



# FORT ORD REUSE AUTHORITY

## REGULAR MEETING

### FORT ORD REUSE AUTHORITY (FORA) ADMINISTRATIVE COMMITTEE

Wednesday, August 1, 2018 at 8:30 a.m.

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

## AGENDA

**1. CALL TO ORDER/ESTABLISHMENT OF QUORUM**

**2. PLEDGE OF ALLEGIANCE**

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

- a. Revised 2018 Administrative Committee Meeting Schedule

**4. PUBLIC COMMENT PERIOD**

*Members of the public wishing to address the Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes and will not receive Committee action. Whenever possible, written correspondence should be submitted to the Committee in advance of the meeting, to provide adequate time for its consideration.*

**5. APPROVAL OF MEETING MINUTES**

**ACTION**

- a. July 18, 2018 Special Meeting Minutes

**6. AUGUST 10, 2018 DRAFT BOARD MEETING AGENDA REVIEW**

**INFORMATION**

**7. BUSINESS ITEMS**

**INFORMATION/ACTION**

- a. Building Removal Program
- b. Consistency Determination: Marina Municipal Airport Master Plan Update
- c. Consistency Determination: City of Seaside Zoning Code

**8. ITEMS FROM MEMBERS**

**INFORMATION**

*Receive communication from Committee members as it pertains to future agenda items.*

**9. ADJOURNMENT**

**NEXT MEETING: Wednesday, August 15, 2018 at 8:30 a.m.**



# FORT ORD REUSE AUTHORITY

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

Phone: (831) 883-3672 | Fax: (831) 883-3675 | [www.fora.org](http://www.fora.org)

## **REVISED** 2018 FORA ADMINISTRATIVE COMMITTEE MEETING SCHEDULE

**January 3**

January 17

**January 31**

February 14

**February 28**

March 14

**April 4**

April 18

**May 2**

May 16

**May 30**

June 13

**July 3**

July 18

**August 1**

August 15

**September 5**

September 19

**October 3**

October 17

**October 31**

**November 14**

**December 5**

**December 19**

The FORA Administrative Committee meets twice a month, on the Wednesday one week prior to the Board meeting and on the Wednesday following the Board meeting. The dates **in bold** above are the meetings that occur prior to the Board meeting, at which the Committee will review items for the upcoming Board agenda. Meetings begin at 8:30 a.m. in the FORA Conference room, unless otherwise posted.

Meeting dates and times are subject to change. Agendas and other meeting materials are posted on the FORA website [www.fora.org](http://www.fora.org) and are available upon request.

*Revised: July 13 2018 Board of Directors Regular Meeting*



**FORT ORD REUSE AUTHORITY**  
**ADMINISTRATIVE COMMITTEE SPECIAL MEETING MINUTES**  
**8:30 a.m., Wednesday, July 18, 2018 | FORA Conference Room**  
920<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

**1. CALL TO ORDER**

Co-Chair City of Executive Officer Michael Houlemard called the meeting to order at 8:33 a.m.

The following members were present:

Craig Malin\* (City of Seaside)

Steve Matarazzo (UCMBEST)

Hans Uslar\* (City of Monterey)

Bill Collins (US Army)

Dino Pick\* (City of Del Rey Oaks)

Anya Spear (CSUMB)

Layne Long\* (City of Marina)

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Jon Wizard.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Executive Officer Michael Houlemard reported on the US Army Community Involvement Mobile Workshop that was held on July 14, 2018. U.S. Army Base Closure and Realignment Environmental Coordinator Bill Collins added that there were about 175 participants and the next tour is scheduled for February 2019 and will focus on water and landfills.

**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.*

There were no public comments received.

**5. APPROVAL OF MEETING MINUTES**

**ACTION**

a. July 11, 2018 Special Meeting Minutes

MOTION: On motion by Committee member Pick and second by Committee member Uslar and carried by the following vote, the Administrative Committee moved to approve the June 11, 2018 special meeting minutes.

**MOTION PASSED UNANIMOUSLY**

**6. JULY 13, 2018 TRANSITION PLANNING STUDY SESSION FOLLOW-UP**

**INFORMATION**

Assistant Executive Officer Steve Endsley provided an overview of the study session and advised the Committee to coordinate with their elected officials in regards to the transition plans and what that might mean for each jurisdictions. Mr. Houlemard also provided comments and responded to questions and comments from the Committee and public.

Committee member Layne Long arrived at 8:42 a.m. There was no public comment received.

This item was for information only.

**7. JULY 13, 2018 BOARD MEETING FOLLOW-UP**

**INFORMATION**

Mr. Houlemard provided a brief overview of the action taken at the July 13, 2018 Board meeting and reviewed the discussion surrounding the Service Work Order for General Jim Moore Boulevard and the second vote that will take place at the August 10, 2018 Board meeting. Comments from the Committee and public were received.

This item was for information only.

**8. BUSINESS ITEMS**

**INFORMATION/ACTION**

a. Building Removal Updates

Principal Planner Jonathan Brinkmann introduced Project Manager Peter Said whom provided updates on recent building removal activity. A brief background was provided which reviewed the 2017 Capital Improvement Program (CIP) updated that estimated the budget for the Stockade at \$4.2M. The Surplus II and Marina Stockade timeline was also reviewed. Staff responded to questions and comments from the Committee and the public.

A vote was not taken on this item.

b. Department of Toxic Substances Control Annual Land Use Covenant Reporting

Mr. Brinkmann reviewed the land use covenant agreement item and reminded the Committee of the survey due date of September 28, 2018. Mr. Houlemard also provided comments and reminded that the County would have to take on the responsibility of transmitting the reports to DTSC in 2020.

This item was for information only.

**9. ITEMS FROM MEMBERS**

City of Marina City Manager Layne Long sought clarification on eligible activities that would allow CFD fees to be used on building removal. Mr. Houlemard responded to questions and comments from the Committee and the public.

**10. ADJOURNMENT** at 9:11 a.m.

Minutes Prepared By:  
Dominique Jones  
Deputy Clerk

**- START -**

**DRAFT  
BOARD PACKET**



# FORT ORD REUSE AUTHORITY

## REGULAR MEETING

### FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, August 10, 2018 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 AUGUST 9, 2018.**

### 1. CALL TO ORDER

### 2. PLEDGE OF ALLEGIANCE *(If able, please stand)*

### 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

### 4. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Keep Fort Ord Wild v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 17CV004540, Pending Litigation.
- b. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Marina Community Partners, LLC v. Fort Ord Reuse Authority, Monterey County Superior Court Case No.: 18CV000871, Pending Litigation.
- c. Conference with Legal Counsel - Potential Litigation, Gov. Code §54956.9(d)(4)
- d. Conference with Real Property Negotiators Gov. Code §54956.8  
**Property:** Environmental Services Cooperative Agreement  
**Agency Negotiators:** Michael A. Houlemard, Jr. (FORA) and Barry Steinberg (U.S. Army)  
**Negotiating Parties:** Fort Ord Reuse Authority and United States Army  
**Under Negotiation:** Amendment Terms
- e. Public Employment, Gov. Code §54959.7(b) - Executive Officer Evaluation

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

### 6. ROLL CALL

*FORA is governed by 13 voting members: (a) 1 member appointed by the City of Carmel; (b) 1 member appointed by the City of Del Rey Oaks; (c) 2 members appointed by the City of Marina; (d) 1 member appointed by Sand City; (e) 1 member appointed by the City of Monterey; (f) 1 member appointed by the City of Pacific Grove; (g) 1 member appointed by the City of Salinas; (h) 2 members appointed by the City of Seaside; and (i) 3 members appointed by Monterey County. The Board also includes 12 ex-officio non-voting members.*

### 7. CONSENT AGENDA

### INFORMATION/ACTION

*CONSENT AGENDA consists of routine information or action items accompanied by staff recommendation. Information has been provided to the FORA Board on all Consent Agenda matters. The Consent Agenda items are normally approved by one motion unless a Board member or the public request discussion or a separate vote. Prior to a motion, any member of the public or the Board may ask a question or make comment about an agenda item and staff will provide a response. If discussion is requested, that item will be removed from the Consent Agenda and be considered separately at the end of the Consent Agenda.*

- a. Approve July 13, 2018 Meeting Minutes  
**Recommendation:** Approve July 13, 2018 meeting minutes.
- b. Administrative Committee  
**Recommendation:** Receive a report from the Administrative Committee.
- c. Veterans Issues Advisory Committee  
**Recommendation:** Receive a report from the Veterans Issues Advisory Committee.
- d. Prevailing Wage Status Report  
**Recommendation:** Receive a Prevailing Wage status report.
- e. Fiscal Year 2017-18 Annual Report  
**Recommendation:** Receive the Fiscal Year 2017-18 Fort Ord Reuse Authority Annual Report.
- f. Public Correspondence to the Board  
**Recommendation:** Receive public correspondence to the Board.

## 8. BUSINESS ITEMS

## INFORMATION/ACTION

*BUSINESS ITEMS are for Board discussion, debate, direction to staff, and/or action. Comments from the public are **not to exceed 3 minutes** or as otherwise determined by the Chair.*

- a. Service Work Order for General Jim Moore Boulevard – 2d Vote  
**Recommendation:** Authorize Executive Officer to execute Service Work Order (SWO) W5 to the Whitson Engineers Master Services Agreement No. FC-20171117 for the preparation of Planning, Specification and Estimates for the General Jim Moore Boulevard (GJMB) and South Boundary Road (SBR) intersection, not to exceed \$209,965.
- b. Consistency Determination: Marina Municipal Airport Master Plan Update  
**Recommendation:**
  - i. Conduct a public hearing regarding City of Marina Municipal Airport Master Plan Update (AMP) and its consistency with the Base Reuse Plan (noticed appropriately on July 31, 2018).
  - ii. Consider approving Resolution 18-XX (Attachment A), certifying that the AMP is consistent with the Fort Ord Base Reuse Plan (Reuse Plan).
- c. Consistency Determination: City of Seaside Zoning Code  
**Recommendation:**
  - i. Conduct a public hearing regarding City of Seaside's Zoning Code and its consistency with the Base Reuse Plan (noticed on July 31, 2018).
  - ii. Consider approving Resolution 18-XX (Attachment A, Placeholder), certifying that the Seaside Zoning Code is consistent with the Fort Ord Base Reuse Plan (Reuse Plan).
- d. Transition Planning Process Update  
**Recommendation:** Receive an update of the FORA Transition Planning Process.
- e. Building Removal Program  
**Recommendation:** Authorize the Executive Officer to solicit and execute service contracts for a financial advisor and bond counsel to explore the feasibility of bonding FORA property tax to complete additional base wide building removal.
- f. Habitat Conservation Plan Update  
**Recommendation:** [This information will be included in the final packet]

## 9. PUBLIC COMMENT PERIOD

## INFORMATION

*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 or as otherwise determined by the Chair and will not receive Board action. Whenever possible, written correspondence should be submitted to the Board in advance of the meeting, to provide adequate time for its consideration.*

## 10. ITEMS FROM MEMBERS

## INFORMATION

*Receive communication from Board members as it pertains to future agenda items.*

## 11. ADJOURNMENT

**NEXT REGULAR MEETING: September 17, 2018 AT 2:00 P.M.**

# **Placeholder for Item 7a**

**July 13, 2018**

**Meeting Minutes**

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



# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

<b>Subject:</b>	Administrative Committee	
<b>Meeting Date:</b>	August 10, 2018	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	7b	

### **RECOMMENDATION:**

Receive a report from the Administrative Committee.

### **BACKGROUND/DISCUSSION:**

The Administrative Committee met on July 11, 2018. The approved minutes for this special meeting is provided as **Attachment A**.

### **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 \_\_\_\_\_  
Dominique L. Jones Michael A. Houlemard, Jr.



APPROVED

**FORT ORD REUSE AUTHORITY**  
**ADMINISTRATIVE COMMITTEE SPECIAL MEETING MINUTES**  
**8:30 a.m., Wednesday, July 11, 2018 | FORA Conference Room**  
**920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933**

**1. CALL TO ORDER**

Co-Chair City of Seaside City Manager Craig Malin called the meeting to order at 8:06 a.m.

The following members were present:

- |                                       |                           |
|---------------------------------------|---------------------------|
| Craig Malin* (City of Seaside)        | Lisa Rheinheimer (MST)    |
| Elizabeth Caraker* (City of Monterey) | Matthew McCluney (CSUMB)  |
| Hans Uslar* (City of Monterey)        | Steve Matarazzo (UCMBEST) |
| Dino Pick* (City of Del Rey Oaks)     | Patrick Breen (MCWD)      |
| Melanie Beretti* (Monterey County)    | Bill Collins (US Army)    |
| Layne Long* (City of Marina)          |                           |

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Del Rey Oaks City Manager Dino Pick.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Executive Officer Michael Houlemard announced the Presidio of Monterey Change of Command Ceremony occurred June 12, 2018 at Soldier Field. Col. Lawrence Brown relinquished command to Col. Greg Ford.

U.S. Army Base Closure and Realignment Environmental Coordinator Bill Collins announced a Community Involvement Mobile Workshop on July 14, 2018 between 10:00a.m. - 1:30 p.m. More information can be found at [www.fortordcleanup.org](http://www.fortordcleanup.org)

**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.*

There were no public comments received.

**5. APPROVAL OF MEETING MINUTES**

**ACTION**

- a. June 13, 2018 Meeting Minutes

MOTION: On motion by Committee member Uslar and second by Committee member Beretti and carried by the following vote, the Administrative Committee moved to approve the June 13, 2018 meeting minutes.

**MOTION PASSED UNANIMOUSLY**

**6. BUSINESS ITEMS**

**INFORMATION/ACTION**

- a. Transition Planning
  - i. June 8, 2018 Study Session Follow-Up
  - ii. July 13, 2018 Study Session Review

Mr. Houlemard and Risk Manager Sheri Damon provided information about the the June 8, 2018 Transition Planning Board study session and the comments that have been

received from TAMC, Monterey County and the City of Seaside. There was an unanticipated absence of comments from the public regarding the Transition Plan.

An overview was also provided regarding the upcoming Transition Planning Board study session on July 13, 2018. Senator Bill Monning is scheduled to attend and Ms. Damon provided the hard copy packet to the Committee and briefly reviewed the staff report contents and the format in which the presentation will be provided. Assistant Executive Officer Steve Endsley and staff responded to questions and comments from the Committee.

This item was for information only.

**b. Building Removal Program**

Principal Planner Jonathan Brinkmann provided a presentation of the Building Removal Program that reviewed the remaining buildings, financing plan, cost/benefit analysis and policy decision makers. Staff responded to questions and comments from the Committee. Mr. Houlemard encouraged the Committee to consider a full analysis prior to requesting the item be presented to the Board.

**c. Department of Toxic Substances Control Annual Land Use Covenant Reporting**

Kristi Reimer of Reimer Associates Consulting, provided introductory comments on the item. Mr. Brinkmann reviewed the memorandum regarding the land use covenant agreement that requires each of the entities to monitor and report on environmental restrictions on the former Fort Ord. The survey due date is September 28, 2018. Mr. Houlemard also provided comments in regards to the support FORA lends to Monterey County for compiling the eight reporting entities monitoring reports and their transmittal to the Department of Toxic Substance Control.

**7. ITEMS FROM MEMBERS**

Lisa Rheinheimer informed the Committee that MST has completed their feasibility study of the bus line shoulder and Monterey branch line and would like to present that information to the Committee at a future date. Also, Ms. Rheinheimer requested FORA Board consider supporting or advocate for Senate Bill 1 that has a ballot measure in November known as Proposition 6 which would repeal Senate Bill 1 for gas tax; and would have a tremendous effect on MST. Mr. Houlemard indicated that the item may already be included in the 2018 Legislative Agenda approved by the Board. Staff was directed to follow up with in regards to placing the feasibility study presentation on a future agenda and information regarding FORA Board legislation positions.

**8. ADJOURNMENT at 9:11 a.m.**

Minutes Prepared By:  
Dominique Jones  
Deputy Clerk

<b>FORT ORD REUSE AUTHORITY BOARD REPORT</b>	
<b>CONSENT AGENDA</b>	
<b>Subject:</b>	Veterans Issues Advisory Committee
<b>Meeting Date:</b>	August 10, 2018
<b>Agenda Number:</b>	7c
<b>INFORMATION/ACTION</b>	

**RECOMMENDATION:**

Receive a report from the Veterans Issues Advisory Committee (VIAC).

**BACKGROUND/DISCUSSION:**

The Veterans Issues Advisory Committee met on June 28, 2018. The approved minutes for this meeting are provided as **Attachment A**.

**FISCAL IMPACT:**

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

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

**COORDINATION:**

VIAC

Prepared by \_\_\_\_\_  
Heidi L. Lizarbe

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



**APPROVED**

**FORT ORD REUSE AUTHORITY  
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES  
3:00 P.M. June 28, 2018 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933**

**1. CALL TO ORDER**

Chair Mayor Jerry Edelen called the meeting to order at 3:00 P.M.

**Committee Members Present:**

Jerry Edelen, Mayor of City of Del Rey Oaks  
Edith Johnsen, Veterans Families/Fund Raising  
Sid Williams, Monterey County Military & Veterans Affairs Commission (MCM & VAC)  
Mary Estrada, United Veterans Council (UVC)  
Jason Cameron, Monterey County Office of Military & Veterans Affairs  
Richard Garza, Central Coast Veterans Cemetery Foundation (CCVCF)  
James Bogan, Disabled American Veterans (DAV)  
Jack Stewart, Monterey County California Central Coast Veterans Cemetery Advisory Committee  
Erica Chaney, CCCVC Administrator

**2. PLEDGE OF ALLEGIANCE** led by Jack Stewart.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Mayor Edelen thanked Edith Johnsen stepping in as the acting Chair for the past two meetings in his absence.

Mr. Norris advised that the change of command at the Presidio of Monterey took place on June 9<sup>th</sup>, with Col. Ford replacing Col. Brown. Mr. Norris welcomed Col. Ford to the VIAC Committee.

**4. PUBLIC COMMENT PERIOD**

There were no comments from the public.

**5. APPROVAL OF MEETING MINUTES**

a. May 24, 2018 Regular Meeting Minutes

MOTION: On motion by Committee member Edith Johnsen and seconded by Committee member Richard Garza. The VIAC approved the May 24, 2018 meeting minutes as amended by unanimous vote.

**6. BUSINESS ITEMS**

a. **California Central Coast Veterans Cemetery (CCCVC) Status Report**

- i. *Cemetery Administrator's Status*  
No Report.

Mr. Norris indicated we received clarification on what the Fort Ord committee staff were instructed to do by the Fort Ord committee of the Monterey County Board of Supervisors,

regarding the mitigation parcels and the Cemetery MOU. They directed staff to contact the CDVA, and County staff is still waiting for CDVA's response. In reference to the CDVA Budget, the revised May budget was distributed among VIAC committee for further review, noting that the final budget signed by the Governor is slightly different. Mr. Norris asked the VIAC members, should they had any questions/concerns please direct them to him and he will provide assistances in getting them answered.

ii. *Veterans Cemetery Land Use Status*

Principal Analyst Robert Norris announced the City of Seaside has reviewed and accepted the consultant's report on Oak Woodlands. The Fort Ord Committee will be reviewing the report at its next scheduled meeting.

iii. *Fort Ord Committee Verbal Report: Oak Woodlands Mitigation & Endowment MOU*

Principal Analyst Robert Norris announced there is no update currently on the status of the MOU.

b. **Fundraising Status**

i. *CCVCF Status Report*

No Report.

c. **Veterans Transition Center (VTC) Housing Construction**

Kurt Schake, VTC Executive Director announced the VTC has expanded from 58 rooms to 84 to service homeless veterans. The additional rooms will open in July of 2018. Mr. Schake thanked Erica Chaney, and Assembly Member Stone for their assistance in obtaining funding for the proposed expansion/rehabilitation of some of the derelict duplexes. The VTC was seeking \$700,000, however received \$1.5 million to open 8 new units.

Mr. Schake also provided an update on the status on the Lightfighter Village 71 units of permanent housing at the end of Haze Circle. The project is currently proceeding on schedule.

d. **VA-DOD Clinic**

Mr. Norris advised there have been no changes in the situation at the VA-DOD Clinic, nor the VA's position on the status of the pharmacy and other services that were promised.

The cafeteria is now open for breakfast and lunch.

e. **Historical Preservation Project**

No Report.

f. **Calendar of Events**

- Salute the Nation will take place at the Presidio of Monterey on July 16, 2018 at 4:00pm.

**7. ITEMS FROM MEMBERS**

Veteran's Cemetery/State Budget

**8. ADJOURNMENT** at 3:19 p.m.

Minutes Prepared by:  
Heidi Lizarbe  
Administrative Assistant

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Prevailing Wage Status Report

**Meeting Date:** August 10, 2018

**Agenda Number:** 7d

**INFORMATION/ACTION**

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

Receive Prevailing Wage Status Report

### **DISCUSSION:**

From April 1, 2018 – June 30, 2018, multiple construction workers were employed on Fort Ord projects. From reported information (California State University (CSU), approximately 13,488 worker hours were utilized and approximately 96 workers employed. An average of 52% of those workers were from the tri-County area. (Santa Cruz, Monterey and San Benito Counties). In addition, Marina Coast Water District (MCWD) is continuing on the RUWAP project. That project has utilized 19,525.5 hours for the period April 1, 2018 through December 31, 2018. The percentage of those workers from the tri-County area was unable to be determined from DIR records. These numbers do not yet include the Dunes on Monterey Bay (Dunes) housing project, Seahaven project worker hours or the County.

Enforcement issues seem to continue to arise. Staff has attached copies of letters from the Monterey/Santa Cruz Building Trades regarding issues and requests for information to the Seahaven and Castellanos project developers in the City of Marina (**Attachment A**). Both of these issues have been reported to the City of Marina for their files and appropriate action.

Additionally, in the August 11, 2017 Prevailing Wage report, it was reported that a Civil Wage and Penalty Assessment had been imposed by the Department of Industrial Relations (DIR) against Prosidig, Inc., a subcontractor of Shea Home Limited Partnership, in the amount of \$1,826,297.64. The DIR has settled that matter last month (July 2018) for a total of \$203,494.77, which was comprised of \$162,134.77 in back wages and a total in penalty assessments of \$41,360.

### **FISCAL IMPACT:**

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

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

Prepared by \_\_\_\_\_  
Sheri Damon

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

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
BLYTHE MICKELSON  
BARRY E. HINKLE  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. WEDA  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN \*\*  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
DAREN P. SENCER  
ANNE I. YEN  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES \*\*\*  
KERIANNE R. STEELE \*\*  
GARY P. PROVENCHER  
EZEKIEL D. CORDER \*\*\*\*\*  
MONICA T. GUIZAR  
LISL R. SOTO  
JOLENE KRAMER

## WEINBERG, ROGER & ROSENFELD

### A Professional Corporation

1001 Marina Village Parkway, Suite 200

Alameda, CA 94501

TELEPHONE (510) 337-1001

FAX (510) 337-1023

WWW.UNIONCOUNSEL.NET

ANTHONY J. TUCCI \*\*  
MICHAEL D. BURSTEIN  
ALEJANDRO DELGADO  
CAROLINE N. COHEN  
XOCHITL A. LOPEZ  
CAITLIN E. GRAY  
TIFFANY CRAIG ALTAMIRANO \*\*  
RYAN B. KADEVARI  
DAVID W.M. FUJIMOTO  
ADAM J. THOMAS  
PAUL K. PFELSCHIESFTER  
ALEXANDER S. NAZAROV  
ERIC J. WIESNER

ROBERTA D. PERKINS, Of Counsel  
NINA FENDEL, Of Counsel  
TRACY L. MAINGUY, Of Counsel \*\*\*\*\*  
ROBERT E. SZYKOWNY, Of Counsel  
ANDREA K. DON, Of Counsel  
LORI K. AQUINO, Of Counsel \*  
SHARON A. SEIDENSTEIN, Of Counsel

July 24, 2018

\* Admitted in Hawaii  
\*\* Also admitted in Nevada  
\*\*\* Also admitted in Illinois  
\*\*\*\* Also admitted in New York and Alaska  
\*\*\*\*\* Also admitted in Florida

### VIA U.S. MAIL

Ms. Deborah E.G. Wilder  
President  
CONTRACTOR COMPLIANCE & MONITORING, INC.  
635 Mariners Island Blvd., Suite 200  
San Mateo, CA 94404

### Re: Renasci Homes - Sea Haven Development

Dear Ms. Wilder:

As I believe you know, our office represents the Monterey/Santa Cruz Counties Building and Construction Trades Council ("BTC"). This letter follows our correspondence last fall regarding the above-referenced project, and the BTC's request for information required under the Superior Court Judgment in the litigation brought by the BTC against developers at former Fort Ord. As explained in our prior correspondence, under the Judgment, East Garrison Partners I LLC ("EGP") and Cypress Marina Heights LP ("CMH"), their constituent members and the members thereof, their successors-in-interest and/or assigns, their contractors and subcontractors, their employees and agents, and all other persons acting in concert with them (defined as the "Bound Parties") are prohibited from taking any action to develop their projects unless they are fully in compliance with the Judgment.

As indicated in our correspondence of November 29, 2017, Renasci Homes is not in compliance with the Judgment. The Judgment is not limited to those entities specifically named. It applies to any entity that is a constituent, successor, assign, contractor, subcontractor, employee, or agent of CMH. Renasci Homes, as the builder at Sea Haven (formerly Marina Heights) is subject to the Judgment.

Furthermore, the Judgment applies to all first generation construction on the Cypress Marina Heights parcel and on that project as planned and finally approved. The Sea Haven development constitutes first generation construction. If CMH did not notify Renasci Homes of its obligations under the Judgment, that would implicate CMH as being in violation of the Judgment as well. However, it would not release Renasci Homes's obligations as a Bound Party.

In our correspondence of November 27, 2017, we indicated that if you have evidence to the contrary, you should provide it for our review. You did not do so.

LOS ANGELES OFFICE  
800 Wilshire Boulevard, Suite 1320  
Los Angeles, CA 90017-2607  
TEL 213.380.2344 FAX 213.443.5098

SACRAMENTO OFFICE  
431 I Street, Suite 202  
Sacramento, CA 95814-2341  
TEL 916.443.6600 FAX 916.442.0244

HONOLULU OFFICE  
220 South King Street, Suite 901  
Honolulu, HI 96813-4500  
TEL 808.528.8880 FAX 808.528.8881



Ms. Deborah E.G. Wilder  
July 24, 2018  
Page 2

We understand the project is now well underway, and once again renew our request that Renasci Homes comply with the Court-ordered Judgment, in lieu of our moving forward with contempt proceedings.

**In addition, please consider this a formal request for all Certified Payroll Records on the project to date.** Please indicate the cost, as soon as possible but no later than ten (10) days from the date of this letter, so that we can remit payment.

Thank you for your anticipated cooperation.

Sincerely,



Jolene Kramer

JEK:mda  
opeiu 29 afl-cio(1)

cc **Via U.S. Mail**

**& Email:** Michael Houelmard, Executive Director, Fort Ord Reuse Authority  
([michael@fora.org](mailto:michael@fora.org))

Ron Chesshire, CEO, Monterey/Santa Cruz Building and Construction Trades Council  
([ron@mscbtc.com](mailto:ron@mscbtc.com))

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STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
BLYTHE MICKELSDON  
BARRY E. HINKLE  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. IREDA \*  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN \*\*  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE I. YEN  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES \*\*\*  
KERIANNE R. STEELE \*\*  
GARY P. PROVENCER  
EZEKIEL D. CARDER \*\*\*\*  
MONICA T. GUIZAR  
LISL R. SOTO  
JOLENE KRAMER

## WEINBERG, ROGER & ROSENFELD

### A Professional Corporation

1001 Marina Village Parkway, Suite 200

Alameda, CA 94501

TELEPHONE (510) 337-1001

FAX (510) 337-1023

WWW.UNIONCOUNSEL.NET

ANTHONY J. TUCCI \*\*  
MICHAEL D. BURSTEIN  
ALEJANDRO DELGADO  
CAROLINE N. COHEN  
ROCHITIL A. LOPEZ  
CAITLIN E. GRAY  
TIFFANY DRAIN ALTAMIRANO \*\*  
RYAN B. KADEVARI  
DAVID W.M. FUJIMOTO  
ADAM J. THOMAS  
PAUL K. PFELLSCHIEFER  
ALEXANDER S. NAZAROV  
ERIC J. WIESNER

ROBERTA D. PERKINS, Of Counsel  
NINA FENDEL, Of Counsel  
TRACY L. MAINGUY, Of Counsel \*\*\*\*  
ROBERT E. SZYKOWNY, Of Counsel  
ANDREA K. DON, Of Counsel  
LORI K. AQUINO, Of Counsel \*  
SHARON A. SEIDENSTEIN, Of Counsel

\* Admitted in Hawaii  
\*\* Also admitted in Nevada  
\*\*\* Also admitted in Illinois  
\*\*\*\* Also admitted in New York and Alaska  
\*\*\*\*\* Also admitted in Florida

July 24, 2018

### VIA U.S. MAIL

Ms. Deborah E.G. Wilder  
President  
CONTRACTOR COMPLIANCE & MONITORING, INC.  
635 Mariners Island Blvd., Suite 200  
San Mateo, CA 94404

**Re: Wathen and Castanos - Sea Haven Development**

Dear Ms. Wilder:

As I believe you know, our office represents the Monterey/Santa Cruz Counties Building and Construction Trades Council ("BTC"). This letter follows our correspondence last fall regarding the above-referenced project, and the BTC's request for information required under the Superior Court Judgment in the litigation brought by the BTC against developers at former Fort Ord. As explained in our prior correspondence, under the Judgment, East Garrison Partners I LLC ("EGP") and Cypress Marina Heights LP ("CMH"), their constituent members and the members thereof, their successors-in-interest and/or assigns, their contractors and subcontractors, their employees and agents, and all other persons acting in concert with them (defined as the "Bound Parties") are prohibited from taking any action to develop their projects unless they are fully in compliance with the Judgment.

As indicated in our correspondence of November 29, 2017, Wathen and Castanos is not in compliance with the Judgment. The Judgment is not limited to those entities specifically named. It applies to any entity that is a constituent, successor, assign, contractor, subcontractor, employee, or agent of CMH. Wathen and Castanos, as the builder at Sea Haven (formerly Marina Heights) is subject to the Judgment.

Furthermore, the Judgment applies to all first generation construction on the Cypress Marina Heights parcel and on that project as planned and finally approved. The Sea Haven development constitutes first generation construction. If CMH did not notify Wathen and Castanos of its obligations under the Judgment, that would implicate CMH as being in violation of the Judgment as well. However, it would not release Wathen and Castanos's obligations as a Bound Party.

In our correspondence of November 29, 2017, we indicated that if you have evidence to the contrary, you should provide it for our review. You did not do so.

LOS ANGELES OFFICE  
800 Wilshire Boulevard, Suite 1320  
Los Angeles, CA 90017-2607  
TEL 213 380.2344 FAX 213 443.5098

SACRAMENTO OFFICE  
431 I Street, Suite 202  
Sacramento, CA 95814-2341  
TEL 916 443.6600 FAX 916 442.0244

HONOLULU OFFICE  
220 South King Street, Suite 901  
Honolulu, HI 96813-4500  
TEL 808 528.8880 FAX 808 528.8881

Ms. Deborah E.G. Wilder  
July 24, 2018  
Page 2

We understand the project is now well underway, and once again renew our request that Wathen and Castanos comply with the Court-ordered Judgment, in lieu of our moving forward with contempt proceedings.

**In addition, please consider this a formal request for all Certified Payroll Records on the project to date.** Please indicate the cost, as soon as possible but no later than ten (10) days from the date of this letter, so that we can remit payment.

Thank you for your anticipated cooperation.

Sincerely,



Jolene Kramer

JEK:mda  
opeiu 29 afl-cio(1)

cc **Via U.S. Mail**

**& Email:** Michael Houelgard, Executive Director, Fort Ord Reuse Authority  
(michael@fora.org)

Ron Chesshire, CEO, Monterey/Santa Cruz Building and Construction Trades Council  
(ron@mscbtc.com)

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# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

<b>Subject:</b>	Fiscal Year 2017-18 Annual Report	
<b>Meeting Date:</b>	August 10, 2018	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	7e	

### **RECOMMENDATIONS:**

Receive the Fiscal Year 2017-18 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 will be accessible on the FORA website.

### **FISCAL IMPACT:**

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

Printing costs and staff time for this item are included in the approved FORA budget.

### **COORDINATION:**

FORA Staff

Prepared by \_\_\_\_\_ Approved by \_\_\_\_\_  
Jen Simon Michael A. Houlemard, Jr.

<b>FORT ORD REUSE AUTHORITY BOARD REPORT</b>	
<b>CONSENT AGENDA</b>	
<b>Subject:</b>	Public Correspondence to the Board
<b>Meeting Date:</b>	August 10, 2018
<b>Agenda Number:</b>	7f
	<b>INFORMATION/ACTION</b>

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

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Service Work Order for General Jim Moore Boulevard – 2d Vote	
<b>Meeting Date:</b>	August 10, 2018	<b>ACTION</b>
<b>Agenda Number:</b>	8a	

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

Authorize Executive Officer to execute Service Work Order (SWO) W5 (**Attachment A**) to the Whitson Engineers Master Services Agreement No. FC-20171117 for the preparation of Planning, Specification and Estimates for the General Jim Moore Boulevard (GJMB) and South Boundary Road (SBR) intersection, not to exceed \$209,965.

### **BACKGROUND:**

The FORA Board considered approval of the proposed SWO at its last meeting. This item is returning for a second vote.

In 2000, the Board approved a Master Services Contract with Creegan+D'Angelo (C+D). In 2002, the Board approved SWO's 3 and 4 to the above agreement for the design and construction of General Jim Moore Boulevard (GJMB). In 2005, as a sub-consultant to C+D, Pacific Municipal Consultants (PMC) prepared an Environmental Assessment / Initial Study for the General Jim Moore Boulevard and Eucalyptus Road Improvement Project (GJMB EA/IS). On March 18, 2005, FORA filed a Mitigated Negative Declaration (MND) with the California State Clearinghouse No. 2005031096. On September 9, 2005, the FORA Board adopted the GJMB EA/IS MND and approved project findings. On February 24, 2006, FORA filed a Notice of Determination for this project.

The GJMB EA/IS and MND included the intersection of GJMB and SBR as part of the project description as follows:

***GJMB*** *The proposed roadway will include the construction of new intersections at South Boundary Road; Del Rey Oaks Resort; Broadway Avenue, with an extension of Broadway Avenue to the realigned roadway; Eucalyptus Road/Coe Avenue; Hilby Avenue; and San Pablo Avenue.*

FORA has completed the construction of the GJMB project with the exception of the approaches and intersection at South Boundary Road. Since the completion of the previous GJMB construction, FORA chose to wait for sufficient Community Facilities District Special Tax funds to implement the remaining road improvement. FORA now has funding to move forward.

In November 2017, the FORA Board entered into a master services agreement that replaced C+D with Whitson Engineers (Master Services Agreement No. FC-20171117) and approved SWOs: W1 Document Review, W2 SBR Design and Engineering Services, W3 Gigling Road Design and Engineering Services, and W4 Engineering and Design

Services related to utilities, munitions and explosives of concern, and public outreach support on SBR and Gigling Road. The intersection at GJMB is identified in the FORA Capital Improvement Program as project No: FO9c. Board approval of SWO W5 would allow completion of design and bid documents for this improvement.

**DISCUSSION:**

SWO-W5 tasks Whitson Engineers to: 1) perform project initiation, 2) perform environmental services, 3) complete preliminary engineering, 4) complete design engineering, and 5) perform miscellaneous tasks and project management.

Staff negotiated SWO-W5 (**Attachment A**) with Whitson Engineers:

Current Contract Amount (SWO-W1 thru W4), Not to Exceed	\$1,500,000
SWO-W5: Intersection at GJMB and SBR, Not to Exceed	\$ 209,965
Total Contract Amount (SWO-W1 thru W5), Not to Exceed	\$1,709,965

**Recommendation:**

The resulting staff recommendation is the Board authorize the Executive Officer to execute Service Work Order W5 to the Whitson Engineer Master Services Agreement No. FC-20171117 for the preparation of Planning, Specification and Estimates for GJMB and SBR intersection, not to exceed \$209,965.

**FISCAL IMPACT:**

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

Staff time for this item is included in the approved annual budget. The contract SWO amounts are included in the approved FY 18-19 CIP.

**COORDINATION:**

Authority Counsel, Del Rey Oaks, Monterey, Seaside, Administrative Committee

Prepared by \_\_\_\_\_ Reviewed by \_\_\_\_\_  
Peter Said Jonathan Brinkman

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

**AMENDMENT 2 to AGREEMENT NO. FC-20171117 – “EXHIBIT D”**

**GENERAL JIM MOORE BOULEVARD INTERSECTION AT SOUTH BOUNDARY ROAD  
SERVICE WORK ORDER - W5 (SWO-W5)**

The specific intent of SWO-W5 is for the development of plans, specifications, and estimates used for prospective construction of an intersection at General Jim Moore Boulevard (GJMB) and South Boundary Road (SBR). The intersection is to stay within the Fort Ord Reuse Authority (FORA) Board approved Environmental Assessment/Initial Study for The GJMB and Eucalyptus Road Improvement Project (GJMB EA/IS) and Mitigated Negative Declaration (MND) project description filed with the State Clearinghouse March 18, 2005 No. 2005031096 and certified by the FORA Board on September 9, 2005.

• **GJMB** - *The proposed roadway will include the construction of new intersections at South Boundary Road; Del Rey Oaks Resort; Broadway Avenue, with an extension of Broadway Avenue to the realigned roadway; Eucalyptus Road/Coe Avenue; Hilby Avenue; and San Pablo Avenue..– GJMB EA/IS and MND*

**SWO-W5: SCOPE OF SERVICES**

Upon approval by FORA, and upon notice to proceed from the Project Manager, the CONSULTANT shall prepare and coordinate surveys, designs, specifications, bidding, and construction documents for the remaining work on GJMB. This is to include Utility Planning, Studies, and Reports and to the extent required any additional environmental documentation.

The roadway design, plans, specifications, and estimate documents may include, but not be limited to, the following features:

- Planning for Potable water pipelines by others, to Marina Coast Water District (MCWD) standards, including fire hydrants to Monterey and/or Del Rey Oaks City standards for spacing and flow rates (pipeline sizing and layout, materials and fittings to satisfaction of MCWD). Specific MCWD utility design to be done by others.
- Planning for Wastewater pipelines by others and laterals to accommodate development of Monterey City Parcels on the former Fort Ord, with development projections by City of Monterey and City of Del Rey Oaks (pipeline sizing and layout, in compliance with MCWD for the former Fort Ord Parcels, and Seaside-County Sanitation District (SCSD) pipeline sizing and layout in compliance with SCSD in the SCSD service Area). Specific utility design to be completed by others.
- Planning for future Recycle water transmission and distribution pipelines by others with details by MCWD and Monterey One Water (M1W) Pure Water Monterey (pipeline sizing and layout, materials and fittings by MCWD and M1W). Pipeline position related to roadway improvements shall consider a future installation.
- Street lighting to Del Rey Oaks City standards.
- Pavement drainage and on-site storm water disposal, in compliance with the 2005 FORA Storm Water Master Plan.

**1.0 SWO-W5 Task 1. Project Initiation**

- 1.1 Assemble and review the available maps, surveys, reports and studies that have previously been completed for the roadway corridor and distribute them to the project team.



- 1.2 Coordinate with FORA to develop and refine the specific Scope of Services for this Phase of Work, identify data needs, and confirm deliverables, schedules and commitments.

## **2.0 SWO-W5 Task 2. Environmental Services.**

- 2.1 Review the approved CEQA/NEPA documentation (Environmental Assessment/Initial Study or EA/IS) and associated technical studies, project plans, and other relevant background documents.
- 2.2 In compliance with Mitigation Measure MM-4 from the CEQA/NEPA document, conduct preconstruction surveys for sand gilia and seaside bird's beak. The survey results will inform project design to avoid or minimize potential impacts. If impacts cannot be avoided, an incidental take permit may be required in accordance with Mitigation Measures MM-5. This scope of work assumes impacts to these listed plant species will be avoided.
- 2.3 Review the existing Biological Opinion and assess the project site conditions to determine the conditions applicable to the proposed project. This scope of work assumes that potential impacts to California tiger salamander will be avoided through implementation of the conditions in the Biological Opinion.

## **3.0 SWO-W5 Task 4. Preliminary Engineering.**

- 3.1 Prepare a schematic Roundabout Feasibility Study for the subject intersection, with the appropriate traffic warrants. Prepare a Cost Benefit/Analysis for each, and a Comparative Analysis. Prepare the presentation material for a preliminary design review (PDR).
- 3.2 Inquire with the Cities of Del Rey Oaks and Monterey, Marina Coast Water District (MCWD), Seaside County Sanitation District, and PG&E for information on future utility demands and service needs in the area of the subject intersection.
- 3.3 Geotechnical Engineer to assess existing Geotechnical Investigations and prepare any new recommendations. This scope of work assumes that no new field borings will be required.
- 3.4 Conduct 2 percolation tests at the subject intersection to evaluate the potential to infiltrate stormwater runoff for stormwater management.
- 3.5 In compliance with MM-8, a Certified Arborist will conduct a field inventory of protected trees within the construction limits using GPS equipment. The inventory will be used to inform the project design to minimize impacts to protected trees. The inventory will include: identification of all protected trees by species, size, and class (including landmark/heritage trees); assess tree health; and all other pertinent tree information required by code. A map will be prepared depicting the locations of all protected trees along with a corresponding table of tree information collected.
- 3.6 Prepare a Basis of Design Report to summarize information obtained above and the criteria for what standards the intersection will be designed to.
- 3.7 Prepare 30% Improvement Plans and Preliminary Cost Estimates per the Basis of Design Report. For this scope of work it is assumed for all plans that a roundabout alternative will be determined feasible and preferred in Task 3.1 as compared to a signalized intersection. 30% Plans to include an intersection sight distance analysis, proposed lane configuration, typical street sections, preliminary plan and profile information, schematic drainage design, and preliminary limits of grading.

- 3.8 Prepare earthwork calculations of the 30% Improvement Plans to evaluate cut and fill quantities.
- 3.9 In compliance with MM-8, a Certified Arborist will prepare a draft tree removal, protection, and replacement plan (draft tree plan) for the proposed project based on the 30% Improvement Plans. The draft tree plan will indicate the location of each protected tree to be removed for grading and/or construction; the location of trees that are proposed for relocation; the location of protected trees that are located adjacent to grading and/or construction limits (i.e. within fifty feet); and will indicate that all oak trees, which require pruning are pruned by a Certified Arborist prior to initiation of construction activities.
- 3.10 Coordinate with project stakeholders to review plans and reports, answer questions, address comments, and attend meetings.

#### **4.0 SWO-W5 Task 5. Design Engineering**

- 4.1 Upon notice to proceed from the Project Manager, prepare 60% Improvement Plans, Specifications and Estimates, including Water Pollution Control Drawings, for a potential construction contract to build the GJMB/SBR Intersection. Submit (10) progress prints to FORA for distribution and review.
- 4.2 Prepare a Hydrology Report for the subject intersection to document how stormwater runoff will be retained on-site.
- 4.3 Prepare earthwork calculations of the 60% Improvement Plans to evaluate refined cut and fill quantities.
- 4.4 Based on input from the Cities of Del Rey Oaks and Monterey, MCWD, Seaside County Sanitation District, and PG&E, add information to the Improvement Plans for the future utilities anticipated to traverse through the subject intersection. Utilities will not be designed or included for construction on the Improvement Plans, but will be shown for reference only.
- 4.5 Prepare a street light design of the subject intersection, including a photometric plan.
- 4.6 The project team will review the draft tree plan prepared for the 30% Improvement Plans and discuss potential plan revisions to further avoid and minimize impacts to protected trees. The tree plan will be finalized based on plan revisions and submitted to the local jurisdiction(s) to facilitate the tree removal permit(s) process.
- 4.7 Coordinate with project stakeholders to review plans and reports, answer questions, address comments, and attend meetings regarding the 60% Improvement Plans. Coordinate Phasing requirements with the FORA CIP, FO14 South Boundary Project.
- 4.8 Geotechnical Engineer shall review the 60% Improvement Plans for conformance to the project recommendations.
- 4.9 Address comments received and prepare 90% Improvement Plans, Specifications and Estimates for the subject intersection. Submit (10) progress prints to FORA for distribution and review.
- 4.10 Address comments received and prepare 100% Improvement Plans for bidding. Prepare (25) final drawings and (25) final specifications packages for distribution.

#### **5.0 SWO-W5 Task 6. Bid Assistance**

- 5.1 Assist FORA with the preparation of front end bid documents suitable for contract and review by a federal agency (Economic Development Agency).
- 5.2 FORA shall be responsible for posting the bid documents on electronic bid sites and for any distribution of hard copies. FORA will control the bidding process conducting the prebid meeting, collecting requests for information (RFIs), disseminating the RFI responses and any addendums. FORA will also conduct the bid opening. Whitson Engineers will provide bid support, review and answer RFIs and prepare addenda to bid solicitation documents. Participate in project pre-construction planning, and project kick-off.

#### **6.0 SWO-W5 Task 8. Miscellaneous Tasks and Project Management**

- 6.1 Attend additional meetings and assist FORA staff with reviewing and coordinating the Improvement Plan submittal package with local agencies and stakeholders.
- 6.2 Perform miscellaneous tasks and prepare miscellaneous exhibits as requested by FORA.

### **SWO-W5: DELIVERABLES**

#### **1.0 SWO-W5 Task 1**

- 1.1 *List of Documents, Maps, and Plans received for use*
- 1.2 *Refined Scope of Services*

#### **2.0 SWO-W5 Task 2**

- 2.1 *N/A*
- 2.2 *Botanical Survey Map and Memorandum*
- 2.3 *N/A*

#### **3.0 SWO-W5 Task 3**

- 3.1 *Roundabout Concept Feasibility Cost/Benefit Analysis*
- 3.2 *N/A*
- 3.3 *Geotechnical Assessment Letter*
- 3.4 *Percolation Data Report*
- 3.5 *Tree Inventory Report*
- 3.6 *Basis of Design Report*
- 3.7 *30% Plans (PDF and 10 copies)*
- 3.8 *Earthwork Memorandum*
- 3.9 *Draft Tree Removal Plan*
- 3.10 *N/A*

#### **4.0 SWO-W5 Task 4**

- 4.1 *60% Plans, Specifications, and Estimate (PDF and 10 copies of plans)*
- 4.2 *Hydrology Report (PDF)*
- 4.3 *.Updated Earthwork Memorandum*
- 4.4 *N/A*
- 4.5 *Photometric Plan and Street Light Plan*
- 4.6 *Final Tree Removal Plan*
- 4.7 *N/A*
- 4.8 *Geotechnical Engineer Review Letter*
- 4.9 *90% Plans, Specifications, and Estimate (PDF and 10 copies of plans)*
- 4.10 *100% Plans, Specifications, and Estimate (PDF and 25 copies of plans)*

#### **5.0 SWO-W5 Task 5**

- 5.1 *Front End Bid Specifications*
- 5.2 *RFI Responses*
- 6.0 *SWO-W5 Task 6***
  - 6.1 *N/A*
  - 6.2 *Miscellaneous Tasks and Exhibits as Requested*

**SWO-W5: TIME OF PERFORMANCE**

Following execution of this Contract, and with authorization to proceed from FORA, CONSULTANT shall prepare and provide all services for Work Order W5 (SWO-W5) within 360 calendar days. Progress events shall be as follows from date of authorization:

- At 30 days CONSULTANT shall submit deliverables for SWO-W5 Task 1
- At 60 days CONSULTANT shall submit deliverables for SWO-W5 Task 2
- At 120 days CONSULTANT shall submit deliverables for SWO-W5 Task 3
- At 210 days CONSULTANT shall submit deliverables for SWO-W5 Task 4

**SWO-W5: COMPENSATION**

At no point in the progress of the work shall CONSULTANT submit or FORA honor requests for payment, which exceed the verified progress, measured as submittals made or in active progress and development. Monthly progress payments will be made to CONSULTANT to the maximum payable for the submittal that the progress payment is funding.

SWO-W5 Task 1	\$3,200
SWO-W5 Task 2	\$32,887
SWO-W5 Task 3	\$72,058
SWO-W5 Task 4	\$91,500
SWO-W5 Task 5	\$4,160
SWO-W5 Task 6	\$6,160
<b>Total Compensation</b>	<b>\$209,965</b>

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Consistency Determination: City of Marina Municipal Airport Master Plan Update	
<b>Meeting Date:</b>	August 10, 2018	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8b	

### RECOMMENDATION(S):

- i. Conduct a public hearing regarding City of Marina's 2018 Municipal Airport Master Plan Update (AMP) and its consistency with the Base Reuse Plan (noticed on July 31, 2018).
- ii. Consider approving Resolution 18-XX (**Attachment A**), certifying that the AMP is consistent with the Fort Ord Base Reuse Plan (Reuse Plan).

### BACKGROUND:

The Federal Aviation Administration (FAA) recommends that AMPs be updated every seven to ten years. The last Master Plan for Marina Municipal Airport was finalized in 2008. The City of Marina (Marina) submitted its 2018 AMP for consistency determination on July 18, 2018. In addition, Marina included staff reports and City Council Resolutions, the AMP Final Mitigated Negative Declaration and Initial Study (IS/MND), a FORA consistency determination analysis table, a Marina consistency determination worksheet, and a Regional Urban Design Guidelines (RUDG) Checklist. The links are as follows:

- <http://fora.org/Reports/FORA-CD-Marina-AMP-Link1.pdf>  
Marina AMP consistency determination submission cover letter, Resolution 2018-63 finding the AMP consistent with the Reuse Plan, the final Consistency Determination Submittal Analysis Table and Worksheet, and RUDG Checklist;
- <http://fora.org/Reports/FORA-CD-Marina-AMP-Link2.pdf>  
City Council Staff Report and Resolution No. 2018-62 with the Marina AMP attached;  
<http://fora.org/Reports/FORA-CD-Marina-AMP-Link3.pdf>
- Resolution No. 2018-64 with AMP Final IS/MND as an Exhibit;

This item is included on the Board agenda because the AMP is a Legislative Land Use Decision (LLUD) requiring Board certification. With its submittal, Marina requested a LLUD review of the AMP in accordance with section 8.02.010 of the FORA Master Resolution. Under state law (as codified in FORA's Master Resolution), LLUDs (plan level documents such as General Plans, Zoning Codes, General Plans, Redevelopment Plans, etc.) must be scheduled for FORA Board review for consideration of certification under strict timeframes.

The FORA Planners Working Group will review this item on July 30, 2018 and the FORA Administrative Committee will review this item on August 1, 2018.

### DISCUSSION:

Marina staff will be available to provide additional information to the FORA Board on August 10, 2018. In all consistency determinations, the following additional considerations are made.

**Rationale for consistency determinations.** FORA staff finds that there are several defensible rationales for making an affirmative consistency determination. In general, it is noted that the Reuse Plan is a framework for development, not a precise plan to be mirrored. However, the resource constrained BRP, section 3.11.5 FORA's Development and Resource Management Plan, sets thresholds that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. In keeping with the FORA Master Resolution's particular rationales for consistency analysis, staff has reviewed the AMP according to the following:

### **LEGISLATIVE LAND USE DECISION CONSISTENCY FROM SECTIONS 8.02.010 AND 8.02.020 OF THE FORA MASTER RESOLUTION**

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

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

The AMP would not establish any land use designation that is more intense than the uses permitted in the Reuse Plan. The AMP follows the future land use plan as established in City of Marina General Plan as amended and approved by the FORA Board for consistency with the BRP in 2001. The Airport is planned to remain a public/governmental land use as it continues to operate as an airport. The AMP takes an area out of habitat reserve for a runway extension, and it proposes to convert an area currently zoned as higher intensity use (the North Airport Light Industrial/Tech Center planning area of the Reuse Plan) to habitat reserve. Therefore, there is no net increase in intensity.

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

Certification of the AMP would allow approximately 30 acres of habitat management land to be rezoned as runway extension and would allow, as mitigation, approximately 38 acres of natural land adjacent to the Airport HMA to be rezoned as habitat management land. This does not result in an increase in density.

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

The AMP is in substantial conformance with applicable programs. The AMP includes a planned airport business park on the property that is seamlessly adjacent to the University of California Monterey Bay Education, Science & Technology Center (UC MBEST). The development of these areas has been long anticipated for job growth in the former Fort Ord. This LLUD sets the stage for increased airport use and businesses moving into the former Fort Ord, which helps to fulfill the economic recovery of the region and the jobs-housing balance. It includes an extension of the runway, which will accommodate more planes and bring more tourism and business travel to the former Fort Ord. Future development entitlements within the AMP area will come before the FORA Board as they are made by the City.

Several concerns when extending a runway and roadway are noise, air quality changes, various issues of safety, and building heights.

- Noise was addressed in the AMP with policies including avoidance of overflight above noise sensitive areas, implementation of noise insulation standards, strategic placement of land uses and compliance with new noise contours.
- Air quality impacts on Marina Station planned residential area was a concern of the Monterey Bay Air Resources District during the IS/MND review period. The City responded with modifications that address attainment status, low-emission construction equipment, and project-specific air quality analysis.
- Safety is addressed in several ways. Seismic risks of development at the airport were evaluated as part of the IS/MND and impacts were found to be less than significant.
- The Reuse Plan Fire, Flood, and Emergency Management Policy A-5 requires jurisdictions to evaluate the need for additional fire stations and fire suppression facilities and manpower within areas of the former Fort Ord. The Marina General Plan identified a site at the Marina Municipal Airport for a fire station, and two other potential sites. The resulting recently-updated fire station is identified in Exhibit 1C of the AMP. Three firefighting vehicles are stored at the facility.
- Another issue pertaining to safety is that the airport area and vicinity are used for ultralight and skydiving activity. An interim drop zone is located on the southeast side of the airport in the AMP (also in Exhibit 1C). Appendix E of the AMP presents analysis of potential locations for a relocated interim drop zone.
- Lastly, in terms of safety, the airport has full perimeter fencing for security and wildlife prevention function.
- The AMP reviews building height regulations in the Inventory chapter. FAA enforcement of height limitations in proximity to an airport is restricted to 200 feet above the ground. Therefore, the AMP recognizes it is the responsibility of the City to implement height and hazard zoning. Building heights, it reports, are in the City Municipal Zoning Code for Airport District as maximum of 56 feet. Airport control towers, airport hangars, and other airport related buildings, facilities or appurtenances may be erected to a greater height, subject to case-by-case permit. The maximum height for buildings in the UC MBEST Center is 50 feet.

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

The AMP is compatible with open space, recreational, and habitat management areas.

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

Marina development within the AMP will pay its fair share of the basewide costs through the FORA Community Facilities District special tax and property taxes that will accrue to FORA.

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

The Fort Ord Habitat Management Plan (HMP) designates certain parcels for “Development,” in order to allow economic recovery through development while promoting preservation, enhancement, and restoration of special status plant and animal species in designated habitats. The HMP designates other parcels “Habitat Reserve” where preservation and management of natural resources are to take place. Parcels designated “Development with Reserve Areas or Development with Restrictions” under the HMP allow development within habitat reserve areas and describe the development anticipated. The Marina Municipal Airport is located on parcel L5.1, designated for “Development”. The parcel L5.1.11, “North Fritzsche Habitat Reserve,” will be affected by this LLUD, and is a Development with Reserve Areas or Development with

Restrictions" parcel. The HMP foresaw development of FAA-required airport support facilities as well as a road within the parcel. The land use transfer anticipated in this LLUD may require an HMP amendment. The AMP would not conflict with implementation of the Fort Ord HMP.

**Additional Considerations**

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

The AMP would not modify Highway 1 Design Corridor Design Guidelines.

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

The AMP facilitates future planning for light industrial uses. Development of light industrial uses will bring more jobs to former Fort Ord. This is consistent with the jobs/housing balance approved by the FORA Board.

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

The AMP does not modify prevailing wage requirements for future development entitlements within Marina's former Fort Ord jurisdiction.

**FISCAL IMPACT:**

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

This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. In addition to points already dealt with in this report, it is clarified that the developments expected to be engaged in reuse subject to the AMP are covered by the Community Facilities District or other agreement that ensure a fair share payment of appropriate future special taxes/fees to mitigate for impacts delineated in the Reuse Plan and accompanying Environmental Impact Report. In the FORA-Marina Implementation Agreement, Marina has agreed to provisions for payment of all required fees for future developments in the former Fort Ord under its jurisdiction.

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

**COORDINATION:**

Marina, Authority Counsel, Planners Working Group, Administrative and Executive Committees.

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

Reviewed by \_\_\_\_\_  
Jonathan Brinkmann

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



## RESOLUTION NO. 18-xx

### A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY *Certifying the City of Marina Municipal Airport Master Plan Update*

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

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan (Reuse Plan) under Government Code Section 67675, *et seq.*
- B. After FORA adopted the Reuse Plan, Government Code Section 67675, *et seq.* requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, *et seq.*
- D. The City of Marina ("Marina") is a member of FORA. Marina has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After a noticed public meeting on June 5, 2018, Marina adopted the Marina Municipal Airport Master Plan ("AMP"), affecting lands on the former Fort Ord. Marina also found the AMP consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations.
- F. On June 5, 2018, Marina recommended that FORA certify the AMP as consistent with FORA's Reuse Plan, certified by the Board on June 13, 1997. Marina submitted to FORA its AMP together with the accompanying documentation.
- G. Consistent with the Implementation Agreements between FORA and Marina, on July 18, 2018, Marina provided FORA with a complete copy of the submittal for the AMP, the resolutions and/or ordinance approving it, a staff report and materials relating to Marina's action, a copy of the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the AMP is consistent with the Reuse Plan and the FORA Act (collectively, "Supporting Material"). Marina staff requested that FORA certify the AMP as being consistent with the Reuse Plan.
- H. FORA's Executive Officer and the FORA Administrative Committee reviewed Marina's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the AMP is consistent with the Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the AMP before the FORA Board on August 10, 2018.
- I. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: "(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the

Authority Board's resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified..."

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

NOW THEREFORE the Board hereby resolves that:

1. The FORA Board acknowledges Marina's recommendations and actions of June 5, 2018 requesting that the FORA Board certify that the AMP and the Reuse Plan are consistent.
2. The FORA Board has reviewed and considered the AMP Final Mitigated Negative Declaration as Marina's environmental documentation and finds that these documents provide substantial additional information for purposes of FORA's determination that the AMP and the Reuse Plan are consistent.
3. The FORA Board has considered all the Supporting Materials submitted with this application for a consistency determination, the recommendations of the Executive Officer and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.
4. The FORA Board certifies that the AMP is consistent with the Reuse Plan. The FORA Board further finds that its legislative decision is based in part upon the substantial

evidence submitted and a weighing of the Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided.

5. The AMP will, considering all its aspects, further the objectives and policies of the Reuse Plan. The Marina application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Reuse Plan.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Ralph Rubio, Chair

\_\_\_\_\_  
Michael A. Houlemard, Jr., Clerk

<b>FORT ORD REUSE AUTHORITY BOARD REPORT</b>	
<b>BUSINESS ITEMS</b>	
<b>Subject:</b>	Consistency Determination: City of Seaside Zoning Code
<b>Meeting Date:</b>	August 10, 2018
<b>Agenda Number:</b>	8c
<b>INFORMATION/ACTION</b>	

**RECOMMENDATION(S):**

- i. Conduct a public hearing regarding City of Seaside’s Zoning Code and its consistency with the Base Reuse Plan (noticed on July 31, 2018).
- ii. Consider approving Resolution 18-XX (**Attachment A, Placeholder**), certifying that the Seaside Zoning Code is consistent with the Fort Ord Base Reuse Plan (Reuse Plan).

**BACKGROUND:**

The City of Seaside (Seaside) submitted its Zoning Code for consistency determination on Thursday, July 26, 2018. Seaside’s cover letter is included as **Attachment B**. The cover letter includes clickable web links to each of the listed items (1 – 13) in their consistency determination submittal package.

This item is included on the Fort Ord Reuse Authority (FORA) Board agenda because the Seaside Zoning Code is a Legislative Land Use Decision (LLUD) requiring Board certification. With its submittal, Seaside requested a LLUD review of the Seaside Zoning Code in accordance with section 8.02.010 of the FORA Master Resolution. Under state law, (as codified in FORA’s Master Resolution) LLUDs (plan level documents such as General Plans, Zoning Codes, General Plans, Redevelopment Plans, etc.) must be scheduled for FORA Board review for consideration of certification under strict timeframes.

The FORA Planners Working Group will review this item on July 30, 2018 and the FORA Administrative Committee will review this item on August 1, 2018.

**DISCUSSION:**

Seaside staff will be available to provide additional information to the FORA Board on August 10, 2018. In all consistency determinations, the following additional considerations are made.

**Rationale for consistency determinations.** FORA staff finds that there are several defensible rationales for making an affirmative consistency determination. In general, it is noted that the Reuse Plan is a framework for development, not a precise plan to be copied verbatim. However, the resource constrained BRP, section 3.11.5 FORA’s Development and Resource Management Plan, sets thresholds that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. More particularly, rationales for consistency analyzed are:

**LEGISLATIVE LAND USE DECISION CONSISTENCY FROM SECTIONS 8.02.010 AND 8.02.020 OF THE FORA MASTER RESOLUTION**

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

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

The 2004 Seaside General Plan was updated on August 5, 2004 and found to be consistent with the Base Reuse Plan (BRP) by FORA on December 10, 2004. The FORA Board report identified and discussed differences between the 2004 Seaside General Plan Land Use Map and BRP Land Use Plan Concept. Some of these differences were due to Army and Seaside property exchange negotiations. The FORA Board made findings that the differences on the City's Land Use Map did not, on balance, change the cumulative effects of the BRP, did not result in any site-specific effects, did not result in conflicts with BRP policies and programs, did not lead to population or water demand in excess of the BRP and Development Resources Management Plan. The Seaside Zoning Code implements the 2004 Seaside General Plan and, likewise, would not allow more intense land uses than the uses permitted in the BRP.

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

The 2004 Seaside General Plan included residential land use designations that did not exactly mirror BRP land use designations. As an example, Seaside's high density residential designation allows up to 25 dwelling units per acre, while the BRP high density residential designation allows up to 20 units per acre. The FORA Board certified the 2004 Seaside General Plan as consistent with the BRP and made findings in support of their action. The Seaside Zoning Code implements the 2004 Seaside General Plan and, in the same way, would not on balance provide for a development denser than permitted in the BRP.

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

The Seaside Zoning Code is in substantial conformance with applicable programs.

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

The Seaside Zoning Code is compatible with open space, recreational, and habitat management areas.

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

Seaside development subject to the Seaside Zoning Code will pay its fair share of the basewide costs through the FORA Community Facilities District special tax and property taxes that will accrue to FORA.

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

The Fort Ord Habitat Management Plan (HMP) designates certain parcels for "Development," in order to allow economic recovery through development while promoting preservation, enhancement, and restoration of special status plant and animal species in designated habitats. The Seaside Zoning Code only affects lands that are located within areas designated for "Development with no Restrictions" under the HMP. Lands designated as "Development" have

no management restrictions placed upon them as a result of the HMP. The Seaside Zoning Code would not conflict with implementation of the Fort Ord HMP.

**Additional Considerations**

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

The Seaside Zoning Code would not modify Highway 1 Design Corridor Design Guidelines.

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

The Seaside Zoning Code implements the 2004 Seaside General Plan which provides for a job/housing balance. This is consistent with the jobs/housing balance approved by the FORA Board.

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

The Seaside Zoning Code does not modify prevailing wage requirements for future development entitlements within Seaside's former Fort Ord jurisdiction.

**FISCAL IMPACT:**

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

This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. In addition to points already dealt with in this report, it is clarified that the developments expected to be engaged in reuse subject to the Seaside Zoning Code are covered by the Community Facilities District or other agreement that ensure a fair share payment of appropriate future special taxes/fees to mitigate for impacts delineated in the Reuse Plan and accompanying Environmental Impact Report. In the FORA-Seaside Implementation Agreement, Seaside has agreed to provisions for payment of all required fees for future developments in the former Fort Ord under its jurisdiction.

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

**COORDINATION:**

Seaside, Authority Counsel, Planners Working Group, Administrative and Executive Committees.

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

Reviewed by \_\_\_\_\_  
Jonathan Brinkmann

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

# **Placeholder for Attachment A to Item 8c**

**Consistency Determination: City of Seaside Zoning Code  
Resolution 18-XX**

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



**Community Development Department**

440 Harcourt Avenue  
Seaside, CA 93955

Telephone (831) 899-6737  
FAX (831) 899-6211  
TDD (831) 899-6207

July 26, 2018

Fort Ord Reuse Agency  
Attn: Mary Israel  
Marina, CA

RE: Seaside Zoning Code Consistency Determination Request

The City of Seaside requests that the Fort Ord Reuse Authority (FOR A) adopt a finding that the City's Zoning Code is consistent with the Base Reuse Plan.

Below is the submittal package that has been prepared in accordance with the instructions for a Legislative Consistency Determination:

1. Legislative Land Use Decision Consistency Checklist from Section 8.02.010 and 8.20.020 of the FORA Master Resolution.
2. FOR A Land Use Matrix
3. City Council Staff Report May 3, 2018
4. City Council Resolution No. 18-33, Reaffirming Consistency Determination for Zoning Code with Base Reuse Plan
5. City Council Resolution No. 14-06, adopting Negative Declaration for Zoning Code Update
6. Notice of Determination for adoption of Negative Declaration
7. Ordinance No. 955 adopting 2006 Zoning Code
8. Ordinance No. 1012
9. Ordinance No. 1022
10. Ordinance No. 1025
11. Seaside Zoning Code, June 2018
12. Official Zoning Map
13. Response to RUDG Checklist

You can contact me at (831) 899-6726 Or [rmedna@ci.seaside.ca.us](mailto:rmedna@ci.seaside.ca.us) if you have any questions or need additional information.

Sincerely

A handwritten signature in blue ink that reads "Rick Medina".

Rick Medina  
Senior Planner



# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Transition Planning Process Update	
<b>Meeting Date:</b>	August 10, 2018	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8d	

### **RECOMMENDATION:**

Receive an update of the Fort Ord Reuse Authority (“FORA”) Transition Planning Process.

### **BACKGROUND/DISCUSSION:**

Under State Law, FORA is slated to sunset **June 30, 2020** and must submit a Transition Plan to the Local Agency Formation Commission no later than **December 30, 2018**. FORA has been engaged in transition planning activities since January 2016, empaneling and charging two Transition Task Force Committees, and one Transition Ad Hoc Committee. Reports, with associated analyses, data, statutory notations, and potential contract assignments have been provided to the Transition Ad Hoc Committee and the FORA Board of Directors (“Board”) since January 2018. The Board received a compiled report outlining the first draft of the Transition Plan and background materials on June 8, 2018 during a several hour Board Study Session. On July 13, 2018, a second Board study session was held to allow the Board to deliberate policy and programmatic issues to aid staff in preparing a Transition Plan for assignment of liabilities, obligations and assets. Senator Bill Monning attended the July 13, 2018 session, outlined limitations of the State legislative process, the importance of completing key elements of the recovery, and actively engaged in the discussion. There was particular interest in how the Transition Plan would be implemented, how specific policies would be enforced, and how building removal might be addressed. In this report, we provide an update on Transition Planning progress.

- First, we attached the completed [EPS Memorandum \(Attachment A\)](#) offering their review of the financial implications associated with the pending transition for the Board’s use. This financial analysis evaluated the community facilities district fee calculation, the breakdown to a nexus program, and the property tax revenue issues over the Capital Improvement Program planning horizon.
- Second, FORA staff has met with County staff and City of Monterey staff and stand ready to meet with additional agency staff, working through any jurisdictional issues and questions. FORA staff have also communicated with LAFCO staff briefly about their process and LAFCO will be updating their board at the end of August.
- Third, multiple issues have arisen in the last month about how lack of knowledge of facts and coordination can cost the region substantial resources. Some of you might have read about easement issues (or lack thereof) and the requirement to obtain one at the cost of approximately a third of a million dollars. In fact, FORA obtained road and utility easements as a part of the Economic Development Conveyance, saving the region substantial dollars. In other cases, potential resolutions of pending litigation regarding building removal, water and roads may have significant regional impacts.

Finally, in preparation for the Transition Plan hearing in September or October, attached please find a draft of the findings and Transition Plan (**Attachment B**) to move forward.

**FISCAL IMPACT:**

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

**COORDINATION:**

The EPS Financial Memorandum was posted on the FORA website on July 24, 2018 and on August 1, 2018, the Administrative Committee was provided a hard copy.

Prepared by \_\_\_\_\_  
Sheri L. Damon

Reviewed by \_\_\_\_\_ Steve Endsley  
Approved by \_\_\_\_\_ Michael A. Houlemard, Jr.

DRAFT

# **Placeholder for Attachment B to Item 8d**

## **Transition Planning Process Update**

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

# **Placeholder for Item 8e**

## **Building Removal Program**

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

# **Placeholder for Item 8f**

## **Habitat Conservation Plan Update**

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

**- END -**

**DRAFT  
BOARD PACKET**