Base Reuse Plan and the FORA Act (collectively, "Supporting Material"). Seaside requested that FORA certify the submittal as being consistent with the Fort Ord Base Reuse Plan for those portions of Seaside that lie within the jurisdiction of FORA.
- H. FORA's Executive Officer and the FORA Administrative Committee reviewed Seaside's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the Seaside General Plan zoning text

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amendments related to the 2013 Zoning Code update are consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the Seaside General Plan zoning text amendments related to the 2013 Zoning Code update before the FORA Board on May 16, 2014.

- I. Master Resolution, Chapter 8, Section 8.02.010(a)(4) reads in part: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property..."
- J. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- K. The term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as 8.02.010 of the FORA Master Resolution.
- L. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory; (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory; (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan."

NOW THEREFORE be it resolved:

1. The FORA Board recognizes the City of Seaside's December 11, 2013 recommendation that the FORA Board certify consistency between the Fort Ord Base Reuse Plan and the Seaside General Plan text amendments related to the 2013 Zoning Code update was appropriate.

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Upon motion by _____, seconded by _____, the foregoing Resolution was passed on this 16th day of May, 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Michael A. Houlemard, Jr., Secretary

Jerry Edelen, Chair

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Fort Ord Reuse Authority hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 14-XX adopted May 16, 2014.

Michael A. Houlemard, Jr., Secretary

FORA Master Resolution Section	Finding of Consistency	Justification for finding
(1) Does not provide for a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;	Yes	Uses would not result in any type of land use that would be more intense than the uses permitted in the Reuse Plan for the affected area within the City of Seaside.
(2) Does not provide for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;	Yes	Uses would not result in any type of land use that would be denser than the uses permitted in the Reuse Plan for the affected area within the City of Seaside.
(3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.	Yes	With the adoption of its 2004 General Plan (December 10, 2004), Seaside fulfilled its obligations to FORA for long range planning to implement the Base Reuse Plan.
(4) Does not provide uses which conflict with or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict with or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;	Yes	Uses would not result in any type of land use that would be incompatible with the uses permitted in the Reuse Plan for the affected area within the City of Seaside.
(5) Requires or otherwise provides for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision;	Yes	Zoning ordinance does not address this issues. Any future development will be required to comply with the policies & regulations of the Seaside General Plan, Zoning Code and the Reuse Plan relevant to this issue.
(6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan ("HMP").	Yes	Zoning ordinance does not address this issues. Any future development will be required to comply with the policies & regulations of the Seaside General Plan, Zoning Code and the Reuse Plan relevant to this issue.
(7) Is consistent with the Highway 1 Design Corridor Design Guidelines as such standards may be developed and approved by the Authority Board.	Yes	Zoning ordinance does not address this issue. Any future development will be required to comply with the design policies and regulations of the Seaside General Plan, the Base Reuse Plan, and associated documents.

<p>(8) Is consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.</p>	<p style="text-align: center;">Yes</p>	<p>Zoning ordinance does not address this issue. Any future development will be required to comply with the adopted job/housing policies and regulations of the Seaside General Plan and the Base Reuse Plan.</p>
<p>(9) Prevailing Wage</p>	<p style="text-align: center;">Yes</p>	<p>Zoning ordinance does not address this issue. Any future development will be required to comply with the prevailing wage policies and regulations of the Seaside General Plan and the Base Reuse Plan.</p>

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BOARD PACKET**