



# FORT ORD REUSE AUTHORITY

## ADMINISTRATIVE COMMITTEE MEETING

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

8:30 a.m. Wednesday, June 29, 2016

### AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE
4. PUBLIC COMMENT PERIOD

*Members of the public wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.*

5. APPROVAL OF MEETING MINUTES ACTION
  - a. June 15, 2016 Minutes
6. JULY 8, 2016 BOARD MEETING AGENDA REVIEW INFORMATION/ACTION
7. BUSINESS ITEMS
  - a. Consultant Determination Opinion Report INFORMATION/ACTION  
Categories I and II Post Reassessment Actions - 2d Vote
  - b. Adoption of Fort Ord Reuse Authority FY 2016/17 CIP Report INFORMATION
    - i. 2016 FORA Fee Reallocation Study
    - ii. EPS/ FORA Formulaic Fee Revised Schedule
  - c. Water Augmentation Pipeline Financing INFORMATION
  - d. Consistency Determination: City of Marina INFORMATION/ACTION  
Housing Element 2015-2023 (City-wide)
8. ITEMS FROM MEMBERS
9. ADJOURNMENT

**NEXT MEETING: JULY 13, 2016**

Persons seeking disability related accommodations should contact the Deputy Clerk at (831) 883-3672 48 hours prior to the meeting. Agendas materials are available on the FORA website at [www.fora.org](http://www.fora.org).



**FORT ORD REUSE AUTHORITY**  
**ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES**  
**8:30 a.m., Wednesday, June 15, 2016 | FORA Conference Room**  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

**1. CALL TO ORDER**

Chair Dawson called the meeting to order at 8:30 a.m. The following were present:

*\*voting members, AR = arrived after call to order*

Layne Long (City of Marina)

Daniel Dawson (City of del Rey Oaks)

Craig Malin, City of Seaside\*

Melanie Beretti, Monterey County\* AR

Elizabeth Caraker, City of Monterey\*

Steve Matarazzo, CSUMB

Michael Tebo, CSUMB

Pamela Lapham, CSUMB

Vicki Nakamura, MPC

Lisa Reinheimer, MST

Scott Ottama, City of Seaside

Patrick Breen, MCWD

Mike Wegley, MCWD

Doug Yount, ADE

Kristie Reimer, RAC

Don Hofer, MCP

Mike Zeller, TAMC

Ric Encarnacion, EHG/County

Monterey

Chieko Nozaki, ARMY/BRAC

Bill Collins, BRAC Ft Ord

Ed Walker, DTSC

Bob Schaffer

FORA Staff:

Michael Houlemard Jr.

Steve Endsley

Jonathan Brinkmann

Stan Cook/Laura Vidarri

Ted Lopez, Peter Said

Stan Cook, Josh Metz

Mary Israel, Sheri Damon

Helen Rodriguez

Maria Buell

**2. PLEDGE OF ALLEGIANCE**

Pledge of allegiance was led by Kristie Reimer.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Doug Yount, announced he will be new Project Director for Dunes Homes.

**4. PUBLIC COMMENT PERIOD**

None.

**5. APPROVAL OF MEETING MINUTES**

a. June 1, 2016 Administrative Committee Minutes

MOTION: Elizabeth Caraker moved, seconded by Craig Malin to approve the June 1, 2016 Administrative Committee minutes as presented.

MOTION PASSED UNANIMOUSLY

The Committee did not receive comments from members or public.

**6. JUNE 10, 2016 BOARD MEETING AGENDA FOLLOW UP**

Mr. Houlemard gave summary of items reviewed by Board on June 10, 2016.

a. Regional Urban Design Guidelines (RUDG)

Mr. Houlemard introduced Josh Metz and added that the RUDG received an unanimous vote at the Board meeting; next steps are to schedule meetings with City staff and roll out the information contained in the Guidelines. Josh Metz thanked everyone for the valuable input received and said the website shows the current final draft also available in a pdf downloaded document. These Guidelines

can be used by FORA's jurisdictions for future design use. Mr. Houlemard said FORA Staff spent an enormous amount of time in the final preparation.

The Committee received input from members.

The Committee did not receive public input.

b. FORA FY 2016/17 Capital Improvement Program

Mr. Houlemard said Board voted for a compromise vote on this item. Steve Endsley said Board wanted to approve the CIP budget and asked Staff to return with the new TAMC Fee allocation and EPS on the formulaic fee study and address comments from this Committee regarding fees and other recommendations. The Administrative Committee had requested Board to delay the approval; however, Board approved to continue with current budget and asked Staff to return in July with the CIP program and reallocations (TAMC study, EPS fee schedule). Mr. Houlemard added that Board wants it back within 90 days, if available, but EPS study may or may not be complete.

The Committee received comments from members

The Committee did not receive public comment.

c. Categories I and II Post Reassessment Actions Consultant Determination Opinion Report Update

Mr. Houlemard said the Board did not get to review this item as it lost quorum at 5:00 p.m.. He added that while Board was meeting, Keep Fort Ord Wild sent a letter to Board objecting to MBI Cat I and II opinion report. Committee members requested a copy of this letter. Mr. Houlemard added that COL Paul Fellingner's last day will be June 25th.

## 7. BUSINESS ITEMS

a. Land Use Covenant Jurisdictions Annual Report Request

Jonathan Brinkmann provided a brief summary to Committee and added that annually a Land Use Covenant report is completed. This report requires information on questions on several items from jurisdictions and is due on September 30<sup>th</sup> as outlined in the Staff memo. The information requested will be sent to Department of Toxic Substances Control. Ms. Beretti confirmed she is contact for County; Mr. Long said he'd remain the contact for City of Marina; and, Craig Malin confirmed he will be the contact for City of Seaside.

The Committee received no comments from members.

The Committee received no public comment.

b. Capital Improvement Program Status Report

Mr. Houlemard said he gave a brief report earlier (under Board Follow-up) and there was nothing further to add.

The Committee received no comments from members.

The Committee received no public comment.

At 8:57 a.m., 3min break was taken before beginning the Workshop.

c. **Workshop:** "Land Use Control Implementation Plan / Operations and Maintenance Plan"

Mr. Houlemard introduced Consultants team working in the Land Use Control Implementation Plan and Operations and Maintenance Plan to the Committee: Bill Collins; representatives from Department of Toxic Substances Control (DTSC), Judy Huang and Maeve Clancy who will succeed Judy after she leaves DTSC and Ed Walker, Project Manager; ARCADIS team, Chris Spill, Project Manager, and Chieko Nasaki for ARMY BRAC. He added it is important for jurisdictions to understand the process and land use controls to complete these requirements.

Stan Cook said this is the fourth report that includes all comments received at the October presentation. He introduced the ESCA consulting team. Jeff Swanson gave a succinct power point presentation to Committee on the revisions which were included in the new report being presented.

The Committee received no comments from members.  
The Committee received no public comment.

**8. ITEMS FROM MEMBERS**

None.

**9. ADJOURNMENT**

The meeting and workshop adjourned at 10:20 a.m.

DRAFT

**- START -**

**DRAFT  
BOARD PACKET**



# FORT ORD REUSE AUTHORITY

**REGULAR MEETING**  
**FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS**  
Friday, July 8, 2016 at 2:00 p.m.  
910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenters Union Hall)

## AGENDA

*ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON JULY 7, 2016.*

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CLOSED SESSION**
  - a. Public Employment, Gov. Code 54959.7(b) - Executive Officer
  - b. Conference with Legal Counsel - Existing Litigation, Gov. Code 54956.9(a)  
*Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case No.: M114961*

5. **ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

6. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

7. **CONSENT AGENDA**

*CONSENT AGENDA consists of routine items accompanied by staff recommendation.*

- a. Approve June 10, 2016 Board Meeting Minutes ACTION
  - b. Environmental Services Cooperative Agreement-Quarterly Report Update INFORMATION
  - c. Fort Ord Reuse Authority Building Removal Program Update INFORMATION
  - d. Prevailing Wage Update INFORMATION/ACTION
8. **BUSINESS ITEMS**
- a. Consultant Determination Opinion Report INFORMATION/ACTION  
Categories I and II Post Reassessment Actions-2d Vote
  - b. Adoption of FORA FY 2016/17 Capital Improvement Program-2d Vote ACTION
  - c. Consider a Pipeline Financing Reimbursement Agreement ACTION  
with Marina Coast Water District

- |   |                    |
|---|--------------------|
| d. Consistency Determination: City of Marina Housing Element 2015-2023 (City-wide)                                  | INFORMATION/ACTION |
| e. University of California Monterey Bay Education Science and Technology Center (UC MBEST) Quarterly Status Update | INFORMATION        |
| f. Economic Development Quarterly Status Update   | INFORMATION        |

**9. PUBLIC COMMENT PERIOD**

*Members of the public wishing to address the Board on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.*

**10. EXECUTIVE OFFICER'S REPORT**

**INFORMATION**

*The Executive Officer makes brief reports regarding FORA's ongoing activities or request clarification or direction regarding meeting or study session scheduling.*

- a. Annual Report FY 2015-16
- b. Habitat Conservation Plan Update
- c. Administrative Committee
- d. Post Reassessment Advisory Committee
- e. Regional Urban Design Guidelines Task Force
- f. Veterans Issues Advisory Committee
- g. Water/Wastewater Oversight Committee
- h. Travel Report
- i. Public Correspondence to the Board

**11. ITEMS FROM MEMBERS**

**12. ADJOURNMENT**

**NEXT BOARD MEETING: August 12, 2016**

*For information regarding items on this agenda or to request disability related modifications and/or accommodations please contact the Deputy Clerk at (831) 883-3672, forty-eight (48) hours 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 Channel 25. The video and meeting materials are available online at [www.fora.org](http://www.fora.org).*

# **Placeholder for Item 7a**

**6/10/16 DRAFT Board Minutes**

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**This item will be included in the final Board packet.**



# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

<b>Subject:</b>	Environmental Services Cooperative Agreement-Quarterly Report Update	
<b>Meeting Date:</b>	July 8, 2016	<b>INFORMATION</b>
<b>Agenda Number:</b>	7b	

### **RECOMMENDATION:**

Receive an Environmental Services Cooperative Agreement (ESCA) quarterly update.

- i. ESCA activities update; and,
- ii. Land Use Control Implementation Plan Operations and Maintenance Plan (LUCIP OMP).

### **BACKGROUND:**

In Spring 2005, the U.S. Army (Army) and the Fort Ord Reuse Authority (FORA) entered negotiations toward an Army-funded Environmental Services Cooperative Agreement (ESCA) for removal of remnant Munitions and Explosives of Concern (MEC) on portions of the former Fort Ord. FORA and the Army entered into a formal ESCA agreement in early 2007. Under the ESCA terms, FORA received 3,340 acres of former Fort Ord land prior to regulatory environmental sign-off and the Army awarded FORA approximately \$98 million to perform the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) munitions cleanup on those parcels. FORA also entered into an Administrative Order on Consent (AOC) with U.S. Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC) defining contractual conditions under which FORA completes Army remediation obligations for the ESCA parcels. FORA received the "ESCA parcels" after EPA approval and gubernatorial concurrence under a Finding of Suitability for Early Transfer on May 8, 2009.

In order to complete the AOC defined obligations, FORA entered into a Remediation Services Agreement (RSA) with the competitively selected LFR Inc. (now ARCADIS) to provide MEC remediation services and executed a cost-cap insurance policy for this remediation work through American International Group (AIG) to assure financial resources to complete the work and to offer other protections for FORA and its underlying jurisdictions.

The ESCA Remediation Program (RP) has been underway for eight years. The FORA ESCA RP team has completed the known ESCA RP field work, pending regulatory review.

### **DISCUSSION:**

- i. The ESCA requires FORA, acting as the Army's contractor, to address safety issues resulting from historic Fort Ord munitions training operations. This allows the FORA ESCA RP team to successfully implement cleanup actions that address three major past concerns: 1) the requirement for yearly appropriation of federal funding that delayed cleanup and necessitated costly mobilization and demobilization expenses; 2) state and federal regulatory questions about protectiveness of previous actions for sensitive uses; and 3) the local jurisdiction, community and FORA's desire to reduce, to the extent possible, risk to individuals accessing the property.

Under the ESCA grant contract with the Army, FORA received approximately \$98 million in grant funds to clear munitions and secure regulatory approval for the former Fort Ord ESCA parcels. FORA subsequently entered into a guaranteed fixed-price contract with ARCADIS to complete the work as defined in the Technical Specifications and Review Statement (TSRS) appended to

the ESCA grant contract. As part of the RSA between FORA and ARCADIS, insurance coverage was secured from AIG for which FORA paid \$82.1 million up front from grant funds. The AIG policy provides a commutation account which holds the funds that AIG uses to pay ARCADIS for the work performed. The AIG coverage also provides for up to \$128 million to address additional work for both known and unknown site conditions, if needed. That assures extra funds are in place to complete the scope of work to the satisfaction of the Regulators. Based on the Army ESCA grant contract, the EPA AOC requirements and AIG insurance coverage provisions, AIG controls the ARCADIS/AIG \$82.1 million commutation account. The full amount was provided to AIG in 2008 as payment for a cost-cap insurance policy where AIG reviews ARCADIS' work performed and makes payments directly to ARCADIS. FORA oversees the work to comply with grant and AOC requirements.

Current status follows:

Item	Revised Allocations	Accrued through March 2016
FORA Self-Insurance or Policy	\$	
Reimburse Regulators & Quality Assurance		
State of California Surplus Lines Tax, Risk Transfer, Mobilization		
Contractor's Pollution Liability Insurance		
Work Performed ARCADIS/AIG Commutation Account		
FORA Administrative Fees		
<b>Total</b>	\$	
	<b>ESCA Remainder</b>	

Data collected during the ESCA investigation stage remains under regulatory review to determine if remediation is complete. The review and documentation process is dependent on Army and regulatory agency responses and decisions. They will issue written confirmation that CERCLA MEC remediation work is complete (known as regulatory site closure).

On November 25, 2014, EPA signed the Record of Decision (ROD) for the ESCA Group 3 properties located in County of Monterey (at Laguna Seca); City of Monterey (south of South Boundary Road); Del Rey Oaks (south of South Boundary Road); and, Monterey Peninsula College (MPC) Military Operations in Urban Terrain property. On February 26, 2015, the Regulators signed the ROD for the ESCA Group 2 California State University Monterey Bay property (south of Inter-Garrison Road). The ROD records the EPA, DTSC and Army's decision on the cleanup of these properties and what controls are required to continue to protect public health and safety.

ii. The process for implementing, operating and maintaining the ROD controls is prescribed under a Land Use Control Implementation, Operation and Maintenance Plan (LUCIP OMP) document. Each ROD will have a corresponding LUCIP OMP developed based on site conditions and historic MEC use. The ESCA team and Regulatory agencies are working directly with the

jurisdiction representatives, through the FORA Administrative Committee, to help them understand and develop their comments to the Group 2 and Group 3 LUCIP OMP documents. LUCIP OMP Workshops were provided for Administrative Committee member questions and document comment preparation in May, June and July 2015. The ESCA RP team provided another LUCIP OMP Workshop to the FORA Administrative Committee on June 15, 2016 to support the latest Group 2 and Group 3 LUCIP OMP document review. LUCIP OMP documents are approved by the Regulators prior to issuing regulatory site closure.

**Future Actions:**

Until regulatory review, concurrence and site closure is received, the ESCA property is not open to the public. Regulatory approval does not determine end use. When regulatory site closure is received, FORA will transfer land title to the appropriate jurisdiction for reuse programming. Underlying jurisdictions are authorized to impose or limit zoning, decide property density or make related land use decisions in compliance with the FORA Base Reuse Plan.

The EPA recently notified FORA of their selection of Ms. Maeve Clancy to replace Ms. Judy Huang as Project Coordinator, as defined by the Administrative Order on Consent (Paragraph 55, Section XV Project Coordinators, CERCLA Docket No. R9-2007-03), effective Monday, May 16, 2015. Ms. Clancy received a Fort Ord/ESCA properties orientation briefing and tour on May 26<sup>th</sup>.

FORA received regulatory site closure for the County North and Parker Flats Phase 1 ESCA properties. For these properties, ARCADIS commuted ESCA insurance coverage for related clean-up costs for coverage for unknown conditions. Per the existing FORA/Jurisdiction Implementation Agreements (2001) and Memorandum of Agreement (2007) regarding property ownership and responsibilities during the period of environmental services, deeds and access control for these properties has been transferred to the new land owner.

The ESCA team continues to actively monitor biological resources and track restoration activities on ESCA properties. To date, the ESCA RP has provided environmental stewardship for 3,340 ESCA acres. During the week of April 6, 2016, FORA staff met to discuss the full range of ESCA issues and the 2020 FORA Transition with U. S. Army and regulator representatives.

**FISCAL IMPACT:**

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

The funds for this review and report are part of the existing FORA ESCA funds. Potential grant adjustments may be forthcoming to address items reviewed in this report.

**COORDINATION:**

Administrative Committee; Executive Committee; FORA Authority Counsel; ARCADIS; U.S. Army EPA; and DTSC.

Prepared by \_\_\_\_\_ Approved by \_\_\_\_\_  
Stan Cook Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

<b>Subject:</b>	FORA Building Removal Program Update	
<b>Meeting Date:</b>	July 8, 2016	<b>INFORMATION</b>
<b>Agenda Number:</b>	7c	

### **RECOMMENDATION(S):**

Receive a Building Removal Program update:

- i. Surplus II Industrial Hygienist (IH) contract with Vista Environmental Engineering
- ii. Marina Stockade Removal Preparations

### **BACKGROUND/DISCUSSION:**

The U.S. Army conveyed real property to the Fort Ord Reuse Authority (FORA) under an Economic Development Conveyance (EDC) Memorandum of Understanding (MOU) that outlines the terms and conditions of a local Base Realignment and Closure (BRAC) recovery program with the restriction that FORA and the Jurisdictions receive the property with the buildings "as-is, where-is." The FORA Board has specific building removal and clearance obligations under state law and Board policy. A summary of FORA's past building removal activities are attached (**Attachment A**).

#### **Surplus II Industrial Hygienist (IH) contract with Vista Environmental Engineering**

Seaside received the Surplus II area in 2005. The site has 27 large, multi-story concrete structures in close proximity to the California State University Monterey Bay (CSUMB) campus, occupied housing, office buildings, and schools. The buildings have become dilapidated, contain hazardous materials and are sites for vandalism and illegal dumping. FORA and Seaside staff identified the need to survey the Surplus II for hazardous materials as the first step in building removal. On October 18, 2016, FORA issued a Request for Proposals (RFP) for Industrial Hygienist (IH) hazardous material sampling and testing services. Three qualified IH firms submitted proposals. Vista Environmental Consulting scored the highest in the IH evaluation and interview process. On January 8, 2016, the Board gave the Executive Officer approval to execute a contract with Vista Environmental Consulting for Surplus II hazardous material sampling and testing, not to exceed \$175,000.

Since January, Vista has completed its Surplus II field surveys and is in the process of finalizing the reports, and preparing cost estimates for material removal, environmental monitoring, and post-deconstruction soil survey. In June, FORA staff and Vista meet with the Monterey Bay Unified Air Pollution Control District to review the preliminary Surplus II hazmat survey reports and determine appropriate assumptions for a hazmat removal estimate. FORA staff will bring this information back to Seaside and coordinate Seaside's preferred next steps for the Surplus II building removal process.

#### **Marina Stockade Removal Preparations**

FORA's Marina building removal obligation consisted of Marina's WWII wooden buildings and the former Fort Ord stockade building. In 2007, FORA completed its WWII wooden building removal obligation in Marina under the Memorandum of Agreement between FORA, the City of Marina and Marina Community Partners. FORA's remaining obligation in Marina is the former concrete stockade building. Early in 2016, FORA and Marina staff began stockade removal discussions.

The City of Marina owns the stockade property and leases the land around the building to Las Animas Concrete for a concrete batch plant facility and the Central Coast Builders Exchange as a storage yard. Marina staff and their leasees are coordinating to move operations away from the stockade building. FORA staff is developing an RFP for IH Services to survey the stockade for hazardous materials. FORA staff, with Marina's assistance, will be reaching out to Las Animas Concrete to secure stockade access.

**FISCAL IMPACT:**

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

Funding for these building removal efforts is included in the approved FY 15-16 Capital Improvement Program and FY 16-17 FORA Budget.

**COORDINATION:**

Authority Counsel, Administrative Committee, Seaside, Marina

DRAFT

Prepared by \_\_\_\_\_ Reviewed by \_\_\_\_\_  
Peter Said Stan Cook

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

# Building Removal Activity History



Activity	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
FORA Deconstruction																						
FORA Asbestos																						
FORA Reuse Hierarchy																						
FORA Contractor Quals																						
FORA LBP																						
FORA Characterization																						
FORA Imjin																						
FORA 2nd Ave																						
FORA/CSUMB Recovery																						
FORA/Dunes																						
FORA East Garrison																						
FORA Imjin Office Park																						
FORA ESCARemoval																						
FORA 4470																						
FORA/CSUMB Grant App																						
FORA Grant App																						
Seaside Surplus II																						
Seaside Highlands																						
CSUMB Wood Blds																						
CSUMB Concrete Blds																						
Army RCI																						

Attachment A to Item 7c  
FORA Board Meeting 7/8/16

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Prevailing Wage Status Report	
<b>Meeting Date:</b>	July 8, 2016	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	7d	

### **RECOMMENDATION(S):**

Accept Prevailing Wage Status Report

### **BACKGROUND:**

Since early 2015, the Fort Ord Reuse Authority (“FORA”) Board has been wrestling with both application and enforcement of the Master Resolution prevailing wage requirements. One of the key reasons the prevailing wage requirements were added to the Master Resolution, certain deeds and implementation agreements was to help promote the local workforce to enable workers to secure employment on Fort Ord. FORA’s Prevailing Wage requirements were adopted as “local” prevailing wage requirements and have different provisions and definitions than those currently found in the state labor code with the passage of Senate Bill 854. Over the past year, the Board has heard complaints from individual workers, labor unions, and contractors about the prevailing wage program, allegations of abuses, and lack of consistent enforcement. Multiple lawsuits have been filed including Monterey/Santa Cruz ETC. Trades Council v. Cypress Marina Heights LP (2011) 191 Cal. App. 4<sup>th</sup> 1500; Monterey/Santa Cruz BCTC, et al. v. MCP, Shea Properties, et al. Monterey Superior Court M81343 (2008) [Settlement Agreement]. Additionally, there are a number of lawsuits pending between individual employees and contractors.

FORA’s Executive Officer and staff met with the Department of Industrial Relations Deputy Commissioner to seek clarification of SB 854 and other recent changes in California Labor Laws as it may pertain to FORA. With the Department of Industrial Relations letter to Jane Haines of March 16, 2016, the DIR has begun to review information and prior decisions about the applicability of state public works laws to projects being built on Fort Ord. With this new interpretation by DIR that Fort Ord projects are considered a public work regulated by the state, a whole new set of obligations and issues will arise for jurisdictions (awarding agencies), developers, contractors, and subcontractors. In order to assist the jurisdictions, the FORA Board elected to enhance its prevailing wage program by hiring a Prevailing Wage Coordinator. The focus of the new position is to provide support and assistance to the jurisdictions. In this regard, the Prevailing Wage Coordinator (PWC) began work on May 16, 2016.

### **DISCUSSION:**

#### 1. Coordination with Jurisdictions and Stakeholders

Since beginning work in May, the PWC has met with multiple stakeholders to compile information and background so as to best provide support and craft a program to monitor and assist in meeting prevailing wage requirements on Fort Ord. She has met with representatives from the County of Monterey, City of Del Rey Oaks and City of Monterey. She is meeting with the City of Marina at the end of June and has not yet confirmed a meeting with the City of Seaside. As a part of the background and outreach, she has also made contact with labor representatives, representatives from the development community and labor compliance

monitors. Some of the issues articulated include lack of clarity in applying and complying with the state public works rules, prevailing wage rules, lack of residential prevailing rates for many of the trades, lack of access to certified payroll records, lack of staff to handle complaints, abuse of the workers (wage underpayment, worker misclassification), insufficient local workforce, lack of timely records access, apprentice training fee payments, and the changing regulatory environment. An additional issue is that there is a lack of consistency across the former Fort Ord jurisdictions for collecting and reporting data to ascertain and forecast demand for various trades used in the different types of construction occurring at Fort Ord.

## 2. Monitoring Assistance

Complaint Protocol: The County has established a program whereby it is handling its local prevailing wage and state prevailing wage obligations. They requested that any complaints that are received by FORA be communicated back to them for response or action. FORA has received some complaints on projects in other jurisdictions and has now implemented an email transmission system to the underlying jurisdiction and/or the developer.

RFQ for Labor Compliance training: Educational outreach will be developed. FORA is in the process of issuing a Request for Qualifications for a consultant for state prevailing wage training/orientation services, including production of training webinars.

Software: One of the big issues that confronts each jurisdiction is what rules must be applied and when and how to meet their ongoing duties to comply with local, state and federal public works and prevailing wage issues. Also of interest is a mechanism to compile information about the use of local workforce. This Board approved the acquisition and use of software at the March 2016 meeting. Accordingly, your PWC has made outreach to a computer software provider regarding a program which could be utilized by FORA, its member jurisdictions and Labor Compliance monitors which would provide for compliance with local (FORA MR), state (Labor Code) and Federal (Davis Bacon) laws as necessary as well as providing a uniform platform to collect and track statistical information. The program allows tracking of the frequency of the monitor's visits to project sites, flags issues with rates and provides a vehicle for tracking local workforce. Once the data has been compiled the program report information is also capable to assisting in future forecasts for local labor. FORA staff are in the process of obtaining a quote for the software which allows FORA and the member jurisdictions to have a uniform platform to access and compile information within their jurisdictions.

RFQ for Labor Compliance Monitors: The Board might recall that in October 2015, it authorized the use of a prequalified list of Labor Compliance Monitors which had been previously vetted through a public process by the County. It is proposed that a new qualified list be sought by FORA which requires among other items, the use of a minimum set of Best Management Practices along with the use of the standardized software. A jurisdiction or developer using a FORA prequalified Labor Compliance Monitor could expand the scope of compliance services, but could not change the minimum Best Management Practice requirements. This promotes uniformity in how projects are monitored, data is collected and seeks to minimize non-compliance issues at the earliest possible time.

## 3. Future Direction

Educational Outreach: A series of webinars, FAQ pages, and/or trainings would be developed to implement an educational outreach program on state prevailing wage requirements and the nuances presented by Fort Ord Reuse projects which do not fit neatly into prevailing wage. It is anticipated that FORA would utilize a Labor Compliance Monitor to offer the initial training. It is



also anticipated that either a posting or notice with contact information about how to informally resolve wage complaints will be made available in in English and Spanish. Future possibilities might include development of a “pre-training apprentice program” to assist with preparing individuals to qualify for certified training programs.

Legislative Outreach: Recently DIR’s lead attorney passed away; regulations and letters have started to go out to some of our local workforce contractors about compliance with state laws; and it is possible that changes may be occurring in the staffing at DIR. It is time for FORA to circle back and reestablish lines of communication with DIR leadership to assure correct interpretation of the message in the March 16, 2016 letter to Jane Haines. Military base reuse is not a project that easily fits into the state regulatory compliance rubric and there undoubtedly be issues that FORA and the jurisdictions have an interest in addressing.

Quarterly Reporting: Once the software program is up and going and participating jurisdictions have signed on to its use, it is anticipated that FORA would prepare a quarterly report on summary data produced. In particular, elements would include total number of workers on the projects within Fort Ord and how many of those are local workers and ultimately, a yearly forecast for future labor demand.

**FISCAL IMPACT:**

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

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

**COORDINATION:**

Authority Counsel, Administrative and Executive Committees

Prepared by \_\_\_\_\_

Sheri Damon

Approved by \_\_\_\_\_

Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Consultant Determination Opinion Report Categories I and II Post Reassessment Actions – 2d Vote	
<b>Meeting Date:</b>	July 8, 2016	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8a	

### RECOMMENDATION(S):

Second Vote: Accept the Michael Baker International (MBI) Determination Opinion of Categories I and II Report.

### BACKGROUND/DISCUSSION:

At the May 13, 2016 Fort Ord Reuse Authority (FORA) Board meeting, the Board voted 9-2 to accept the MBI Determination Opinion of Categories I and II Report.

At the February 13, 2014 FORA Board meeting, the Board approved the Base Reuse Plan (BRP) Reassessment “Work Plan,” which identified Categories I and II items for completion. Category I focused on BRP corrections and updates, and Category II addressed prior Board actions and regional plan consistency.

In February 2016, FORA hired MBI to assess whether Categories I and II required California Environmental Quality Act (CEQA) review.

In consultation with the law firm of Holland & Knight, MBI completed its review of Categories I and II and presented their Determination Opinion of Categories I and II at the May 13, 2016 FORA Board meeting (**Attachment A**). MBI is of the opinion that Categories I and II do not meet the definition of “projects” under CEQA that warrant detailed environmental review or actions that have been previously reviewed by other agencies.

According to the Determination Opinion conclusion, FORA has complied with CEQA for Categories I and II.

FORA staff, working with MBI, will complete Category I and II work tasks as appropriate, including text and figure corrections, and updates.

At the May 13, 2016 FORA Board meeting, members of the general public raised questions regarding the Determination Opinion Report. MBI addressed these questions in its memorandum “Response to Comments on Determination Opinion of Categories I and II” (**Attachment B**). The Memorandum was included in the June 10, 2016 Board Agenda packet.

Following release of the June 10, 2016 Board packet, Board members Alan Haffa and Jane Parker (submitted by Principal Aide Kristi Markey) posed a number of questions pertaining to the MBI Determination Opinion Report. Staff compiled these questions and responses into a “Supplemental Information” item that was distributed prior to the Board meeting (**Attachment C**).

During its June 10, 2016 meeting, FORA Board members received correspondence from the law firm of Michael Stamp / Molly Erickson on behalf of Keep Fort Ord Wild (KFOW) objecting to the Board’s acceptance of MBI’s Determination Opinion Report (**Attachment D**).

Staff reviewed the June 10, 2016 KFOW letter and prepared responses to KFOW’s comments (**Attachment E**).

**FISCAL IMPACT:**

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

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

**COORDINATION:**

MBI, Authority Counsel, Administrative and Executive Committees.

DRAFT

Prepared by \_\_\_\_\_  
Jonathan Brinkmann

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

May 5, 2016

Ted Lopez, Associate Planner  
**FORT ORD REUSE AUTHORITY**  
920 2nd Avenue, Suite A  
Marina, CA 93933

**RE: DETERMINATION OPINION OF CATEGORIES I AND II**

Dear Mr. Lopez:

Pursuant to Task 1 of our scope of work, Michael Baker International, in coordination with Holland & Knight LLP, has reviewed all relevant documents and supporting materials related to Category I and II of the Final Reassessment Report (2012). Review of this material was conducted to provide an informed opinion as to whether the Fort Ord Base Reuse Plan (BRP) activities, past and present, as identified and categorized during the reassessment process, constitute a project as defined by California Environmental Quality Act (CEQA) Guidelines Section 15378.

FORA prepared the Fort Ord BRP pursuant to the provisions of Senate Bill 899 to guide the development of the Former Military Reservation. The BRP is a first-tier programmatic policy document that guides all land use decisions for any lands located within the former Fort Ord. Local land use agencies, such as the cities cited below, can refine BRP elements and act as independent lead agencies for environmental review purposes for lands that fall within their planning jurisdiction. Nonetheless, each lead local land use agency that approves projects on land located within the former Fort Ord needs to ensure such changes are consistent with the BRP. These changes can be either related to a specific development project or additional changes in land use designations. The FORA Board of Directors determines the subsequent changes' consistency with the BRP.

The Reassessment Report sorted the prior and pending changes to the BRP into five categories. For the purposes of this determination, our scope focuses only on Categories I and II. Category I, BRP Corrections and Updates, are mainly corrections to bring the BRP text and graphics up to date. These include correction of typographical errors, correction of outdated references, and revisions to the BRP maps to correct inconsistencies.

Category II, Prior Board Actions and Regional Plan Consistency, consists of text and map changes that would bring the BRP into conformance with previous FORA Board actions, particularly "consistency determinations" and other changes that would serve to improve BRP consistency with regional plans that have evolved since 1997. Such changes, taken in whole or in part, would result in modifications to the Land Use Concept map. The map changes are meant to reflect FORA Board decisions and consistency determinations that have already occurred. Category II also includes potential options for new BRP programs or policies and/or revisions to existing programs and policies to ensure the BRP is consistent with regional plans.

Based on our review of the BRP Category I and Category II revisions, it is our opinion that the individual actions and changes that have occurred or are recommended to occur do not, by themselves, meet the definition of “projects” under CEQA that warrant detailed environmental review or are actions that have been previously reviewed by other agencies. Past actions by FORA and local land use agencies that affect the BRP can be compared to amendments to an agency’s General Plan over time. Individual General Plan Amendments may be processed, analyzed and approved over time, but those changes are not always physically incorporated into the body of the General Plan until the text or graphic changes are physically made within document. In this case, the past actions and amendments have been processed, analyzed and approved by several land use agencies, and the need for minor technical corrections have been identified. Updating the BRP at a future date to reflect these past actions is an administrative exercise necessary to memorialize the changes in one place.

### **CATEGORY I EVALUATION SUMMARY**

Table 5, Index of BRP Corrections in the Reassessment Report, lists the identified corrections under Category I, and the text following that table outlines the specific corrections to be considered. During 2013, after the FORA Board received the BRP Reassessment Report, the public and FORA staff identified additional errata not included in the August 2001 Republished BRP, which also fall into Category I. Those corrections have no material effect on the purpose, intent, or guidance provided in the BRP, but are meant solely as BRP “cleanup” items. All of the Category I corrections are minor and incidental, such as typographical, grammar, incorrect references, minor figure changes, and formatting associated with BRP policies, programs, or mitigation measures. In addition, the Post-Reassessment Advisory Committee (PRAC) adopted figure Category I recommendations to reflect land use designation changes, to clarify how boundaries and names have changed, to correct labels and legends, and to properly cite the sources for the various changes on each map. These changes to the BRP would not result in direct or indirect physical impacts on the environment and would be considered administrative activities of governments per CEQA Guidelines Section 15378(b)(5). Therefore, Category I changes do not constitute a distinct “project,” and an errata to the EIR can be prepared to address these changes.

### **CATEGORY II EVALUATION**

Category II addresses two types of possible modifications to the BRP. The first type is based on actions the FORA Board has already taken (labelled II.a). These actions have resulted in draft modifications to BRP Figure 3.3-1, Land Use Concept Ultimate Development, and modifications to BRP transportation-related figures and text. The second type of modification reflects new policies or programs or the expansion of existing BRP policies or programs to ensure BRP consistency with regional and local plans (labelled II.b).

Our evaluation of Category II (II.a and II.b) for CEQA compliance follows.

#### **II.A. MODIFICATIONS OF THE BRP LAND USE CONCEPT MAP**

##### **Prior Del Rey Oaks General Plan Consistency Determinations**

*This is a previously approved project under CEQA.* The City of Del Rey Oaks General Plan (1997) included a General Plan designation change of approximately 7 acres of Open Space/Recreation under the BRP to General Commercial–Visitor/Office. In addition, the plan included other minor land use designation changes such as from Visitor Serving to General Commercial–Visitor/Office.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Land use changes in Del Rey Oaks are documented in the General Plan's Land Use Map (see Del Rey Oaks General Plan Figure 2). Environmental impacts from these changes were analyzed in the City's General Plan EIR (State Clearinghouse [SCH] #1996041076) and certified by the City Council in May 1997.

Because the City of Del Rey Oaks reviewed the impacts of this exact change, no additional CEQA review is needed. Public Resources Code (PRC) Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 7-acre designation (see also 14 California Code of Regulations (CCR) Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Del Rey Oaks General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

### **Prior Marina General Plan Consistency Determinations**

*This is a previously approved project under CEQA.* The City of Marina General Plan (2005) plan included a General Plan designation change of approximately 11 acres of Open Space under the BRP to High Density Residential. The plan also changed approximately 60 acres from Planned Development Mixed Use to Parks and Recreation. In addition, the plan included other minor land use designation changes such as from Regional Retail to Light Industrial/Service Commercial.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Environmental impacts from most of the land use changes in Marina were analyzed in the City's General Plan EIR (SCH #1999031064), certified by the City Council in October 2000 (see Marina General Plan EIR Figure 2.4 and pages 2-13 and 2-14). The change in the city's eastern portion, which corresponds to the Marina Heights development, was analyzed in the Marina Heights Specific Plan EIR (SCH #2003021012), certified in November 2003 (see Marina Heights Specific Plan EIR Table 2.2 and pages ES-4 and ES-5). Therefore, these land use changes have been addressed under CEQA.

Because the City of Marina reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 11-acre designation (see also 14 California CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Marina General Plan and the Marina Heights Specific Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

### **Prior Seaside General Plan Consistency Determinations**

*This is a previously approved project under CEQA.* The City of Seaside General Plan (2003) included a General Plan designation change of approximately 43 acres of Open Space/Recreation under the BRP to Regional Commercial and approximately 11 acres of Open Space/Recreation to High Density

Residential. The plan also changed approximately 100 acres from Military Enclave and about 10 acres from Medium Density Residential to Park and Open Space. In addition, the plan included other minor land use designation changes such as from High Density Residential to Medium Density Residential.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Environmental impacts from land use changes in Seaside were analyzed in the City's General Plan EIR (SCH #2003031021), certified by the City Council in August 2003 (see Seaside General Plan EIR Figure 5.8-1 and pages 5.8-3 through 5.8-7).

Because the City of Seaside reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 54-acre designation (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Seaside General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

#### **City of Monterey General Plan**

*This is a previously approved project under CEQA.* The City of Monterey General Plan (amended 2013) was a discretionary project undertaken by the City and would be considered a project under CEQA. The plan included General Plan designation changes of approximately 8 acres of Public Facility/Institutional under the BRP to Industrial and approximately 7 acres of Public Facility/Institutional to Parks and Open Space.

Although FORA has not yet analyzed the City of Monterey General Plan for consistency, environmental impacts from land use changes in Monterey were analyzed in the City's General Plan EIR (SCH #2003081011), certified by the City Council in January 2005 (see City of Monterey General Plan EIR Figure 4 and pages S-3, 1-17, 1-18, and 3-3).

Because the City of Monterey reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 15-acre designation (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the City of Monterey General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

#### **2010 Monterey County General Plan**

*This is a previously approved project under CEQA.* The County of Monterey adopted the Fort Ord Master Plan concurrently with its General Plan (2010). Both were discretionary projects undertaken by the County and would be considered projects under CEQA. The Fort Ord Master Plan land use map

essentially matches the BRP Land Use Concept, with the following exceptions: (1) the Youth Camp site near East Garrison is shown in the BRP as Public Facility/Institutional and in the Fort Ord Master Plan as Habitat Management; and (2) the Fort Ord Master Plan describes the East Garrison/Parker Flats land swap but does not reflect changes on the land use map.

Although FORA has not yet analyzed the Monterey County General Plan for consistency with the BRP, environmental impacts from land use changes in Monterey County were analyzed in the County's General Plan EIR (SCH #2007121001), certified by the Board of Supervisors in October 2010 (see Monterey County General Plan EIR Exhibit 3.2 and pages 4.1-13 and 4.1-14).

Because the County of Monterey reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding land use designation changes (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Monterey County General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

#### **FORA Board-Approved East Garrison/Parker Flats Land Swap**

*This is a previously approved project under CEQA.* On December 13, 2002, the FORA Board authorized execution of the Memorandum of Understanding (MOU) Concerning the Proposed East Garrison/Parker Flats Land-Use Modification between the Fort Ord Reuse Authority, Monterey Peninsula College, County of Monterey, US Bureau of Land Management, and US Army as parties to the agreement MOU. The MOU documented several land use modifications to the BRP, primarily the relocation of Monterey Peninsula College public safety training facilities from East Garrison, and amendments to the Habitat Management Plan (approved by the US Fish and Wildlife Service). The five parties signed the MOU between August 3, 2004, and December 20, 2005.

The purpose of the land swap agreement was to resolve land use conflicts stemming from a long history of ordnance and explosives use, as well as competing conveyance requests for surplus property at the former base, and to address impacts associated with potential East Garrison development conflicts. The land swap agreement amended the 1997 Fort Ord Installation-Wide Multispecies Habitat Management Plan (HMP) for Fort Ord and was also signed by the US Fish and Wildlife Service and the California Department of Fish and Game. Although the land swap agreement affected the areas of allowable development, it resulted in a net increase of 246.7 acres in habitat reserve areas. The exchange of lands based on the MOU resulted in a transfer in densities without intensification, consistent with Section 8.02.010 of the Master Resolution. The land swap agreement amended the HMP designations for the territory within the East Garrison Specific Plan from Development with Reserve Areas/Restrictions to Development. Under the original HMP, the East Garrison area was permitted a 200-acre development footprint, 10 acres of development at the site of existing utilities, and a 31-acre road corridor; under the revised HMP, the East Garrison area has 451 acres of Development area with no restrictions (Zander Associates 2002).

At the time it was signed, MOUs were not legally considered a project under CEQA and in 2007 a case specifically found that a land swap agreement was not a project under CEQA (*Friends of the Sierra*



*Railroad v. Tuolumne Park and Recreation Dist.* (2007) 147 Cal.App.4<sup>th</sup> 643). Since that time, case law has evolved and an MOU that included wording that commits an agency to an action is now considered a project under CEQA (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4<sup>th</sup> 116). Here, the terms of the MOU could be considered a project. However, since the MOU was entered, it is our understanding that all the parcels subject to the land swap have been legally exchanged and are owned by the entity contemplated under the exchange, or have since been sold to others. Those actions are complete and based on the MOU are valid since the time to challenge the actions has long since passed. FORA's amendments to make the BRP consistent with the land exchange merely restate the exchanges that were previously approved in the MOU and in the contractual land exchanges that already occurred.

Moreover, any subsequent projects or land use designation changes on the land that has been swapped are or were subject to CEQA. For example, Monterey County certified the project-level East Garrison Specific Plan Subsequent EIR (SCH #2003081086) in 2005, which analyzed impacts of the new land uses on that portion of the land swap. As such, all potential impacts associated with the action have been fully analyzed, with appropriate findings made by the County.

The City of Seaside is currently reviewing part of the Parker Flats portion of the land swap under the Monterey Downs and Horse Park and Central Coast Veteran's Cemetery Specific Plan Subsequent EIR (SCH #2012091056). The Monterey Downs project is located on 562.5 acres of Parker Flats that was subject to the land swap (i.e., the portion currently located in unincorporated Monterey County). Similar to East Garrison, any and all impacts will be disclosed and analyzed in the City's Final EIR, and findings will be required by the City Council if the project is ultimately approved. A separate consistency determination will also need to be made for that project.

### **Designation of the Fort Ord National Monument**

*This is not a project under CEQA.* On April 20, 2012, the President of the United States established the Fort Ord National Monument (Proclamation 8803). Presidential proclamations are not subject to CEQA because CEQA applies to decisions of all California state, regional, or local agencies, but not to federal agencies. Therefore, this designation was not previously analyzed under CEQA and it does not need to be under California environmental law.

### **Modification of BRP Circulation Maps, Text, and Capital Improvement Program**

*Part of this is not a project and part is a previously approved project under CEQA.* The reassessment plan identifies two potential changes to the circulation maps in the BRP:

1. A Memorandum of Agreement (MOA) adopted by FORA on December 10, 2010, resulted in changing the alignment of the multimodal corridor along Imjin Parkway/Blanco Road.
2. Abandoning planned improvements that would have realigned General Jim Moore Boulevard and 2nd Avenue where they intersect with Lightfighter Drive.

*Change 1 is not a project under CEQA.* The MOA is an agreement to cooperate. It is not a project under CEQA because it is not a discretionary action undertaken by a public agency per CEQA Section 21080(a). Under the California Supreme Court reasoning in *Save Tara v. City of West Hollywood* (2008) 45 Cal.4<sup>th</sup> 116, the MOU by its terms and circumstances is not a project because it does not commit any agency to any particular action. Also per CCR Section 15004(b)(2)(B), the MOU does not approve a project "in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review

of that public project.” CEQA review would begin when Monterey-Salinas Transit (MST) begins the process of approving the corridor for construction. MST would be the lead agency at that time, and the MOU does not foreclose or predetermine any part of their analysis.

*Change 2 is a previously approved project under CEQA.* Realignment of a road would impact the physical environment because it could result in development of land that was not previously analyzed. As such, it would need to be analyzed under CEQA. To that end, environmental impacts from this change were analyzed in the California State University Monterey Bay Campus Master Plan EIR (SCH #1997081036), certified by the California State University Trustees in 2009 (see California State University Monterey Bay Campus Master Plan EIR Figure 11-4 and page 11-2). Therefore, Change 2 has been addressed under CEQA and no further analysis is necessary.

## **II.B. BRP MODIFICATIONS REGARDING CONSISTENCY WITH REGIONAL AND LOCAL PLANS**

### **Transportation Agency for Monterey County (TAMC) Monterey County Regional Transportation Plan**

*This is a previously approved project under CEQA.* The 2005 Monterey County Regional Transportation Plan (RTP) was prepared under the direction of the California Transportation Commission Regional Transportation Plan Guidelines, pursuant to Government Code Section 14522. This would be considered a project under CEQA. The plan includes many new or expanded policies, including one that directs TAMC to “implement road and highway capacity improvements” that would be subject to CEQA. Other policy changes, such as “identify and prioritize funding for elimination of bicycle network gaps,” would not impact the physical environment and would not be analyzed under CEQA.

Environmental impacts from these changes were analyzed in the RTP Program EIR (SCH #2004061013), certified by the TAMC Board in 2005 (see RTP Program EIR Chapter 3). Subsequently, the TAMC Board adopted an addendum in 2008 that evaluated the environmental impacts of the Investment Plan for Transportation Sales Tax in Monterey County and the Development Impact Fee program. The addendum did not identify any significant environmental impacts that were not previously identified in the program EIR (see Addendum EIR page 5). Therefore, these changes have been addressed under CEQA. Recently, the Association of Monterey Bay Area Governments, in partnership with Council of San Benito County Governments, the Santa Cruz County Regional Transportation Commission and TAMC started preparing the 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (as an update to the RTP). This most recent update will yet again undergo individual environmental review.

Because TAMC reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the policy change (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Monterey County RTP are considered administrative. The procedure is intended to update the document and make it consistent with the local agency’s approvals and findings.

### **Monterey Bay Unified Air Pollution Control District (MBUAPCD) Air Quality Management Plan**

*This is an exempt project under CEQA.* The 2008 MBUAPCD Air Quality Management Plan (AQMP) was drafted to comply with the California Clean Air Act, which requires each nonattainment district in the state to adopt a plan showing how the California ambient air quality standard for ozone would be met in its area of jurisdiction. The AQMP is a State-certified regulatory program (PRC Section 21080.5; CCR Section 15251(d)). Under PRC Section 21080(b)(15), there is an applicable statutory exemption for “projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5.” As such, no CEQA review is necessary for the addition of policies that implement policies from the Air Quality Management Plan in the BRP. In addition, the MBUAPCD is considered exempt from CEQA under Class 8, Actions by Regulatory Agencies for the Protection of the Environment (CEQA Guidelines Section 15308). Similarly, the amendments to the BRP to be consistent with the AQMP are also exempt.

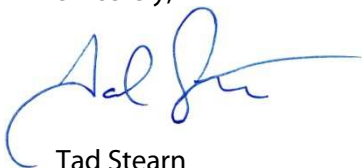
### **Regional Water Quality Control Board (RWQCB) Water Quality Control Plan for the Central Coast Basin**

*This is an exempt project under CEQA.* The RWQCB Water Quality Control Plan for the Central Coast Basin (2011, updated 2016) (Basin Plan) was drafted to comply with the state Porter-Cologne Water Quality Control Act (1969) and portions of the federal Clean Water Act (1977). The Basin Plan is a State-certified regulatory program that was reviewed under a Substitute Environmental Document (SED) which was approved by the State Water Resources Control Board on June 19, 2012 (PRC Section 21080.5; CCR Section 15251(g)). Under PRC Section 21080(b)(15), there is an applicable statutory exemption for “projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5.” As such, no CEQA review is necessary for the addition of policies that implement policies from the Basin Plan in the BRP.

### **CONCLUSION**

Based on our review of the BRP Category I and Category II revisions, it is our opinion that the individual actions and changes that have occurred or are recommended to occur do not, by themselves, meet the definition of “projects” under CEQA that warrant detailed environmental review or are actions that have been previously reviewed by other agencies. Past actions by FORA and local land use agencies that affect the BRP can be compared to amendments to an agency’s General Plan over time. Individual General Plan Amendments may be processed, analyzed and approved over time, but those changes are not always physically incorporated into the body of the General Plan until the text or graphic changes are physically made within document. In this case, the past actions and amendments have been processed, analyzed and approved by several land use agencies, and the need for minor technical corrections have been identified. Updating the BRP at a future date to reflect these past actions is an administrative exercise necessary to memorialize the changes in one place.

Sincerely,



Tad Stearn  
Project Director



Darcy Kremin  
Project Manager

**REFERENCES**

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May 26, 2016

Ted Lopez, Associate Planner  
**FORT ORD REUSE AUTHORITY**  
920 2nd Avenue, Suite A  
Marina, CA 93933

**RE: RESPONSE TO COMMENTS ON DETERMINATION OPINION OF CATEGORIES I AND II**

Dear Mr. Lopez:

Michael Baker International, in coordination with Holland & Knight LLP, has provided responses to the Fort Ord Reuse Authority (FORA) Board of Directors and public comments on the Determination Opinion of Categories I and II Memo, dated May 5, 2016. The comments were received at the May 13, 2016 meeting. For clarification purposes, we want to emphasize that Michael Baker International and Holland & Knight reviewed the land use decisions, which occurred subsequent to the adoption of the Base Reuse Plan in 1997, in light of the California Environmental Quality Act (CEQA). We looked at whether those decisions were adequately covered under CEQA or if they require additional environmental review. Consistent with our scope of work, we did not provide a conclusion as to whether those changes are consistent with the BRP; rather, we focused on the scope direction to determine whether additional CEQA review is needed.

One member of the public mentioned the equal-dignities rule. The equal-dignities rule refers to a legal doctrine related to written contracts whereby an agent must have written authority to enter the contract on the principal's behalf for the contract to be binding. The equal-dignities rule is a corollary to the Statute of Fraud and does not apply to CEQA. Therefore it is not applicable to our determination opinion. Moreover, the point the commenter seemed to be making was that the revisions to the BRP needed by be made through an ordinance amendment. The process for revising the BRP is outside the scope of the Determination Opinion. The Determination Opinion simply addresses whether additional CEQA review is necessary. CEQA review can be satisfied in CEQA documents prepared by other agencies as CEQA seeks to avoid duplicative environmental review (Public Resources Code Section 21080.1(a)).

Another member of the public also inquired about the Monterey County General Plan and the relationship between that plan and the previous Board decisions regarding it. FORA analyzed the Monterey County General Plan in 2012 for consistency with the BRP. The board voted 6 to 6 at that time, thus per the Board rules the General Plan was not found to be consistent or inconsistent with the BRP and was returned to the County "without prejudice." However, the Board's vote does not preclude a finding regarding the adequacy of CEQA analysis for the Monterey County General Plan. The Determination Opinion does not address consistency, rather it found that environmental impacts from land use changes in Monterey County were analyzed in the County's General Plan EIR and therefore, no further environmental analysis would be required.

**Fort Ord Reuse Authority**

**RE: Response to Comments on response to comments on Determination Opinion of Categories I and II**

**Page 2**

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Lastly, the public inquired about the East Garrison/Parker Flats land swap agreement. The agreement included several conditions that may or may not have been met prior to exchange of the parcels. However, our review focused on whether land use changes were covered under CEQA and if additional environmental review would be needed. Our review determined that, regardless of the conditions, all of the exchanges have occurred. No subsequent environmental review is required to update the BRP.

Sincerely,



Tad Stearn  
Project Director



Darcy Kremin  
Project Manager

## Supplemental information for item 9c – June 10, 2016 Meeting

### **Questions from Board Member Alan Haffa:**

**1) Regarding Item 9C, I am wondering if we have a written legal opinion from either our attorney or from the lawyer mentioned in the staff report from the May 13 meeting, Amanda J. Monchamp, Esq? My concern is that the staff with MBI who signed the opinion in our packet determining that CEQA is not required are not themselves lawyers. Given the risk of possible litigation, it seems prudent to have a written opinion from the law firm of Holland & Knight. Do we know if MBI or FORA staff received any written communication from Amanda Monchamp or anyone else at Holland & Knight?**

*Response: We do not have a separate written legal opinion from either Jon Giffen or Amanda J. Monchamp, Esq. However, the MBI Determination Opinion letter was thoroughly reviewed by Ms. Monchamp and states: "Pursuant to Task 1 of our scope of work, Michael Baker International, in coordination with Holland & Knight LLP, has reviewed all relevant documents and supporting materials related to Category I and II of the Final Reassessment Report (2012)." MBI hired Holland & Knight as a subconsultant to prepare and review all legal issues relevant to their Determination Opinion letter.*

**2) Also, it would be helpful for me if any amendments to Categories I and II be provided to FORA board showing strike outs and underlines (for new language).**

*Response: Category I – BRP Corrections and Updates – is described in detail in the BRP Reassessment Report starting on page 3-2 and ending on page 3-19. BRP text corrections are listed in Table 5 (pages 3-3 and 3-4). BRP text and figure corrections are described from page 3-4 to page 3-19.*

*Category II – Prior Board Actions and Regional Plan Consistency – is described in the BRP Reassessment Report from page 3-19 to 3-32. FORA Board Consistency Determinations that would lead to modifications of the BRP Land Use Concept map are described in tables in this section.*

**3) For each Category II item, the letter from MBI says that BRP changes...are "considered administrative." What does this mean? Does this mean that the Category II changes in the BRP, if this report is accepted, will not come back to the board for approval but the changes will be made by staff separately?**

*Response: "considered administrative" means that the FORA Board has already acted on a Consistency Determination or similar action in the past. Jurisdictions conducted CEQA review on all of their past Consistency Determinations. Since CEQA was completed prior to the FORA Board's previous actions, FORA is not required to conduct additional CEQA review prior to making revisions to its BRP Land Use Concept map based on those prior actions. CEQA only applies when a Board exercises discretion, which the FORA Board already took during their consistency review/determination.*

*The FORA Act, California Government Code Section 67675.8(a), describes FORA's procedures for Base Reuse Plan revisions as follows:*

“67675.8. (a) After the board has adopted a reuse plan pursuant to this title, any revision or other change to that plan which only affects territory lying within the jurisdiction of one member agency may only be adopted by the board if one of the following conditions is satisfied:

(1) The revision or other change was initiated by resolution adopted by the legislative body of the affected member agency and approved by at least a majority affirmative vote of the board.

(2) The revision or other change was initiated by the board or any entity other than the affected member agency and approved by at least a two-thirds affirmative vote of the board.”

*What this means is that the FORA Board has already taken actions that modify the BRP in the past. Since the Board action has already occurred and the appropriate CEQA was done at the time, and so the consultant concludes that no additional action is required. Staff can provide informational reports to the Board regarding republication of the BRP reflecting prior Board actions.*

*The FORA Act, California Government Code Section 67675(f), describes FORA's requirement to have a BRP that is consistent with regional and local plans as follows:*

“(f) In preparing, adopting, reviewing, and revising the reuse plan, the board shall be consistent with approved coastal plans, air quality plans, water quality plans, spheres of influence, and other county-wide or regional plans required by federal or state law, other than local general plans, including any amendments subsequent to the enactment of this title, and shall consider all of the following:

(1) Monterey Bay regional plans.

(2) County and city plans and proposed projects covering the territory occupied by Fort Ord or otherwise likely to be affected by the future uses of the base.

(3) Other public and nongovernmental entity plans and proposed projects affecting the planning and development of the territory occupied by Fort Ord.”

*What this means is that FORA has a mandate to maintain consistency of the BRP with other regional plans, such as MBUAPCD's Air Quality Management Plan. MBI has found that, under PRC Section 21080(b)(15), there is an applicable statutory exemption for “projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5.” MBI's Determination Opinion letter states that no CEQA review is necessary for the addition of policies that implement policies from the Air Quality Management Plan in the BRP. In summary, FORA does not need to perform CEQA when it modifies the BRP to be consistent with the Air Quality Management Plan and other regional plans. The BRP Reassessment Report includes “Table 10 Regional and Local Plan Consistency Needs,” found on pages 3-26 to 3-31, describing BRP Policy/Program Modifications for Regional and Local Plan Consistency.*



**4) As I am coming to understand this, am I right in concluding that the land use jurisdictions have taken various actions in the past that were not consistent with the BRP, which they were required to be, and now we are going back and administratively changing the BRP to make them consistent? If so, that seems backwards to me; FORA should have required that actions taken by jurisdictions be consistent with BRP before consistency determinations were made for the various projects mentioned.**

*Response: This is not the case. The consultant says in their Determination Opinion letter that, in making prior FORA Board Consistency Determinations, the Board certified the land use jurisdictions' General Plan or zoning changes as consistent with the BRP. Staff will only modify the BRP administratively if the modifications are predicated upon prior FORA Board action or in order to assure that the BRP remains consistent with Regional Plans, such as MBUAPCD's Air Quality Management Plan.*

**5) Are the signatories to MBI letter, Mr. Stearn and Ms. Kremin attorneys? If not, how legally defensible is this opinion if we are challenged on our action?**

*Response: Mr. Stearn and Ms. Kremin are not attorneys. Authority Counsel Jon Giffen reviewed the Determination Opinion letter and agrees that its conclusions are consistent with those provided to the Board by Special Counsel Alan Waltner and others. As noted above, Amanda Monchamp, of Holland and Knight, reviewed and worked on the consultant's Determination Opinion letter.*

**6) Did FORA or MBI receive written opinion from attorney Monchamp or the firm of Holland & Knight? If yes, could FORA board be provided with copies? If not, how legally defensible is this opinion if we are challenged on our action?**

*Response: The written opinion letter by MBI is meant to have the same force as a formal opinion letter. Authority Counsel finds that the Determination Opinion letter is consistent with those provided to FORA by Special Counsel Alan Waltner and others.*

### **Questions from District 4 Principal Aide Kristi Markey:**

**We have a number of questions that weren't answered at the last Board meeting and which are critical to ensuring that the Board understands the meaning of Board "acceptance" of the Baker memos:**

**1) Will staff bring a revised BRP to the Board for adoption, or do you plan to simply modify it based on your interpretations of prior Board actions?**

*Response: The requested Action is to confirm that the republished document will not require any further CEQA Action in reference to Category 1 and 2 items. Specifically, this means the 'errata' reviewed by the PRAC do not need further CEQA review, and prior*

*Consistency Determinations do not require additional CEQA review as the CEQA work was already performed at the jurisdictional level. The consultant provides the rationale for this in the report. Therefore, the BRP would not be brought back “to the Board for adoption.”*

**2) For each jurisdiction that changed land use designations in their General Plans, necessitating a modification to the Base Plan, can you show us exactly what sites were changed?**

*Response: A list of adjusted Land Use Designations was included in the BRP Reassessment Report, pages 3-20 and 3-21, and is attached to this response. Those changes would be made to the Land Use Concept map and the consultant is saying that they are not subject to further CEQA or approval actions.*

**3) The Parker Flats-East Garrison land swap – what does FORA staff believe the land swap did in terms of affecting land uses in the non-habitat areas of Parker Flats? It states that residential uses shall be removed from the Parker Flats area, which we interpret to mean that the remaining development parcels would be light commercial.**

*Response: The Land Swap was an agreement between Monterey County, MPC, FORA, BLM, and US Army, which was approved by USFWS to swap habitat acres between the County portions of East Garrison and Parker Flats. The land swap only removes residential, light industrial, golf course and other uses to accommodate the MPC officer training and EVOC facilities. According to the land swap, Parker Flats would still provide areas for the California Central Coast Veterans Cemetery, Monterey Horse Park and other potential development. Other potential development is not defined in the land swap document and, therefore, could allow residential development.*

**4) What changes will be made to the BRP to reflect TAMC’s RTP? The section of the memo that talks about the RTP says changes will be made but does not specify what those changes will be.**

*Response: Under Category 2, FORA considers its requirements for the BRP to be consistent with TAMC’s RTP. This was already carried out in 1997 and 2005 with TAMC’s FORA Fee Reallocation Study and will be revised in TAMC’s 2016 FORA Fee Allocation Study, which will ensure that FORA’s CIP Transportation/Transit projects continue to be a subset of TAMC’s Regional Transportation Plan. The BRP Reassessment Report includes “Table 10 Regional and Local Plan Consistency Needs,” found on pages 3-26 to 3-31, describing BRP Policy/Program Modifications for Regional and Local Plan Consistency, including modifications from TAMC’s RTP.*

**5) What policies will be added to the Base Plan to conform to the Air District planning document?**

*Response: Under Category 2, FORA would consider its requirement that its BRP be consistent with the Monterey Bay Unified Air Pollution Control District's (MBUAPCD's) Air Quality Management Plan. The BRP Reassessment Report includes "Table 10 Regional and Local Plan Consistency Needs," found on pages 3-26 to 3-31, describing BRP Policy/Program Modifications for Regional and Local Plan Consistency, including modifications from MBUAPCD's Air Quality Management Plan.*

**6) What policies will be added to the Base Plan to conform to the Regional Water Quality Control Plan?**

*Response: Under Category 2, FORA would consider its requirement that its BRP be consistent with the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. The BRP Reassessment Report includes "Table 10 Regional and Local Plan Consistency Needs," found on pages 3-26 to 3-31, describing BRP Policy/Program Modifications for Regional and Local Plan Consistency, including modifications from RWQCB's Water Quality Control Plan.*

**7) Will you be adding sections to the Base Plan chapter on policies and programs for Del Rey Oaks and the City of Monterey, to specify which policies and programs apply to them? If not, why not?**

*Response: BRP policies and Programs previously listed as County/City of Monterey and County/Del Rey Oaks, or any descriptive location now annexed into a subsequent jurisdiction, still apply to the annexing jurisdiction. The annexing jurisdiction needs to submit a General Plan that conforms to BRP policies and programs as well as submit subsequent entitlements to FORA for consistency determination. Del Rey Oaks has submitted their General Plan and it has been found consistent with the BRP. Any subsequent entitlements would need to be consistent with that General Plan and the BRP. City of Monterey has not yet submitted their General Plan for consistency but will be required to do so prior to going forward with future development entitlement projects on former Fort Ord. MBI's Determination Opinion memo does not analyze this question because it is identified as a Category IV topic in the 2012 BRP Reassessment Report. Therefore, no new sections would be added to the BRP at this time.*

Michael W. Stamp  
Molly Erickson

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June 10, 2016

Via E-mail and Hand Delivery

Frank O'Connell, Chair  
Board of Directors  
Fort Ord Reuse Authority  
920 2nd Avenue, Suite A  
Marina, CA 93933

Re: Objection to acceptance of Michael Baker Intl. opinion (agenda item 9c)

Dear Chair O'Connell and members of the FORA Board of Directors:

Keep Fort Ord Wild objects to the acceptance of the Michael Baker International (MBI) opinion ("opinion") regarding categories I and II of the Reassessment Report, for all the reasons stated in this letter and by KFOR and others. We urge the FORA Board to carefully review this letter before taking any action on the item. The FORA Board controls the time frame, and has the discretion to continue this item to a future meeting to allow more time to review the issues and the objections. If FORA chooses to act now instead of taking more time, FORA does so at its own risk.

Keep Fort Ord Wild does not have sufficient information to provide complete comments on the item. The staff report omits the initial study, the greenhouse gas analysis, the air quality analysis, and the Habitat Management Plan assessment, and the legal opinion prepared pursuant to the FORA contract with Michael Baker International. The opinion fails to adequately consider, quantify or disclose the issues of greenhouse gas, air quality and habitat impacts. Alan Waltner specifically recommended that an initial study be prepared.

The project that is proposed is not clear. The Board of Directors and KFOR need to see the actual typographic changes and maps changes so the decision makers and KFOR understand what the changes would be. If there are changes to the text and the maps that are part of the project to be considered, those materials must be available for review by the decision makers and KFOR prior to approval. Absent that critical information, KFOR is unable to make complete comments.

The changes pursuant to Category I have not been presented to the current decision makers on this item. The current Board makeup is materially different from the Board members in 2012 when the Reassessment Report was done and in 2013 when the Report was considered. The FORA Board specifically directed that the Category I changes, including all proposed changes to text and maps, are to be brought before the Board for Board approval (May 10, 2013 Board minutes, item 7b; March 22, 2013 Board minutes, item 6a). That has not been done. FORA staff has failed to tell the

current Board about those unanimous Board directions with which FORA staff has failed to comply.

The same problems exist with the Category II changes – neither the decision makers nor KFOR and the public have seen the changes proposed. KFOR is unable to make complete comments and the Board cannot make an informed decision unless and until the project has been presented to the Board – not as paraphrased material and not in general and truncated terms and language, but completely and exactly as proposed to amend the Reuse Plan. The MBI opinion does not list all the consistency determinations that MBI claims will be used to amend the Reuse Plan, and FORA does not list them either. The evidence is that there is no complete list of the projects and consistency determinations that MBI has reviewed and analyzed in making its opinions, and which MBI purports to include in its opinion to the FORA Board. The MBI opinion does not refer to the plans, projects, or consistency determinations with adequate specificity. The MBI opinion is materially flawed with errors and omissions. The dates provided in the MBI opinion are not the dates of the consistency determinations, where such determinations have been made, so KFOR cannot check FORA Board records for those dates. The opinion fails to identify which plans and projects have obtained a consistency determination from FORA, and which have not.

The City of Monterey General Plan and the County of Monterey General Plan have not been determined by FORA to be consistent with the Reuse Plan, although that is required by the Master Resolution and the FORA/Sierra Club settlement agreement. The MBI opinion asserts that FORA has not analyzed the County General Plan for consistency. The MBI opinion omits the material fact that the FORA Board refused to certify the County General Plan. Thus, the Category II changes should not include those two plans. No legislative act is final unless the act is certified pursuant to the Master Resolution requirements. (Master Resolution, sec. 8.01.020.f.)

These problems are fatal. The Board should not amend the Reuse Plan without knowing exactly what changes and amendments are being proposed, which should be attached to the Board resolution. The use of the MBI opinion is unknown and not identified and not disclosed to KFOR, despite our many efforts to stay informed and participate in the FORA process. The Board should not and cannot amend the Reuse Plan through the back door, such as possibly proposed here -- by merely accepting a third party opinion without the exercise of independent judgment.

Keep Fort Ord Wild made a California Public Records Act request seeking some of the information that underlies the FORA consultant Michael Baker International report "Determination Opinion of Categories I and II" dated May 3, 2016, and by FORA in recommending the FORA Board's approval of that opinion. In that report, numerous references are made to consistency determinations but dates and resolution numbers are not provided for the consistency determinations and the determinations are not otherwise easily accessible to the public. Also in that report, numerous references are

made to CEQA documents. None of this is supported or disclosed to the public or to your Board.

Keep Fort Ord Wild asked to inspect "1. The consistency determinations relied upon by Fort Ord Reuse Authority consultant Michael Baker International in writing its report "Determination Opinion of Categories I and II" dated May 3, 2016, and by FORA staff in recommending that the FORA Board approve that opinion." and "2. The CEQA documents relied upon by FORA consultant Michael Baker International in writing its report "Determination Opinion of Categories I and II" dated May 3, 2016, and by FORA staff in recommending the FORA Board's approval of that opinion." and "3. Lists of Fort Ord Reuse Authority consistency determinations." (May 17, 2016 letter.) KFOR pointed out that "The records should be relatively simple to find because the Michael Baker Report squarely addressed the CEQA documents and consistency determinations." (*ibid.*)

In response, FORA did not produce any records showing that what consistency determinations FORA had provided for the consultant, and FORA merely produced a link to a list of consistency determinations in the scoping report that was only 5 pages long and ended in 2007. (FORA response, May 26, 2016.) FORA evidently does not have a complete list of the consistency determinations, and thus it is unclear to KFOR and the decision makers what consistency determinations are included in the Category II changes. Absent that information, KFOR cannot make adequate informed comment and the decision makers cannot make an informed decision.

We ask for Fort Ord Reuse Authority's help in identifying the records we seek, but got none. KFOR also emphasized that "Time is of the essence. KFOR asks to have access to the records prior to the next FORA Board Meeting when the Michael Baker International report is discussed." That critical information has not been provided and FORA has delayed producing it or has destroyed the records sought.

The project before you has been inadequately defined. A fixed and stable project description is critical. It must be provided as part of the staff report and for adequate review by KFOR, other members of the public, and decision makers before the Board takes action on this item and/or purports to amend the Reuse Plan.

The impacts of redesignating land on Reuse Plan maps as "Veterans Cemetery" have not been analyzed adequately. A veterans' cemetery location is not shown in the 1996 public draft version of the Fort Ord Reuse Plan, nor in the Fort Ord Reuse Plan EIR. A "VC" and cemetery designation was included on the 2001 Fort Ord Reuse Plan Land Use Concept map but that change was done absent any formal approval of the Board to amend the Reuse Plan and absent adequate and necessary CEQA review. The CEQA analysis to date of the entire cemetery is incomplete. Because that analysis is not final, FORA cannot legally change the designation, and the proposed change to show the cemetery on the Reuse Plan requires CEQA review and an appropriate public

process. This is not to say that KFOW opposes a cemetery. It is simply to say that the cemetery cannot legally be shown on the Reuse Plan map and the Reuse Plan cannot be changed to allow a cemetery until adequate CEQA review has been performed on the impacts of the entire cemetery at buildout. That analysis has not yet happened. The Reassessment Report admitted (at p 3-117) that "The public draft BRP Land Use Concept maps (May 1996) do not indicate a veterans' cemetery or a land use designation specifically for cemeteries. The cemetery site was . . . not included on the BRP Land Use Concept map adopted on June 13, 1997." The Reassessment Report said this: "The Seaside General Plan designates the cemetery site as Parks and Open Space (the same designation as the City's existing cemetery), which Seaside and the FORA Board found consistent with the BRP in 2004 (refer to Pages 4-180 and 4-181, and Figures 5 and 6 in the Scoping Report). Within Monterey County, the BRP and the Fort Ord Master Plan designate the veterans' cemetery location as Low Density Residential." The inconsistency between those designations and the redesignation as a cemetery has not been determined and FORA has not determined consistency for the Cemetery in Seaside or the County. Again, this is not opposition to the cemetery. It is a request for legal and adequate analysis and required planning efforts. The issues are transparency and law.

Amending the Reuse Plan is a project, but there has not been a public hearing noticed according to FORA's procedures for today's meeting. We know that others are interested in this issue, as shown by the high interest in the County consistency determination for the County 2010 General Plan and Fort Ord Master Plan. There is inadequate notice on the agenda and the staff report for FORA Board to act either on CEQA exemption or to amend the Reuse Plan. No CEQA exemption is listed on the agenda for today's item. For that reason, the Board cannot act today to approve an exemption pursuant to CEQA.

It is unclear what exemption is being proposed by MBI. The MBI opinion claims that the Category I and II changes are one of the following: are not " 'projects' under CEQA that warrant detailed environmental review"; and are "actions that have been previously reviewed by other agencies." Those claims are neither accurate nor adequate. We provide here a few of the reasons and examples the problems.

Merely because parts of the land swap MOU have been performed does not mean that environmental review cannot and should not be done or that the impacts should not be mitigated. The impacts have not been identified or disclosed. The land swap conditions may be considered mitigations that have not been adopted and implemented. It is insufficient to say merely that the acts have taken place and therefore the change to the Reuse Plan to reflect those acts are not a project. CEQA analysis can and should be done. The land swap MOU incorporated limitations and conditions that have not been implemented (e.g., Zander report limitation/prohibition on residential use in Parker Flats) and those conditions and limitations are part of the land swap agreement. FORA is taking an inconsistent position – that the portions of the

swap that were done get a free pass and should be incorporated in the reuse Plan, and the portions of the MOU that were not done can be ignored and not incorporated into the Reuse Plan. That selective approach violates CEQA and other planning and zoning laws and is inconsistent with FORA's legal obligations. Deferring the analysis (for example, to Seaside's unfinished and uncertified EIR, see p. 6 of the opinion) is not appropriate or legal.

The MBI opinions and the FORA staff report have failed to disclose the fact that at least several of the consistency determinations were made by the FORA Board during the time that the illegal amendments to Master Resolution Chapter 8 were in place. In March 2010, FORA illegally and improperly amended the chapter 8 requirements to replace many of the "shall" to "may," thus making permissive what the settlement agreement required to be mandatory. When the illegal changes were brought to light by KFOW and the Sierra Club in 2013, the Board reversed the illegal changes. However, FORA did not review the actions taken under the illegal language. Thus, FORA does not know for certain that those determinations were proper or supported. These determinations included the County housing element in 2010, the Seaside housing element in 2011, the Seaside Local Coastal Program in March 2013, and at least two projects, and possibly more. KFOW cannot identify the others with certainty because FORA has been unable to provide a complete list of consistency determinations in response to KFOW's public records request described earlier in this letter.

FORA has failed to ensure that the policies applicable to the County that should also be applicable to Del Rey Oaks (DRO) and the City of Monterey have not been adopted by Del Rey Oaks and the City. Multiple important and material policies applicable to the County should have been made applicable to DRO and the City, including the oak woodlands protection policies, but were not communicated to DRO and the City. No past FORA consistency determinations as to DRO and City plans and projects should be considered to effect changes in the Reuse Plan due to this material failure.

Michael Baker International has a conflict of interest because the same consultant is preparing the EIR for the Monterey Downs project, a project which depends on some of the policies and plans that the opinion proposes for inclusions in the Reuse Plan by amendment. This conflict of interest should be thoroughly investigated and disclosed before proceeding with this opinion.

The matters addressed in this agenda item and opinion letter are made more complex and confusing, and further violate CEQA, Planning and Zoning laws, and other statutes and regulations, because FORA has failed to adequately monitor and enforce the mitigations required pursuant to the Reuse Plan and its EIR. Today's proposed action appears to be part of a pattern and practice by FORA with regard to those



Board of Directors  
Fort Ord Reuse Authority  
June 10, 2016  
Page 6

failures by FORA. FORA has an independent duty to enforce the mitigations, independent of any FORA consistency determinations.

Amendments to the Reuse Plan must be done in a formal amendment process that is properly noticed and described. That process was not followed for this item.

KFOW urges the Board to refuse to accept the opinion, or at the very least continue the item to a future date so the errors and omissions can be corrected first and we and the Board can review the necessary information. I hope to be present in person to present this letter, but due to press of other matter I may be unable to make it to the Board meeting in time. Thank you.

Very truly yours,

STAMP | ERICKSON

A handwritten signature in black ink, appearing to read "Molly Erickson", with a long horizontal flourish extending to the right.

Molly Erickson

# **Placeholder for Item 8a Attachment E**

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**This item will be included in the final Board packet.**

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Adoption of FORA FY 2016/17 Capital Improvement Program – 2d Vote	
<b>Meeting Date:</b>	July 8, 2016	<b>ACTION</b>
<b>Agenda Number:</b>	8b	

### RECOMMENDATION(S):

Second Vote: Adopt the FORA FY 2016/17 CIP (**Attachment A**) and direct staff to present revisions to the FORA FY 2016/17 CIP to the Board for consideration after incorporating results from Transportation Agency for Monterey County's (TAMC's) 2016 FORA Fee Reallocation Study and Economic and Planning Systems' (EPS's) Biennial Formulaic Fee Review (expected timing to be within the next 3 months).

### BACKGROUND/DISCUSSION:

At its June 10, 2016 meeting, the FORA Board voted on a motion to approve the FY 2016/17 CIP. Since the vote was not unanimous, the item returns to the FORA Board for a second vote.

FORA staff annually provides a CIP overview, including updates made through revenue and expenditure reprogramming and text edits. The most significant updates this year include:

- 1) Transportation projects and other CIP expenditure adjustments to accommodate updated FORA CFD special tax/ development fee collection, land sales and property tax collection, development forecasts, and transportation/transit project prioritization;
- 2) Prevailing wage support/coordination and caretaker costs are both included in Table 3;
- 3) The Board adopted Caretaker Costs Reimbursement Policy (October 9, 2015) is now included under Appendix C to the CIP;
- 4) Staff has indexed FORA's building removal obligation of \$4 million in Seaside Surplus II by the Construction Cost Index (CCI) to current dollars of \$5.4 million; and
- 5) According to the FORA Community Facilities District (CFD) Notice of Special Tax Lien, the CFD Special Tax rates are increased on each July 1 by the percentage change in the previous year's CCI. Since the percentage change in the CCI was 1.6% over the past year, FORA will increase its CFD Special Tax rate by this percentage on July 1, 2016.

FORA staff annually requests updated development forecasts from the land use jurisdictions. FORA staff and Administrative Committee review the submitted forecasts to ensure that forecasts are realistic and within the Base Reuse Plan residential unit caps. The FORA Administrative Committee confirmed the updated forecasts at their March 2, 2016 meeting. Using these forecasts, FORA estimates CIP funding sources, including CFD special tax/development fees, land sales, property taxes, and grant proceeds anticipated to be received each fiscal year. Staff used the forecasted revenues to place expenditures on transportation/transit, water augmentation, habitat management and building removal over the course of four years and the "post-FORA" term. "Post-FORA" means the time-period after June 30, 2020 (FORA dissolution date in state law) needed to complete CIP funding collections and project expenditures by FORA or its successor(s). This time-period is currently estimated to extend 15 years after 2020.

TAMC is currently working with consultant Kimley-Horn and Associates to complete an updated FORA Fee Reallocation Study within the next few months. Once completed, the updated study

will provide current information on FORA's transportation and transit obligations, which will inform EPS's biennial formulaic fee review. Should the Board adopt the draft FY 2016/17 CIP, the results of both studies will likely lead to staff presenting FORA CIP revisions to the Board for consideration by the September 9, 2016 Board meeting.

The Administrative Committee did not recommend FORA Board approval of the attached FY 2016/17 CIP at their June 1, 2016 meeting. Instead, the Committee recommended that the Board continue the adopted FY 2015/16 CIP into FY 2016/17 and direct staff to present the FORA FY 2016/17 CIP to the Board for consideration after incorporating results from TAMC's 2016 FORA Fee Reallocation Study and EPS's biennial formulaic fee review, which would likely occur by the September 9, 2016 Board meeting. During the same meeting, committee members and public discussed the concern of increased building removal costs within the Dunes on Monterey Bay project area.

CIP reprogramming continues to be a routine procedure 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. As part of FORA's biennial formulaic fee review, EPS will analyze the FORA land sale revenue forecasting methodology in detail. The FORA Board typically adopts the CIP at its May or June meeting in order to implement the program by the start of the fiscal year on July 1.

**FISCAL IMPACT:**

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

Staff time for this item is included in the approved annual budget. Once the CIP is approved, staff is authorized to initiate individual components noted in the document. CFD special tax rate will apply on July 1, 2016 regardless of Board action on the CIP.

**COORDINATION:**

Authority Counsel, Administrative and Executive Committees, land use jurisdictions, Marina Coast Water District, Transportation Agency for Monterey County.

Prepared by \_\_\_\_\_

Jonathan Brinkmann

Approved by \_\_\_\_\_

Michael A. Houlemard, Jr.



**DRAFT**  
FY 2016/17  
Capital Improvement  
Program

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## I. INTRODUCTION

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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 were described in the BRP Appendix B as the 1996 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. The CIP is re-visited annually by the FORA Board to assure that projects are implemented on a timely basis.

This FY 2016/17 – “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 Tables 6 and 7 of this document.

Current State law sets FORA’s sunset for June 30, 2020 or when 80% of the BRP has been implemented, whichever occurs first. For this CIP document, “Post-FORA” means the time period after June 30, 2020 needed to complete CIP funding collections and project expenditures by FORA or its successor(s). The revenue and obligation forecasts are currently being addressed in the Board’s FORA Transition Task Force and, under State law, will require significant coordination with the Local Agency Formation Commission.

### **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 jurisdictional 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 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 and an amplification and refinement are being implemented in the current year. Once approved by the FORA Board, this CIP sets project priorities. The June 10, 2016 Appendix A revision describes the method by which the “Fort Ord Reuse Authority’s base-wide Community Facilities District (CFD), Notice of Special Tax Lien” is annually indexed.

During last year’s CIP reprogramming, the Finance Committee reviewed the FY 2015/16 CIP budget as a component of the overall FORA mid-year and preliminary budgets. They expressed 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. This approach has continued into the 2016/17 document.

### **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 A) and correlate accordingly, 2) 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 review submitted jurisdiction forecasts, using the methodology outlined in #2, translated into number of building permits expected to be pulled between July 1 and June 30 of the prospective fiscal year and consider permitting and market constraints in making additional revisions; and 4) FORA Administrative and CIP Committees 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. A Phase III review, to update CIP costs and revenues, resulted in an additional 17% CFD/development fee reduction which took effect on July 5, 2014. The two-year review of the fees mandated by the Board approved formula is currently ongoing with results expected to be presented to the FORA Board in September 2016.

#### 1) CIP Costs

The costs assigned to individual CIP elements were first estimated in May 1995 and published in the draft 1996 BRP. The Transportation/Transit Costs were updated in 2005 and 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. Transportation/Transit costs are being updated by agreement with TAMC and the consultant report will be presented to the FORA Board in September 2016.

#### 2) CIP Revenues

The primary CIP revenue sources are CFD special taxes (aka development fees) and land sale proceeds. These primary sources are augmented by loans, property taxes and grants. The CFD and development fee are adjusted annually to account for inflation using the ERN CCI, with an annual cap of 5%. Development fees were established under FORA policy to govern fair share contributions to the base-wide infrastructure and capital needs, including CEQA mitigations. CFD and development fee reductions are described in section 1) of this Introduction.

The CFD implements a portion of the development fee policy by funding CEQA mitigations described in the BRP Final Environmental Impact Report (FEIR). These include Transportation/Transit projects, Habitat Management obligations, and Water Augmentation. Property tax revenues primarily cover FORA operations, but in some years there are remaining funds to apply toward CIP projects. Land sale proceeds are designated to cover Building Removal program costs 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.



### 3) Projects Accomplished to Date

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

- a) \$77M 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) \$1.6M in storm drainage system improvements to design and construct alternative storm water runoff disposal systems that allowed for the removal of storm water outfalls.
- c) In addition to \$82M in munitions and explosives of concern cleanup on 3.3K acres of form Fort Ord, funded by a U.S. Army grant, \$31.3M in building removal at the Dunes on Monterey Bay, East Garrison, Imjin Parkway and Imjin Office Park site. Dunes \$29M [\$7M land sales credit], East Garrison \$2.2M land sales credit, Seaside \$100K = \$31.3M FORA financed building removal to date. Remaining FORA building removal obligation is \$7.5M = \$2.2M Marina stockade and \$5.3M Seaside Surplus II. ( See Section II f for additional background.)
- d) \$11M in Habitat Management and other capital improvements instrumental to base reuse, such as improvements to the water and wastewater systems, and Water Augmentation obligations.
- e) \$1.1 in fire-fighting enhancement with the final payment on the lease-purchase of five pieces of fire-fighting equipment which were officially transferred to the appropriate agencies (Cities of Marina, Seaside and Monterey, Ord Military Community and Salinas Rural Fire District) in April 2014.

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

This CIP provides the FORA Board, Administrative Committee, Finance Committee, jurisdictions, and the public with a comprehensive overview of the capital programs and expectations involved in former Fort Ord recovery programs. Additionally, 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 can be accessed on the FORA website at: [www.fora.org](http://www.fora.org).



General Jim Moore Boulevard is in place, regulators and ESCA are finalizing the Land Use Controls to make this section of the road ready for development.

## II. OBLIGATORY PROGRAM OF PROJECTS

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**A**s noted in the Introduction, there are four key programs in the Capital Improvement Program (CIP): **Transportation/Transit, Water Augmentation, Habitat Management Requirements, and Building Removal Program.** CFD/development Fee revenues fund the Transportation/Transit, Water Augmentation and the Habitat Management Requirements programs. Of the CFD revenues, 30.2% is set aside for funding the Habitat Conservation Plan (HCP) program first, with the remaining revenue divided between the Transportation/Transit and Water Augmentation programs. Land sale proceeds fund the Building Removal Program to the extent of FORA's building removal obligation first. Beyond that obligation, land sale proceeds may be allocated to CIP projects by the FORA Board per the MOA with the US Army. 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 FORA Board adopted the BRP and the accompanying FEIR, the transportation and transit obligations as defined by the 1997 TAMC Study were also adopted as mitigations to traffic impacts resulting from BRP development. The Study established a total obligation for each improvement and assigned a "share" of the obligation to FORA and the remaining share to the Interested Area (i.e. the Jurisdictions) or another Public Agency (i.e Cal-Trans). The FORA Board subsequently included the Transportation/ Transit elements (obligations) as CFD-funded improvements.

In 2004, FORA and TAMC entered into a cooperative agreement to re-evaluate the Regional Transportation Plan (RTP) and related fee allocations. TAMC and FORA completed that re-evaluation by working with the Association of Monterey Bay Area Governments (AMBAG) to determine key inputs such as population estimates. TAMC's recommendations were enumerated in the "FORA Fee Reallocation Study" dated April 8, 2005; the date corresponds to when the FORA Board approved the study for inclusion in the FORA CIP. The complete study can be found online at [www.fora.org](http://www.fora.org), under the Documents menu.

TAMC's work with AMBAG and FORA resulted in a refined list of FORA transportation obligations that were synchronous with the TAMC RTP. Figure 2 shows the transportation obligations which are further defined in Table 1. Table 1 shows the RTP's obligations set by the 2005 study, FORA's share in 2005 dollars, the amount of the obligation met by the close of Fiscal Year 2015/16 in 2016 dollars, and FORA's share of the obligation escalated into 2016 dollars. 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).

Through its FY 2015/16 operating budget, the FORA Board funded the 2016 FORA Fee Reallocation Study in cooperation with TAMC. In this study, FORA and TAMC are re-evaluating TAMC's RTP and FORA's related fee allocations once again.

This year FORA staff determined the CIP priorities during the 2016/17 budget process using an evidence based approach. The method was a modified Delphi Method in conjunction with a Decision Making Matrix. Staff asked Administrative Committee members to weight priorities through anonymous polling and to reach consensus. Following the weighting process, staff polled of the interested members requesting

scoring of each project by criteria set in Appendix A. The process multiplied project scores by assigned weights, resulting in identification of the Transportation/Transit priorities from highest to lowest. The results were presented to the Administrative Committee members. Table 10 shows the resultant list of priorities as set for 2016/17 CIP. The top two priorities previously set by the Board are Eastside Parkway and South Boundary Road. This evidence based decision making approach ranked the remaining Transportation/Transit projects. Since the 2016/17 FORA CIP was the first application of the evidence based decision making tool, staff and Administrative Committee members learned a number of lessons, which may improve effective use of the tool in the future. A few lessons included recognizing the importance of defining the prioritization criteria, developing the appropriate rating scales (1 to 5), and reviewing how project ranking is applied.

### **Transportation**

Improvements within the CIP are of two types: FORA Lead Agency projects or reimbursement projects. FORA has served as lead agency in accomplishing the design, environmental approval and construction activities for capital improvements considered base-wide obligations under the BRP and this CIP. Where FORA is not the lead agency, reimbursement agreements are negotiated and control how the lead agency receives FORA's share of funding. FORA's obligation with respect to those improvements is financial. Reimbursement agreements are currently in place with Monterey County and the City of Marina for several FORA CIP transportation improvements. Table 2 identifies those improvements, the current obligations (in 2016 dollars) and shows a five-year plan to complete the obligation. The five-year plan is dependent upon the estimated Cash Flow from CFD collections and Land Sales and the priorities set by the jurisdictions using the evidence based approach.

### **Transit**

Transit obligations enumerated in Table 1 remain unchanged from the 1997 TAMC Study and adopted BRP. However, long-range planning by TAMC and Monterey-Salinas Transit (MST) reflect a preferred route for the multi-modal corridor (MMC) different than originally presented in the BRP, FEIR and previous CIPs. The BRP provided for a 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.

In 2015, TAMC re-evaluated the MMC route once again, holding stakeholder and public outreach meetings to determine how to best meet the transit needs of the community. They have selected Imjin Parkway/Reservation Road/Davis Road as the new preferred alternative. TAMC anticipates requesting FORA Board concurrence, adopting the final MMC alignment and preparing a new MOA to supersede the 2010 MOA alignment in the 2016/17 fiscal year. Full build-out of the MMC route is expected to take 20 years.

Figure 1. Transportation Map

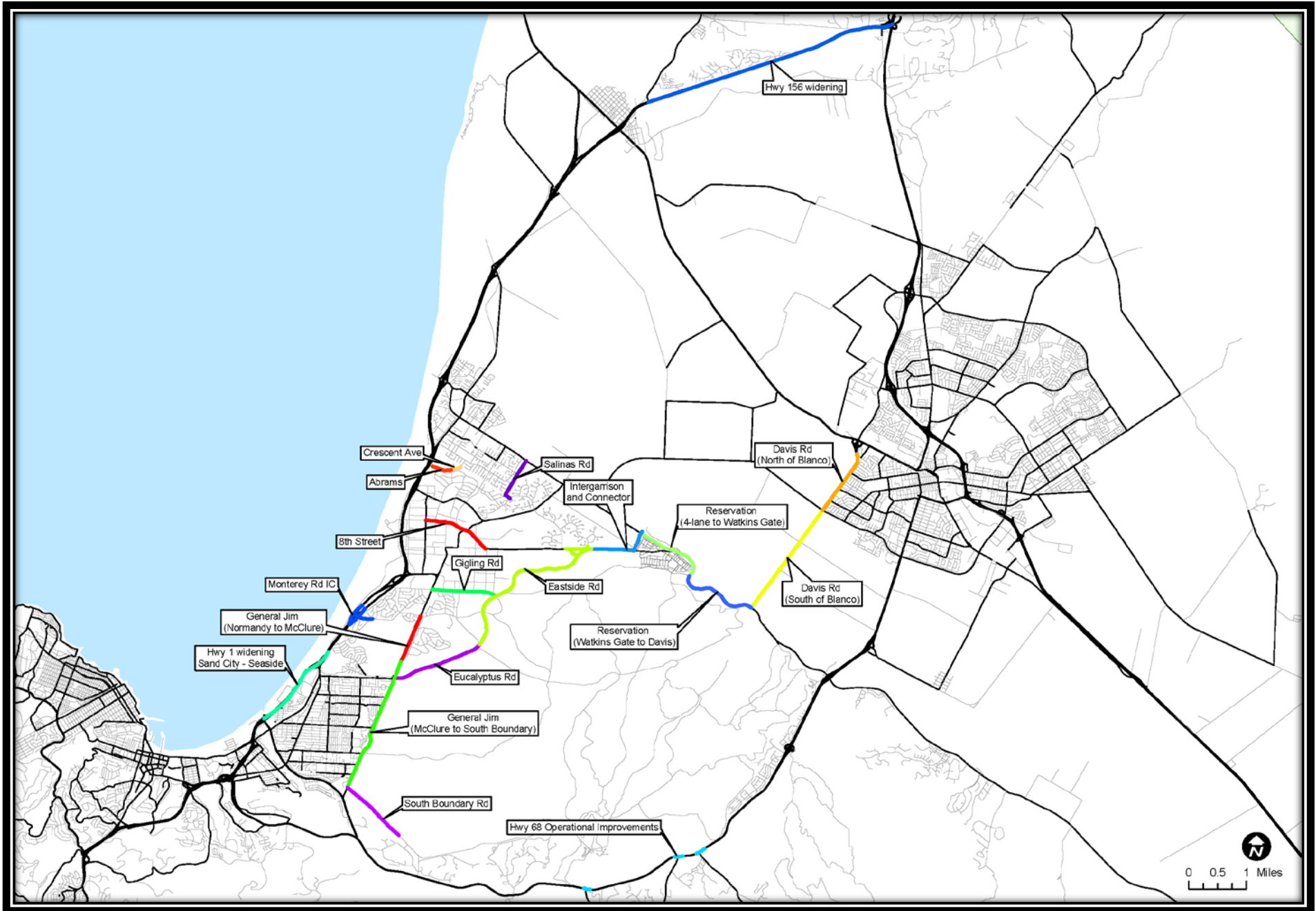
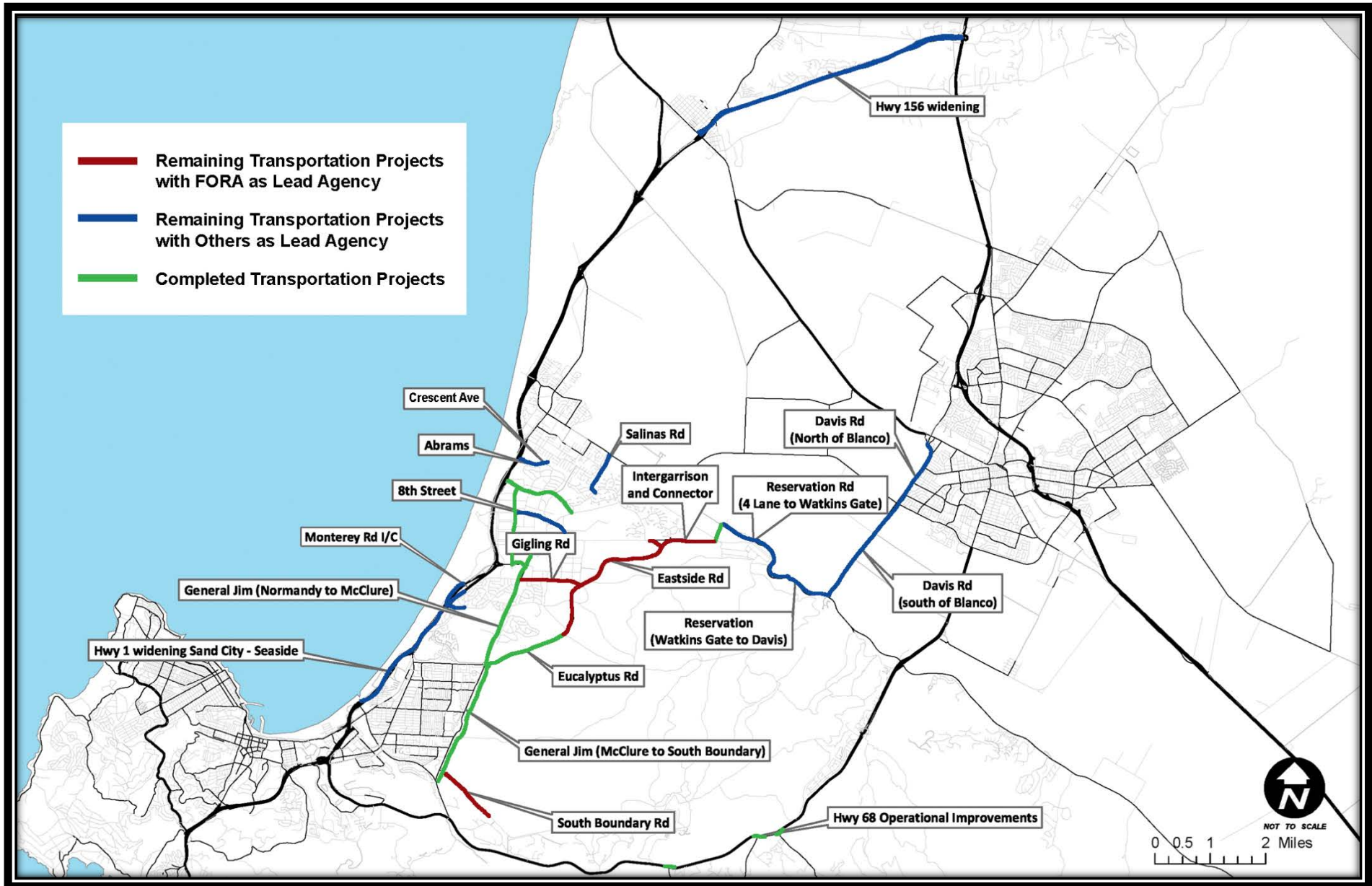


Figure 2. Remaining Transportation Projects



## 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).

In the 1998 Water Wastewater Facilities Agreement (FA) FORA contracted with Marina Coast Water District (MCWD) to implement water augmentation programs identified by FORA for the Ord Community. Following a comprehensive two-year process evaluating viable options, 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 projects).

In June 2005, MCWD staff and consultants, in coordination with FORA staff and the Administrative Committee, recommended the hybrid project, later superseded by the Regional Water Augmentation Project (RUWAP) to the FORA and MCWD Boards of Directors. The Boards approved the RUWAP for implementation by MCWD per the FA.

Additionally, it was recommended that FORA-CIP funding of former Fort Ord Water and Wastewater Collection Systems be increased by an additional \$17M to avert additional burden on rate payers from increased capital costs. A 2013 MCWD rate study recommended removing the “voluntary contribution” from the MCWD budget and the EPS Phase III CIP Review results concurred, resulting in a commensurately lowered FORA CFD/developer fee.

Several factors required reconsideration of the water augmentation program. Those factors included 1) Increased augmentation program & project costs (identified as designs were refined), 2) negotiations by other agencies regarding the recycled component of the project were not accomplished and, 3) the significant economic downturn from 2008-2012. These factors deferred the RUWAP as the identified augmentation project and provided an opportunity to consider the alternative “Regional Plan” as the preferred project to meet water augmentation program requirements.

In April 2008, the FORA Board endorsed the Regional Plan as the preferred project to deliver the requisite 2,400 AFY of augmenting water to the 6,600 AFY groundwater entitlements. The Regional Plan consisted of a large Saltwater Desalinization plant able to meet the region’s demand. In 2012, the parties halted the project. With the cessation of the Regional Plan, the identified solution for FORA’s water augmentation program defaulted back to the prior Board-approved RUWAP. MCWD as provider under the FA still holds the contractual obligation to continue the implementation of the CEQA approved ‘hybrid’ project. The former recycled portion of the RUWAP has been revived and a three party agreement between FORA, MRWPCA and MCWD approved to carry it out. The remaining task is to identify other water augmentation alternatives to complement the recycled water project. Among the alternatives are groundwater replacement, desalinization, conservation and intensified recycled programs.

### **RUWAP Recycled**

In 2014 Monterey Regional Water Pollution Control Agency (MRWPCA) presented a solution to the ‘Recycled’ portion of the RUWAP. Known as the Pure Water Monterey (PWM) project, MRWPCA would use water collected at the MCWD facility and apply their Advanced Water Treatment (AWT) thereby creating recycled water of a higher quality than the Tertiary Treated Water originally planned for the RUWAP. In October 2015 the FORA Board approved using PWM as a possible source of recycled water,

and recommended the project to the California Public Utilities Commission in March 2016. In April 2016 MCWD and MRWPCA came to an agreement whereby MCWD would use AWT in lieu of Tertiary Treated Water. As part of the agreement, the two agencies agreed to split the cost of building the RUWAP Trunk-line/conveyance facilities ('Pipeline'). FORA is currently in negotiations with MCWD to contribute to the identified facilities in a manner enabling decreased cost of the 'Pipeline' and creating a benefits for the Fort Ord community as well as the greater region.

### **RUWAP Other**

A solution for the 'other' portion of the RUWAP came in 2015 when MCWD's Budget/Compensation Plan was approved along with a MOA wherein FORA and MCWD agreed to enter into a Three-Party Planning effort with MRWPCA to identify what the 'other' portion of the project will be. This solution allows the three agencies to determine what Alternatives are available in place of the Large Desalinization Plant identified in the previous Regional Plan, while ensuring that rate increases are applied appropriately to the CIPs. A Memorandum of Understanding (MOU) has been negotiated between the three parties enabling a study of alternatives and their possible combinations such as Conservation methods, ground water recharge, increased AWT, urban storm-water capture, small scale desalinization, and others. The study is planned for 2016/17 with the identification of a water augmentation program provided to the FORA Board for approval and MCWD for implementation by 2017/18.



MCWD putting in water lines in East Garrison Phase 2, summer 2015.

### **c) Storm Drainage System Projects**

FORA completed the construction of new facilities and demolition of dilapidated out-falls as of January 2004. Table 3 reflects this obligation having been met. Background information can be found in previous CIP documents online at [www.fora.org](http://www.fora.org).

#### 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 (CSU) and the University of California (UC) with respect to implementation of the HMP. To allow FORA and its member agencies to implement the HMP and BRP in 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 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 habitat lands by qualified habitat managers selected by the future HCP Joint Powers Authority's Cooperative (Cooperative). 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, UC, CSU Monterey Bay, Monterey Peninsula College (MPC), Monterey Peninsula Regional Park District, Bureau of Land Management and MCWD. The Cooperative will hold the Cooperative endowment, and UC will hold the Fort Ord Natural Reserve (FONR) endowment. The Cooperative will control expenditure of its 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 30.2% of development fee collections 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 totaling \$6.3M was developed by an independent consultant retained by FORA.

Based upon conversations with the regulatory agencies, it has become apparent that the Habitat Management obligations will increase beyond the costs originally projected. Therefore, this document contains a ± \$44.9M line item of forecasted requisite expenditures (see Table 3 column '2005-16' amount of \$9,803,000 plus column '2016-17 to Post FORA Total' amount of \$35,069,084).

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 \$21.8M in current dollars as a CIP contingency for additional habitat management costs should the assumed payout rate for the endowment be 1.5% 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. The final endowment amount is expected to 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 screencheck draft HCP prepared in March 2015 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 \$1.9 million in annual costs, estimated in 2016 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**

FORA transferred equipment titles to the appropriate fire-fighting agencies in April 2014. FORA's obligation for fire-fighting enhancement has been fully met. Background information can be found in previous CIP documents online at [www.fora.org](http://www.fora.org).

**f) Building Removal Program**

As a base-wide obligation, the BRP includes the removal of building stock to make way for reuse, remove environmental hazards, and blight in certain areas of the former Fort Ord. In FY 01/02 the FORA Board established policy regarding building removal obligations. One of FORA's obligations includes City of Seaside Surplus II buildings. The policy fixed 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 reuse; 3) buildings are not programmed for rehabilitation; 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 accommodates with available funds. FORA is currently studying the feasibility of indexing the original agreed-upon cost estimate to compensate for delayed implementation of this effort and recover the increase in removal costs during the intervening period.

Per Board direction, building removal is funded by land sales revenue and/or credited against land sale valuation. Two MOAs, described below, were finalized for these purposes:

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 and MCP the responsibility for the actual removal. FORA paid \$22M and MCP received FORA land sale credits of \$4.6M out of a total \$24M in available credits for building removal costs. \$26.6M of FORA's \$46M building removal obligation was thus completed as agreed by the City of Marina and MCP in 2007. FORA was to fund its remaining \$19.4M building removal obligation through land sales credits when the City of Marina transferred its Fort Ord lands to MCP for future phases of the Dunes on Monterey Bay project. The MOA identified the majority of buildings in the project area for building removal; however, the stockade remained and was not part of the property transfer to MCP, therefore the obligation remains.

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 required to comply 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 ( $\pm$  \$5.4M). 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 B. 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 worked closely with regulatory agencies and local contractors to safely abate hazardous materials, maximize material reuse and recycling, and create an educated work force to take advantage of jobs created on the former Fort Ord. FORA (supported by Seaside and CSUMB) submitted a grant request to the EDA for \$320,000 to survey hazardous materials and develop a business plan and cost estimates for removing the Surplus II buildings, which was not awarded so FORA and Seaside moved ahead on their own to complete FORA's building removal obligation.

In late 2015 FORA staff met with Seaside to coordinate the potential application of FORA Building removal obligation funds to Surplus II, although FORA's funds will not be enough to remove the hazardous materials and buildings from the site. Seaside and FORA staff determined that the first step to knowing what was involved in removing buildings from Surplus II was to survey buildings for hazardous materials and commission a hazardous materials removal estimate. In early 2016, FORA released a Request for Proposals and competitively selected an Industrial Hygienist firm to provide hazardous material surveys in Surplus II. The surveys and a hazardous materials removal estimate is to be completed in mid-2016.



Building Removal by FORA opened land for the Dunes on Monterey Bay housing and new Veterans Hospital on 8<sup>th</sup> Avenue.

In 2016 FORA staff met with the City of Marina to coordinate access to the Marina stockade which currently hosts Las Animas concrete production and operations under a lease from the City of Marina. Marina is taking the lead to negotiate with Las Animas for access to the building for removal. FORA will commission the stockade hazardous material surveys while access is being coordinated. Once the surveys are complete and access has been secured, FORA will begin building removal.

FORA, CSUMB and the jurisdictions continue to leverage their 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 B.

#### **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 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 corresponding customer rate structures.

Annually, the WWOC and FORA staff prepare recommended actions for the Board's consideration with respect to budget and rate approvals. 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. See Appendix E for the FY 2016/17 Ord Community CIP list.

**h) Property Management and Caretaker Costs**

During the 2010/2011 Phase I CIP Review, 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." These obligations are not BRP required CEQA mitigations, but are considered base-wide obligations (similar to FORA's building removal obligation). In order to reduce contingencies, EPS proposed contingencies of \$16M be excluded from the CIP cost structure and this was used as the original basis for the 2011-12 CFD Special Tax fee reductions.

Since then, the Board recommended a "Property Management/Caretaker Costs" line item be added back as an obligation to cover base-wide property management costs. In FY 2015/16 the Board approved a Jurisdiction-Incurred Caretaker Costs Reimbursement Policy.

This policy clarifies that FORA funding for caretaker costs shall be determined by "allocating a maximum of \$500,000 in the prior fiscal year's property taxes collected and designated to the FORA CIP. Each subsequent year, the maximum funding for caretaker costs may be decreased assuming that, as land transfers from jurisdictions to third party developers, jurisdictions' caretaker costs will decrease. If FORA does not collect and designate to the CIP sufficient property taxes in a given fiscal year to fund the maximum amount of caretaker costs allowed that fiscal year, the actual amount of property taxes collected and designated to the CIP during the fiscal year shall be used to determine the amount of caretaker costs funding. FORA shall set caretaker costs funding through the approved FORA CIP." Caretaker Costs funding designated in the FY 2016/17 CIP is \$34,674.

### III. FY 2016/17 THROUGH POST-FORA CAPITAL IMPROVEMENT PROGRAM

The following tables depict the Capital Improvement Program: Tables 1 and 2 illustrate the obligatory project offsets and remaining obligations. Table 3 is a summary of the Capital Improvement Program from FY 2016/17 through post-FORA, with footnotes to guide understanding of line item titles. Table 4 itemizes the jurisdictions' projections for new building that will generate Community Facilities District revenue to FORA. Table 5 shared the land sale revenues that are anticipated in association with jurisdiction land sale projections on former Fort Ord lands. Tables 6 and 7 break out the land sales to residential and non-residential by project. Table 8 provides information on estimated development acreage. Table 9 models estimated property tax revenue collections.



This water tender is one of five fire-fighting trucks, paid for over time with developer fees, distributed to local jurisdictions to enhance their firefighting capabilities.

**Table 1. Obligatory Project Offsets and Remaining Obligation**

Project #	Project Title	Project Limits	TAMC Reallocation Study 2005		FORA Offsets 2005-2016	FORA Remaining Obligation Indexed*
			TOTAL COST	FORA PORTION		
<b>Regional Improvements</b>						
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	-	22,903,427
R10	Hwy 1-Monterey Rd. Interchange	Construct new interchange at Monterey Road	19,100,000	2,496,648	-	3,741,714
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	-	10,629,001
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	-
<b>Subtotal Regional</b>			<b>\$ 270,976,000</b>	<b>25,094,722</b>	<b>312,205</b>	<b>37,274,143</b>
<b>Off-Site Improvements</b>						
1	Davis Rd n/o Blanco	Widen to 4 lanes from the SR 183 bridge to Blanco	\$ 3,151,000	506,958	-	759,776
2B	Davis Rd s/o Blanco	Widen to 4 lanes from Blanco to Reservation; Build 4 lane bridge over Salinas River	22,555,000	9,242,411	537,203	12,447,987
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	5,097,496
4E	Widen Reservation, WG to Davis	Widen to 4 lanes from Watkins Gate to Davis Rd	5,500,000	2,216,321	-	3,321,590
8	Crescent Ave extend to Abrams	Extend existing Crescent Court Southerly to join proposed Abrams Dr (FO2)	906,948	906,948	-	1,359,239
<b>Subtotal Off-Site</b>			<b>\$ 42,212,948</b>	<b>16,686,554</b>	<b>1,013,787</b>	<b>22,986,087</b>
<b>On-Site Improvements</b>						
FO2	Abrams	Construct a new 2-lane arterial from intersection with 2nd Ave easterly to intersection with Crescent Court extension	\$ 759,569	759,569	-	1,138,362
FO5	8th Street	Upgrade/construct new 2-lane arterial from 2 <sup>nd</sup> Ave to Intergarrison Rd	4,340,000	4,340,000	1,018,890	5,392,321
FO6	Intergarrison	Upgrade to a 4-lane arterial from Eastside Rd to Reservation	4,260,000	4,260,000	1,559,469	4,380,395
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	8,097,846
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	1,059,490
FO11	Salinas Ave	Construct new 2 lane arterial from Reservation Rd southerly to Abrams Dr	3,038,276	3,038,276	-	4,553,449
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	520,890
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	18,198,908
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	3,302,613
<b>Subtotal On-Site</b>			<b>\$ 63,036,919</b>	<b>63,036,919</b>	<b>32,536,786</b>	<b>46,644,265</b>
<b>Transportation Totals</b>			<b>\$ 376,225,867</b>	<b>\$ 104,818,195</b>	<b>\$ 33,862,778</b>	<b>\$ 106,904,495</b>
[1] Remaining construction may be phased in future CIP documents based on available funds and habitat/environmental clearance.						
* Construction Cost Index - January to January. Obligation set in 2005 by the TAMC Re-allocation Study. Remaining Obligation indexed at the end of each Fiscal Year (June 30)						
<b>Transit Capital Improvements</b>						
T3	Transit Vehicle Purchase/Replace	15 busses	\$ 15,000,000	6,298,254	378,950	9,098,135
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	-	7,086,679
<b>Transit Totals</b>			<b>\$ 18,800,000</b>	<b>\$ 11,084,926</b>	<b>\$ 378,950</b>	<b>\$ 16,184,814</b>
<b>Transportation/Transit Totals</b>			<b>\$395,025,867</b>	<b>\$ 115,903,121</b>	<b>\$34,241,728</b>	<b>\$ 123,089,309</b>
<b>Previous Offsets 1995 - 2004</b>						
<b>1. Transportation/Transit - TAMC Study 1995</b>						
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.					<b>\$ 32,235,648</b>	
<b>2. Storm Drainage System</b>						
Retain/Percolate stormwater, eliminate discharge of stormwater to Monterey Bay Sanctuary. Project completed/financial obligation met in 2004. Funded by EDA grant proceeds.					<b>\$ 1,631,951</b>	
<b>TOTAL CUMULATIVE OFFSETS AGAINST TRANSPORTATION/TRANSIT AND STORM DRAINAGE PROJECTS TO DATE</b>					<b>\$ 68,109,327</b>	

Table 2. Transportation Network and Transit Elements

Lead Agency	Regional Improvements									
	Proj#	Description	Obligation	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
TAMC/Caltrans	R3a	Hwy 1-Del Monte-Fremont-MBL	\$ 22,903,427					22,903,427	22,903,427	R3
TAMC/Caltrans	R10	Hwy 1-Monterey Rd. Interchange	3,741,714					3,741,714	3,741,714	R10
TAMC/Caltrans	R11	Hwy 156-Freeway Upgrade	10,629,001			2,000,000	4,000,000	4,629,001	10,629,001	R11
	<b>Subtotal Regional</b>		<b>\$ 37,274,143</b>	<b>-</b>	<b>-</b>	<b>2,000,000</b>	<b>4,000,000</b>	<b>31,274,143</b>	<b>37,274,143</b>	
	<b>Off-Site Improvements</b>									
	Proj#	Description	Obligation	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
Monterey County	1	Davis Rd north of Blanco	\$ 759,775	-	-	-	-	759,775	759,775	1
Monterey County	2B	Davis Rd south of Blanco	12,447,987	75,000	75,000	75,000	1,500,000	10,722,987	12,447,987	2B
Monterey County	4D	Widen Reservation-4 lanes to WG	5,097,495	-	-	-	-	5,097,495	5,097,495	4D
Monterey County	4E	Widen Reservation, WG to Davis	3,321,589	-	-	-	-	3,321,589	3,321,589	4E
City of Marina	8	Crescent Ave extend to Abrams	1,359,239	-	-	-	1,359,239	-	1,359,239	8
	<b>Subtotal Off-Site</b>		<b>\$ 22,986,085</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>2,859,239</b>	<b>19,901,846</b>	<b>22,986,085</b>	
	<b>On-Site Improvements</b>									
	Proj#	Description	Obligation	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
City of Marina	FO2	Abrams	\$ 1,138,362	-	-	-	1,138,362	-	1,138,362	FO2
City of Marina	FO5	8th Street	5,392,321	-	-	-	2,500,000	2,892,321	5,392,321	FO5
FORA	FO6	Intergarrison	4,380,385	150,000	500,000	2,000,000	1,730,385	-	4,380,385	FO6
FORA	FO7	Gigling	8,097,846	1,150,000	150,000	2,326,921	4,470,925	-	8,097,846	FO7
FORA	FO9C	GJM Blvd	1,059,489	500,000	559,489	-	-	-	1,059,489	FO9C
City of Marina	FO11	Salinas Ave	4,553,449	-	-	-	4,553,449	-	4,553,449	FO11
FORA	FO12	Eucalyptus Road	520,890	50,000	-	470,890	-	-	520,890	FO12
FORA	FO13B	Eastside Parkway	18,198,908	250,000	1,750,000	4,500,000	10,448,908	1,250,000	18,198,908	FO13B
FORA	FO14	South Boundary Road Upgrade	3,302,612	1,800,000	1,502,612	-	-	-	3,302,612	FO14
	<b>Subtotal On-Site</b>		<b>\$ 46,644,262</b>	<b>3,900,000</b>	<b>4,462,101</b>	<b>9,297,811</b>	<b>24,842,029</b>	<b>4,142,321</b>	<b>46,644,262</b>	
	<b>Transportation Totals</b>		<b>\$ 106,904,490</b>	<b>3,975,000</b>	<b>4,537,101</b>	<b>11,372,811</b>	<b>31,701,268</b>	<b>55,318,310</b>	<b>106,904,490</b>	
	<b>Transit Capital Improvements</b>									
	Proj#	Description	Obligation	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
MST	T3	Transit Vehicle	\$ 9,098,135	1,000,000		1,000,000	2,500,000	4,598,135	9,098,135	T3
MST	T22	Intermodal Centers	7,086,678	500,000	500,000	1,500,000		4,586,678	7,086,678	T22
	<b>Subtotal Transit</b>		<b>\$ 16,184,813</b>	<b>1,500,000</b>	<b>500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>9,184,813</b>	<b>16,184,813</b>	
	<b>Transportation and Transit GRAND TOTALS</b>		<b>\$ 123,089,303</b>	<b>\$ 5,475,000</b>	<b>\$ 5,037,101</b>	<b>\$ 13,872,811</b>	<b>\$ 34,201,268</b>	<b>\$ 64,503,123</b>	<b>\$ 123,089,303</b>	

Table 3. Summary of Capital Improvement Program

	2005-16	2016-17	2017-18	2018-19	2019-20	Post-FORA	2016-17 to Post-FORA Total
<b>A. CIP PROJECTS FUNDED BY CFD DEVELOPMENT FEES</b>							
<b>Dedicated Revenues</b>							
Development Fees	\$ 33,291,262	6,739,869	9,971,892	20,705,227	32,383,933	91,096,426	160,897,347
<b>Other Revenues</b>							
Net Transfer from Property Taxes	7,824,478	422,472	788,835	1,538,504	2,751,053	-	5,500,864
Loan Proceeds - footnote (1)	7,926,754	-	-	-	-	-	-
Federal Grants - footnote (2)	6,426,754	-	-	-	-	-	-
CSU Mitigation fees	2,326,795	-	-	-	-	-	-
Miscellaneous (Rev Bonds, Interest, CFD credit)	3,578,191	25,000	-	-	-	-	25,000
<b>TOTAL REVENUES</b>	<b>\$ 61,374,234</b>	<b>7,187,342</b>	<b>10,760,726</b>	<b>22,243,731</b>	<b>35,134,986</b>	<b>91,096,426</b>	<b>166,423,211</b>
<b>Expenditures</b>							
<b>Projects</b>							
Transportation/Transit	\$ 34,241,728	5,475,000	5,037,101	13,872,811	34,201,268	64,503,123	123,089,303
Water Augmentation [CEQA Mitigation]	561,780	1,657,000	1,750,000	2,400,000	2,818,900	15,646,715	24,272,615
Transfer to Habitat Management Reserve - footnote (3)	9,803,000	2,035,440	3,011,511	6,252,979	9,779,948	13,989,206	35,069,084
Fire Rolling Stock	1,160,000	-	-	-	-	-	-
<b>Total Projects</b>	<b>45,766,508</b>	<b>9,167,440</b>	<b>9,798,612</b>	<b>22,525,790</b>	<b>46,800,116</b>	<b>94,139,044</b>	<b>182,431,002</b>
<b>Other Costs &amp; Contingency - footnote (4)</b>							
Additional CIP Costs	3,034,400	821,250	755,565	2,080,922	5,130,190	9,675,468	18,463,395
Habitat Mgt. Contingency	1,021,685	95,000	-	-	-	21,683,537	21,778,537
CIP/FORA Costs	2,223,660	650,000	650,000	650,000	650,000	-	2,600,000
Property Tax Sharing Costs	-	-	-	-	-	-	-
Prevailing Wage Coordination Costs	-	250,000	250,000	250,000	250,000	-	1,000,000
Caretaker Costs	-	34,674	172,472	288,835	500,000	-	995,981
Other Costs (Debt Service) - footnote (5)	5,595,830	-	-	-	-	-	-
<b>Total Other Costs &amp; Contingency</b>	<b>11,875,575</b>	<b>1,850,924</b>	<b>1,828,038</b>	<b>3,269,756</b>	<b>6,530,190</b>	<b>31,359,005</b>	<b>44,837,913</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 57,642,083</b>	<b>11,018,364</b>	<b>11,626,650</b>	<b>25,795,546</b>	<b>53,330,306</b>	<b>125,498,050</b>	<b>227,268,916</b>
Net Annual Revenue		(\$3,831,023)	(865,923)	(3,551,815)	(18,195,320)	(34,401,623)	(60,845,704)
Beginning Balance	\$ 1,432,934	1,432,934	(2,398,089)	(3,264,012)	(6,815,827)	(25,011,147)	1,432,934
<b>Ending Balance CFD &amp; Other</b>	<b>\$ 1,432,934</b>	<b>(\$2,398,089)</b>	<b>(\$3,264,012)</b>	<b>(\$6,815,827)</b>	<b>(\$25,011,147)</b>	<b>(\$59,412,770)</b>	<b>(\$59,412,770)</b>
<b>B. CIP PROJECTS FUNDED BY LAND SALE REVENUES</b>							
<b>Dedicated Revenues</b>							
Land Sales - footnote (6)	\$ 49,706,940	480,187	3,325,170	7,301,955	19,631,709	32,648,380	63,387,402
Land Sales - Credits	6,767,300	-	6,460,000	6,460,000	6,505,408	-	19,425,408
Other Revenues - footnote (7)	1,425,000	-	-	-	-	-	-
Loan Proceeds - footnote (1)	7,500,000	-	-	-	-	-	-
<b>TOTAL REVENUES</b>	<b>\$ 65,399,240</b>	<b>480,187</b>	<b>9,785,170</b>	<b>13,761,955</b>	<b>26,137,117</b>	<b>32,648,380</b>	<b>82,812,810</b>
<b>Expenditures</b>							
<b>Projects</b>							
Building Removal	\$ 170,000	1,000,000	4,269,844	2,319,844	-	-	7,589,688
Building Removal Credits	28,767,300	-	6,460,000	6,460,000	6,505,408	-	19,425,408
Other Costs (Loan Pay-off, Debt Financing)	17,984,924	-	-	-	-	-	-
<b>TOTAL PROJECTS</b>	<b>46,752,224</b>	<b>1,000,000</b>	<b>10,729,844</b>	<b>8,779,844</b>	<b>6,505,408</b>	<b>-</b>	<b>27,015,096</b>
<b>Other Costs &amp; Contingency - footnote (8)</b>							
Transfer to FORA Reserve	6,500,000	-	-	-	-	-	-
Building Removal Contingency	5,000,000	1,589,000	-	-	-	-	1,589,000
<b>Total Other Costs &amp; Contingency</b>	<b>11,500,000</b>	<b>1,589,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,589,000</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 58,252,224</b>	<b>2,589,000</b>	<b>10,729,844</b>	<b>8,779,844</b>	<b>6,505,408</b>	<b>-</b>	<b>28,604,096</b>
Net Annual Revenue		(2,108,813)	(944,674)	4,982,111	19,631,709	32,648,380	54,208,714
Beginning Balance	6,825,018	6,825,018	4,716,205	3,771,532	8,753,643	28,385,352	6,825,018
<b>Ending Balance Land Sales &amp; Other</b>	<b>\$ 6,825,018</b>	<b>4,716,205</b>	<b>3,771,532</b>	<b>8,753,643</b>	<b>28,385,352</b>	<b>61,033,732</b>	<b>61,033,732</b>
<b>TOTAL ENDING BALANCE-ALL PROJECTS</b>		<b>\$2,318,117</b>	<b>\$507,520</b>	<b>\$1,937,816</b>	<b>\$3,374,205</b>	<b>\$1,620,962</b>	<b>\$1,620,962</b>

### Table 3 Footnotes

- (1) “Loan Proceeds” – In FY 05-06 FORA obtained a line of credit (LOC) to ensure CIP obligations could be met in a timely manner, despite cash flow fluctuations. The LOC draw-downs were used to pay road design, construction and building removal invoices and were partially repaid by any available revenues committed to the CIP. 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. FORA sold Preston Park in FY 2015/16, retiring the loan on the property.
- (2) “Federal grants” – In FY 2010 FORA received ARRA funding to finance the construction of General Jim Moore Boulevard and Eucalyptus Road. FORA obtained a loan against its 50% share in Preston Park revenues to provide required match to the ARRA grant.
- (3) “Transfer to Habitat Management Reserve” – The ‘2005-2016’ column shows \$9.8M, which is currently held in an account building to the required Habitat Conservation Plan Endowment.
- (4) “Other Costs and Contingencies” – are subject to cash flow and demonstrated need. “Additional CIP Costs” are expenditures for transportation projects (contract change orders to the ESCA, general consulting, additional base wide expenditures, street landscaping, site conditions, project changes, additional habitat/environmental mitigation). ‘Habitat Management Contingency’ provides interim funding for UC Fort Ord Natural Reserve until adoption of HCP endowment and potential increase to cost. ‘CIP/FORA costs’ provides for FORA staff, overhead, and direct consulting costs. In FY 2015/16, the FORA Board approved Prevailing Wage and Caretaker Costs to be funded with these property taxes.
- (5) “Other Costs (Debt Service)” – payment of borrowed funds, principal and interest (see #1 ‘Loan Proceeds’).
- (6) “Land Sales” – The ‘2005-2016’ column includes land sale proceeds from the Preston Park acquisition by the City of Marina in June 2015.
- (7) “Other Revenues” – applied against building removal includes Abrams B loan repayment of \$1,425,000.
- (8) “Other Costs and Contingency” – This includes land sale proceeds to create a \$10M Reserve to fund FORA operating liabilities through 2020 and a \$5M contingency to complete building removal responsibilities, both approved in the FY 2016/17 annual budget.



**Table 4. Community Facilities District Revenue**

CFD = Table 8 unit of measure x Fee/Special Tax

Land Use: Location & Description	Land Transfer Type	2016-17	2017-18	2018-19	2019-20	Post-FORA	Totals
<b>New Residential</b>	<b>Sub-Total</b>	<b>\$ 6,339,213</b>	<b>\$ 9,248,628</b>	<b>\$ 14,523,421</b>	<b>\$ 19,620,811</b>	<b>\$ 79,124,262</b>	<b>\$ 207,980,598</b>
Marina Heights	MAR	1,797,687	3,406,144	4,257,681	4,399,603	10,975,354	35,811,824
The Promontory 2	MAR	-	-	-	-	-	-
Dunes on Monterey Bay	MAR	709,613	2,128,840	2,128,840	2,128,840	15,989,956	39,076,046
TAMC Planned	MAR	-	-	2,365,378	2,365,378	-	4,730,756
UC Planned	UC	-	-	-	2,601,916	3,074,991	8,751,899
East Garrison I	MCO	3,784,605	3,311,529	2,838,454	2,365,378	14,925,536	42,151,037
Seaside Resort Housing	SEA	47,308	47,308	94,615	141,923	2,507,301	5,345,754
Seaside Planned	SEA	-	354,807	2,838,454	2,365,378	17,976,873	41,512,385
Del Rey Oaks Planned	DRO	-	-	-	3,074,991	13,269,771	29,614,534
Other Residential Planned	Various	-	-	-	-	-	-
CSUMB Planned	CSU	-	-	-	177,403	404,480	986,363
<b>Existing/Replacement Residential</b>	<b>Sub-Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,365,378</b>	<b>\$ 4,730,756</b>	<b>\$ 11,826,890</b>
Cypress Knolls	MAR	-	-	-	2,365,378	4,730,756	11,826,890
Seaside Highlands	SEA	-	-	-	-	-	-
<b>Office</b>	<b>Sub-Total</b>	<b>\$ 19,033</b>	<b>\$ 113,079</b>	<b>\$ 69,517</b>	<b>\$ 103,822</b>	<b>\$ 272,773</b>	<b>\$ 850,997</b>
Del Rey Oaks Planned	DRO	-	81,425	-	-	-	81,425
Monterey Planned	MRY	-	-	-	36,748	110,127	257,002
East Garrison I Office Development	MCO	2,850	-	2,036	-	2,036	8,957
Imjin Office Park	MAR	-	-	-	-	-	-
Dunes on Monterey Bay	MAR	10,178	10,178	20,356	20,356	54,962	170,992
Cypress Knolls Community Center	MAR	-	3,257	-	-	-	3,257
Interim Inc. - Rockrose Gardens	MAR	-	-	-	-	-	-
Marina (Planned)	MAR	6,005	6,005	6,005	6,005	12,010	48,041
TAMC Planned	MAR	-	-	4,071	4,071	-	8,142
Seaside Planned	SEA	-	-	20,763	-	20,356	61,476
UC Planned	UC	-	12,214	16,285	36,641	73,282	211,705
<b>Industrial</b>	<b>Sub-Total</b>	<b>\$ -</b>	<b>\$ 9,975</b>	<b>\$ 12,023</b>	<b>\$ 51,444</b>	<b>\$ 32,823</b>	<b>\$ 139,086</b>
Monterey Planned	MRY	-	-	-	12,824	25,698	64,220
Industrial – City Corp. Yard	MAR	-	-	-	-	-	-
Dunes on Monterey Bay	MAR	-	5,344	5,344	9,618	-	20,305
Cypress Knolls Support Services	MAR	-	1,069	-	-	-	1,069
Marina Planned	MAR	-	-	-	-	-	-
TAMC Planned	MAR	-	-	3,117	3,117	-	6,234
Seaside Planned	SEA	-	-	-	22,322	-	22,322
UC Planned	UC	-	3,562	3,562	3,562	7,125	24,936
<b>Retail</b>	<b>Sub-Total</b>	<b>\$ 381,623</b>	<b>\$ 389,255</b>	<b>\$ 2,524,582</b>	<b>\$ 4,905,321</b>	<b>\$ 4,931,741</b>	<b>\$ 18,064,264</b>
Del Rey Oaks Planned	DRO	29,356	-	-	-	-	29,356
East Garrison I Retail	MCO	117,422	117,422	-	-	-	234,845
Cypress Knolls Community Center	MAR	-	-	-	-	-	-
Dunes on Monterey Bay	MAR	234,845	176,134	176,134	140,907	-	728,019
TAMC Planned	MAR	-	-	220,167	220,167	-	440,334
Seaside Resort Golf Clubhouse	SEA	-	95,699	-	-	-	95,699
Seaside Planned	SEA	-	-	1,761,336	4,059,880	3,963,007	13,747,229
UC Planned	UC	-	-	366,945	484,367	968,735	2,788,782
<b>Hotel (rooms)</b>	<b>Sub-Total</b>	<b>\$ -</b>	<b>\$ 210,955</b>	<b>\$ 3,575,684</b>	<b>\$ 5,337,157</b>	<b>\$ 2,004,071</b>	<b>\$ 13,131,937</b>
Del Rey Oaks Planned	DRO	-	-	-	2,900,629	-	2,900,629
Dunes - Limited Service	MAR	-	-	-	-	-	-
Dunes - Full Service	MAR	-	-	2,109,548	-	-	2,109,548
Seaside Golf Course Hotel	SEA	-	210,955	147,668	1,381,754	-	1,740,377
Seaside Golf Course Timeshares	SEA	-	-	-	-	896,558	1,793,116
Seaside Planned	SEA	-	-	1,318,468	1,054,774	1,107,513	4,588,267
UC Planned	UC	-	-	-	-	-	-
<b>TOTAL</b>		<b>\$ 6,739,869</b>	<b>\$ 9,971,892</b>	<b>\$ 20,705,227</b>	<b>\$ 32,383,933</b>	<b>\$ 91,096,426</b>	<b>\$ 160,897,347</b>

**Table 5. Land Sales Revenue**

Land sale = Table 8 estimated acreage x \$188K per acre, indexed ½% to account for land value increase over time

Land Use Location & Description	Jurisdiction	2016-17	2017-18	2018-19	2019-20	Post-FORA	Forecast Total
<b>Office</b>							
Del Rey Oaks (Planned)	DRO	\$ -	\$ 5,081,524	\$ -	\$ -	\$ -	\$ 5,081,524
Monterey (Planned)	MRY	\$ -	\$ -	\$ -	\$ 2,362,659	\$ 7,246,676	\$ 9,609,335
Cypress Knolls (Planned)	MAR	\$ -	\$ 203,261	\$ -	\$ -	\$ -	\$ 203,261
Marina (Planned)	MAR	\$ -	\$ 374,762	\$ 380,384	\$ 386,090	\$ 5,144,022	\$ 6,285,258
Seaside (Planned)	SEA	\$ -	\$ -	\$ 1,315,226	\$ -	\$ 1,328,410	\$ 2,643,636
<b>Industrial</b>							
Monterey (Planned)	MRY	\$ -	\$ -	\$ -	\$ 824,530	\$ 1,689,595	\$ 2,514,125
Cypress Knolls (Planned)	MAR	\$ -	\$ 66,695	\$ -	\$ -	\$ -	\$ 66,695
TAMC (Planned)	MAR	\$ -	\$ -	\$ 197,445	\$ 200,407	\$ -	\$ 397,852
Seaside (Planned)	SEA	\$ -	\$ -	\$ -	\$ 1,435,141	\$ -	\$ 1,435,141
<b>Retail</b>							
Cypress Knolls (Planned)	MAR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TAMC (Planned)	MAR	\$ -	\$ -	\$ 676,954	\$ 687,109	\$ -	\$ 1,364,063
Seaside (Planned)	SEA	\$ -	\$ -	\$ 5,415,635	\$ 12,670,283	\$ 28,244,481	\$ 46,330,399
Ord Shopette	MCO	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 3,645,529	\$ 4,645,529
<b>Hotel (rooms)</b>							
Del Rey Oaks (Planned)	DRO	\$ -	\$ -	\$ -	\$ 2,888,026	\$ -	\$ 2,888,026
Seaside (Planned)	SEA	\$ -	\$ -	\$ 1,293,339	\$ 1,050,191	\$ 1,136,030	\$ 3,479,560
<b>New Residential</b> **6,160 unit cap on new residential until 18,000 new jobs on Fort Ord per BRP 3.11.5.4 (b) 2) & 3.11.5.4 (c)							
TAMC (Planned)	MAR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Marina	MAR	\$ -	\$ 1,000,000	\$ 3,276,459	\$ 3,325,606	\$ 6,801,612	\$ 14,403,677
Seaside	SEA	\$ -	\$ 484,206	\$ 3,931,751	\$ 3,325,606	\$ 25,841,063	\$ 33,582,625
Del Rey Oaks	DRO	\$ -	\$ -	\$ -	\$ 17,000,000	\$ -	\$ 17,000,000
Various	Various	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>CSUMB: Land Sales</b>	CSU	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Sub-total - Estimated Land Sales</b>		<b>\$ 1,000,000</b>	<b>\$ 7,210,448</b>	<b>\$ 16,487,192</b>	<b>\$ 46,155,647</b>	<b>\$ 81,077,418</b>	<b>\$ 151,930,706</b>
FORA Share (50% of Total)		\$ 500,000	\$ 3,605,224	\$ 8,243,596	\$ 23,077,824	\$ 40,538,709	\$ 75,965,353
<b>Discounted Cash Flow 4.1% Bond Buyers Index</b>		<b>\$ 480,187</b>	<b>\$ 3,325,170</b>	<b>\$ 7,301,955</b>	<b>\$ 19,631,709</b>	<b>\$ 32,648,380</b>	<b>\$ 63,387,402</b>

Table 6. Development Forecasts Fiscal Year 2016/17 through Post-FORA: Residential

**Residential Annual Land Use Construction (dwelling units)**

Land Use Location & Description	Jurisdiction	Land Transfer Type	Built To Date	FORECAST YEAR					Forecast + Built
				2016-17	2017-18	2018-19	2019-20	Post FORA	
<b>NEW RESIDENTIAL</b>				<b>**6,160 unit cap on new residential until 18,000 new jobs on Fort Ord per BRP 3.11.5.4 (b) 2) &amp; 3.11.5.4 (c)</b>					
<b>Marina</b>									
Marina Heights (Entitled)	MAR	EDC		76	144	180	186	464	1,050
The Promontory (Entitled)	MAR	EDC		-	-	-	-	-	-
Dunes (Entitled)	MAR	EDC	261	30	90	90	90	676	1,237
TAMC (Planned)	MAR	EDC	-	-	-	100	100	-	200
<b>Marina Subtotal</b>			<b>261</b>	<b>106</b>	<b>234</b>	<b>370</b>	<b>376</b>	<b>1,140</b>	<b>2,487</b>
<b>Seaside</b>									
UC (Planned)	UC	EDC	-	-	-	-	110	130	240
East Garrison I (Entitled)	MCO	EDC	319	160	140	120	100	631	1,470
Seaside Highlands (Entitled)	SEA	Sale	152	-	-	-	-	-	152
Seaside Resort (Entitled)	SEA	Sale	5	2	2	4	6	106	125
Seaside (Planned)	SEA	EDC	-	-	15	120	100	760	995
<b>Seaside Subtotal</b>			<b>476</b>	<b>162</b>	<b>157</b>	<b>244</b>	<b>316</b>	<b>1,627</b>	<b>2,982</b>
<b>Other</b>									
Del Rey Oaks (Planned)	DRO	EDC	-	-	-	-	130	561	691
Other Residential (Planned)	Various	-	-	-	-	-	-	-	-
<b>Other Subtotal</b>			<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>130</b>	<b>561</b>	<b>691</b>
<b>TOTAL NEW RESIDENTIAL</b>			<b>737</b>	<b>268</b>	<b>391</b>	<b>614</b>	<b>822</b>	<b>3,328</b>	<b>6160**</b>
<b>EXISTING/REPLACEMENT RESIDENTIAL</b>									
Preston Park (Entitled)	MAR	EDC	352	-	-	-	-	-	352
Cypress Knolls (Planned)	MAR	EDC		-	-	100	100	200	400
Abrams B (Entitled)	MAR	EDC	192	-	-	-	-	-	192
MOCO Housing Authority (Entitled)	MAR	EDC	56	-	-	-	-	-	56
Shelter Outreach Plus (Entitled)	MAR	EDC	39	-	-	-	-	-	39
VTC (Entitled)	MAR	EDC	13	-	-	-	-	-	13
Interim Inc (Entitled)	MAR	EDC	11	-	-	-	-	-	11
Sunbay (Entitled)	SEA	Sale	297	-	-	-	-	-	297
Bayview (Entitled)	SEA	Sale	225	-	-	-	-	-	225
Seaside Highlands (Entitled)	SEA		228	-	-	-	-	-	228
<b>TOTAL EXISTING/REPLACE</b>			<b>1,413</b>	<b>-</b>	<b>-</b>	<b>100</b>	<b>100</b>	<b>200</b>	<b>1,813</b>
<b>CSUMB (Planned)</b>									
				-	-	-	150	342	492
<b>TOTAL RESIDENTIAL UNITS</b>			<b>2,150</b>	<b>268</b>	<b>391</b>	<b>714</b>	<b>1,072</b>	<b>3,870</b>	<b>8,465</b>

Table 7. Development Forecasts Fiscal Year 2016/17 through Post-FORA: Non-Residential

**Non-Residential Annual Land Use Construction (building square feet or hotel rooms per year)**

Land Use Location & Description	Jurisdiction	Built To Date	FORECAST YEAR					Forecast + Built
			2016-17	2017-18	2018-19	2019-20	Post FORA	
<b>NON-RESIDENTIAL</b>								
<b><u>Office</u></b>								
Del Rey Oaks (Planned)	DRO	-	-	400,000	-	-	-	400,000
Monterey (Planned)	MRY	-	-	-	-	180,524	541,000	721,524
East Garrison I (Entitled)	MCO	-	14,000	-	10,000	-	10,000	34,000
Imjin Office Park (Entitled)	MAR	28,000	-	-	-	-	-	-
Dunes (Entitled)	MAR	190,000	50,000	50,000	100,000	100,000	270,000	570,000
Cypress Knolls (Planned)	MAR	-	-	16,000	-	-	-	16,000
Interim Inc. (Entitled)	MAR	14,000	-	-	-	-	-	-
Marina (Planned)	MAR	-	29,500	29,500	29,500	29,500	59,000	177,000
TAMC (Planned)	MAR	-	-	-	20,000	20,000	-	40,000
Seaside (Planned)	SEA	14,900	-	-	102,000	-	100,000	202,000
UC (Planned)	UC	-	-	60,000	80,000	180,000	360,000	680,000
<b><u>Industrial</u></b>								
Monterey (Planned)	MRY	-	-	-	-	72,000	144,275	216,275
Marina CY (Entitled)	MAR	12,300	-	-	-	-	-	-
Dunes (Entitled)	MAR	-	-	30,000	30,000	54,000	-	114,000
Cypress Knolls (Planned)	MAR	-	-	6,000	-	-	-	6,000
Marina Airport (Entitled)	MAR	250,000	-	-	-	-	-	-
TAMC (Planned)	MAR	-	-	-	17,500	17,500	-	35,000
Seaside (Planned)	SEA	-	-	-	-	125,320	-	125,320
UC (Planned)	UC	38,000	-	20,000	20,000	20,000	40,000	100,000
<b><u>Retail</u></b>								
Del Rey Oaks (Planned)	DRO	-	5,000	-	-	-	-	5,000
East Garrison I (Entitled)	MCO	-	20,000	20,000	-	-	-	40,000
Cypress Knolls (Planned)	MAR	-	-	-	-	-	-	-
Dunes (Entitled)	MAR	418,000	40,000	30,000	30,000	24,000	-	124,000
TAMC (Planned)	MAR	-	-	-	37,500	37,500	-	75,000
Seaside Resort (Entitled)	SEA	-	-	16,300	-	-	-	16,300
Seaside (Planned)	SEA	-	-	-	300,000	691,500	675,000	1,666,500
UC (Planned)	UC	-	-	-	62,500	82,500	165,000	310,000
		<b>965,200</b>	<b>158,500</b>	<b>677,800</b>	<b>839,000</b>	<b>1,634,344</b>	<b>2,364,275</b>	<b>5,673,919</b>
<b>HOTEL ROOMS</b>								
<b><u>Hotel (rooms)</u></b>								
Del Rey Oaks (Planned)	DRO	-	-	-	-	550	-	550
Dunes (Entitled)	MAR	108	-	-	-	-	-	-
Dunes (Entitled)	MAR	-	-	-	400	-	-	400
Seaside Resort (Entitled)	SEA	-	-	40	28	262	-	330
Seaside Resort TS (Entitled)	SEA	-	-	-	-	-	170	170
Seaside (Planned)	SEA	-	-	-	250	200	210	660
UC (Planned)	UC	-	-	-	-	-	-	-
		<b>108</b>	<b>-</b>	<b>40</b>	<b>678</b>	<b>1,012</b>	<b>380</b>	<b>2,110</b>

**Table 8. Development Forecasts Fiscal Year 2016/17 through Post-FORA: by Acre**  
 (Acre = Development forecast sq. ft. / FAR / 43,560)

**Estimated Acreage**

Land Use Location & Description	Jurisdiction	FAR	FORECAST YEAR					Forecast Total
			2016-17	2017-18	2018-19	2019-20	Post FORA	
<b>NON-RESIDENTIAL:</b>	<b>Acre =</b>	<b>43,560</b>						
<b>Office</b>		<b>0.35</b>						
Del Rey Oaks (Planned)	DRO	0.35	-	26.24	-	-	-	26.24
Monterey (Planned)	MRY	0.35	-	-	-	11.84	35.48	47.33
East Garrison I (Entitled)	MCO	0.35	0.92	-	0.66	-	0.66	2.23
Imjin Office Park (Entitled)	MAR	0.35	-	-	-	-	-	-
Dunes (Entitled)	MAR	0.35	3.28	3.28	6.56	6.56	17.71	37.39
Cypress Knolls (Planned)	MAR	0.35	-	1.05	-	-	-	1.05
Interim Inc. (Entitled)	MAR	0.35	-	-	-	-	-	-
Marina (Planned)		0.35	1.93	1.93	1.93	1.93	3.87	11.61
TAMC (Planned)	MAR	0.35	-	-	1.31	1.31	-	2.62
Seaside (Planned)	SEA	0.35	-	-	6.69	-	6.56	13.25
UC (Planned)	UC	0.35	-	3.94	5.25	11.81	23.61	44.60
<b>Industrial</b>		<b>0.40</b>						
Monterey (Planned)	MRY	0.40	-	-	-	4.13	8.28	12.41
Marina CY (Entitled)	MAR	0.40	-	-	-	-	-	-
Dunes (Entitled)	MAR	0.40	-	1.72	1.72	3.10	-	6.54
Cypress Knolls (Planned)	MAR	0.40	-	0.34	-	-	-	0.34
Marina Airport (Entitled)	MAR	0.40	-	-	-	-	-	-
TAMC (Planned)	MAR	0.40	-	-	1.00	1.00	-	2.01
Seaside (Planned)	SEA	0.40	-	-	-	7.19	-	7.19
UC (Planned)	UC	0.40	-	1.15	1.15	1.15	2.30	5.74
<b>Retail</b>		<b>0.25</b>						
Del Rey Oaks (Planned)	DRO	0.25	0.46	-	-	-	-	0.46
East Garrison I (Entitled)	MCO	0.25	1.84	1.84	-	-	-	3.67
Cypress Knolls (Planned)	MAR	0.25	-	-	-	-	-	-
Dunes (Entitled)	MAR	0.25	3.67	2.75	2.75	2.20	-	11.39
TAMC (Planned)	MAR	0.25	-	-	3.44	3.44	-	6.89
Seaside Resort (Entitled)	SEA	0.25	-	1.50	-	-	-	1.50
Seaside (Planned)	SEA	0.25	-	-	27.55	63.50	61.98	153.03
UC (Planned)	UC	0.25	-	-	5.74	7.58	15.15	28.47
<b>TOTAL ACRES: NON-RESIDENTIAL</b>			<b>12.10</b>	<b>45.74</b>	<b>65.76</b>	<b>126.75</b>	<b>175.60</b>	<b>425.95</b>
<b>HOTEL ROOMS</b>								
<b>Hotel (rooms)</b>		<b>38</b>						
Del Rey Oaks (Planned)	DRO	38	-	-	-	14.47	-	14.47
Dunes Marriot (Entitled)	MAR	38	-	-	-	-	-	-
Dunes Hotel TBD (Entitled)	MAR	38	-	-	10.53	-	-	10.53
Seaside Resort (Entitled)	SEA	38	-	1.05	0.74	6.89	-	8.68
Seaside Resort Time Shares (Entitled)	SEA	38	-	-	-	-	4.47	4.47
Seaside (Planned)	SEA	38	-	-	6.58	5.26	5.53	17.37
UC (Planned)	UC	38	-	-	-	-	-	-
<b>TOTAL ACRES: HOTEL</b>			<b>-</b>	<b>1.05</b>	<b>17.84</b>	<b>26.63</b>	<b>10.00</b>	<b>55.53</b>

(Table 8 continues onto next page.)

Notes: Unless specific estimates are available for a project, the acreage shown in this table is based on building square foot estimates and a Floor-Area Ratio (FAR) of 0.35 for office, 0.4 for industrial, and 0.25 for retail. Hotel Density assumes 31.5 units/acre (U/D), residential 6 U/D.

**Table 8 continued. Development Forecasts Fiscal Year 2016/17 through Post-FORA: by Acre**  
 (Acre = Development forecast sq. ft. / FAR / 43,560)

Land Use Location & Description	Jurisdiction	FAR	FORECAST YEAR					Forecast Total
			2016-17	2017-18	2018-19	2019-20	Post FORA	
<b>NEW RESIDENTIAL</b>			<b>**6,160 unit cap on new residential until 18,000 new jobs on Fort Ord per BRP 3.11.5.4 (b)2 &amp; (c)</b>					
<b><i>Marina</i></b>								
Marina Heights (Entitled)	MAR	6	13	24	30	31	77	175
The Promontory 2 (Planned)	MAR	6	-	-	-	-	-	-
Dunes (Entitled)	MAR	6	5	15	15	15	113	163
TAMC (Planned)	MAR	6	-	-	17	17	-	33
<b><i>Seaside</i></b>								
UC (Planned)	UC	6	-	-	-	18	22	40
East Garrison I (Entitled)	MCO	6	27	23	20	17	105	192
Seaside Resort (Entitled)	SEA	6	0	0	1	1	18	20
Seaside (Planned)	SEA	6	-	3	20	17	127	166
<b><i>Other</i></b>								
Del Rey Oaks (Planned)	DRO	6	-	-	-	22	94	115
Other Residential (Planned)	Various	6.00	-	-	-	-	-	-
<b>TOTAL ACRES: NEW RESIDENTIAL</b>			<b>45</b>	<b>65</b>	<b>102</b>	<b>137</b>	<b>555</b>	<b>904</b>
<b>EXISTING/REPLACEMENT RESIDENTIAL</b>								
Preston Park (Entitled)	MAR	6	-	-	-	-	-	-
Cypress Knolls (Planned)	MAR	6	-	-	17	17	33	67
Abrams B (Entitled)	MAR	6	-	-	-	-	-	-
MOCO Housing Authority (Entitled)	MAR	6	-	-	-	-	-	-
Shelter Outreach Plus (Entitled)	MAR	6	-	-	-	-	-	-
VTC (Entitled)	MAR	6	-	-	-	-	-	-
Interim Inc (Entitled)	MAR	6	-	-	-	-	-	-
Sunbay (Entitled)	SEA	6	-	-	-	-	-	-
Bayview (Entitled)	SEA	6	-	-	-	-	-	-
Seaside Highlands (Entitled)	SEA	6	-	-	-	-	-	-
<b>TOTAL ACRES: EXISTING/REPLACE</b>			<b>-</b>	<b>-</b>	<b>17</b>	<b>17</b>	<b>33</b>	<b>67</b>
<b>ACRES: CSUMB RESIDENTIAL</b>			<b>6</b>	<b>-</b>	<b>-</b>	<b>25</b>	<b>57</b>	<b>82</b>
Sources: FORA, Annette Yee and Company, Economic and Planning Systems; MuniFinancial.								
<b>TOTAL ACREAGE</b>			<b>56.77</b>	<b>111.96</b>	<b>202.60</b>	<b>332.05</b>	<b>830.60</b>	<b>1,533.98</b>

Notes: Unless specific estimates are available for a project, the acreage shown in this table is based on building square foot estimates and a Floor-Area Ratio (FAR) of 0.35 for office, 0.4 for industrial, and 0.25 for retail. Hotel Density assumes 31.5 units/acre (U/D), residential 6 U/D.

Table 9. Estimated Property Taxes Fiscal Year 2016/17 through Post-FORA

Land Use Location & Description	Per Acre Assumption	2016-17	2017-18	2018-19	2019-20	Post-FORA	Built To Date	Forecast + Built
NON-RESIDENTIAL		\$ 36,490,500	\$ 140,828,000	\$ 189,139,500	\$ 350,569,612	\$ 518,047,500	\$ 189,209,700	\$ 1,424,284,812
HOTEL ROOMS	\$ 141,000	\$ -	\$ 5,640,000	\$ 95,598,000	\$ 142,692,000	\$ 53,580,000	\$ 15,228,000	\$ 312,738,000
NEW RESIDENTIAL	\$ 141,000	\$ 37,788,000	\$ 55,131,000	\$ 86,574,000	\$ 100,392,000	\$ 450,918,000	\$ 103,917,000	\$ 868,560,000
EXISTING/REPLACE RES	\$ 141,000	\$ -	\$ -	\$ 14,100,000	\$ 14,100,000	\$ 28,200,000	\$ 149,601,000	\$ 206,001,000
CSUMB RESIDENTIAL		\$ -	\$ -	\$ -	\$ 21,150,000	\$ 48,222,000	\$ -	\$ 21,150,342

<b>TOTAL</b>		<b>\$ 74,278,500</b>	<b>\$ 201,599,000</b>	<b>\$ 385,411,500</b>	<b>\$ 628,903,612</b>	<b>\$ 1,050,745,842</b>	<b>\$ 457,955,700</b>	<b>\$ 2,832,734,154</b>
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FORA PROJECTION 16/17						
2% Max Property Value Escalation - Proposition 13	\$ 75,764,070	\$ 209,743,600	\$ 409,001,767	\$ 680,745,495	\$ 1,050,745,842	
Discount Cash Flow - Bond Buyers Index	\$ 72,761,913	\$ 193,450,718	\$ 362,282,727	\$ 579,092,626	\$ 1,050,745,842	
Net Cash Inflow (CUM) including previous years	\$ 909,519,323	\$ 1,102,970,041	\$ 1,465,252,768	\$ 2,044,345,394	\$ 4,030,822,951	
Net Present Value	\$ 909,519,323	\$ 1,102,970,041	\$ 1,498,819,065	\$ 2,139,082,764	\$ 4,514,160,677	
Property Tax assessment 1%	\$ 9,095,193	\$ 11,029,700	\$ 14,988,191	\$ 21,390,828	\$ 45,141,607	
Less housing set aside (20%)	\$ (1,819,039)	\$ (2,205,940)	\$ (2,997,638)	\$ (4,278,166)	\$ (9,028,321)	
Property Tax net of housing set aside	\$ 7,276,155	\$ 8,823,760	\$ 11,990,553	\$ 17,112,662	\$ 36,113,285	
Tier 1	\$ (982,602)	\$ (1,191,598)	\$ (1,619,255)	\$ (2,310,966)	\$ (4,876,890)	
Tier 2	\$ (825,386)	\$ (1,000,942)	\$ (1,360,174)	\$ (1,941,211)	\$ (4,096,586)	
Tier 3	\$ -	\$ -	\$ -	\$ -	\$ -	
Annual net property tax	\$ 5,468,166	\$ 6,631,221	\$ 9,011,124	\$ 12,860,486	\$ 27,139,809	
FORA Property Tax (35%)	\$ 1,913,858	\$ 2,320,927	\$ 3,153,894	\$ 4,501,170	\$ 9,498,933	
Forecast Estimate - 90% of Property Tax	\$ 1,722,472	\$ 2,088,835	\$ 2,838,504	\$ 4,051,053	\$ 8,549,040	
Operating Costs	\$ (1,300,000)	\$ (1,300,000)	\$ (1,300,000)	\$ (1,300,000)	\$ (1,300,000)	
<b>Property Tax Transfer to CIP</b>	<b>\$ 422,472</b>	<b>\$ 788,835</b>	<b>\$ 1,538,504</b>	<b>\$ 2,751,053</b>	<b>\$ 7,249,040</b>	

## APPENDICES

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A. PROTOCOL FOR REVIEW/REPROGRAMMING OF FORA CIP	A-1
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## Appendix A: Protocol for Review/Reprogramming of FORA CIP (Revised June 10, 2016)

1) Conduct quarterly meetings with the CIP Committee and/or Administrative Committee. Staff representatives from the California Department of Transportation (CALTRANS) and AMBAG may be requested to participate and provide input.

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. In order to prioritize projects, the following criteria were established:

- 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 FORA Board has set the top two Transportation Priorities as Eastside Parkway and South Boundary Road. The CIP/Administrative Committee determines the remaining projects priorities. The committee is responsible for recommending project priorities and balancing projected project costs against projected revenues.

### Evidence Based Prioritization

Staff asks Administrative Committee members to weight the eight criteria (see previous list of eight bullets) through anonymous polling to reach consensus. The weighting resulting in assigning a higher multiplication factor to some criteria and a lower factor to other criteria. Following the weighting process, staff takes a poll of the committee members asking that they score each project by the eight criteria. Staff multiplies the project scores by the assigned weights, resulting in a score identifying the Transportation/Transit priorities from highest to lowest. Staff then presents the results to the Administrative Committee for further discussion.

To further clarify the criteria, the following definitions were agreed upon by the committee during the 2015/16 Fiscal Year. For each criterion, a measurable scale (1-5) has been created by which to measure the criterion’s impact.

#### **a) Project is necessary to mitigate reuse plan**

All projects on the list are necessary to mitigate the reuse plan. In order to prioritize the transportation projects, it is necessary to determine the amount of mitigation a proposed roadway could have on existing roadways. Therefore, this criteria is defined by the Level-Of-Service (LOS) ranking, determined by the North American Highway Capacity Manual which measures the amount of time a vehicle stays in one spot on a road from the shortest amount of time to the longest (A-F). This is a function of travel speed, congestion, and the amount of cars on the road. This criterion asks the CIP committee to provide its best informed estimate on the impact of each project in terms of LOS.

Use this scale to estimate the mitigation effect on an impacted roadway(s) in terms of Highway Capacity Manual's Level of Service (LOS):

1. Decreases the LOS on existing roadways (increases the travel time, congestion etc. . .)

2. LOS stays the same on existing roadways
3. LOS is increased one level up (i.e from C to B)
4. LOS is increased two levels up (i.e. C to A)
5. LOS is increased two levels up from a D, E, or F (i.e. from D to B)

**b) Project environmental/design is complete**

The concept behind this criterion is to determine how ready a project is for implementation and assesses how close a project is to breaking ground in relation to key project milestones.

Use this scale to rate a project by the Key milestones:

1. California Environmental Quality Act (CEQA) Review Initiated
2. CEQA Review Complete
3. 90% Design Complete
4. Design Approval Complete
5. Notice to Proceed has been issued

**c) Project can be completed prior to FORA's 2020 transition**

Use this criterion to assess the proposed project's likeliness to complete the project on-time and on-budget prior to 2020.

Use this scale to rate the likeliness of completion:

1. Not Probable by 2020
2. Not Likely to be on-time/budget by 2020
3. Likely to be completed by 2020
4. Likely to be completed before 2019
5. Likely to be completed before 2018

**d) Uses FORA CIP funding as matching funds to leverage grant dollars**

Use this criterion to assess the likelihood a project is to gain matching funds or grants in the next three years if FORA assigns resources to the project.

Use this scale to rate the likeliness of obtaining matching/additional funding:

1. Not Possible in 3 years (July 2019)
2. Not Likely to gain funding in 3 years (July 2019)
3. Likely to gain funding in 3 years (July 2019)
4. Likely to gain funding in 2 years (July 2018)
5. Likely to gain funding in 18 months (January 2018)

**e) Project can be coordinated with other agencies projects**

The concept behind this criterion is to facilitate roadway connectivity and to determine if economies of scale (cost advantages obtained due to increased scope) are possible through planning/implementing projects in succession or in parallel with another infrastructure project. Use estimated time between the completion of one project and notice to proceed of adjacent projects to determine the level of coordination.

Use this scale to determine the level of coordination with other agencies:

1. Cannot be run in succession/parallel with another project
2. Can be run in succession/parallel with another project
3. Can be run in succession/parallel with another project AND creates an economy of scale (cost advantages obtained due to increased scope)
4. Can be run in succession/parallel with another project AND creates an economy of scale on both projects

5. Can be run in succession/parallel with another project AND creates an economy of scale on both projects AND saves time

**f) Project furthers inter-jurisdictional equity**

Inter-Jurisdictional equity refers to the concept that FORA complete roadway obligations while being fair to each of the land-use jurisdictions. For the purposes of this assessment, the geographical location of the project determines the owning jurisdiction even though a project in another jurisdiction might benefit.

Use this criterion to assess if the resources assigned to this project would create an imbalance in the distribution of resources to the land-use jurisdictions:

1. Would create a major change in the balance favoring one jurisdiction
2. Would create a minor change in the balance favoring one jurisdiction
3. The estimated change would be a net gain
4. Would create a minor change restoring, or furthering, the balance
5. Would create a major change restoring, or furthering, the balance

**g) Supports jurisdictions "flagship" project**

A "flagship project" is a single project on the former Fort Ord lands which a jurisdiction gives priority regarding its resources.

- a. Marina = The Dunes on Monterey Bay
- b. Seaside = Seaside Resort
- c. Monterey County = East Garrison
- d. City of Monterey = Business Park
- e. Del Rey Oaks = 73 Acres

Use this criterion to assess the amount of support a CIP project will give to Flagship projects:

1. Project provides infrastructure within ¼ mile of a Flagship project
2. Project provides infrastructure to the project area
3. Flagship project is dependent upon project being completed
4. Project enables Flagship projects to establish revenue to jurisdiction
5. Project is able to provide 2 or more benefits listed above.

**h) Project nexus to jurisdictional development programs:**

For prioritization, bias is set on links that can equitably feed multiple development programs. The concept of development programs are projects which increase Economic Development and job creation first, then increase resource support such as housing and shopping. Realistically, housing may precede jobs; however, FORA seeks to prioritize Economic Development.

Use this criterion to assess the impact of a roadway on developments:

1. The project will not create a roadway link for the development
2. Creates a roadway link to a future development, but there is currently no ongoing development project
3. Creates a roadway link and implementation coincides with future development projects
4. The project creates a roadway link and supports ongoing development projects
5. The project creates a roadway link and supports ongoing developments in two or more jurisdictions

- 2) Under this Protocol, The Administrative Committee is to 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 base-wide project obligations include transportation/transit, water augmentation, storm drainage, habitat management, building removal and firefighting enhancement.

This protocol describes the method by which the base-wide 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..."<sup>1</sup>

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 (ENRs 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 2016. 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.

## Appendix B: Building Removal Program to Date

### 1996 FORA Pilot Deconstruction Project (PDP)

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.

### 1997 FORA Survey for Hidden Asbestos

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.

## **1998 FORA Hierarchy of Building Reuse**

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

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

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.

## **1999 FORA Lead-Based Paint Remediation Demonstration Project**

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.

## **2001 FORA Waste Characterization Protocol**

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.

### **2002 FORA Building Removal for 12th Street/Imjin Parkway**

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.

### **2003 FORA Building Removal for 2nd Avenue Widening**

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.

### **2004 FORA/CSUMB oversight Private Material Recovery Facility Project**

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.

### **2005 The Dunes WWII Building Removal**

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.

### **2006 - 2007 East Garrison Building Removal**

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

### **2007 Imjin Office Park Building Removal**

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

### **2003 – 2013 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

### **2011 FORA Removal of Building 4470 in Seaside**

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.

### **2011 FORA/CSUMB Korean War Concrete Building Removal Grant Application**

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 Campus and Seaside Surplus II 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. After multiple applications this grant application was not funded. In 2015 FORA determined to work directly with Seaside to address the Seaside Surplus II Korean Era cement buildings without OEA assistance.

### **2013 CSUMB Korean War Concrete Building Removal**

In late 2013 the California State University system announced \$30M in funding awarded for CSUMB campus building removal over a six months to two year period. As CSUMB implemented their building removal program, FORA and the City of Seaside worked closely with CSUMB to incorporate lessons learned, costing and building removal techniques into the Deconstruction/Building Removal Business Plan.

### **2015 FORA/Seaside Surplus II Korean War Concrete Building Removal**

Surplus II is the northeast gateway to the City of Seaside and CSUMB with Gigling Road on its southern boundary; a major artery into and out of Seaside, and difficult for police to patrol and abuts the CSUMB campus. The Seaside Surplus II area also abuts occupied military homes and the Department of Defense building on Gigling Road. Portions of the Seaside Surplus II area surround existing buildings reused in place, including the Presidio of Monterey Police station, Monterey College of Law, Monterey Peninsula College Police Officer Training Academy and National Guard buildings. The dilapidated buildings have been vandalized, copper wiring and piping has been stolen, and windows and doors have been broken. The multi-story buildings do not have elevators, are not ADA compliant, and none meet earthquake safety codes.

In late 2015 FORA staff met with Seaside to coordinate the application of FORA Building removal obligation funds to the Surplus II, knowing that FORA's funds would not be enough to remove all the hazardous materials and buildings from the site. Seaside and FORA staff determined that the first step to knowing what was involved in removing buildings from Surplus II was to survey the buildings for Hazardous

materials and commission a hazardous materials removal estimate. In early 2016 FORA releases an Request for Proposals and competitively selected an Industrial Hygienist firm to provide hazardous material surveys in Surplus II. The surveys and a hazardous materials removal estimate is estimated to be complete in mid-2016.

#### **2016 Marina Stockade Removal 2016**

In 2016 FORA staff met with the City of Marina to begin the coordination to have access to the Marina Stockade site which currently host Los Animas concrete production and operations under a lease from the City of Marina. Marina is taking the lead in negotiating with Los Animas for access to the building for removal. FORA will commission the Stockade hazardous material surveys while access is being coordinated. Once the surveys are complete and access is achieved, FORA will begin building removal.

## Appendix C: Jurisdiction-Incurred Caretaker Costs Reimbursement Policy

Caretaker costs were first described in the Fiscal Year (FY) 01/02 FORA Capital Improvement Program (CIP) as: “Costs associated with potential delays in redevelopment and represent interim capital costs associated with property maintenance prior to transfer for development.”

FORA Assessment District Counsel opined that FORA Community Facilities District Special Tax payments cannot fund caretaker costs. For this reason, caretaker costs would be funded through FORA’s 50% share of land sale proceeds on former Fort Ord, any reimbursements to those fund balances, or other designated resources.

As a result of the FY 11/12 and FY 12/13 Phase II CIP Review analysis prepared by Economic & Planning Systems, Inc., FORA agreed to reimburse its five member jurisdictions (County of Monterey and Cities of Seaside, Marina, Del Rey Oaks, and Monterey) for these expenses based on past experience, provided sufficient land sale revenue is available and jurisdictions are able to demonstrate property management/caretaker costs. Based on previous agreements between the U.S Army and the City of Marina, City of Seaside and County of Monterey, *examples* of caretaker costs include the following: tree trimming, mowing, pavement patching, centerline/stenciling, barricades, traffic signs, catch basin/storm drain maintenance, vacant buildings, vegetation control/spraying, paving/slurry seal, and administration (10% of total costs).

For clarification purposes, FY 15/16 caretaker costs funding is limited to the amount listed in the FORA FY 15/16 CIP (Table 5 – Land Sales Revenue), which is \$150,000. Future FORA annual CIP’s will establish caretaker costs reimbursement funding as described in the next paragraph.

For implementation, this policy clarifies that FORA funding for caretaker costs shall be determined by allocating a maximum of \$500,000 in the prior fiscal year’s property taxes collected and designated to the FORA CIP. For example, if \$525,000 in property taxes is collected and designated to the FORA CIP during FY 15/16, then FORA will program a maximum of \$500,000 for the five member jurisdictions’ eligible caretaker costs. Each subsequent year, the maximum funding for caretaker costs may be decreased assuming that, as land transfers from jurisdictions to third-party developers, jurisdictions’ caretaker costs will decrease. If FORA does not collect and designate to the CIP sufficient property taxes in a given fiscal year to fund the maximum amount of caretaker costs allowed that fiscal year, the actual amount of property taxes collected and designated to the CIP during the fiscal year shall be used to determine the amount of caretaker costs funding. FORA shall set caretaker costs funding through the approved FORA CIP.

For a member jurisdiction to be eligible for caretaker costs reimbursement:

- 1) Costs must be described using the Caretaker Costs Worksheet (**Exhibit A**) and submitted to FORA by January 31 (1<sup>st</sup> deadline) and March 31 (2<sup>nd</sup> deadline) of each year;
- 2) FORA staff must provide a written response within 30 days denying or authorizing, in part or in whole, the Caretaker Costs Worksheet in advance of the expenditure. FORA may request additional information from the member jurisdiction within 15 days of receiving the Caretaker Costs Worksheet. FORA shall provide reasons for caretaker costs reimbursement denial in its written response;
- 3) Eligible costs must be within the total amount approved in the current CIP, which shall be divided into five equal amounts, one for each of the five member jurisdictions. For

example, if FORA is able to allocate \$100,000 in caretaker costs in a fiscal year, each jurisdiction shall have the ability to request up to \$20,000 in caretaker cost reimbursements. If a member jurisdiction does not submit a Caretaker Costs Worksheet to FORA by January 31 of each year, it forfeits its caretaker costs allocation for the fiscal year. Such unallocated dollars shall be available through March 31 (2<sup>nd</sup> deadline) (see #1 above) to the jurisdictions who submitted Caretaker Costs Worksheets to FORA by January 31; and

- 4) FORA staff must verify completion of caretaker costs work items through site visits prior to work initiation and after work completion.

FORA shall establish an emergency set aside of up to \$75,000 in the FY 16/17 CIP budget for urgent and unforeseen caretaker costs. The process for requesting these funds shall be the same as described above except there will not be a deadline for submitting the request.



# FORT ORD REUSE AUTHORITY CARETAKER COST WORKSHEET

Date: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

Point of Contact: \_\_\_\_\_

Contact number/email: \_\_\_\_\_

*Please answer the following questions and submit to the Fort Ord Reuse Authority for a determination of eligibility for caretaker cost reimbursement:*

1. Is the property where the Caretaker Costs are planned owned by the jurisdiction?
  - Yes
  - No
2. What is/are the Army Corps of Engineers parcel number(s)? \_\_\_\_\_
3. Check all Caretaker Cost work item categories that apply to the current request:
  - Tree trimming
  - Mowing
  - Pavement patching
  - Centerline/stenciling
  - Barricades
  - Traffic signs
  - Catch basins/storm drain maintenance
  - Barriers to vacant buildings
  - Vegetation control/spraying
  - Paving/slurry seal
  - Administration (up to 10% of total costs)
  - Other: \_\_\_\_\_
4. Provide a specific description of the proposed Caretaker Cost work:
 

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_
5. Provide a description of potential benefit from completion of Caretaker work items (such as improved public health, public safety, reduced fire risk, etc.):
 

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_
6. Provide a detailed budget of proposed Caretaker Costs with estimated costs (if caretaker work is approved for reimbursement, FORA staff will use this budget to verify work completion and issue reimbursements):
 

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Appendix D. Marina Coast Water District 5-year CIP

Marina Coast Water District DRAFT Five-Year CIP										
CIP No.	PROJECT DESCRIPTION	FY 2015-16 Prior Year	FY 2016-17 Current Year	FY 2017-18 Proposed	FY 2018-19 Proposed	FY 2019-20 Proposed	FY 2020-21 Proposed	OUT YEARS	TOTAL	CATEGORY
OW-0000	<b>Ord Water</b>									
OW-0223	Well 30 Pump Replacement	\$105,000	\$0	\$0	\$0	\$0	\$0	\$0	\$105,000	E
OW-0206	Inter-Garrison Road Pipeline Up-Sizing	\$167,485	\$536,639	\$0	\$0	\$0	\$0	\$0	\$704,124	E
OW-0128	Lightfighter B" Zone Pipeline Extension "	\$32,000	\$335,800	\$0	\$0	\$0	\$0	\$0	\$367,800	M
OW-0201	Gigling Transmission from D Booster to JM Blvd	\$0	\$0	\$109,100	\$332,100	\$0	\$0	\$0	\$441,200	E
OW-0115	SCADA System Improvements -Phase II	\$240,697	\$296,935	\$0	\$0	\$0	\$0	\$0	\$537,632	E
OW-0211	Eastside Parkway (D-Zone pipeline)	\$0	\$0	\$415,632	\$2,498,444	\$0	\$0	\$0	\$2,914,076	M
OW-0193	Imjin Parkway Pipeline, Reservation Rd to Abrams Drive	\$0	\$0	\$52,000	\$460,800	\$0	\$0	\$0	\$512,800	E
OW-0119	Demolish D-zone Reservoir	\$0	\$0	\$17,900	\$160,700	\$0	\$0	\$0	\$178,600	E
OW-0230	Wellfield Main 2B -Well 31 to Well 34	\$0	\$0	\$164,400	\$167,700	\$518,300	\$0	\$0	\$850,400	E
OW-0129	Rehabilitate Well 31	\$0	\$0	\$1,707,438	\$0	\$0	\$0	\$0	\$1,707,438	E
OW-0127	CSUMB Pipeline Up-Sizing -Commercial Fireflow	\$0	\$0	\$38,311	\$117,231	\$0	\$0	\$0	\$155,542	E
OW-0203	7th Avenue and Gigling Rd	\$0	\$0	\$61,990	\$189,689	\$0	\$0	\$0	\$251,679	E
OW-0202	South Boundary Road Pipeline	\$0	\$0	\$205,000	\$1,289,000	\$0	\$0	\$0	\$1,494,000	M
OW-0122	Replace D & E Reservoir Off-Site Piping	\$0	\$0	\$0	\$0	\$0	\$1,016,400	\$0	\$1,016,400	E
OW-0167	2nd Ave extension to Gigling Rd	\$0	\$0	\$0	\$0	\$0	\$272,400	\$0	\$272,400	E
OW-0118	B4" Zone Tank @ East Garrison "	\$0	\$0	\$0	\$0	\$0	\$0	\$3,116,949	\$3,116,949	S
OW-0212	Reservoir D2" + D-BPS Up-Size "	\$0	\$0	\$0	\$0	\$0	\$0	\$3,997,826	\$3,997,826	E
OW-0208	Pipeline Up-Sizing -to Stockade	\$0	\$0	\$0	\$0	\$0	\$0	\$709,391	\$709,391	S
OW-0209	Pipeline Up-Sizing -between Dunes & MainGate	\$0	\$0	\$0	\$0	\$0	\$0	\$220,050	\$220,050	M
OW-0210	Sand Tank Demolition	\$0	\$0	\$0	\$0	\$0	\$0	\$542,078	\$542,078	E
OW-0204	2nd Ave Connection, Reindollar to Imjin Pkwy	\$0	\$0	\$0	\$0	\$0	\$0	\$1,214,489	\$1,214,489	E
OW-0214	Imjin Road, 8th St. to Imjin Pkwy	\$0	\$0	\$0	\$0	\$0	\$0	\$1,104,081	\$1,104,081	E
OW-0121	C2" to "B4" Pipeline and PRV Station "	\$0	\$0	\$0	\$0	\$0	\$0	\$1,409,403	\$1,409,403	S
OW-0171	Eucalyptus Rd Pipeline	\$0	\$0	\$0	\$0	\$0	\$0	\$2,351,264	\$2,351,264	M
OW-0213	Reservoir B4/B5 to East Garrison Pipeline	\$0	\$0	\$0	\$0	\$0	\$0	\$257,487	\$257,487	S
OW-0216	UCMBEST Pipeline	\$0	\$0	\$0	\$0	\$0	\$0	\$402,493	\$402,493	S
OW-0217	Reservation Road, Imjin to MBEST Drive	\$0	\$0	\$0	\$0	\$0	\$0	\$539,368	\$539,368	M
OW-0218	Golf Boulevard Transmission Line	\$0	\$0	\$0	\$0	\$0	\$0	\$1,104,081	\$1,104,081	M
OW-0219	B5" Zone Tank @ East Garrison "	\$0	\$0	\$0	\$0	\$0	\$0	\$3,116,949	\$3,116,949	S
OW-0231	Wellfield Main 3A -Intergarrison to ASP Bldg	\$0	\$0	\$0	\$0	\$0	\$0	\$3,541,126	\$3,541,126	E
OW-0232A	Install Well 36 -Retire Well 29	\$0	\$0	\$0	\$0	\$0	\$0	\$2,515,243	\$2,515,243	E
OW-0232B	Wellfield Main 1B -between Wells 36 and 35	\$0	\$0	\$0	\$0	\$0	\$0	\$3,169,802	\$3,169,802	E
OW-0233	Wellfield Main 1C (Parallel) Well 36 to ASP Bldg	\$0	\$0	\$0	\$0	\$0	\$0	\$3,736,274	\$3,736,274	M
OW-0234	B-BPS at ASP Bldg	\$0	\$0	\$0	\$0	\$0	\$0	\$1,355,195	\$1,355,195	M
OW-0235	Ord Well-head Disinfection	\$0	\$0	\$0	\$0	\$0	\$0	\$2,710,391	\$2,710,391	M

**Category Legend**  
 E= CIP supports existing Infrastructure  
 EDS= Eastern Distribution System (inland well-field)  
 S= CIP supports a single parcel's or owner's project  
 M= CIP supports projects for multiple parcels or owners

**Marina Coast Water District  
DRAFT Five-Year CIP**

CIP No.	PROJECT DESCRIPTION	FY 2015-16 Prior Year	FY 2016-17 Current Year	FY 2017-18 Proposed	FY 2018-19 Proposed	FY 2019-20 Proposed	FY 2020-21 Proposed	OUT YEARS	TOTAL	CATEGORY
OS-0000	<b>Ord Sewer</b>									
OS-0200	Clark Lift Station Improvement	\$572,000	\$206,475	\$0	\$0	\$0	\$0	\$0	\$778,475	E
OS-0205	Imjin LS & Force Main Improvements-Phase 1	\$0	\$263,000	\$310,000	\$0	\$0	\$0	\$558,000	\$1,131,000	M
OS-0203	Gigling LS and FM Improvements	\$65,000	\$508,000	\$808,000	\$0	\$0	\$0	\$0	\$1,381,000	E
OS-0152	Hatten, Booker, Neeson LS Improvements Project	\$20,000	\$100,000	\$0	\$425,000	\$0	\$0	\$370,000	\$915,000	E
OS-0154	Del Rey Oaks-Collection System Planning	\$0	\$0	\$61,200	\$0	\$0	\$0	\$0	\$61,200	S
OS-0208	Parker Flats Collection System	\$0	\$0	\$25,500	\$78,030	\$0	\$0	\$0	\$103,530	M
OS-0153	Misc. Lift Station Improvements	\$0	\$0	\$561,000	\$936,360	\$0	\$0	\$0	\$1,497,360	E
OS-0202	SCSD Sewer Improvements-DRO	\$0	\$0	\$502,454	\$1,537,510	\$0	\$0	\$0	\$2,039,964	S
OS-0209	Imjin LS & Force Main Improvements-Phase 2	\$0	\$0	\$65,000	\$920,000	\$0	\$0	\$370,000	\$1,355,000	E
OS-0147	Ord Village Sewer Pipeline & Lift Station Impr Project	\$0	\$0	\$0	\$562,651	\$0	\$0	\$0	\$562,651	E
OS-0204	CSUMB Developments	\$0	\$0	\$0	\$0	\$608,899	\$0	\$0	\$608,899	S
OS-0207	Seaside Resort Sewer Imps. Project	\$0	\$0	\$0	\$0	\$326,146	\$0	\$0	\$326,146	S
OS-0149	Dunes Sewer Pipeline Replacement Projects	\$0	\$0	\$0	\$0	\$461,923	\$0	\$0	\$461,923	M
OS-0151	Cypress Knolls Sewer Pipeline Improvements Project	\$0	\$0	\$0	\$0	\$0	\$97,424	\$0	\$97,424	S
OS-0215	Demolish Ord Main Garrison WWTP	\$0	\$0	\$0	\$0	\$0	\$1,623,648	\$0	\$1,623,648	E
OS-0148	Marina Heights Sewer Pipeline Improvements Project	\$0	\$0	\$0	\$0	\$0	\$825,863	\$0	\$825,863	M
OS-0150	East Garrison Lift Station Improvements	\$0	\$0	\$0	\$0	\$0	\$260,000	\$281,340	\$541,340	E
OS-0206	Fitch Park Sewer Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$127,071	\$127,071	S
OS-0210	1st Ave Sewer Pipeline Replacement Project	\$0	\$0	\$0	\$0	\$0	\$0	\$408,340	\$408,340	M
OS-0211	Gen'l Jim Moore Sewer Pipeline Replacement Project	\$0	\$0	\$0	\$0	\$0	\$0	\$49,972	\$49,972	M
OS-0212	Gen'l Jim Moore Sewer Pipeline Replacement Project III	\$0	\$0	\$0	\$0	\$0	\$0	\$187,037	\$187,037	M
OS-0214	Intergarrison/8th Ave SS (for Eastside Pkwy developments)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	M
OS-0213	MRWPCA Buy-In	\$0	\$0	\$0	\$0	\$0	\$0	\$11,040,808	\$11,040,808	M
OS-0216	SCSD Sewer Improvements-Seaside East	\$0	\$0	\$0	\$0	\$0	\$0	\$6,480,709	\$6,480,709	S
OS-0217	SCSD Sewer Improvements-City of Monterey	\$0	\$0	\$0	\$0	\$0	\$0	\$1,444,854	\$1,444,854	S

**Category Legend**

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- M= CIP supports projects for multiple parcels or owners

Marina Coast Water District DRAFT Five-Year CIP										
CIP No.	PROJECT DESCRIPTION	FY 2015-16 Prior Year	FY 2016-17 Current Year	FY 2017-18 Proposed	FY 2018-19 Proposed	FY 2019-20 Proposed	FY 2020-21 Proposed	OUT YEARS	TOTAL	CATEGORY
<b>General Water (33% Marina, 67% Ord)</b>										
GW-0112	A1 & A2 Zone Tanks & B/C Booster Station	\$74,000	\$0	\$3,644,720	\$3,265,330	\$3,369,150	\$0	\$0	\$10,353,200	E
GW-0212	Potable Water Tank Compliance Project	\$45,000	\$0	\$0	\$0	\$0	\$0	\$110,400	\$155,400	E
GW-0123	B2" Zone Tank @ CSUMB "	\$0	\$0	\$200,000	\$1,230,000	\$1,184,871	\$0	\$0	\$2,614,871	M
GW-0210	Reservoir A3 (1.6 MG)	\$0	\$0	\$0	\$0	\$0	\$0	\$3,469,240	\$3,469,240	M
GW-0231	Install Well 37 -Retire well 12	\$0	\$0	\$0	\$0	\$0	\$0	\$6,251,516	\$6,251,516	EDS
GW-0232	Install Well 38 -Retire well 10	\$0	\$0	\$0	\$0	\$0	\$0	\$6,251,516	\$6,251,516	EDS
GW-0233	A-BPS at ASP Bldg + Forebay Tank	\$0	\$0	\$0	\$0	\$0	\$0	\$1,665,535	\$1,665,535	EDS
GW-0234	Install Well 39 -Retire Well 30	\$0	\$0	\$0	\$0	\$0	\$0	\$6,251,516	\$6,251,516	EDS
GW-0235	B-BPS Expansion and Transmission to A1/A2 Tanks	\$0	\$0	\$0	\$0	\$0	\$0	\$13,084,043	\$13,084,043	EDS
GW-0236	Install Well 40 -Retire Well 11	\$0	\$0	\$0	\$0	\$0	\$0	\$6,251,516	\$6,251,516	EDS
GW-0237	Install Well 41 -Retire Well 31	\$0	\$0	\$0	\$0	\$0	\$0	\$6,251,516	\$6,251,516	EDS
<b>General Sewer (37% Marina, 63% Ord)</b>										
GS-0200	Odor Control Project	\$0	\$0	\$120,000	\$0	\$0	\$0	\$0	\$120,000	E
GS-0201	Del Monte/Reservation Road Sewer Main Improvements	\$0	\$0	\$0	\$270,000	\$0	\$0	\$0	\$270,000	E
<b>Water District-Wide (27% MW, 7%MS, 54%OW, 12%OS)</b>										
WD-0106	Corp Yard Demolition & Rehab	\$0	\$0	\$120,000	\$450,000	\$0	\$0	\$0	\$570,000	E
WD-0110	Asset Management Program -Phase II	\$0	\$0	\$250,000	\$0	\$0	\$0	\$0	\$250,000	E
WD-0110A	Asset Management Program --Phase III	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	\$250,000	E
WD-0115A	SCADA System Improvements (Security + RD integration)	\$0	\$0	\$0	\$300,000	\$0	\$0	\$110,000	\$410,000	E
WD-0202	IOP Building E (BLM)	\$2,542,500	\$0	\$0	\$0	\$0	\$0	\$0	\$2,542,500	S
<b>Shared Project Costs</b>										
	Marina Water Cost Center Share	\$725,745	\$0	\$1,368,658	\$1,753,459	\$1,502,827	\$0	\$16,393,343	\$21,744,032	
	Marina Sewer Cost Center Share	\$177,975	\$0	\$70,300	\$169,900	\$0	\$0	\$7,700	\$425,875	
	Ord Water Cost Center Share	\$1,452,680	\$0	\$2,775,762	\$3,551,871	\$3,051,194	\$0	\$33,282,555	\$44,114,062	
	Ord Sewer Cost Center Share	\$305,100	\$0	\$120,000	\$290,100	\$0	\$0	\$13,200	\$728,400	
<b>Total Costs</b>										
	Ord Water	\$1,997,862	\$1,169,374	\$5,547,533	\$8,767,535	\$3,569,494	\$1,288,800	\$70,396,495	\$92,737,093	
	Ord Sewer	\$962,100	\$1,077,475	\$2,453,154	\$4,749,651	\$1,396,968	\$2,806,935	\$21,331,331	\$34,777,614	
	<b>Total</b>	<b>\$2,959,962</b>	<b>\$2,246,849</b>	<b>\$8,000,687</b>	<b>\$13,517,186</b>	<b>\$4,966,462</b>	<b>\$4,095,735</b>	<b>\$91,727,826</b>	<b>\$127,514,707</b>	
<b>Water Augmentation</b>										
RW-0156	RUWAP ATW - Normandy to MRWPCA	\$522,000	\$12,670,000	\$14,124,000	\$7,644,000	\$0	\$0	\$2,000,000	\$36,960,000	



# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Consider a Pipeline Financing Reimbursement Agreement with Marina Coast Water District	
<b>Meeting Date:</b>	July 8, 2016	<b>ACTION</b>
<b>Agenda Number:</b>	8c	

### **RECOMMENDATION(S):**

Authorize the Executive Officer to execute a Pipeline Financing Reimbursement Agreement (RA) with Marina Coast Water District (MCWD) **Attachment A.**

### **BACKGROUND:**

The Fort Ord Reuse Authority (FORA) Board identified the hybrid RUWAP as its preferred water augmentation solution in 2005 and it remains the former Fort Ord water augmentation project. Staff has worked closely with Monterey Regional Water Pollution Control Agency (MRWPCA) and Marina Coast Water District (MCWD) to utilize the Pure Water Monterey (PWM) project as the catalyst for water augmentation on the former Fort Ord. The FORA Board has taken a number of actions over the last nine months to further this end. In November 2015, the Board accepted Advanced Treated Water (ATW) as the potential water source for the recycled component of the approved Regional Urban Water Augmentation Project (RUWAP); in December 2015 MRWPCA and MCWD came to an agreement on how they would partner the PWM and RUWAP by sharing the RUWAP Trunk-line ("Pipeline") to deliver ATW to customers who would use it for irrigation and landscaping; in March 2016 The FORA Board recommended the PWM to the California Public Utilities Commission (CPUC); and, in April 2016, the Board approved the Executive Officer to negotiate an RA with MCWD.

FORA's Executive Office has negotiated a Pipeline Financing RA with MCWD that reimburses RUWAP Project expenditures and is based upon two pre-existing agreements. The first is the 1998 Water Wastewater Facilities Agreement (FA) and the second is the 2016 Pure Water Delivery and Supply Project Facilities Agreement between MRWPCA and MCWD. The FA outlines MCWD's responsibility to build new facilities identified by FORA, and FORA's responsibility to provide for a portion of these new facilities. The "Pipeline" is a portion of the RUWAP and therefore FORA, under the FA, has a mechanism by which line item funds in the Capital Improvement Program (CIP) Budget can be applied to the Water Augmentation Program. Secondly, the Pure Water Delivery and Supply Project Agreement between MRWPCA and MCWD outlines how the PWM project will deliver higher quality ATW in lieu of recycled tertiary water to the Ord Community and central Marina service area, how MRWPCA utilizes the RUWAP Pipeline, and how funding received by MCWD for the RUWAP will be applied. This agreement is the foundation on which the Pipeline Financing RA is built. These two agreements frame the RA, decreasing risks and providing benefits for the three agencies and the Monterey Bay area.

This Pipeline Financing RA has three major terms; 1) \$6 million dollars of FORA's revenues will be committed to reimburse MCWD for implementation costs of the RUWAP "Pipeline" between now and the end of Fiscal Year (FY) 2019/2020; and, 2) FORA will receive assurances of funding being applied to the RUWAP recycled project; and 3) FORA will work with MCWD to obtain commitments from the land-use jurisdictions to receive the water provided by the pipeline.

**DISCUSSION:**

In 2007, each FORA land-use jurisdiction received an allocated portion of 1,427 AFY of future recycled water. MCWD and MRWPCA have engineered the PWM & RUWAP Phase One such that MCWD has ability to provide 600 AFY of recycled water at the cost of potable water. Now that MCWD is ready to deliver, it is necessary to define which land-use jurisdictions will commit to receiving the recycled water, and how much of the initial 600 AFY they expect to take.

With the understanding that a commitment of funds by FORA will require jurisdictions to define their obligations to MCWD, FORA staff recommends the Board authorize the Executive Officer to execute a Pipeline Financing Reimbursement Agreement (RA) with Marina Coast Water District (MCWD).

**FISCAL IMPACT:**

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

Staff time and \$1.5M of the \$6M are included in the approved annual budget and the capital improvement plan. Once approved, staff will return to request a reserve be established from which reimbursements to the water augmentation line item could be issued. All payments are contingent upon actual receipt of CFD Developer Fees and Land Sale Revenues.

**COORDINATION:**

MCWD, MRWPCA, Authority Counsel, Administrative and Executive Committees.

Prepared by \_\_\_\_\_  
Peter Said

Approved by \_\_\_\_\_  
Steve Endsley

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

This **REIMBURSEMENT AGREEMENT FOR THE RUWAP RECYCLED PROJECT (AWT PHASE 1)** (this “Agreement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016 (“Effective Date”), by and between Fort Ord Reuse Authority (“FORA”) and Marina Coast Water District (“MCWD”), hereinafter the “Parties.”

FORA was established by state law (California Government Code Sections 67650-67700) effective May 9, 1994. MCWD is a County Water District and political subdivision of the State of California, organized under C California Water Code Section 30000 *et seq.*

### RECITALS

**A.** The 1997 Fort Ord Base Reuse Plan (the “BRP”) identifies the availability of water as a resource constraint, estimating that an additional 2,400 acre-feet per year (“AFY”) of water is needed to augment the existing groundwater supply to achieve the permitted development level as reflected in the BRP (Volume 3, figure PFIP 2-7); and,

**B.** Under Section 3.2.2 of the 1998 Water/Wastewater Facilities Agreement (the “1998 Agreement”), FORA has the responsibility to determine, in consultation with MCWD, what additional water and sewer facilities are necessary for MCWD’s Ord Community service area in order to meet the BRP requirements, and that, once FORA determines that additional water supply and/or sewer conveyance capacity is needed, under Section 3.2.1, it is MCWD’s responsibility to plan, design, and construct such additional water and sewer facilities. MCWD will recover all of its direct and indirect, short term and long term costs of furnishing the facilities to the service area. MCWD shall not be required to take any action in connection with furnishing the facilities to the service area unless and until a source of funds is secured from the service area to pay in full in a reasonable manner consistent with normal accounting practices all of MCWD’s direct and indirect, short term and long term costs of the action to be taken by MCWD, including costs of administration, operation, maintenance and capital improvements to provide adequate system capacity to meet existing and anticipated service demands, per Section 7.1.2 of the 1998 Agreement; and,

**C.** On January 18, 2002, FORA’s Board of Directors adopted Resolution No. 02-1 establishing the Fort Ord Reuse Authority Basewide Community Facilities District (the “CFD”) to collect fees for, among other impacts caused by development, 2,400 AFY of water augmentation to support the BRP; and,

**D.** In 2002, MCWD, in cooperation with FORA, initiated the Regional Urban Water Augmentation Project (the “RUWAP”) to explore water supply alternatives to provide the additional 2,400 AFY of water supply needed under the BRP; and,

**E.** As a result of an extensive environmental review, FORA and MCWD agreed to adopt a modified Hybrid Alternative, which would provide 1,427 AFY of recycled water to the Ord Community without the need for seasonal storage (the “RUWAP Recycled Project”), and this in turn resulted in the FORA Board adopting in May 2007 Resolution 07-10, which allocated that 1,427 AFY of RUWAP recycled water to FORA’s member agencies having land use jurisdiction, and constituted FORA’s determination under Section 3.2.2 of the 1998 Agreement that MCWD

was required to develop recycled facilities to provide the 1,427 AFY of RUWAP recycled water; and

**F.** MCWD has been and continues to work collaboratively with FORA and with the Monterey Peninsula Regional Water Pollution Control Agency (“MRWPCA”) to carry out MCWD’s obligation to provide the 1,427 AFY of recycled water for the Ord Community; and

**G.** On October 8, 2015, MRWPCA’s Board of Directors unanimously voted to certify the environmental impact report (“EIR”) for the Pure Water Monterey Project and to approve the Pure Water Monterey Project. The MRWPCA Board selected the RUWAP Alignment for the Product Water Conveyance Pipeline; and,

**H.** On October 9, 2015, the FORA Board unanimously voted to adopt a resolution to endorse the Pure Water Monterey Project as an acceptable option as the recycled component of the RUWAP and, as part of the Pure Water Monterey Project implementation, the FORA Board will review and consider project component costs and scheduling through annual consideration of the FORA capital improvement program and Ord Community budgets; and,

**I.** On December 2, 2015, MCWD and MRWPCA each applied for separate State Revolving Fund Loans to finance their RUWAP and Pure Water Monterey Projects respectively and allowing for the shared use of a single Product Water Conveyance Pipeline. MCWD commenced further CEQA review for shared use of a single Product Water Conveyance Pipeline for both MRWPCA’s Pure Water Monterey Project and MCWD’s RUWAP ; and,

**J.** On April 8, 2016, MCWD and MRWPCA entered into the Pure Water Delivery and Supply Project Facilities Agreement (“2016 MRWPCA-MCWD Agreement”) pursuant to which the Product Water Conveyance Facilities will be designed, constructed, owned, and operated by MCWD in accordance with the 1998 Agreement with a capacity sufficient to convey the 1,427 AFY of advance treated water for the Ord Community and pursuant to which MCWD will have the right to utilize up to and including a net 1,427 AFY of the AWT facility’s treatment capacity to implement FORA Board Resolution 07-10; and

**K.** AWT Phase 1 and 2 of the 2016 MRWPCA-MCWD Agreement would fully implement the RUWAP Recycled Project; and

**L.** FORA desires to financially contribute to the capital costs of a shared, single Product Water Conveyance Pipeline thereby reducing the costs to users of the advance treated water within the Ord Community and to contribute a source of funds from which MCWD can recover some of its costs as described under Section 7.1.2 of the 1998 Agreement.

**NOW, THEREFORE,** for and in reliance of the foregoing, the Parties hereby agree as follows:

1. **PURPOSE.** The purpose of this Agreement is to establish the extent and manner in which FORA will contribute to MCWD's costs to implement AWT Phase 1 under the 2016 MRWPCA-MCWD Agreement. Implementation of AWT Phase 2 is not covered by this Agreement.

2. **DEFINITIONS.** For the purposes of this Agreement, unless expressly provided otherwise in this Agreement, the terms used in this Agreement shall have the same meaning as the same terms are defined in the 2016 MRWPCA-MCWD Agreement. As used in this Agreement, the term "Parties" or "Both Parties" shall mean MCWD and FORA and their respective Boards.

### 3. **OBLIGATIONS**

#### 3.01 FORA Financial Obligation

(a) FORA shall provide a total of \$6,000,000 towards the RUWAP Recycled Project.

(b) Subject to the limit stated in subsection 3.01(a) above, FORA shall honor and pay invoices for services rendered by MCWD and/or its consultants and contractors in providing the services enumerated in section 3.02 and 3.03 below after the execution of this Agreement.

(c) FORA shall have sole discretion as to the source of funds for use in satisfying its obligation under this Agreement.

#### 3.02 FORA Obligation for RUWAP Startup Costs

(a) FORA shall provide to MCWD up to \$500,000 (inclusive of the amount set forth in subsection 3.02(b) below) for start-up costs incurred after the execution of this Agreement, and make funds available in the FORA budget starting in the Fiscal Year 2016-2017 and carrying over into subsequent years, should the work be delayed.

(b) Upon execution of this Agreement, FORA will provide MCWD with \$250,000 and will reimburse the remainder as invoiced.

- (c) Startup costs covered by this Agreement:
- i. Property, easements, and/or acquisition of rights of way.
  - ii. Preparation of a negative declaration, mitigated negative declaration, or environmental impact report (EIR).
  - iii. Scoping meeting(s).
  - iv. Design, engineering, and support, including consultants, legal, and the costs of administrative and operational overhead, needed for MCWD to obtain project funding approval, process bids, award contracts, and/or issue a "Notice to Proceed" on the RUWAP Recycled Project.

### 3.03 FORA Obligation for RUWAP Implementation Costs

(a) FORA shall provide to MCWD up to the amount set forth in subsection 3.01(a) above, less any amounts provided pursuant to subsections 3.02(a) or (b) above), for the implementation of the RUWAP Recycled Project.

(b) Implementation Costs include:

- i. Direct and indirect, short term and long term costs of the RUWAP Recycled Project incurred by MCWD, including consultants, legal, and the costs of administration and operational overhead.
- ii. Debt Service, Capital Financing, and Capital costs.
- iii. Legal costs with regard to litigation between FORA and/or its member agencies shall not be reimbursable expense within the meaning of this Agreement.

### 3.04 Timing of FORA Reimbursements

(a) FORA shall reimburse MCWD for implementation costs described in Section 32.03 and incurred after the execution of this Agreement based on the progress and completion of RUWAP design and construction as follows:

- i. \$1,000,000 in FY 16-17 (in addition to amounts paid pursuant to Section 3.02).
- ii. \$1,600,000 in FY 17-18.
- iii. \$1,200,000 to \$1,900,000 in FY 18-19. FORA commits to \$1,200,000 in FY 18-19, the remainder is contingent upon real-estate market conditions and the receipt of revenues from land sales and the CFD, which are based upon the issuance of building permits within the developable lands of the former Fort Ord.
- iv. \$1,000,000 in FY 19-20 is contingent upon real-estate market conditions and the receipt of revenues from land sales and the CFD, which are based upon the issuance of building permits within the developable lands of the former Fort Ord.

(b) In setting and establishing FORA's annual budget and capital improvements plan, FORA's obligations outlined in subsection 3.04(a) above shall be junior only to FORA's Habitat Conservation Plan fund obligation, which assigns 30.2% of monies received by FORA to a reserve.

(c) Any remaining annual funds budgeted in each fiscal year for payments under this Agreement will be carried over into the following fiscal year(s), up until the work is complete, this Agreement is terminated, or FORA ceases to exist.

(d) If RUWAP work proceeds faster than anticipated, MCWD may apply to FORA for accelerated reimbursement. In order to so apply, MCWD shall provide at least three (3) months prior written notice with supporting documentation satisfactory to FORA

demonstrating the need to accelerate reimbursements. Provided that FORA has surplus funds available and is satisfied that accelerated reimbursement is necessary to the successful completion of the project, FORA will advance up to \$500,000 from funds allocated to a subsequent fiscal year.

(e) FORA shall review RUWAP invoices submitted by MCWD and shall within fifteen (15) business days following receipt either approve such invoices or notify MCWD as to why such invoices are not approved. FORA shall disburse RUWAP payment within fifteen (15) business days of approving the invoices. FORA reserves the right to exclude disputed elements of any invoice from payment until any such dispute is resolved.

(f) In the event of a dispute regarding the approval of invoices as described in subsection 3.04(e) above, the Contract Administrators (identified in Section 6.04 below) shall work to resolve the dispute within fifteen (15) business days. If no resolution can be achieved it shall be resolved according to the Dispute Resolution Process in the 1998 Agreement.

### 3.05 FORA coordination with MCWD

(a) FORA will work in coordination with MCWD to obtain binding commitments from the land use jurisdictions within the Ord Community (1) to take delivery of the 600 AFY of recycled water when the recycled water is available for delivery by MCWD and (2) to pay for MCWD's actual cost of service for the recycled water, which cost will be based upon all applicable CEQA and design costs, capital costs, financing costs, an estimated renewal and replacement cost reserve, estimated annual operations and maintenance costs, and such other costs included in a cost of service study for recycled water.

(b) The binding commitments may be achieved through the modification of existing implementation agreements with the land use jurisdictions or through other agreements including but not limited to recycled water supply agreement with customers. FORA and MCWD will make a good faith effort to obtain such commitment by November 30, 2016.

(c) FORA will support MCWD in obtaining or acquiring any remaining property, easements, or rights-of-way necessary for the implementation of the RUWAP Recycled Project by facilitating meetings, and assisting in negotiations.

### 3.06 MCWD Obligations

(a) In accordance with Section 3.05(a) MCWD will cooperate and coordinate with FORA to obtain binding commitments from the land use jurisdictions.

(b) MCWD will apply FORA's financial contributions only towards the types of costs listed in subsections 3.02(c) and 3.03(b).

(c) MCWD shall provide FORA the right to inspect the RUWAP Recycled

Project facilities, while under construction, upon the giving of three (3) days advance notice to MCWD and the party administering the construction contract. Such inspections may take place at any time during the day or night; however, nighttime inspections will not take place without at least one week's notice, except in case of emergency or by agreement. FORA's right to inspect is for the purpose of processing reimbursement requests in accordance with Sections 3.01, 3.03 and 3.04 and for observation only and not for the purpose of supervision or direction of the work observed.

(d) MCWD shall provide monthly status updates on the progress of the project to FORA staff which will include current and cumulative information on the project plans, milestones, objectives, and budget, and support RUWAP invoicing.

(e) MCWD shall submit requests for RUWAP reimbursement(s) monthly to:

Fort Ord Reuse Authority  
Attn: Accounting Services  
920 2<sup>nd</sup> Ave. Suite A  
Marina, CA 93933

(f) Upon completion of the RUWAP Recycled Project, MCWD shall provide FORA a copy of a Notice of Completion filed with the County Recorder's office for the project.

(g)

### 3.07 MCWD Obligations Pertaining to Recycled Water Rates

(a) If MCWD negotiates a recycled water supply agreement with an individual public entity or with specific customers for use within the Ord Community, and which agreements specify a schedule of recycled water rates for multiple years, then the FORA Board shall have the right to approve any such agreement before the agreement takes effect but not thereafter.

(b) If MCWD determines to generally provide recycled water to individual Ord Community customers, MCWD will provide to the FORA Board proposed recycled water rates for a five (5) successive year period based upon a cost of service study prepared by a qualified outside consultant. Upon approval of the proposed rates by the FORA Board, MCWD shall initiate a Proposition 218 process for those approved rates.

(c) Upon successful completion of the Proposition 218 process, FORA agrees that those rates shall be put into effect for the specified five-year period and will not be subject to annual review by FORA.

(d) In reviewing any recycled water rates, FORA acknowledges its obligation to comply with Section 7.1.2 of the 1998 Agreement.



**4. INDEMNIFICATION.** MCWD agrees to indemnify, defend and hold FORA harmless from and against any loss, cost, claim, or damages directly related to MCWD's actions or inactions under this Agreement. FORA agrees to indemnify, defend and hold MCWD harmless from and against any loss, cost, claim, or damage directly related to FORA's actions or inactions under this Agreement.

**5. DISPUTE RESOLUTION.** All disputes arising under this Agreement shall be submitted to the Dispute Resolution Procedure in Section 10.1 of the 1998 Agreement.

**6. GENERAL PROVISIONS**

**6.01 Governing Law.** This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.

**6.02 Attorney's fees.** If either Party commences an action against the other Party arising out of or in connection with this Agreement, the prevailing Party shall be entitled to have and recover from the losing Party reasonable attorneys' fees and costs.

**6.03 Entire Agreement; Amendments.** This Agreement, along with any exhibits and attachments hereto, constitutes the entire agreement between the Parties concerning the specific subject matter hereof. No amendment or modification shall be made to this Agreement, except in writing, approved by the respective Boards and duly signed by both Parties.

**6.04 Contract Administrators**

(a) MCWD hereby designates its General Manager as its contract administrator for this Agreement. All matters concerning this Agreement which are within the responsibility of MCWD shall be under the direction of or shall be submitted to the General Manager or such other MCWD employee in MCWD as the General Manager may appoint. MCWD may, in its sole discretion, change its designation of the contract administrator and shall promptly give written notice to FORA of any such change.

(b) FORA hereby designates its Executive Officer as its contract administrator for this Agreement. All matters concerning this Agreement which are within the responsibility of FORA shall be under the direction of or shall be submitted to the Executive Officer or such other FORA employee in FORA as the Executive Officer may appoint. FORA may, in its sole discretion, change its designation of the contract administrator and shall promptly give written notice to MCWD of any such change.

6.05 Assignment. Any assignment of this Agreement shall be void without the written consent of the non-assigning Party.

6.06 Negotiated Agreement. This Agreement has been arrived at through negotiation between the Parties. Neither Party is to be deemed the Party which prepared this Agreement within the meaning of Civil Code Section 1654.

6.07 Time is of Essence. Time is of the essence of this Agreement.

6.08 Headings. The article and paragraph headings are for convenience only and shall not be used to limit or interpret the terms of this Agreement.

6.09 Notices. All notices and demands required under this Agreement shall be deemed given by one Party when delivered personally to the principal office of the other Party; when faxed to the other Party, to the fax number provided by the receiving Party; or five (5) days after the document is placed in the US mail, certified mail and return receipt requested, addressed to the other Party as follows:

To FORA:

Executive Officer  
FORA  
920 2<sup>nd</sup> Ave., Suite A  
Marina, CA 93933  
Fax: (831) 883-3675

To MCWD:

General Manager  
MCWD  
11 Reservation Road  
Marina, CA 93933  
Fax: (831) 883-5995

6.10 Execution of Documents. The Parties will execute all documents necessary to complete their performance under this Agreement.

6.11 Waiver. No waiver of any right or obligation of any of the Parties shall be effective unless in writing, specifying such waiver, executed by the Party against whom such waiver is sought to be enforced. A waiver by any of the parties of any of its rights under this Agreement on any occasion shall not be a bar to the exercise of the same right on any subsequent occasion or of any other right at any time.

6.12 Written Authorization. For any action by any Party which requires written authorization from the other Party, the written authorization shall be signed by authorizing Party's General Manager/Executive Director, or the written designee.

In witness whereof, the Parties execute this Agreement as follows:

**FORA**

**MCWD**

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Board Chair, Board of Directors

\_\_\_\_\_  
President, Board of Directors

Approved as to form:

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Counsel, FORA

\_\_\_\_\_  
Counsel, MCWD

DRAFT

# **Placeholder for Item 8d**

**Consistency Determination: City of Marina Housing  
Element 2015-2023 (City-wide)**

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**This item will be included as soon as it becomes available.  
The Consistency Determination submittal for the Marina  
Housing Element is included as Attachment A.**

RESOLUTION NO. 2016-94  
RESOLUTION NO. 2016-01 (MAC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MARINA/AIRPORT COMMISSION TO AMEND THE CITY OF MARINA  
GENERAL PLAN BY ADOPTING AN INTERIM UPDATED HOUSING  
ELEMENT 2015-2023, AND FINDING THE INTERIM UPDATED HOUSING  
ELEMENT 2015-2023 CONSISTENT WITH THE FORT ORD BASE REUSE  
PLAN.

WHEREAS, on May 12, 2016 the Planning Commission considered a draft Interim Housing Element Update 2015-20123 and authorized staff to submit the updated draft to the State Department of Housing and Community Development (HCD), and;

WHEREAS, the draft Housing Element was submitted to the California Department of Housing and Community Development on May 16, 2016 (**EXHIBIT C** to the June 21, 2016 City Council staff report), and;

WHEREAS, on June 1, 2016, the Department of Housing and Community Development returned comments on the draft Housing Element document (**EXHIBIT D** to the June 21, 2016 City Council staff report), and;

WHEREAS, the Planning Commission has considered the comments from HCD, and;

WHEREAS, on June 9, 2016, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider its recommendation to the City Council on the Interim Housing Element 2015-2023, and;

WHEREAS, the Planning Commission found that the Interim Housing Element 2015-2023 would not have a significant effect on the environment and that no mitigation measures have been conditioned and recommends that the City Council consider adopting a Negative Declaration (PC Resolution No. 2016-05, **EXHIBIT F** to the June 21, 2016 City Council staff report), and;

WHEREAS, the City Council has considered the comments from HCD (**EXHIBIT D** to the June 21, 2016 City Council staff report), and;

WHEREAS, the Planning Commission found that the Interim Housing Element 2015-2023 is consistent with community values and needs as articulated by the Community Goals and Primary Policies of the General Plan (PC Resolution No. 2016-06, **EXHIBIT G** to the June 21, 2016 City Council staff report), and;

WHEREAS, the City Council finds that the Interim Housing Element 2015-2023 would not have a significant effect on the environment and that no mitigation measures have been conditioned, and;

WHEREAS, the City Council finds that the Interim Housing Element 2015-2023 documents housing needs for all sectors and income groups within the City of Marina and presents reasonable policies and programs to enable the City to address these needs.

WHEREAS, the City Council acting as the Marina Airport Commission (MAC), finds that Traffic Pattern Zone 6 of the Marina Municipal Airport Comprehensive Land Use Plan (CLUP), includes some residential areas to the west of the airport and south of Armstrong Ranch. The Draft Interim Housing Element 2015-2023 proposes no land use changes or rezoning from the Final Housing Element 2008-2014 and no incompatibility or inconsistency has been found nor is anticipated with the CLUP, and;

WHEREAS, Chapter 8 of the FORA Master Resolution requires that all legislative land use decisions affecting property in the Former Fort Ord be submitted to FORA for a determination of consistency with the Fort Ord Reuse Plan and master Resolution, and;

WHEREAS, the City Council finds that the Draft Interim Housing Element 2015-2023 proposes no land use changes or rezoning from the Final Housing Element 2008-2014, and that the Draft Interim Housing Element 2015-2023 is consistent with the Fort Ord Base Reuse Plan according to the FOR A Master Resolution, Chapter 8, as evidenced by the City's Consistency Determination Review, as attached to this Resolution (**ATTACHMENT A** to this Resolution).

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby amends the City of Marina General Plan by adopting the Interim Housing Element 2015-2023 (**EXHIBIT C** to the June 21, 2016 City Council staff report).

PASSED AND ADOPTED by the City Council/Airport Commission of the City of Marina at a regular meeting duly held on the 21<sup>st</sup> day of June 2016 by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: Brown

ABSTAIN, COUNCIL MEMBERS: None

  
\_\_\_\_\_  
Bruce C. Delgado, Mayor

ATTEST:

  
\_\_\_\_\_  
Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2016-94  
RESOLUTION NO. 2016-02(MAC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA/AIRPORT  
COMMISSION TO AMEND THE CITY OF MARINA GENERAL PLAN BY ADOPTING AN  
INTERIM UPDATED HOUSING ELEMENT 2015-2023)  
(CITY-WIDE)

Consistency Determination

CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 June 21, 2016	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	(Interim) Housing Element of the General Plan
<b>Natural Resources</b>	
(a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord territory by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.	The Interim Housing Element does not amend the General Plan land use map, rezone any parcels within Marina, or entitle any developments.
1. Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.	See above statement.
2. When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.	The Housing Element does not entitle any properties. There are no roads or other infrastructure proposed to be constructed as a result of the Housing Element.
(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.	There is one residential street and two housing units on another street that lie within the coastal zone. No housing rehabilitation or new housing construction is anticipated within the coastal zone during the Housing Element planning period.
(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.	The East Garrison area of Monterey County is outside of the Marina city limits. The Housing Element covers only those areas within the Marina city limits.

**CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023  
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8  
 June 21, 2016**

<b>FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)</b>	<b>(Interim) Housing Element of the General Plan</b>
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<p>(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.</p>	<p>The Housing Element does not entitle any properties. There are no recreational facilities proposed to be constructed as a result of the Housing Element.</p>
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**Historic Preservation**

<p>(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.</p>	<p>The Housing Element is a housing policy document. It does not amend the General Plan text or land use map, or rezone any parcels within Marina.</p> <p>Through acknowledgement of existing entitled strategic land developments in the Former Fort Ord, the Housing Element encourages the reuse of Army property to meet the allocated Regional Housing Needs Assessment.</p>
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<p>(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.</p>	<p>The Housing Element is a housing policy document. It does not amend the General Plan land use map, or rezone any parcels within Marina.</p> <p>Rather, it provides an inventory of already entitled projects which have independently addressed historic preservation as appropriate.</p>
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<p>(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.</p>	<p>The East Garrison area of Monterey County is outside of the Marina city limits. The Housing Element covers only those areas within the Marina city limits.</p>
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**Water, Sewer, Drainage & Waste**

<p>(h) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.</p>	<p>The Housing Element does not entitle any properties. There are no sewage treatment facilities proposed to be constructed as a result of the Housing Element.</p>
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<p>(i) Each land use agency shall adopt the following policies and programs:</p>	<p>The Housing Element does not amend the General Plan land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>1. A solid waste reduction and recycling program applicable to Fort Ord territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 et seq.</p>	



**CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023**  
**CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8**  
 June 21, 2016

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	(Interim) Housing Element of the General Plan
<p>2. (2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department.</p> <p>3. A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.</p>	
<p>(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:</p>	
<p>1. Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>2. Commence working with appropriate agencies to determine the feasibility of developing additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina. Thus it does not increase the demand on water resources available to the City.</p>
<p>3. Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>4. Active participation in the support of the development of reclaimed or recycled water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>5. Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>6. Adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development at territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>7. Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>8. Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the</p>

**CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023  
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8  
 June 21, 2016**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	(Interim) Housing Element of the General Plan
	City of Marina.
<p>9. Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including: dual plumbing using non-potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:</p>	
<p>1. Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.</p>	
<p>2. Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>(l) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>
<p>(m) Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control (DTSC) to control and restrict excavation or any soil movement on those parcels of the Fort Ord territory, which were contaminated with unexploded ordnance and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.</p>	<p>The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.</p>

**CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023  
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8  
 June 21, 2016**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	(Interim) Housing Element of the General Plan
(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
1. Establishment and provision of a dedicated funding mechanism to pay for the fair share of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority.	
2. Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation effort to access Fort Ord territory.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
1. Preparation and adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities.	
2. Design and construction of an efficient system of arterials in order to connect to the regional transportation system.	
3. Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.	
(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.
(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.

**Fire Protection**

**CITY OF MARINA INTERIM HOUSING ELEMENT 2015-2023  
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8  
 June 21, 2016**

**FORA Master Resolution  
 Chapter 8 Sections 8.02.020 (a) to (t)**

**(Interim) Housing Element of the  
 General Plan**

(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.

The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.

(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, shall be obtained from stock originating on Fort Ord territory.

The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.

**Jobs/Housing Balance**

(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which would result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.

The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.

The Housing Element provides for a 20% inclusionary housing component in Former Fort Ord, and greater than 20% citywide for new or rehabilitated housing, consistent with the Marina Municipal Code.

**Other Consistency Considerations**

Each land use agency shall ensure that its projects, programs, and policies are consistent with the Highway One Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.

The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.

Each land use agency shall ensure that its projects, programs, and policies are consistent with FORA's prevailing wage policy, section 3.03.090 of the FORA Master Resolution.

The Housing Element does not amend the General Plan text or land use map, or rezone any parcels within Marina. Rather, it provides an inventory of already entitled projects within the City of Marina.

As such, the Housing Element does not entitle any construction requiring prevailing wage.

## EXHIBIT C

CITY OF MARINA HOUSING ELEMENT UPDATE 2015-2023  
(June 2016)

and

CITY OF MARINA DRAFT INITIAL STUDY – NEGATIVE DECLARATION

The draft Housing Element (120 pages) and environmental document (42 pages) can be accessed at the following link: <http://www.ci.marina.ca.us/DocumentCenter/View/5595>.

Hard copy is also available for review at the Community Development Department counter at 209 Cypress Avenue during regular business hours.

*City of Marina*

# 2015 Housing Element Update

*Draft*  
Initial Study -  
Negative  
Declaration

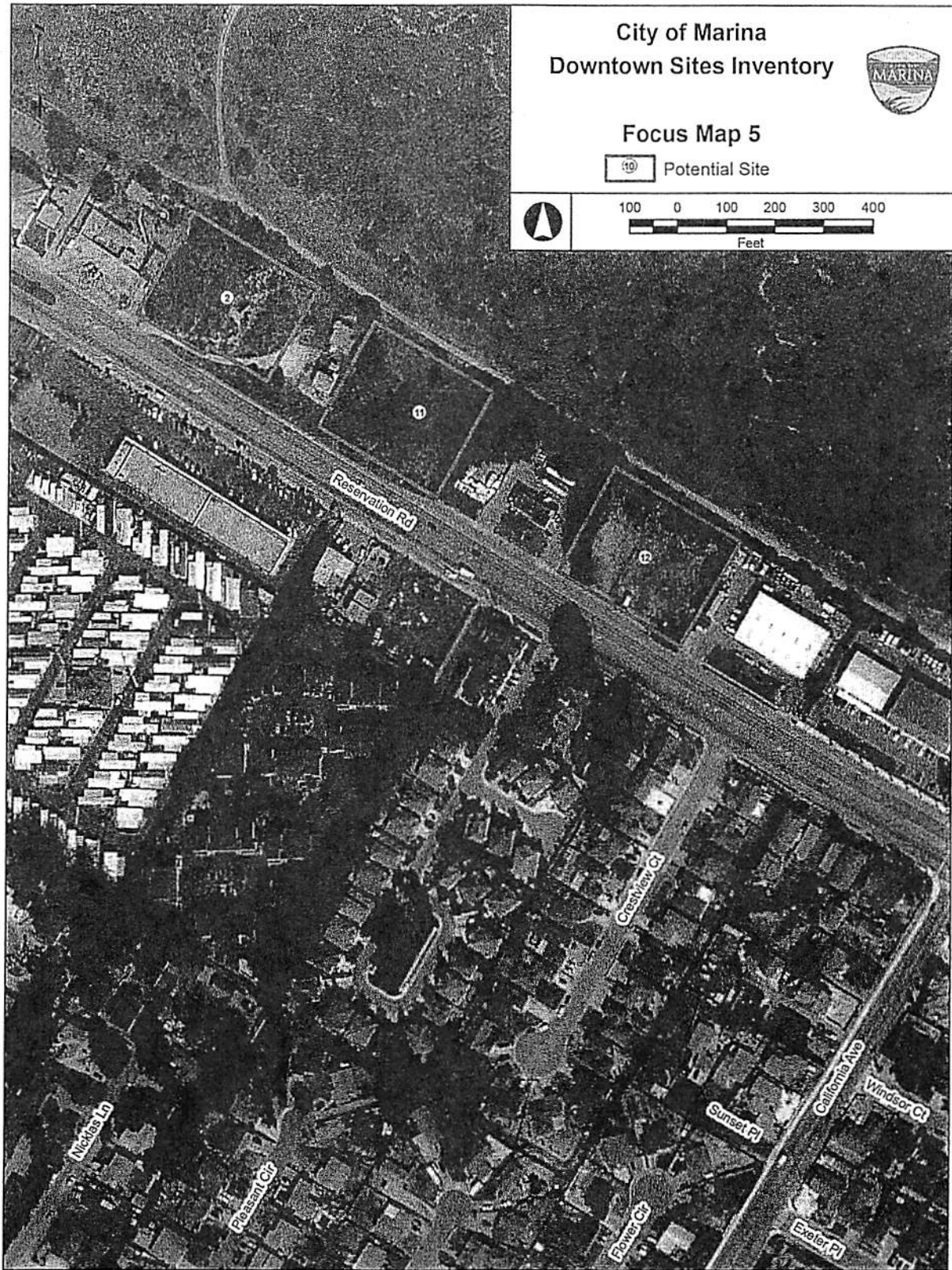


May 2016

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Environmental Scientists Planners Engineers

Figure C-6: Downtown Marina Sites Inventory (Focus Map 5)



**June 1, 2016 letter from the California Department of Housing and Community Development.**

**Review of the City of Marina's 5th Cycle (2015-2023) Draft Housing Element**



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
16) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



June 1, 2016

Mr. Taven M. Kinison Brown, Acting Planning Services Manager  
Community Development Department  
City of Marina  
211 Hillcrest Avenue  
Marina, CA 93933

Dear Mr. Kinison Brown:

**RE: Review of the City of Marina's 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting the City of Marina's draft housing element received for review on May 16, 2016. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on May 26, 2016, with you and the City's consultant, Ms. Veronica Tam of Veronica Tam and Associates.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (GC, Article 10.6). The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must have adopted its housing element within 120 calendar days from the statutory due date of December 15, 2015 for AMBAG localities. Since the element will be adopted after this date, GC Section 65588(e)(4) requires the element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For information on housing element adoption requirements, visit our website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

For your information, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRRP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further information is available on the Department's website at: <http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html>.

Mr. Taven M. Kinison Brown, Acting Planning Services Manager  
Page 2

We are committed to assisting the City of Marina in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Jess Negrete, of our staff, at (916) 263-7437.

Sincerely,



Glen A. Campora  
Assistant Deputy Director

Enclosure

[Type here]

## APPENDIX CITY OF MARINA

The following changes would bring Marina's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at [www.hcd.ca.gov/hpd](http://www.hcd.ca.gov/hpd). Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at [www.hcd.ca.gov/hpd/housing\\_element2/index.php](http://www.hcd.ca.gov/hpd/housing_element2/index.php) and includes the Government Code addressing State housing element law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

The City has a regional housing need allocation (RHNA) of 1,308 housing units, of which 520 are for lower-income households. To address this need, the element relies on vacant and underutilized sites, including sites in Specific Plan Areas and nonresidential zoned sites. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses, as follows:

**4<sup>th</sup> Cycle Unaccommodated Need:** If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). Program 1.1 was necessary to demonstrate compliance with the adequate sites requirement in the previous planning period, however it was not completed (page 61). The housing element indicates that 44 units affordable to very low-income households and 24 units affordable to low-income household were built in the 2008-2014 planning period, but provides no information documenting how affordability of the units was determined. To credit these units toward reducing the unaccommodated need, the housing element must describe the City's methodology for assigning these units to the various income groups based on actual sales price or rent level of the units and demonstrate their availability in the planning period. To demonstrate adequate sites were made available in the prior planning period, the housing element must include an analysis or programs demonstrating compliance with the statutory requirements. For additional information, see Department's AB 1233 Memorandum at [http://www.hcd.ca.gov/hpd/hrc/plan/he/ab\\_1233\\_final\\_dt.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf) and *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/GS\\_reviewandrevise.php](http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php).

**Sites Inventory:** The housing element relies upon Specific Plan areas to accommodate the City's regional housing need for lower-income households. While the housing element indicates the Specific Plans' residential capacity and estimates the number of units by income group, it does not provide any analysis demonstrating suitability of sites for development in the planning period or potential affordability. To utilize residential capacity in Specific Plans, the element must:

- Indicate whether suitable sites have approved or pending projects or are suitable for development in the planning period.
- If projects are approved or pending, describe the status of the project, including any necessary approvals or steps prior to development, development agreements, conditions or requirements such as phasing or timing requirements that impact development in the planning period, and the affordability of the project's units based on anticipated rents, sales prices or other mechanisms (e.g., financing, affordability restrictions) ensuring their affordability.
- For suitable sites without pending or approved projects, the element must list sites by parcel number or unique reference, size, general plan designation, zoning and include a calculation of the realistic capacity of each site.

For additional information, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_land.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_land.php).

**Realistic Capacity:** The housing element uses the minimum residential density of the C-1 and C-R zones to estimate the number of residential units that can be accommodated on each site in the inventory. The estimate of the number of residential units for each of these sites must also account for land use controls and development standards, such as those found in Municipal Code Sections 17.21.035, 17.21.060, 17.21.170, 17.22.100, 17.22.120, and could reflect recently built densities. For additional information, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php).

**Suitability of Non-Vacant Sites:** The element generally describes underutilized sites stating "site coverage of buildings was estimated at 40% or less, land dedicated to parking appears in excess of the need, the current use is much less than the General Plan/zoning ordinance allows, building configuration for the use might be considered functionally obsolescent, and/or obvious opportunities for consolidation with adjacent vacant and/or underutilized sites" (page 63). However, the methodology of underutilized sites to accommodate the regional housing need for lower-income households must also describe the extent to which existing uses may impede additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites (Section 65583.2(g)). For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and

the condition of the structure or could describe any expressed interest in redevelopment. For information and sample analysis, see the *Building Blocks* at: [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php#nonvacant](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#nonvacant).

**Nonresidential Zoned Sites:** The element relies upon nonresidential zoned sites, e.g. commercial and mixed use sites, to accommodate nearly the entire RHNA for lower-income households. To support this estimate, the element must include analysis of residential development on nonresidential zoned sites. For example, the analysis could include the following:

- Discussion of development trends such as the typical number or proportion of residential projects built in nonresidential zones.
- Discussion of residential development trends (regionally or locally) in nonresidential zones.
- Description of any existing or planned policies, programs, or local guidance or efforts promoting residential development in nonresidential zones.
- Description of any existing, or planned, mix-use or overlay zoning, performance standards, or incentives for promoting residential development in nonresidential zones.
- Demonstrate a surplus of nonresidentially zoned sites relative to the regional housing need.

For additional information, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php).

**Small Sites:** The element identifies several sites, less than one acre in size, to accommodate a portion of the RHNA for lower-income households. The element must describe whether these small parcels are expected to develop individually or be consolidated with the other small parcels. *For parcels anticipated to be consolidated*, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site. *For parcels anticipated to develop individually*, the element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. This is important given the necessary economies of scale to facilitate development of housing affordable to lower-income households. For example, most assisted housing developments utilizing State or federal financial resources typically include at least 50 to 80 units. For additional information and sample analysis, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php#capacity](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#capacity).

**Sites with Zoning for a Variety of Housing Types:**

- **Emergency Shelters:** The element must demonstrate the R4 and CR zones have sufficient capacity to accommodate the identified housing need for emergency shelters (Section 65583(a)(4)). As nearly all of the R4 and CR zones are nonvacant, the element should describe the potential for capacity,

such as adaptive reuse on the identified sites. For additional information and a sample analysis, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_variety.php#Emergency](http://www.hcd.ca.gov/hpd/housing_element2/SIA_variety.php#Emergency).

- **Transitional Housing and Supportive Housing:** For your information, in 2014 GC Section 65582 was updated and the definitions of transitional housing and supportive housing were revised. The zoning ordinance definitions should be reviewed to ensure consistency with the statute. For more information; see the *Building Blocks* at <http://www.hcd.ca.gov/housing-policy-development/senate-bill-745/sb745memo042414.pdf>.
2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

**Land-Use Controls:** Footnote 1 to Table 36 appears to limit the capacity of a zone (page 36). Footnote 4 to Table 37 appears to indicate that there are minimum unit sizes (page 37). If there are capacity limits and/or minimum unit sizes, the housing element should describe them, as well as any minimum lot size requirements for exclusive residential use, minimum commercial requirements, residential floor area limitations, or unit and bedroom limitations and include analysis that evaluates their cumulative impacts on the cost and supply of housing, including the ability to achieve maximum densities. Finally, programs must be included to address constraints on development.

**Fees and Exaction:** While the element indicates that total fees for a development was \$24,000 per unit (page 49), it does not indicate whether the fees were for a single family or multifamily development. The element must identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For information and a sample analysis and tables, see *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_fees.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_fees.php).

**Local Processing and Permit Procedures:** While the element generally describes the timeframe for each processing and permit procedure, it must describe and analyze the City's permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing). The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and time for typical single- and multi-family

developments, including type of permit, level of review, approval findings and any discretionary approval procedures. For additional information and sample analysis, see the *Building Blocks* at our Department's website: [http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_permits.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php)

The element indicates multifamily development of more than 25 units per acre and multifamily development in the CR and C1 zones requires a Conditional Use Permit (CUP) (page 39). The element must analyze the CUP process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the CUP requirement. For information, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_permits.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php).

**Design Review:** While the element mentions a design review process, it must describe and analyze the design review guidelines and process, including approval procedures, decision-making criteria, and processing time, for their impact as potential constraints on housing supply and affordability. For example, the analysis could discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate. For information and sample analysis, see *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_permits.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php)

## **B. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

To address the program requirements of GC Section 65583)(c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

**Program 1.1** could describe any incentives provided to promote residential development on the identified underutilized sites.

**Program 1.2** should describe a timeline for the development of the site.

Program 1.3 should describe any existing incentives provided to encourage mixed use development and include a quantified objective.

Program 1.4 should describe any incentives provided to encourage lot consolidation and include a quantified objective.

Program 2.1 should clarify that what is meant by "Government Code Section 65915 as well as the City's inclusionary housing requirement shall be applied to the project in the aggregate." For example, the program could be revised to indicate that "a density bonus shall be granted in compliance with state density bonus law."

Program 2.2 should define "affordable housing" and describe the next steps and timelines after "considering" reduced, deferred, or waived fees and evaluate tools and incentives. For example, the program could be revised to indicate "biennial review of fees, tools, and incentives and revise, as appropriate." The program should also include a quantified objective.

Program 3.1 should describe the next steps and timelines after the zoning ordinance is reviewed. For example, the program could be revised to state "the zoning ordinance will be revised, as appropriate, once the review is completed."

Program 4.1 should define "affordable housing" and include a quantified objective.

Program 5.1 should include a quantified objective. For example, the quantified objective could be "20 inspections per year."

Program 6.1 could include a quantified objective.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:



Program 3.2 should be revised to ensure transitional housing and supportive housing are allowed in all zones allowing residential uses, including the MHR, K, C1, and C2 zones. Also, the program should clarify that employee housing of 12 units or 36 beds is treated as an agricultural use in all zones allowing agricultural uses.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

### **C. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)(8)).*

While the housing element summarizes the public comment received, it could also describe how they were considered and incorporated into the element. During the period between the date of this review letter and the adoption of the final housing element, the City should continue its diligent public participation efforts to include all economic segments of the community. For additional information, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/GS\\_publicparticipation.php](http://www.hcd.ca.gov/hpd/housing_element2/GS_publicparticipation.php).

### **D. Consistency with General Plan**

*The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals (Section 65583(c)(7)).*

The element must describe how consistency was achieved and how it will be maintained during the planning period. For example, the element could include a program to conduct an internal consistency review of the General Plan as part of the annual General Plan implementation report required by Section 65400. The annual report can also assist future updates of the housing element. For additional information and a sample program, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/OR\\_costal.php](http://www.hcd.ca.gov/hpd/housing_element2/OR_costal.php)

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of

influence areas pursuant to GC Section 56430. The Department urges the City to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: [http://opr.ca.gov/docs/SB244\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf) and [http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

Notes from the June 9, 2016, Planning Commission hearing recommending that the City Council adopt a Negative Declaration of no significant environmental impact and adopt the Interim Updated Housing Element 2015-2023.

**Public Hearing for the City of Marina Housing Element - June 9, 2016 - 6:30 pm**

**Planning Commission and Public Comments**

All Commissioners present

In the Gallery: Paula Pelot, Denise Turley Karen Wolfe, Mark Abrahams, and Layne Long

Staff: Taven M. Kinison Brown. Consultant: Veronica Tam

- Piper:
  - Impact Fees in Table 41 on Page 49 need to be absolutely correct, including FORA Fees.
  - Affordable Rates and Rents, Builders need to know the income levels to target the low and moderate. VT> Reference Table 24 for rents according to median area income.
  - Emergency Shelters need to be accommodated in the City's Housing Element / General Plan
- Ledesma:
  - In 2006 Marina Heights got a pass on providing affordable housing.
- Margaret Davis:
  - Concerned about governmental constraints, starting at the state level. VT> Health and Safety Codes, Building Codes (not going to change these).
  - We need to strip down and re-examine housing.
- Biala:
  - Do we need specific projects to get HOME funds? VT> Says can use for programs as well. Cannot be used to purchase property, or site control. New Construction Program.
- Layne Long:
  - Senior Citizen Center. On the City Council's June 21 hearing date for the CDBG.

**Open Public Discussion @ 7:48**

- Paula Pelot:
  - Look to WHY some of the demographic shifts. Is our loss of young families with children because they can no longer afford to live here?
  - Marina has not served ALL of the income levels of the community very well.
  - Look at the median income level being lower than the County. What does this really mean?
- Denise Turley;
  - Asks for PowerPoint in the Packet
  - Requests e-mail contact and Document Center
  - What is a CUP?
  - What is overcrowding? VT> Responded that 1 person or more per room, including living rooms and other common rooms.
  - Trouble with rent burden and credit worthiness. Especially for those spending much more than 30% of income on housing.
- Karen Wolfe:

- Comment on Addendum D (HCD Comments)
- What about General Plan Conflicts later? TKB> Responded with internal consistency description.
- “What is diligent effort? Summer meetings may be hard, due to school out and vacation travel. When will people be able to participate?
- Big item. What are our governmental constraints? Seems that the increased fee and impact schedule under consideration by the City would play a part.
- Mark Abrahams:
  - Conflicts between General Plan and Zoning.

**Back to the Dias @ 8:10**

- Burnett – dates to be discussed in next Item #8.
- Biala:
  - How to serve Marina Residents first? VT> Spoke to leeway and constraints and case law history. Can be very tricky. LL> Spoke that we do have a program addressing BMR (Below Market Rate) to better serve Marina’s teachers, Firefighters and Police Officers. TKB> pointed to the continuation of Housing Program 2.5 which addresses BMR efforts of the City.
  - Low ownership rate. What does that really mean? What is the cause and effect of housing / jobs balance?
  - Santa Cruz area is desolate. (TKB?) What about renter/owner relationships to a community. (TKB: Renter stigma) VT> should we encourage smaller ownership units? Urban trends for both youth and seniors moving to more urbanized areas and features. Trend line...
- Burnett:
  - Aging population. Home rich. Finance poor.
  - What kind of programs would serve these people?
    - VT> Second stories not so good for seniors. (TKB> Need condominiums with elevators, no yards)
    - VT> One innovative housing type follows the progressions of age from complete independence, to growing dependence on others, to full assisted living care in the same complex/facility.
    - VT> Senior SRO and Young Professional SRO. (Housing type will be renamed to remove the negative connotations of SROs)
    - VT> Trend to more compact development.

**Piper made a motion on the Environmental Resolution (PC Res No. 2016-0 )**

Second by Ledesma. Motion Carried 7-0.

**Discussion Continued**

- Bielsker:
  - C-1 and C-2 are listed as opportunity sites. Why are these commercial sites listed? VT> C-1 and C-2 both allow residential R-4 type densities with mixed use and CUPs. Parking areas may be converted to development.

- Davis:
  - House rich. Finance poor. More local funding would allow the city to better serve its own residents first, (unencumbered by state or federal regulations, competition with the greater market place)
  - VT> We can count granny units, but funding programs can become problematic when connected to deed restrictions. Example of Escondido “Amnesty program” for illegal units, if they accepted deed restrictions. (Not really working)
  - VT> Can incentivize housing by de-coupling such things as water meters and utility (for new addresses in existing neighborhoods).
- Burnett:
  - We need to know all types of remedies. Can you give us the Top 20? The public will hold us to finding “hot spots” and issues and problems.
    - VT> How to generate more local funding..?
    - VT> Not much vacant land (in Marina) for residential uses. Primarily have commercial areas. Would the City consider allowing residential, side by side with commercial?
    - TKB> The Planning Department is presently evaluating and processing several of such applications. (TKB> CHISPA approved, Ocean Point proposed – both on DeForest)
- Davis;
  - Let’s be creative with what we have. Granny units and young families.
  - What do people want? Companionship, social atmosphere?
  - (Gov. Constraints) Second Units: why match the main unit? Some houses are ugly! (Laughter!)
- Piper:
  - How might we improve property that needs repair (aging housing stock)?
  - Impact fees are too extreme to facilitate affordable housing for lower incomes. Find the Exceptions.
  - Rehabilitate Cypress Knolls.

## Reopen to Public

July 28<sup>th</sup> suggested as a workshop date for the housing element.

- Paula Pelot:
  - BMR (Below Market Rate) as adjusted to get it back to the housing element (TKB? – *will need to review tape here*)
  - What about tiny houses? What about manufactured housing as affordable housing?
- Karen Wolfe:
  - Density needs to increase. Be aware of creating economic zones (of separation)
  - We have a devastated downtown. Don’t have the charm of older cities that actually “had” something downtown.
  - What can we do to facilitate lot consolidation?
  - What about including small corner neighborhood commercial stores?
  - Be aware of creating low-income zones in your C-1 districts (and elsewhere)
  - Look at existing housing. What needs to change (to improve matters)?

- Parking regulations? Taller buildings? How to create a walkable community?
- Mark Abrahams:
  - Looking for guidance. Need to mitigate local governmental constraints. What is the timeline for (untangling) such things?
- Denise Turley:
  - What is the housing that we need vs the housing that we have?
  - Mentioned a kibbutz example. Shared cooking facilities among families, etc.

### Close Public Hearing

Commissioner Biala made a motion to approve. Piper gave the Second.

- Urrutia: Commented on particular language in the Exhibit B Resolution for the Housing Element, and struck a few words that were not appropriate for the “Interim” nature of the Action and Recommendation to the City Council.

“WHEREAS, the Planning Commission recommends that the City Council find that the Interim Housing Element 2015-2023 ~~fully and accurately~~ documents housing needs for all sectors and income groups within the City of Marina and presents ~~relevant~~ appropriate policies and programs to enable the City to address these needs.”

- Urrutia: Pointed out that Table 23 on Page 19 and the Discussion of the Affordability Gap Analysis is critical to our understanding of the issues of the City and the efforts we need to engage in. (Taven has included it here below)

Table 23: Average Rent by Unit Size (2015)

Apartment	\$765	\$1,435	\$1,578	\$2,380	--
Single-Family Home	--	\$1,195	\$1,550	\$2453	\$2,838

Source: www.craigslist.org, accessed March 2016

### E. Affordability Gap Analysis

The costs of homeownership and renting can be compared to a household’s ability to pay for housing to determine affordability in a community. Housing affordability is defined as paying no more than 30 to 35 percent of the gross household income (depending on tenure and income level) on housing expenses. **Error! Reference source not found.** summarizes affordable rents and purchase prices by income category based on the 2015 HCD median income of \$68,700 for Monterey County.<sup>1</sup> General cost assumptions for utilities, taxes, and property insurance are also shown. Affordable purchase price assumes a four-percent interest rate with a 30-year fixed rate mortgage loan and a 10-percent down payment. Given the high costs of homeownership, lower income households are usually confined to rental housing but the affordability problem also persists in the rental market. The situation is exacerbated for large households with lower and moderate incomes given the limited supply of large rental units, and for seniors with their fixed incomes.

- Makers of the motion agreed with the concerns of Commissioner Urrutia and the modifications to the Resolution. Motion passed 7-0. **Meeting Adjourned at 9:19 pm**

<sup>1</sup> State and federal income limits differ. For the Housing Element, State income limits are used, which are usually higher than the federal levels used in the City’s Consolidated Plan and other related documents.

**Planning Commission Resolution No. 2016-05  
Recommending Adoption of a Negative Declaration.**



## RESOLUTION NO. 2016-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
MARINA RECOMMENDING THE CITY COUNCIL CONSIDER ADOPTING  
A NEGATIVE DECLARATION OF NO SIGNIFICANT ENVIRONMENTAL  
IMPACT FOR THE INTERIM UPDATED HOUSING ELEMENT 2015-2023  
TO THE GENERAL PLAN

WHEREAS, for the purposes of compliance with the California Environmental Quality Act (CEQA), an Initial Study was prepared for the draft Housing Element Update 2015-2023 to determine if the project could have a significant impact on the environment, and;

WHEREAS, the Initial Study determined that a Negative Declaration (ND) of no significant environmental impact is appropriate (EXHIBIT C of the June 9, 2016 staff report), and;

WHEREAS, the Negative Declaration was circulated for public review from May 9, 2016 to May 31, 2016, and no comments were received, and;

WHEREAS, the California Environmental Quality Act (CEQA) Statutes and Guidelines provide that a Negative Declaration may be adopted for a project where the project will not have a significant effect on the environment and that mitigation measures are not required, and;

WHEREAS the Planning Commission of the City of Marina, following the posting of Notice of Intent to Adopt a Negative Declaration, conducted a duly noticed public hearing on the draft Negative Declaration for the proposed Housing Element Update at its meeting on June 9, 2016, considered the information in the staff report, any written comments received prior to or during the meeting, and oral testimony presented at the public hearing, and;

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends that the City Council consider adopting a Negative Declaration for the Housing Element Update 2015-2023 with the following required findings:

Negative Declaration Findings

1. That an Initial Study and Negative Declaration was prepared by the City of Marina as the Lead Agency and was properly circulated for public review and comment for a minimum of 20 days from May 9, 2016 to May 31, 2016.
2. That on the basis of the whole record before it, there is no substantial evidence that the Housing Element Update 2015-2023 will have a significant effect on the environment.
3. That the Initial Study and proposed Negative Declaration for the Housing Element Update 2015-2023 were independently reviewed and analyzed by the Planning Commission and reflect the independent judgment and analysis of the Planning Commission.


4. That such independent judgment is based on substantial evidence in the record.
5. That the Project complies with CEQA, and that the proposed ND is legally adequate.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 9<sup>th</sup> day of June 2016, by the following vote:

AYES, COMMISSIONERS: Biala, Bielsker, Burnett, Davis, Ledesma, Piper, Urrutia  
NOES, COMMISSIONERS:  
ABSENT, COMMISSIONERS:  
ABSTAIN, COMMISSIONERS:

  
David Burnett, Chairperson

ATTEST:

  
Taven M. Kinison Brown,  
Acting Planning Services Manager

**Planning Commission Resolution No. 2016-06  
Recommending Adoption of Interim Updated Housing Element 2015-2023.**

**RESOLUTION NO. 2016-06**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MARINA RECOMMENDING THAT THE CITY COUNCIL  
AMEND THE CITY OF MARINA GENERAL PLAN BY ADOPTING AN  
INTERIM HOUSING ELEMENT 2015-2023.  
(CITY-WIDE)**

**WHEREAS, on May 12, 2016 the Planning Commission considered a draft Interim Housing Element Update 2015-2023 and authorized staff to submit the updated draft to the State Department of Housing and Community Development (HCD), and;**

**WHEREAS, the draft Housing Element was submitted to the California Department of Housing and Community Development on May 16, 2016 (EXHIBIT C to the June 9, 2016 staff report), and;**

**WHEREAS, on June 1, 2016, the Department of Housing and Community Development returned comments on the draft Housing Element document (EXHIBIT D to the June 9, 2016 staff report), and;**

**WHEREAS, the Planning Commission has considered the comments from HCD, and;**

**WHEREAS, on June 9, 2016, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider its recommendation to the City Council on the Interim Housing Element 2015-2023, and;**

**WHEREAS, the Planning Commission finds that the Interim Housing Element 2015-2023 would not have a significant effect on the environment and that no mitigation measures have been conditioned, and;**

**WHEREAS, the Planning Commission finds that the Interim Housing Element 2015-2023 is consistent with community values and needs as articulated by the Community Goals and Primary Policies of the General Plan, and;**

**WHEREAS, the Planning Commission recommends that the City Council consider adopting a Negative Declaration for the Housing Element Update 2015-2023 (PC Resolution No. 2016-05), and;**

**WHEREAS, the Planning Commission recommends that the City Council find that the Interim Housing Element 2015-2023 documents housing needs for all sectors and income groups within the City of Marina and presents relevant policies and programs to enable the City to address these needs.**

**NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Marina that it hereby recommends that the City Council amend the City of Marina General Plan by adopting the Interim Housing Element 2015-2023.**


PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 9th day of June 2016 by the following vote:

AYES, COMMISSIONERS: Biala, Bielsker, Burnett, Davis, Ledesma, Piper, Urrutia

NOES, COMMISSIONERS:

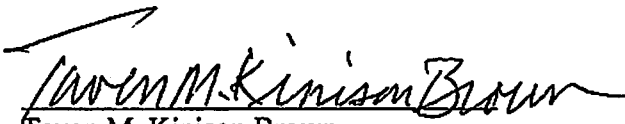
ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:



David Burnett, Chairperson

ATTEST:



Taven M. Kinison Brown

Acting Planning Services Manager

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

Subject:	University of California Monterey Bay Education Science and Technology Status Report	
Meeting Date:	July 8, 2016	<b>INFORMATION</b>
Agenda Number:	8e	

### **RECOMMENDATION:**

Receive a University of California Monterey Bay Education Science and Technology (UCMBEST) Status Report.

### **BACKGROUND:**

In 1994 the University of California (UC) obtained approximately 1,000 acres of Fort Ord land, approximately 600 for habitat conservation and 400 acres to provide research and development opportunities associated with the UCMBEST Center, which was to be managed by the UC Santa Cruz (UCSC) campus. Despite high aspirations, market demand for the Center has failed to meet expectations. Over the course of the last fifteen years UC engaged in two unsuccessful attempts to partner with a master developer. The UCSC Campus has managed the property for more than 20 years.

UCSC Chancellor George Blumenthal announced in March 2010 that UC intended to shrink the footprint of the Center and consider alternative uses for peripheral lands. In response to a request from Congressman Sam Farr, a group of stakeholders was assembled to discuss and make recommendations regarding a future vision for UCMBEST Center lands. UCSC and the Fort Ord Reuse Authority (FORA) hosted a series of facilitated stakeholder meetings. Stakeholder recommendations from that effort are summarized in the 2011 UCMBEST Center Visioning Process Report (<http://bit.ly/1SBPITt>), and memorialized in a letter executed by stakeholders (**Attachment A**). Stakeholders agreed on the following intended outcomes:

- UC's presence continues to be valued. Stakeholders recommend that UC retain control of the UCMBEST Center;
- The local institutions of higher education (and potentially others) should be invited to join an advisory group to help guide the UCMBEST Center;
- UC to actively seek new UCMBEST Center tenants and work to streamline the approval process;
- UC peripheral lands may be used in the near term for economic development opportunities; and
- UC may be expected to retain and utilize reasonable revenues for development.

Next steps outlined in the 2011 Report include:

- 1) Convene a special Working Group meeting to explore potential federal initiatives;
- 2) Convene a meeting between UCSC and CSUMB to explore Eighth Street parcel uses;
- 3) Invite local higher education institutions to collaborate in supporting UCSC development of the UCMBEST Center and to establish a process for expanding the range of potential research uses;
- 4) Seek funding for entitlements and additional water resources; and
- 5) Complete entitlements.

While many of the recommendations above remain valid, continued stagnation at the UCMBEST project area has repeatedly raised Board and community concerns. Recently, following Board direction, the strengthening of Monterey County Economic Development staffing, and the hiring of a new FORA Economic Development Coordinator, efforts have renewed to catalyze reuse activity at UCMBEST. To this end a series of meetings were held in the fall of 2015 culminating with an Executive-level meeting at UCSC on December 22, 2015 (**Attachment B**).

FORA staff and Board representatives met again with UC Santa Cruz representatives on 2/11/16, 3/4/16, and 3/17/16 to define paths forward including drafting a Memorandum of Agreement (MOA) on collaboration including establishment of a staff-level UCMBEST Working Group. Subsequently, UCSC presented at the March 11, 2016 FORA Board meeting to present the current UCMBEST project status and clarify their commitments to moving the project forward. Since then bi-weekly status update calls with UC Santa Cruz and Monterey County representatives have continued with MOA and new development interests as the main focus.

**DISCUSSION:**

UCSC Vice President for Research, Scott Brandt will provide a UCMEST status update including current and future efforts to catalyze activity at the MBEST Center.

**FISCAL IMPACT:**

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

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

**COORDINATION:**

UCSC and Administrative Committee

Prepared by \_\_\_\_\_  
Josh Metz

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

# **Placeholder for Item 8e Attachment A**

**UCMBEST Status Report**

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**This item will be included in the final Board packet.**



# **Placeholder for Item 8e Attachment B**

**UCMBEST Status Report**

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**This item will be included in the final Board packet.**

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Economic Development Quarterly Status Update

**Meeting Date:** July 8, 2016

**Agenda Number:** 8f

**INFORMATION**

### RECOMMENDATION(S):

Receive Economic Development (ED) Progress Report.

### BACKGROUND/DISCUSSION:

The 2012 Reassessment Report identified economic recovery from base closure as a yet –to-be complete BRP obligation. Beginning in January 2015, the Board reviewed economic recovery strategies and acted to recruit and fund a new ED staff position. Following a successful recruitment process, Josh Metz was appointed as ED Coordinator in June 2015.

FORA's initial ED strategy, outlined during the ED Coordinator recruitment and again at the September 2015 Board meeting, includes the following key components:

- Build on Regional Economic Strengths.
- Engage Internal & External Stakeholders.
- Develop and Maintain Information Resources.
- Pursue New Business Opportunities.
- Engage with Regional/Partner Efforts.
- Report Success Metrics.

The following key activities have been the focus of Economic Development efforts since the last Quarterly Status Update provided at the April 8, 2016:

- **Business Recruitment.** FORA staff responded to numerous inquiries from businesses interested in relocation and reuse of former Fort Ord real estate. Working with the Monterey County Economic Development office, staff explored potential recruitment of: a new winery incubator project, winery relocation and development, greenhouse R&D, medical foods R&D, livestock conservation R&D, and tourism oriented businesses. Staff is working with relevant jurisdiction staff and elected officials to advance these opportunities.
- **Regional Urban Design Guidelines.** The Board adopted FORA Regional Urban Design Guidelines (RUDG) at the June 10 meeting. Mr. Metz fulfilled his role as RUDG project manager including taking the lead on creation of an interactive implementation website (<http://www.DesignFortOrd.org>). Completion of the RUDG will advance economic recovery by providing clear guidelines for jurisdictions and developers crafting new legislative land-use policies and development plans.
- **UCMBEST.** The vision for UCMBEST as a regional R&D tech innovation and regional employment center has yet to be realized. Even after 21 years of UC ownership only a small fraction of new venture and employment opportunities exist on the lands conveyed for that purpose. FORA has a critical interest in seeing progress made on the UCMBEST vision. To that end Mr. Houlemard and Mr. Metz have taken active roles in convening relevant stakeholders to infuse the effort with new energy and craft a viable route forward. Advancing existing planning efforts to conclusion and entitlement for future sale, lease or other transfer, as well as exploring a wide range of future ownership/management structures are key areas

of staff/stakeholder focus. Vice Chancellor Brandt provided a UCSC-UCMBEST Status Report at the March 11, 2016 meeting. Since then Mr. Metz has continued to represent FORA in bi-weekly status update calls with UC Santa Cruz and Monterey County representatives.

- **Start-up Challenge Monterey Bay.** FORA continues to support the growth and establishment of regional entrepreneurship through support of CSUMB and Start-up Challenge Monterey Bay. This multi-day competitive pitch event cultivates entrepreneurship skills and identifies promising start-up concepts. The 2016 Start-up Challenge grew 25% from 2015 with 89 participants. FORA hosted 2 pitch workshops in partnership with CSUMB faculty, which enabled approximately 50 participants to refine and practice pitch content. Mr. Metz is now working with CSUMB colleagues on strategic initiatives to expand the impact of the Startup Challenge through a shared workspace feasibility study, expansion of the Startup Challenge program/schedule, and exploring other means of continuing to support the regional innovation/entrepreneurship ecosystem.
- **Community Engagement:** FORA staff continue to work on increasing public knowledge about reuse activities and opportunities. To this end each of our committee and Board meetings are publically noticed via our growing 380+ person email list, posted to the FORA.org website, shared on all FORA social media outlets, and posted at the FORA offices. All FORA contracting and employment opportunities are also posted on the FORA website and shared via social media outlets. While these efforts resulted in participation in by members of the Fort Ord Environmental Justice Network (FOEJN), Seaside NAACP and LULAC in a variety of activities including the 2015 Regional Urban Design Guidelines (RUDG) charrette process, staff has also met on multiple occasions with the FOEJN to identify opportunities for collaboration and resolving community concerns. These community engagement and outreach efforts are core ongoing ED activities.
- **Success Metrics/Information Analytics:** Clear success metrics will provide the framework to evaluate economic development progress. The 2015 FORA Jobs Survey indicates there are a total of 3541 Full-time Equivalent (FTE) and 722 Part-time jobs on the former Fort Ord. In addition, we estimate there are in excess of 10,000 students (7122 at CSUMB). As FORA supported entrepreneurship efforts mature, grant funds are secured and information resources are developed and deployed, additional ED metrics will become available.
- **Remaining 2016 Conferences:**
  - [Association of Defense Communities \(ADC\) 2016 Conference](#), June 20-22, Washington, DC
  - [Forbes Agtech Summit](#), July 13-14, Salinas, CA
  - [International Economic Development Council \(IEDC\) Conference](#), Sept 25-28 Cleveland, OH

#### **FISCAL IMPACT:**

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

Funding for staff time and ED program activities is included in the approved FORA budget.

#### **COORDINATION:**

Administrative and Executive Committees

Prepared by \_\_\_\_\_ Approved by \_\_\_\_\_  
Josh Metz Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

**Subject:** Annual Report FY 2015-16

**Meeting Date:** July 8, 2016

**Agenda Number:** 10a

**INFORMATION**

### **RECOMMENDATION(S):**

Receive the Fiscal Year 2015-16 Fort Ord Reuse Authority Annual Report.

### **BACKGROUND/DISCUSSION:**

Fort Ord Reuse Authority (FORA) staff provides annual project and activity updates to the FORA Board of Directors, local and regional jurisdictions, legislative offices, community members and local business leadership regarding reuse progress. The full-length annual report is accessible from the FORA website at the link provided below:

<http://fora.org/Reports/AR/AnnualReport2016-Full.pdf>

### **FISCAL IMPACT:**

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

Printing costs and staff time for this item is included in the approved annual budget.

### **COORDINATION:**

FORA Staff

Prepared by \_\_\_\_\_  
Jen Simon

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

# **Placeholder for Item 10b**

**Habitat Conservation Plan Update**

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**This item will be included in the final Board packet.**

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Administrative Committee

**Meeting Date:** July 8, 2016

**Agenda Number:** 10c

**INFORMATION**

### **RECOMMENDATION:**

Receive a report from the Administrative Committee.

### **BACKGROUND/DISCUSSION:**

The Administrative Committee met on June 15 and June 29, 2016. The approved minutes will be included in the final Board packet.

### **FISCAL IMPACT:**

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

Staff time for the Administrative Committee is included in the approved annual budget.

### **COORDINATION:**

Administrative Committee

Prepared by \_\_\_\_\_ Approved by \_\_\_\_\_  
Maria Buell Michael A. Houlemard, Jr.

# **Placeholder for Item 10d**

**Post-Reassessment Advisory Committee**

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**This item will be included in the final Board packet.**

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Regional Urban Design Guidelines Task Force

**Meeting Date:** July 8, 2016

**Agenda Number:** 10e

**INFORMATION**

### **RECOMMENDATION(S):**

Receive Regional Urban Design Guidelines (RUDG) Task Force (Task Force) Update.

### **BACKGROUND/DISCUSSION:**

The RUDG process began in spring 2014 and concluded with the June 10, 2016 unanimous Board vote to adopt the RUDG as presented. Over the course of the two-year policy development process, the Task Force met on 34 separate occasions and reviewed/commented on 25 document drafts. The work of the Task Force was invaluable in arriving at a policy suitable for Board adoption.

The Task Force met for the last time on Wednesday June 2<sup>nd</sup> to review 6 formal comment submissions for members of the public in response to the 14-day Public Review Draft comment period. Following a detailed review and incorporation of comments as appropriate, members moved unanimously to recommend advancing the RUDG for Board consideration at the June 10<sup>th</sup> meeting.

There are no more meeting of the RUDG Task Force scheduled. The Draft June 2, 2016 minutes are attached (**Attachment A**).

### **FISCAL IMPACT:**

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

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

### **COORDINATION:**

Administrative Committee

Prepared by \_\_\_\_\_  
Josh Metz

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



# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Veterans Issues Advisory Committee

**Meeting Date:** July 8, 2016

**Agenda Number:** 10f

**INFORMATION**

### **RECOMMENDATION:**

Receive an update from the Veterans Issues Advisory Committee (VIAC).

### **BACKGROUND/DISCUSSION:**

The VIAC met on June 23, 2016. The approved May 26, 2016 minutes are attached (**Attachment A.**)

### **FISCAL IMPACT:**

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

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

### **COORDINATION:**

VIAC

Prepared by \_\_\_\_\_  
Mary Israel

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



**FORT ORD REUSE AUTHORITY  
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES  
3:00 P.M. Thursday, May 26, 2016  
(FORA Conference Room)**

**1. CALL TO ORDER**

Confirming quorum, acting Chair Edith Johnsen called the meeting to order at 3:00 p.m. Chair Jerry Edelen was excused. The following were present:

**Committee Members:**

Mary Estrada, United Veterans Council (UVC)  
Richard Garza, Central Coast Veterans Cemetery Foundation (CCVC Foundation)  
Edith Johnsen, Veterans Families  
Jack Stewart, Fort Ord Veterans Cemetery Citizens Advisory Committee  
Sid Williams, Monterey County Military & Veterans Advisory Commission (VAC)  
Preston Young, U.S. Army (POM/DLI)

**FORA Staff:**

Robert Norris  
Jen Simon

**Others in Attendance:**

J. Fagan, CCVC Foundation  
George Guinn, Forthm  
Edwin Marticorena, Veterans Transition Center  
Virgil Piper, Marina Planning Commission  
Bob Schaffer, member of the public

**2. PLEDGE OF ALLEGIANCE**

Sid Williams led the pledge of allegiance.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Thank you card from Sue Putnam in the Agenda Packet.

**4. PUBLIC COMMENT PERIOD**

Virgil Piper asked how to purchase cemetery spots. Richard Garza said that individuals pre-qualify and application by the individual or a family member is done by calling 647-7613.

Mr. Piper also asked what the status of the new VA clinic is, and how to set up co-pay. Mr. Garza suggested calling the same number above, to ask the County.

**5. APPROVAL OF MEETING MINUTES**

**a. April 28, 2016**

MOTION: Sid Williams moved, seconded by Mary Estrada, to approve the April 28, 2016 Veterans Issues Advisory Committee minutes. MOTION PASSED UNANIMOUSLY.

## 6. BUSINESS ITEMS

### a. California Central Coast Veterans Cemetery Status Report

#### i. Cemetery Administrator's Status Report

Principal Analyst Robert Norris said the hiring process underway for a local cemetery manager. Ms. Johnsen noted that they have approximately six hundred and eighteen candidates.

#### ii. Cemetery Advisory Committee (CAC) Working Meeting Agenda

Jack Stewart said there is a lack of clarity as to the role the CAC will play in the cemetery opening. Mr. Norris said that the CAC steering committee drafted a portion of the application to begin the statement of need for Phase 2.

#### iii. Endowment Parcel MOU

Sid Williams said the May 12 County Board of Supervisors Fort Ord Committee meeting, which he anticipated would discuss amending the MOU, was cancelled.

#### iv. Opening Ceremony

Mr. Norris confirmed the opening is still set for October.

#### v. Military and Veterans Affairs Pre-Enrollment Report

Ms. Johnsen reported that Dan Fahey (Interim Veterans Cemetery Manager) is doing a good job.

### b. Fundraising Status

#### i. CCVC Foundation Status Report

Mr. Garza said the Foundation is focused on fundraising for Phase 2. He responded to a question from the public about plaques.

#### ii. Heroes Open Golf Tournament

Mr. Williams reported out from the planning meeting held onsite before this VIAC meeting. He explained how the event information can be accessed on the web and shared brochures. Mr. Williams stated that the letter for corporate sponsorship for the Tournament has been finalized, and that they will require a local match.

### c. VA/DoD Veterans Clinic Status Report

#### i. Historic Flag Pole Variance Update

Mr. Williams reported that the VA have yet to test structural integrity of the flagpole.

#### ii. Clinic Construction Schedule

Mr. Norris said the schedule is on track for mid-October for the ribbon cutting.

### d. Veterans Transition Center Housing Construction

Edwin Marticorena said VTC is seeking a conference call with FOR A and the Army to negotiate water to support the project. J. Fagan said the CEQA is under review at City of Marina.

### e. Historical Preservation Project

Jack Stewart and Mr. Guinn discussed their pursuit of a new location for the historical preservation project. Group suggestions included: East Garrison, old FORA building.

**f. California State Assembly Bill 2561**

Mr. Norris said that AB 2561, a bill that declares monies can be specified for various purposes for the cemetery only, went through the Senate with a unanimous vote.

**7. ITEMS FROM MEMBERS**

Ms. Johnsen said the Marina Foundation dinner to raise funds for VTC is on May 28<sup>th</sup> and ticket information is on the website. Mr. Marticorena added that the cost of the dinner is \$25 per plate.

Ms. Johnsen also noted the selection of Mayor Edelen as the FORA representative to the County's Cemetery Advisory Committee. She asked for an additional business item for him to report on those meetings at VIAC.

**8. ADJOURNMENT**

Acting Chair Johnsen adjourned the meeting at 3:47 p.m.

**NEXT SCHEDULED MEETING: 3 p.m. June 23, 2016**

<b>FORT ORD REUSE AUTHORITY BOARD REPORT</b>	
<b>EXECUTIVE OFFICER'S REPORT</b>	
<b>Subject:</b>	Water/Wastewater Oversight Committee
<b>Meeting Date:</b>	July 8, 2016
<b>Agenda Number:</b>	10g
<b>INFORMATION</b>	

**RECOMMENDATION:**

Receive an update from the Water/Wastewater Oversight Committee (WWOC).

**BACKGROUND/DISCUSSION:**

The WWOC met on June 15, 2016. And approved May 2, 2016 minutes (**Attachment A**) held over from the previous meeting due to lack of quorum. The committee members received staff informational reports from MCWD on the Quarterly Financials, Wastewater credits from the 2005 FORA, ARMY, MCWD, MRWPCA Agreement, and the LAFCO Annexation Status. WWOC requested the water transfer at the Inter-tie be noted on future Quarterly reports.

**FISCAL IMPACT:**

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

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

**COORDINATION:**

WWOC, Marina Coast Water District

Prepared by \_\_\_\_\_  
Peter Said

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



**FORT ORD REUSE AUTHORITY  
WATER/WASTEWATER OVERSIGHT COMMITTEE  
MEETING MINUTES**

920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933 | FORA Conference Room  
9:30 a.m., Monday, May 2, 2016

**1. CALL TO ORDER**

Confirming quorum, Chair Rick Riedl called the meeting to order at 9:30 a.m. The following were present:

**Committee Members:**

Melanie Beretti, Monterey County  
Mike Lerch, California State University  
Monterey Bay (CSUMB)  
Steve Matarazzo, University of California  
Santa Cruz (UCSC)  
Rick Riedl, City of Seaside  
Steve Wittry, City of Monterey

Patrick Breen, MCWD  
Bob Schaffer  
Andy Sterbenz, Schaaf and Wheeler

**FORA Staff:**

Michael Houlemard Jr.  
Steve Endsley  
Jonathan Brinkmann  
Peter Said  
Mary Israel

**Other Attendees:**

Keith Van Der Maaten, Marina Coast Water  
District (MCWD)  
Kelly Cadiente, MCWD  
Mike Wegley, MCWD

**2. PLEDGE OF ALLEGIANCE**

Keith Van Der Maaten led the pledge of allegiance.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Steve Wittry introduced himself as the alternate for Elizabeth Caraker, who is on vacation.

**4. PUBLIC COMMENT PERIOD**

None.

**5. APPROVAL OF MEETING MINUTES**

a. April 13, 2016

MOTION: Steve Matarazzo moved, seconded by Mike Lerch, to approve both the April 13, 2016 Water/Wastewater Oversight Committee (WWOC) minutes with one change to the wording of item 7a.

MOTION PASSED UNANIMOUSLY.

## **6. BUSINESS ITEMS**

- a. Recommendation of Marina Coast Water District's Proposed Ord Community Budget to the Fort Ord Reuse Authority Board

Committee members asked questions of MCWD staff in relation to specific budget line items and capital improvement projects. MCWD staff responded to each question during the meeting.

Steve Matarazzo requested the budget summary include a footnote that reads "The rate increases authorized by the Proposition 218 process are scheduled over a five year period from 2014-2019. The increases over this term are required for capital improvement projects and increased operating costs. The CIP Projects yet to be completed are X (to be provided by MCWD staff) and the schedule is X (to be provided by MCWD staff)."

Peter Said asked the committee if they were ready to make a recommendation to the FORA Board.

MOTION: Mike Lerch moved, accepting a friendly amendment to include Steve Matarazzo's requested CIP footnote previously described with estimated costs and timetables, seconded by Melanie Beretti, to recommend the FORA Board of Directors approve the MCWD 2016-2017 Compensation Plans.

MOTION PASSED UNANIMOUSLY.

## **7. ITEMS FROM MEMBERS**

None.

## **8. ADJOURNMENT**

Chair Riedl adjourned the meeting at 10:27 a.m.

**NEXT MEETING: May 18, 2016**

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

<b>Subject:</b> Travel Report	
<b>Meeting Date:</b> July 8, 2016 <b>Agenda Number:</b> 10h	<b>INFORMATION</b>

### **RECOMMENDATION:**

Receive a travel report from the Executive Officer.

### **BACKGROUND/DISCUSSION:**

Per the FORA Travel Policy, the Executive Officer (EO) submits travel requests to the Executive Committee on FORA Board/staff travel. The Committee reviews and approves requests for EO, Authority Counsel and board members travel; the EO approves staff travel requests. Travel information is reported to the Board.

### **COMPLETED TRAVEL (as of June 30, 2016)**

#### Association of Defense Communities-2016 National Summit (6/20-6/22)

**Destination:** Washington, DC  
**Travel Dates:** June 19-23, 2016  
**Traveler/s:** Michael Houlemard and Board members Oglesby and Phillips

### **UPCOMING TRAVEL**

#### International Economic Development Council Annual Conference (IEDC) (9/21 to 9/28/16)

**Destination:** Cleveland, OH  
**Date:** September 25-28, 2016  
**Traveler:** Josh Metz

IEDC is a non-profit, non-partisan membership organization serving economic developers. With more than 4,500 members, it is the largest organization of its kind. IEDC members are employed in a wide variety of settings including local, state, provincial and federal governments, public-private partnerships, chambers of commerce, universities and a variety of other institutions. The 2016 Annual Conference takes place September 25-28<sup>th</sup> and it draws on the inspirational story of Cleveland through its rise as a powerhouse economy, its adaptation to new economic realities, and its rebirth through reinvestment in institutions, infrastructures, and relationships. The conference will showcase how economic developers are shaping communities that emerge as stronger, more resilient, and ready to rock.

#### California Special Districts Association (CSCA) Board Clerk/Secretary Conference

**Destination:** Seaside, CA  
**Date:** November 14-16, 2016  
**Traveler/s:** Maria Buell and 1 Staff member

Ms. Buell will participate in the Advanced Certificate Holders training for Board Clerks Program and one more staff will begin the process of obtaining a Clerk certificate. The Program focuses heavily on advanced Public Records Act, Ralph M. Brown Act, and Roberts Rules of Order training. Previous year's sessions have also included implementation of plain language guidelines, public outreach strategy, Fair Political Practices Commission compliance, and board member orientation procedures. This conference provides an excellent opportunity to coordinate with public agencies from across the state.



**FISCAL IMPACT:**

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

Travel expenses are paid/reimbursed according to the FORA Travel policy.

**COORDINATION:**

Executive Committee

DRAFT

Prepared by \_\_\_\_\_ Approved by \_\_\_\_\_  
Maria Buell Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Public Correspondence to the Board

**Meeting Date:** July 8, 2016

**Agenda Number:** 10i

**INFORMATION**

Public correspondence submitted to the Board is posted to FORA's website on a monthly basis and is available to view at <http://www.fora.org/board.html>.

Correspondence may be submitted to the Board via email to [board@fora.org](mailto:board@fora.org) or mailed to the address below:

FORA Board of Directors  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, CA 93933

DRAFT

**- END -**

**DRAFT  
BOARD PACKET**