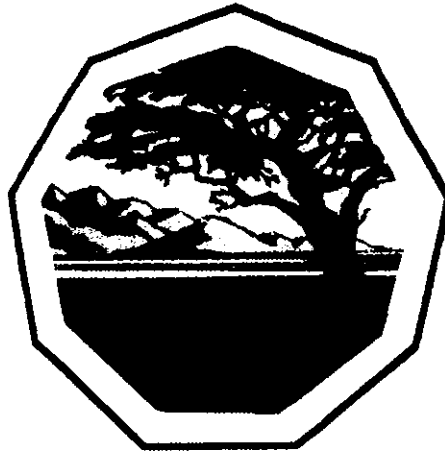


Fort Ord
Reuse Authority



Board Packet
For
Board Meeting
February 11, 2010



Fort Ord Reuse Authority

100 12th Street, Building 2880, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

BOARD OF DIRECTORS MEETING

→ **THURSDAY, February 11, 2010, at 3:30 p.m.**
FORA Conference Facility/Bridge Center
201 13th Street, Building 2925, Marina (on the former Fort Ord)

DRAFT AGENDA

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **ACKNOWLEDGEMENTS AND ANNOUNCEMENTS**
4. **PUBLIC COMMENT PERIOD:** Members of the audience wishing to address the Board on matters within the jurisdiction of the Authority but not on the agenda may do so during the Public Comment Period. You may speak for a maximum of three minutes on any subject. Public comments on specific agenda items will be heard at the time the matter is being considered by the Board.
5. **CONSENT AGENDA** ACTION
 - a. January 8, 2010 board meeting minutes
 - b. Amendment to Master Agreement for Professional Services – Creegan + D’Angelo (Capital Improvement Program On-Site Transportation)
6. **OLD BUSINESS**
 - a. Environmental Services Cooperative Agreement (ESCA) – update INFORMATION
 - b. General Jim Moore Boulevard road improvement project
 - i. Modifications to grant award INFORMATION/ ACTION
 - ii. Construction noise/ vibrations issue ACTION/ INFORMATION
 - c. Resolution authorizing Rabobank financing ACTION
 - d. Habitat Conservation Plan contract amendments for Denise Duffy & Associates and ICF Jones & Stokes ACTION

- e. Multi-Modal Transit Corridor Memorandum of Agreement ACTION
- 7. NEW BUSINESS**
- a. Fort Ord Reuse Authority mid-year budget ACTION
 - b. CONSISTENCY DETERMINATION: Marina Housing Element ACTION
 - c. CONSISTENCY DETERMINATION: Salinas Valley Memorial Healthcare System Imjin Parkway Project ACTION
 - d. Office of Economic Adjustment grant award for the Central Coast Veterans Cemetery infrastructure planning INFORMATION
 - e. Confirmation of 2010 Fort Ord Reuse Authority Legislative and Finance Committee appointments ACTION
 - f. Property exchange between City of Marina and Monterey Peninsula College ACTION
- 8. EXECUTIVE OFFICER'S REPORT**
- a. Administrative Committee report INFORMATION
 - b. Finance Committee report INFORMATION
 - c. Executive Officer's travel report INFORMATION
 - d. Fort Ord Reuse Authority investments – status report INFORMATION
 - e. Habitat Conservation Plan - status report INFORMATION
- 9. ADJOURNMENT**

(Information about items on this agenda is available at the FORA office at 100 12th Street, Building 2880, Marina, on the former Fort Ord or by calling 831-883-3672 or by accessing the FORA website at www.fora.org.)

MINUTES
of the
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
Fort Ord Reuse Authority Conference Facility/Bridge Center
February 11, 2010

APPROVED

1. CALL TO ORDER AND ROLL CALL

Chair Ralph Rubio called the February 11, 2010 meeting of the Board of Directors to order at 3:35 p.m. and requested a roll call.

Voting members present:

Chair/Mayor Rubio (City of Seaside)	Supervisor Parker (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)	Mayor Pendergrass (City of Sand City)
Councilmember Kampe (City of Pacific Grove)	Jim Cook (County of Monterey)
Councilmember McCall (City of Marina)	Janet Barnes (City of Salinas)

Absent were Supervisor Calcagno (County of Monterey), Mayor McCloud (City of Carmel), Councilmember Gray (City of Marina), and Councilmember Selfridge (City of Monterey). Councilmember Mancini (City of Seaside) arrived after the roll call had finished. Alternate Jim Cook represented Supervisor Potter.

Ex-Officio members present:

Gail Youngblood (BRAC)	Rito Guerra (15 th State Senate District)
Kenneth Nishi (Marina Coast Water District)	Marilyn Shepherd (MPUSD)
COL Darcy Brewer (U.S. Army)	Bruce Margon (UC Santa Cruz)
Douglas Garrison (Monterey Peninsula College)	James Main (CSUMB)
Mike Gallant (Monterey-Salinas Transit)	

Alec Arago (17th Congressional District) and Debbie Hale (TAMC) arrived after the roll call had finished. Absent was a representative from the 27th State Assembly District.

With a quorum present Chair Rubio opened the meeting.

2. PLEDGE OF ALLEGIANCE

Chair Rubio asked Rito Guerra, who agreed, to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS AND ANNOUNCEMENTS

Chair Rubio welcomed Mike Gallant (MST), Ken Steen (senior vice president at Rabobank), Bruce Margon (UCSC), and Rito Guerra, who had recently completed a military tour of duty in Iraq. Mr. Margon announced that when the UCSC Campus Committee that advises on the UC MBEST Center met last December, they recommended some substantial changes in the

direction of their property on their former Fort Ord. He said the UC MBEST Center will continue to operate for many years but options on the peripheral property are being examined. He announced that Chancellor George Blumenthal will attend the March 12th FORA board meeting to report on more specific details.

4. PUBLIC COMMENT PERIOD - none

5. CONSENT AGENDA

There were two items on the Consent Agenda: Item 5a (January 8, 2010 board meeting minutes) and Item 5b [Amendment to Master Agreement for Professional Services – Creegan + D'Angelo (Capital Improvement Program On-Site Transportation)]. There were no board or public comments. **Motion to approve the two items on the Consent Agenda was made by Mayor Edelen, seconded by Councilmember McCall, and carried.**

6. OLD BUSINESS

Item 6a – Environmental Services Cooperative Agreement (ESCA) - update: FORA ESCA Program Manager Stan Cook provided an update enhanced by a PowerPoint presentation. Topics covered included the ESCA Munitions Response Areas (MRA's) by group, the current work areas, examples of items found, vegetation removal, an update of the Residential Quality Assurance (RQA) pilot study, the Central Coast Veterans Cemetery, the interaction of the General Jim Moore Boulevard construction project and the ESCA project, the list of ESCA resources, and a list of upcoming meetings and events. He called particular attention to the Army bus tour at 10:00 a.m. on February 20th, along with an open house, whose focus will be ground water and soil contamination. Supervisor Parker asked for some contextual information about the ESCA project. Mr. Cook replied that the project had started in early 2007, that it was now about half finished, and it is on time and on schedule within the financial constraints. There were no other board comments or comments from the public.

Item 6b – General Jim Moore Boulevard ("GJMB") road improvement project

- i. Modifications to grant award: Executive Officer Houlemard summarized the background leading up to the possibility of the Economic Development Administration ("EDA") modifying the grant award funds but emphasized that there were restrictions. He said the Administrative Committee had discussed possible modifications and recommended concurrence with some of them, notably two change orders, one to relocate a PG&E power pole on GJMB and Eucalyptus Road and the other, constructing the road connections at Hilby and San Pablo. Other recommended proposals were the installation of a recycled waterline on GJMB, installation of a bank of 6 4" PVC conduits, and signalization at the Coe Avenue and Broadway intersections with GJMB. He emphasized that all modifications to the grant award must be construction-ready or environmental work and related to the original grant award. He said if the match percentage were changed in FORA's favor, not only would more funds be available to FORA, but that these funds would free up funds in FORA's Capital Improvement Program, which could then be allocated for other obligations. Mr. Houlemard said the Administrative Committee and Capital Improvement Program

Committee would be recommending which other projects should move forward. **Motion to approve/concur with the above-described modifications for submittal to EDA, along with a request that staff provide an updated report addressing the noise concerns at the March board meeting, was made by Councilmember Mancini and seconded by Mayor Edelen.** Mr. Edelen asked what the estimated maximum EDA funding would be, and Mr. Houlemard replied about \$6.4 million. Debbie Hale asked what the time frame for obligating the grant funding was, and Mr. Houlemard replied probably 2012 (typically five years). Mr. Edelen asked if the GJMB project could extend through the Del Rey Oaks property at the south end of the former Fort Ord. Mr. Houlemard said more information about the modifications would be presented at the March board meeting. Chair Rubio commented that the Habitat Conservation Plan must be completed first before habitat management on Del Rey Oaks' parcels could be determined. There were no public comments, and **the previous motion carried.** Marina Coast Water District Deputy General Manager and District Engineer Carl Niizawa expressed appreciation for the Board's approval of the installation of the recycled water pipeline in GJMB. He said it will bring recycled water to former Fort Ord and represents a long-term solution to the region's water issues.

- ii. Construction noise/ vibrations issues: Supervisor Parker said there are concerns about the ongoing increased traffic and construction noise being experienced by Seaside residents living near the construction zone and said mitigation is necessary, according to her understanding of the Base Reuse Plan ("BRP"). She asked if the design data had addressed this potential issue and requested that FORA staff recheck the BRP and do some analysis of the impact of the new traffic lights at Coe Avenue and GJMB. Jim Cook remarked that the Board had been very supportive of replacing items that had to be taken out of the project due to the original funding limits, but he was aware that noise mitigation had not been part of the original project. He asked if funds to mitigate these noise concerns could be secured elsewhere. Mayor Rubio asked if EDA would allow sound mitigation; Executive Officer Houlemard replied it was not clear and that it had not been required in the environmental document. Senior Project Manager Jim Arnold replied no to both points. Mr. Houlemard remarked that other solutions should be examined, such as a berm and/or landscaping. He said he would talk to EDA before bringing the noise concerns back to the Board.

Item 6c – Resolution authorizing Rabobank financing: Executive Officer Houlemard reviewed the "Preston Park Debt Consolidation Financing Terms and Conditions Summary" sheet, which had been received from Rabobank and stated that the Board had already authorized execution of the loan documents; however, the bank had submitted a request for a board resolution. Ken Steen, a senior vice president at Rabobank who was present, said that these terms and conditions had been in the original letter of interest that led to board approval and he proceeded to provide summaries of each item. Councilmember McCall asked if the line of credit on Preston Park would be closed (yes). Jim Cook asked how a five-year loan would be paid out when FORA sunsets before then. Mr. Houlemard replied that by board direction, FORA staff and Marina would be discussing Marina's acquisition of Preston Park and to complete these negotiations in the near future. Mr. McCall said he supported approving the loan if the letter dated February 10, 2010 from Mr. Houlemard to Mr. Altfeld, which listed the conditions the loan would provide for Marina, were attached. Authority Counsel Bowden

suggested that the Board make two resolutions, one approving the resolution for the bank as Rabobank had requested and the other, adopting the list of the conditions in the previously described letter, so there is no ambiguity. **Motion to approve Resolution #10-04 authorizing the Fort Ord Reuse Authority Executive Officer to execute Rabobank financing documents to borrow up to \$19 million was made by Councilmember McCall, seconded by Councilmember Mancini, and carried. Motion to adopt the obligations in the previously identified letter of February 10, 2010 was made by Councilmember McCall, seconded by Councilmember Mancini, and carried.**

Item 6d – Habitat Conservation Plan (“HCP”) contract amendments for Denise Duffy & Associates (“DDA”) and ICF Jones & Stokes (“J&S”): Executive Officer Houlemard said contract amendments to existing contracts require board approval. There were no board or public comments. **Motion to authorize the Executive Officer to execute the following: (1) consultant contract amendment number three with DDA, requiring no additional budget authority, that will update and complete additional take assessment analysis for the HCP and Environmental Impact Report/Environmental Impact Statement; and (2) consultant contract number three with J&S, increasing the available budget by \$64,551 to complete revisions to the Pre-Public Draft HCP document was duly made by Supervisor Parker, seconded by Mayor Edelen, and carried.**

Item 6e – Multi-Modal Transit Corridor (“MMTC”) Memorandum of Agreement (“MOA”): Senior Planner Jonathan Garcia provided a background summary, noting that the Board had previously approved a draft of this MOA in December 2008 but issues had arisen following that approval and the document was sent back to the Administrative Committee for resolution. He reported that TAMC and MST had already approved the current draft and other parties were scheduling it for approval. Councilmember Kampe asked how impacts raised in the letter dated 10/24/08 from the president of The Bluffs Homeowners Association would be mitigated, and Mr. Garcia responded that these would be questions for the future project implementers to address. **Motion to authorize the Executive Officer to execute the current draft of the MMTC realignment MOA was made by Supervisor Parker, seconded by Councilmember McCall, and carried.**

7. NEW BUSINESS

Item 7a – Fort Ord Reuse Authority mid-year budget: Executive Officer Houlemard noted in the summary that revenues were up and expenditures were down and called attention to changes in the line items. He said the Finance Committee had reviewed and approved the mid-year budget. Mayor Edelen thanked the staff for their pro-active, forward-looking stance. There were no other board comments and no comments from the public. **Motion to accept the FY 09-10 Fort Ord Reuse Authority Operating Budget mid-year status report was made by Mayor Pendergrass, seconded by Councilmember McCall, and carried.**

Item 7c – CONSISTENCY DETERMINATION: Marina Housing Element: Senior Planner Jonathan Garcia summarized this legislative land use decision review by staff and the resulting recommendation for approval. Christine di Iorio, community development director for Marina, made brief remarks about this consistency determination. There were no board or public comments. **Motion to approve Resolution #10-02, concurring in the City of Marina**

legislative land use consistency determination and making findings that the Marina Housing Element 2008-2014 is consistent with the Fort Ord Base Reuse Plan, was made by Councilmember Mancini, seconded by Councilmember Kampe, and carried.

Item 7c – CONSISTENCY DETERMINATION: Salinas Valley Memorial Healthcare System Imjin Parkway Project (“SVMHS”): Senior Planner Jonathan Garcia reported that the Administrative Committee had recommended approval at their February 3rd meeting. There were no board comments or questions. Ron Chesshire from the Monterey/Santa Cruz Construction and Building Trades Council said that the Marina City Council had taken action on this consistency determination without including the prevailing wage provisions as set forth in the FORA Master Resolution and that the original documents had since been amended to address this requirement. Mr. Chesshire also stressed the importance of job training, noting the decrease in local construction activity, and asked that the FORA job training policy be required in future consistency determinations. **Motion to approve Resolution #10-03, concurring in the City of Marina’s legislative land use and development entitlement consistency determination and making findings that the SVMHS Imjin Parkway project is consistent with the FORA Base Reuse Plan, was made by Councilmember Mancini and seconded by Councilmember McCall.** Chair Rubio echoed the need for the jurisdictions to focus on hiring, training, and jobs with fair wages and benefits, along with local hire policies. **The motion carried.**

Item 7d – Office of Economic Adjustment grant award for the Central Coast Veterans Cemetery infrastructure planning: Executive Officer Houlemard shared his appreciation for Congressman Farr’s efforts to obtain this grant award. Councilmember Mancini called attention to Assemblymember Monning’s press advisory to announce the introduction of his legislation to amend current law to permit fundraising for the cemetery to occur simultaneously with the planning and design, which has heretofore stalled this project. A press conference is scheduled for 3:00 – 4:00 p.m. on February 12th at the Ord Military Community Chapel. All are invited and encouraged to attend.

Item 7e – Confirmation of 2010 Fort Ord Reuse Authority Legislative and Finance Committees appointments: Chair Rubio thanked those who had agreed to serve on these committees. **Motion to confirm the chair’s recommendations of members to serve on the Legislative and the Finance Committees for 2010 (February 11, 2010 through the February 2011 board meeting) was made by Supervisor Parker and seconded by Mayor Edelen.** Chair Rubio read the members of each committee for the record: **Finance Committee**: Mayor Sue McCloud (chair); Councilmembers Tom Mancini, Ken Gray and Janet Barnes; and Mr. Graham Bice. Hunter Harvath will serve as alternate. **Legislative Committee**: Mayor Ralph Rubio (chair), Supervisors Dave Potter and Jane Parker, Mayor Chuck Della Sala, and Councilmember Dave McCall. Mayor David Pendergrass and Councilmember Bill Kampe will serve as alternates. There were no board or public comments, and **the motion carried.**

Item 7f – Property exchange between City of Marina (“Marina”) and Monterey Peninsula College (“MPC”): Executive Officer Houlemard provided a background summary, noting that the Board must approve property exchanges in the area being redeveloped on the former Fort Ord. Chair Rubio remarked that the map in Exhibit B of the exchange agreement was not clear in showing the properties being exchanged. Doug Yount, director of development

services in Marina, described the locations in more detail. When asked why additional language had been recommended in the motion, he responded that counsel were finalizing some deed language and deed descriptions to assure accuracy and these changes were technical, not substantive. The board members had no objection to adding additional language as noted in the following motion. There were no public comments. **Motion to (1) approve the exchange of parcels, as presented in the MPC/Marina land exchange agreement and Implementing Agreement to accomplish the boundary adjustment set forth in the Exchange Agreement between MPC and Marina and its Redevelopment Agency; and (2) concur with Amendment #5 of the Memorandum of Agreement between the U.S.A., acting by and through the Secretary of the Army and FORA for the Sale of Portions of the former Fort Ord Located in Monterey County, California, dated June 20, 2000 (to exempt the Agency Property from the purview of the EDC Agreement and to subject the MPC Property to the EDC Agreement), both items amended by the following language: "subject to final review and approval of all documents by Marina, MPC and FORA legal counsel," was duly made by Councilmember Mancini and seconded by Supervisor Parker. This motion carried.**

8. EXECUTIVE OFFICER'S REPORT

There were five items in this report: Item 8a (Administrative Committee report), Item 8b (Finance Committee report), Item 8c (Executive Officer's travel report), Item 8d (Fort Ord Reuse Authority investments – status report), and Item 8e (Habitat Conservation Plan – status report). **Re Item 8c:** Executive Officer Houlemard reported that the FORA group had had successful meetings with FORA's three electeds in Sacramento during their trip there on February 2nd, particularly in securing support and two sponsors for AB 1791, which requests changes to state redevelopment law specific to former Fort Ord. He said it is critical that all board members send letters of support and encourage their councils/boards to pass a resolution indicating this support in time to be presented at the bill's hearing(s) early next month.

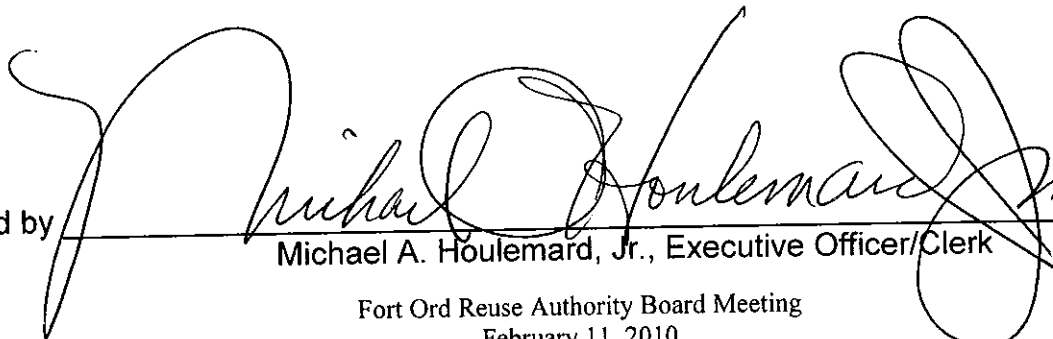
COL Brewer announced that a ribbon-cutting celebrating the groundbreaking of 284 homes being built in the area of General Jim Moore Boulevard and Gigling Road would be held at 2:00 p.m. on April 9th. Tours of the models will be available. All are invited to attend.

10. ADJOURNMENT

There being no further business, Chair Rubio adjourned the meeting at 5:05 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk

Approved by



Michael A. Houlemard, Jr., Executive Officer/Clerk

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Amendment to Master Agreement for Professional Services – Creegan + D'Angelo (Capital Improvement Program On-Site Transportation)	
Meeting Date:	February 11, 2010	ACTION
Agenda Number:	5b	

RECOMMENDATION:

Authorize Fort Ord Reuse Authority ("FORA") staff to execute Amendment 1202-19 (**attached**) to the Master Agreement for Professional Services ("Agreement") with Creegan + D'Angelo ("C+D"). Amendment 1202-19 **replaces** Amendment 1202-18, authorized by the FORA Board at their September 2009 meeting.

BACKGROUND/DISCUSSION:

On November 8, 2002, the FORA Board authorized the Agreement (for a five-year term) with C+D to provide "on-call" engineering design services to support the on-site transportation elements of FORA's Capital Improvement Program ("CIP"). The Agreement was extended by Board authorization of Amendment #1202-13 for an additional five years, through November 2012. The Agreement provides for the negotiation of Service Work Orders ("SWOs") and Agreement amendments as funding becomes available.

The Board approved SWOs 1 through 5 for \$1,366,750, inclusive, on October 10, 2003. SWO 3 provides for General Jim Moore Boulevard ("GJMB") design and environmental processing. SWO 4 provides for Eucalyptus Road from GJMB to Parker Flats Road design and environmental processing. To date, Board approved amendments bring the SWO 3 funding to \$1,475,896 and the funding of SWO 4 to \$584,811.

FORA staff recommends the following amendments to the Agreement:

1. Amend existing SWO 3 to split GJMB into phases that conform with available funding.
2. Amend existing SWO 4 to split Eucalyptus Road into phases that conform with available funding.

FISCAL IMPACT:

Reviewed by FORA Controller 

This amendment 1202-19 replaces Amendment 1202-18, previously authorized by the FORA Board at their meeting of September 11, 2009. Construction observations were a part of the previously approved amendment, but were removed as a part of this amendment 1202-19 at the direction of the Economic Development Administration ("EDA"). Construction observations shall be contracted under a separate agreement (approved by the Board at their meeting in December 2009) as per EDA requirements. Additional services, which were not a part of the previously approved amendment, replace construction observations in this amendment 1202-19 and are detailed in the attachment.


The cost of the recommended amendments to the Agreement is not to exceed \$105,400 for SWO 3 and \$36,000 for SWO 4. The funding is to be derived from savings in completed SWOs and FORA's Community Facilities District and/or line of credit. This amount is included in the 2009-2010 fiscal year budget.

The attached amendment fully describes the scope of services to be provided by C+D for the recommended SWOs and amendments.

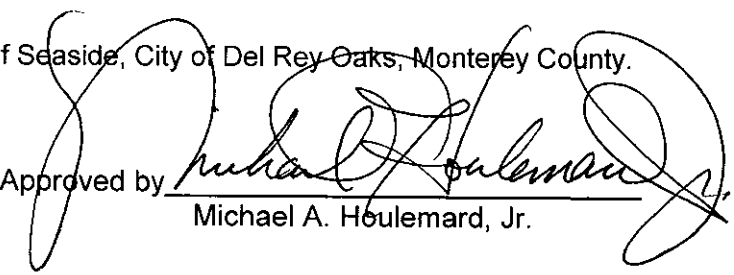
COORDINATION:

FORA CIP Committee, Administrative Committee, City of Seaside, City of Del Rey Oaks, Monterey County.

Prepared by


James M. Arnold

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY
AMENDMENT TO SERVICE AGREEMENT No. AE-1202

Amendment No.: 1202-19
Amendment Date: January 21, 2010
Agreement Date: November 12, 2002

This AMENDMENT No. 1202-19 supersedes and replaces AMENDMENT No. 1202-18 in its entirety.

The Fort Ord Reuse Authority (FORA), hereinafter referred to as "OWNER", and Creegan + D'Angelo (C+D), hereinafter referred to as "CONSULTANT", pursuant to Article, "WORK ORDER DOCUMENTS", of the Master Agreement for Professional Services for the Fort Ord Reuse Authority Number AE-1202, dated November 12, 2002 and subsequently renewed and extended by Amendment No. AE-1202-12 dated October 12, 2007; do mutually agree to amend the Scope of Services and compensation payable by Owner to Consultant under the terms of certain Service Work Orders (SWOs) issued subsequent to the Master Agreement. Such adjustments to the Scope of Services and compensation payable are a part of this amendment.

All terms and conditions of the Master Agreement and subsequent Amendments, except as modified herein, remain in full force and effect, and apply equally to this Amendment to the Master Agreement and all subsequent Amendments to the same and are hereinafter referred to as Amendment No. 1202-19.

SERVICE WORK ORDER NUMBER 3:

SERVICE WORK ORDER NUMBER 3 (SWO 3) was established by Amendment No. 1202-1 on October 13, 2003 and has, subsequently, been modified by Amendment No. 1202-4 on August 3, 2005, Amendment No. 1202-8 on July 13, 2006, Amendment No. 1202-10 on January 31, 2007, Amendment No. 1202-11 on June 8, 2007, Amendment No. 1202-12 on October 12, 2007, Amendment No. 1202-14 on February 11, 2008, Amendment No. 1202-15 on April 11, 2008 and Amendment No. 1202-17 on December 23, 2008.

All terms and conditions of those Amendments, in addition to the terms and conditions of Master Agreement No. AE-1202, remain in full force and effect, except as modified by this AMENDMENT NO. 1202-19.

SWO 3 - Phase IV Scope of Services:

The Scope of Services, to be provided by Consultant, shall increase to include the following items:

1. Provide pavement transitions from existing General Jim Moore Boulevard (GJMB) travel lanes to the new traffic lanes of proposed GJMB to permit continuous public traffic flow during all construction operations;
2. Prepare Opinions of Probable Cost under multiple construction scenarios;
3. Inclusion of City of Seaside's comments on construction plans;
4. Plan modifications to grading limits for Phases IV and V for existing power poles;
5. Various topographic surveys as ordered by Owner;

ATTACHMENT A
To Item 5b
February 11, 2010 FORA Board Meeting

6. Coordinate with the City of Del Rey Oaks on the intersection with South Boundary Road and slopes on west side of GJMB
7. Provide legal description of utility corridor on east side of GJMB and field construction staking of corridor location for utility relocation.
8. Evaluate and provide design alternatives to avoid Monterey Spine Flower colony in Del Rey Oaks' property if needed.

SWO 3 – Phase V Scope of Services:

The Scope of Services, to be provided by Consultant, shall increase to include:

1. Survey staking for relocation of fiber optic and electric utility relocations including field coordination between FORA and utility owners
2. As-built survey of soil material stockpiles within project area
3. Prepare easement, certificate of acceptance and graphics for right-of-way on Del Rey Oaks lands
4. Modify specifications to incorporate General and Special Conditions as required by Economic Development Administration
5. Prepare Opinion of Probable Cost of Construction
6. Provide bid and award assistance and support

SWO 3 Phase IV Compensation for Services:

Compensation payable to Consultant by Owner shall be increased as follows:

Gross amount of additional compensation:	\$75,400.00
Less:	
Closeout of SWO 3 for work prior to Amend. 1202-11	(\$7,049.57)
Closeout SWO 5	(\$13,194.99)
Closeout FOSET 5 & FOST 10	(\$3,241.02)
Closeout of SWO 10	(\$25.00)
Closeout of SWO 11	(\$5,121.00)
Closeout SWO 12	(\$2,001.00)
Net amount of additional compensation:	\$44,767.42

SWO 3 Phase V Compensation for Services:

Compensation payable to Consultant by Owner may increase by an amount not to exceed (at a rate of \$150.00 per hour): **\$30,000.00**

SERVICE WORK ORDER NUMBER 4:

SERVICE WORK ORDER NUMBER 4 (SWO 4) was established by Amendment No. 1202-1 on October 13, 2003 and has, subsequently, been modified by Amendment No. 1202-4 on August 3, 2005, Amendment No. 1202-8 on July 13, 2006, Amendment No. 1202-10 on January 31, 2007, Amendment No. 1202-11 on June 8, 2007, Amendment No. 1202-12 on October 12, 2007, Amendment No. 1202-14 on February 11, 2008, Amendment No. 1202-15 on April 11, 2008 and Amendment No. 1202-17 on December 23, 2008.

All terms and conditions of those Amendments, in addition to the terms and conditions of Master Agreement No. AE-1202, remain in full force and effect, except as modified by this AMENDMENT NO. 1202-19.

SWO 4 –Phase I Scope of Services:

The Scope of Services, to be provided by Consultant, shall be increased to include the following items:

1. Modification of grading to allow the PG&E power poles to remain in place until removed by PG&E/
2. Provide modifications to grading to accommodate various driveways connecting to Eucalyptus Road.

SWO 4 – Phase II Scope of Services:

The Scope of Services, to be provided by Consultant, shall increase to include the following:

1. Prepare additional construction drawings and Opinion of Probable Cost for easterly extension of Eucalyptus Road
2. Modify specifications to incorporate General and Special Conditions as required by Economic Development Administration
3. Provide bid and award assistance and support

SWO 4 – Phase I Compensation for Services

Compensation payable to Consultant by Owner shall be increased as follows:

Additional Scope of Services work	\$18,000.00
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SWO 4 – Phase II Compensation for Services

Compensation payable to Consultant by Owner shall be increased as follows:

Additional Scope of Services work	\$18,000.00
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APPROVAL AND ACCEPTANCE OF AMENDMENT No. 1202-19

Fort Ord Reuse Authority

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

CREEGAN + D'ANGELO, INC.

By: _____ Date: _____
 Richard Simonitch, PE, PLS
 Vice President/Engineering Manager

END OF AMENDMENT NO. 1202-19



Creegan+D'Angelo

December 28, 2009

707007

Jim Arnold
Fort Ord Reuse Authority
100 12th St., Bldg 2880
Marina, CA 93933

Dear Jim:

Per our previous discussions, I am requesting the reallocation of existing funds for the General Jim Moore (SWO #3) and Eucalyptus Rd. (SWO #4) projects as said monies were provided for in Amendment No. 1202-18 dated July 31, 2009 for the purpose of On-Call construction field observation and reporting. As you know, On Call construction field observation and reporting will be provided by C+D under the newly awarded Construction Management Contract for General Jim Moore Blvd Phase V and Eucalyptus Phase II.

I have prepared for your consideration the following budget outline for work performed out of scope from August 1, 2009 through November 30, 2009 and respectfully request an Amendment to Services Agreement No. 1202 for SWO#3 and SWO#4 using those monies now available from Amendment 1202-18.

SWO-3 Phase V out of scope work 8/1/09 through 11/30/09

Fee request =\$30,000 (from 1202-18 SWO-3 Phase V compensation for services)

1. Staking requests for Suddenlink fiber optic undergrounding (1/2 share), and field coordination between FORA and Suddenlink.
2. Staking requests for PG&E during installation/relocation of power poles.
3. As-built survey of dirt stockpile at southerly terminus.
4. Preparation of Del Rey Oaks Easement Agreement and Certificate of Acceptance, including special graphical exhibits.
5. Provide documentation and exhibits including Estimates, General Conditions, and Special Provisions for EDA funding application for SWO 3 Phase V.
6. Provide bid & award assistance and support for SWO 3 Phase V.

SWO-4 Phase II out of scope work 8/1/09 through 11/30/09

Fee request =\$18,000 (from 1202-18 SWO 4 Phase II compensation for services)

1. Preparation plan revisions and estimates for re-defining limits of construction for Eucalyptus Rd. with regard to available EDA funding.
2. Provide documentation and exhibits including Estimates, General Conditions, and Special Provisions for EDA funding application for SWO 3 Phase V.
3. Provide bid & award assistance and support for SWO 4 Phase II.

Jim Arnold
December 28, 2009
Page 2 of 2



Creegan+D'Angelo

Thank you for your consideration in this matter. Please feel free to contact me if you have any questions or alternative suggestions for funding sources.

Sincerely,

A handwritten signature in black ink that reads "Richard Simonitch". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Richard Simonitch
Engineering Manager

RGS/rgs

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Environmental Services Cooperative Agreement (ESCA) – update	
Meeting Date:	February 11, 2010	INFORMATION
Agenda Number:	6a	

RECOMMENDATION(S):

Receive a Fort Ord Reuse Authority ("FORA") Environmental Services Cooperative Agreement ("ESCA") Remediation Program ("RP") status report.

BACKGROUND:

In Spring 2005, the U.S. Army ("Army") and FORA entered into negotiations to execute an Army-funded Environmental Services Cooperative Agreement ("ESCA") leading to the transfer 3,340 acres of former Fort Ord prior to regulatory environmental sign-off. In early 2007, the Army awarded FORA approximately \$98 million to perform munitions cleanup on the ESCA parcels. FORA also entered into an Administrative Order on Consent ("AOC") with U.S. Environmental Protection Agency ("U.S. EPA") and California Department of Toxic Substance Control ("DTSC"), defining conditions under which FORA undertakes responsibility for the Army remediation of the ESCA parcels.

In order to complete the AOC defined work; FORA entered into a Remediation Services Agreement ("RSA") with LFR Inc. to provide Munitions and Explosives of Concern ("MEC") remediation services and executed a Cost-Cap insurance policy for this remediation work through American International Insurance Group ("AIG"). FORA was to receive the property after U.S. EPA approval and concurrence by the Governor.

The ESCA RP has been underway for approximately 2.5 years. In August 2008, Governor Arnold Schwarzenegger concurred in the transfer of the ESCA parcels under a Finding of Suitability for Early Transfer. The ESCA property was subsequently transferred to FORA ownership on May 8, 2009. Current ESCA RP field work is focused in the Parker Flats area of the former Fort Ord.

On December 17, 2008 FORA received the fourth and final ESCA Grant fund payment of approximately \$28 million. Per the AOC, the majority of these funds have been transferred to AIG for payment to LFR Inc. under the terms of the insurance policies and related agreements. FORA administrative costs and oversight, including third-party quality assurance work are also funded by the ESCA grant.

DISCUSSION:

ESCA field crews are working along 8th Avenue south of Gigling Road and north of Parker Flats Road. Additional work is being conducted south of Gigling Road, between Parker Flats Cut Off and 8th Avenue and in the area north of Eucalyptus Road and west of Parker Flats Cut-Off Road. We have asked the public to please be aware of heavy equipment operation in these areas as crews are conducting investigations for Munitions and Explosives of Concern.

These areas are posted at trail heads during working hours. Maps of the work areas have been distributed electronically to local bike shops, to the Fort Ord Users Group and posted on the FORA and dedicated ESCA website. The FORA ESCA Team continues to work with the Monterey County Illegal Dumping Task Force to curb dumping on the ESCA properties.

Since the ESCA work began in early 2007, FORA and the ESCA Remediation Program Team (LFR/Weston/Westcliffe) have been coordinating with Regulators, the Army and the Jurisdictions on the necessary documentation, public outreach and site preparation to support the ESCA MEC field work.

The ESCA activities for the last Quarter are detailed in **Attachment A, the ESCA Quarterly Grant Reports.**

Noteworthy items from this report are:

- FORA ESCA RP team has engaged in approximately 116 Technical and 115 Community Outreach tasks from September to the end of 2009.
- Performed work in Seaside Parker Flats, CSUMB and other ESCA parcels.
- Drafted various work plans and field work-related documents.
- Managed ESCA Independent Third-Party Quality Assurance Surveillance Program.
- Worked with Army, Regulators and Monterey County to draft and publish Track 1 Approval Memo for County North MRA to accelerated land transfer.
- Continued hosting monthly Fort Ord Users Working Group meetings and Emergency Services Coordination meetings.
- Held Informal Community Workshop Meeting in December.
- Continued participation with the Army in their Community Involvement Workshops and Technical Review Committee meetings.
- ESCA tours for officials and jurisdiction representatives.


FISCAL IMPACT:

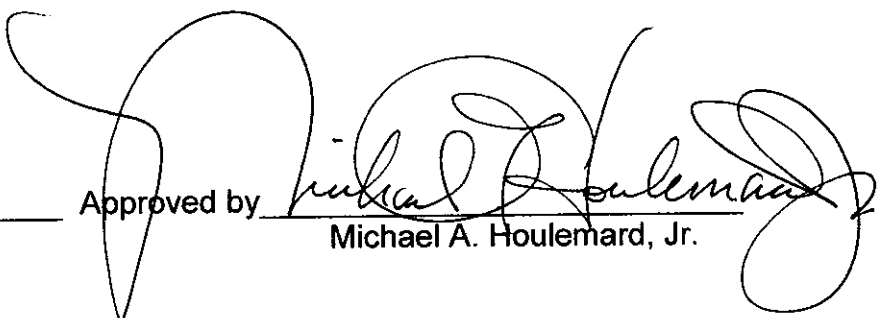
Reviewed by FORA Controller 

ESCA work is covered by the grant award from the U.S. Army and included in the approved operating budget.

COORDINATION:

Administrative Committee; Executive Committee; Special and Authority Counsel; LFR; Weston Engineers; U.S. EPA; and DTSC.

Prepared by  Stan Cook

Approved by  Michael A. Houlemard, Jr.

QUARTERLY PROJECT REPORT

Environmental Services Cooperative Agreement

Report No: 11

Reporting Period: October 1, 2009 to December 31, 2009

Grant Recipient: Fort Ord Reuse Authority

Agreement No: W9128F-07-2-0162

PR No: W59XQB70879961

Effective Date: March 30, 2007

Grant Officer: Doug Hadley
Contracting Officer/Grants Officer
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Submitted to: Gail Youngblood
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This report is submitted per the requirements in the Cooperative Agreement Award, Attachment E.1, Technical Services and Requirement Statement, Section 3.1. Project Progress Reports.

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Background/Scope and Purpose

Background.

The Federal Government, for and on behalf of the citizens of the United States of America, acts as the steward of certain real property on which it operates and maintains military facilities necessary for the defense of the United States of America. Certain military facilities are no longer required for that mission, and the Department of Defense (DoD) closed and plans to dispose of certain real and personal property at those facilities in accordance with the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510 (10 U.S.C. Section 2687 note, as amended). DoD is authorized to dispose of real and personal property on the former Fort Ord to the Fort Ord Reuse Authority (FORA). Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9620(h)(3)(C), federal property may be transferred prior to the completion of all remedial action necessary to protect human health and the environment. Under this early transfer authority, DoD may transfer portions of Fort Ord to the FORA, which may assume responsibility for certain environmental response activities (Environmental Services).

The property to be transferred and the geographic area in which work will be performed under the ESCA are identified herein as the Areas Covered by Environmental Services, (ACES). The environmental response activities required of the FORA under the Environmental Services Cooperative Agreement (ESCA) are identified herein as the Environmental Services. The ESCA provides the funding, specifications and requirements for the FORA's performance and completion of the Environmental Services in the ACES. Cleanup of the ACES is governed by CERCLA, the National Contingency Plan (NCP), the Administrative Settlement Agreement and Order on Consent (AOC), and other applicable laws and regulations. The Army has conducted investigations and site characterization under its own authorities under CERCLA, the Defense Environmental Restoration Program (DERP), and other applicable laws and regulations, and has identified both contaminated areas as well as uncontaminated areas. Additional site characterization and investigations are to be performed. Following the early transfer of the ACES, FORA will be obligated to comply with the AOC under the oversight of the United States Environmental Protection Agency (US EPA) and the Department of Toxic Substances Control. As provided in the ESCA, the Parties agree that the FORA's performance of the Environmental Services must satisfy certain obligations of the Army under CERCLA and the NCP. If inconsistencies are found between the ESCA and the AOC after the ESCA has been signed, the Parties will work toward a resolution, in accordance with Section D.9 of the ESCA. The ESCA is of mutual benefit to the Army and FORA because it will facilitate early transfer and the immediate reuse of the ACES by allowing FORA to perform the Environmental Services in conjunction with redevelopment activities. The ESCA, executed in anticipation of an early transfer, will allow FORA full access to the ACES in order to implement the Environmental Services and redevelop the ACES. The ESCA does not reduce or alter in any way the responsibilities and obligations of the Army under CERCLA, the NCP, or Section 330 of Public Law 102-484 ("Section 330"), except as otherwise provided in the ESCA.

Purpose.

The provisions of the ESCA establish the terms and conditions necessary for the completion of the Environmental Services required to obtain Site Closeout and the execution of Long-Term Obligations associated with Site Closeout. The AOC and Technical Specifications Requirements Statement (TSRS) establish the process for obtaining Site Closeout within the ACES. By execution of the ESCA, the Army and FORA concur with the AOC and TSRS. The ESCA in no way restricts the Parties from modifying the Covenant to Restrict the Use of Property (CRUP) or the Environmental Protection Provisions (EPP), and documents referenced therein, before or after the Environmental Services at the ACES have begun. However, any such modifications shall not eliminate or change FORA's or Army's obligations under the ESCA unless a concurrent modification is made to the ESCA in accordance with Section D.21.

Scope.

FORA shall cause to be performed the Environmental Services, in consideration of the payment of a fixed sum by the Army in accordance with and subject to the provisions of the ESCA. The Environmental Services, to the extent required to be performed under the ESCA, shall satisfy the requirements of CERCLA and the NCP by satisfying the requirements provided in the AOC and TSRS. The Environmental Services will be performed in furtherance of the FORA's approved Reuse Plan and integrated with redevelopment activities, all as more particularly described in the TSRS.

The AOC establishes the process for obtaining Site Closeout within the ACES. By the execution of the ESCA, the Army concurs with the process set forth in the AOC, and all documents and approvals referenced therein; however, this concurrence in no way limits the FORA's ability to complete Environmental Services that go beyond the requirements of CERCLA and Resource Conservation and Recovery Act (RCRA) for the ACES by satisfaction of the AOC. Furthermore, the ESCA in no way restricts the parties to the AOC from modifying the AOC and documents referenced therein, pursuant to the terms thereof, before or after the Environmental Services at the ACES have begun; however, any such modifications will be coordinated with the Army and shall not eliminate or change FORA's or Army's obligations under the ESCA unless otherwise agreed in a writing signed by the Parties. In addition to providing the specified funding, the Army will retain the responsibilities and liabilities specified within the ESCA and attachments. The Army's program oversight shall ensure that the remedies implemented by the FORA pursuant to the AOC and TSRS are consistent with CERCLA and the NCP, Department of Defense Explosives Safety Board (DDESB) requirements, and other applicable laws and/or regulations. The Parties agree that the implementation of the AOC must be consistent with remedy requirements of CERCLA, the NCP, and other applicable laws and regulations, and that future modifications to the AOC will likewise be consistent with such remedy requirements. FORA agrees to achieve Site Closeout and perform the required remedial actions in accordance with and subject to the provisions of the ESCA. In accordance with 42 U.S.C. 9620(h)(3)(C)(iii), after all response actions necessary to protect human health and the environment on the ACES, or portions thereof, have been taken, the Army will grant to the FORA the CERCLA warranty that all necessary response actions have been taken.

Document Technical Progress or Work Completed

In this Quarter, FORA and FORA's Remediation Team (LFR, Weston Engineers & Westcliffe Engineering) have: preformed Program Management including mobilization and equipment procurement; participated in Community Involvement Outreach, consulted with the EPA, DTSC, and the Army; drafted various Work Plans, and field work related documents, managed ESCA Independent Third-Party Quality Assurance Surveillance Program and the Quality Assurance Surveillance Program Implementation Plan; and, performed field work in Seaside, Parker Flats, and other ESCA parcels.

FORA's critical dates, technical progress, or work completed within this Quarter are:

October 1, 2009: Drafted plan for the upcoming EPA Super JTI Program Kick Off meeting scheduled for October 15.

October 1, 2009: Sent Base Realignment and Closure (BRAC) office a letter responding to the Army's request to use an ESCA property in Seaside as a transfer facility in their cleanup of lead contaminated soils from the Inland Ranges.

October 1, 2009: Communication with BRAC office and received information alerting the ESCA Team to the Army's schedule to remediate approximately 20 CY of contaminated soils on the Future CSUMB ESCA property. This information was passed on to LFR and Weston to begin ESCA coordination needs.

October 5, 2009: Reviewed and approved the ESCA third-party Quality Assurance Oversight Professional (QAOP) invoice for September 2009.

October 5, 2009: Received notice that the Army is mobilizing for a controlled burn of Area 19 near Bureau of Land Management (BLM) Headquarters. ESCA RP contractors were notified and safety precautions were implemented.

October 6, 2009: Bi-weekly teleconference call with ESCA RP team.

October 6, 2009: Communication between ESCA Program Manager FORA Engineering Department and Sudden Link requesting that Sudden Link return or pay for the lock that they cut off the gate around the ESCA land while delivering poles to General Jim Moore Boulevard (GJMB) Requested that they follow the ESCA site safety procedures and their work schedule so that the ESCA Team can provide the Construction Support they need/requested.

October 6, September 2, 2009: Prepared a description of the ESCA Grant Program for the FORA Annual Auditor's Report.

October 6, 2009: Army mobilized for a controlled burn of Area 19 near BLM Headquarters. Safety precautions for the control burn were implemented by ESCA contractors during the burn.

October 7, 2009: Received notification that the Army mobilized for a second day of controlled burn. Safety precautions for the control burn were implemented by ESCA contractors.

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- October 7, 2009: Reviewed the Draft Group 4 Remedial Investigation/Feasibility Study Work Plan and forwarded suggested edits to the ESCA contractors.
- October 7, 2009: Teleconference with ESCA contractors and QAOP on the Residential Quality Assurance (RQA) Pilot Study Digital Geophysical Mapping (DGM) data.
- October 7, 2009: Created and forwarded a draft standard letter for those requesting access to ESCS property for construction purposes to ESCA contractor requesting their review.
- October 7, 2009: Created and forwarded a draft standard letter for those requesting access to ESCS property for construction purposes to the FORA Engineering Team for them to include in their upcoming General Jim Moore Boulevard bid package.
- October 8, 2009: Finalized the ESCA Quarterly Grant report.
- October 9, 2009: Received suggestions for a letter to Seaside about future land use designation on ESCA properties.
- October 9, 2009: Sent the Administrative Order on Consent (AOC) Monthly Program Report to Regulators.
- October 12, 2009: Meeting to finalize the Seaside Land Use confirmation letter and associated maps.
- October 12, 2009: Requested an update from ESCA contractors on the status of the surveys and legal documents to support the Phase 1 Parker Flats deed amendments.
- October 13, 2009: Monthly Regulatory meeting.
- October 14, 2009: Meeting with Army for a discussion on the draft Group 2 RI/FS report
- October 14, 2009: Communication with BRAC that FOCAG has requested the addresses of the people who provided comments on the Track 1 approval memorandum so that FOCAG can contact them.
- October 14, 2009: Monthly Army Munitions Response Base Cleanup Team (MR BCT) meeting.
- October 14, 2009: The final version of the updated QASP was sent to the Regulators.
- October 14, 2009: Sent a copy of the signed letter from Monterey County concurring on the decision to go with a Track 1 for County North to the Regulators.
- October 14, 2009: Field update meeting with ESCA contractor regarding remediation activities.
- October 15, 2009: Communication with QAOP requesting a copy of the draft version of the RQA Pilot Geophysical QA Report for my review and comment.
- October 15, 2009: Communication from the Army requesting to use the MOUT site (an ESCA property).

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- October 15, 2009: Coordination with ESCA contractor to clarify the surveys plats and legal documents needed for the Veterans Cemetery parcel in Phase 1 and the other County and MPC parcels.
- October 19, 2009: Meeting with BRAC to discuss security for the inland range area.
- October 19, 2009: Forwarded a list of potential local partners for the region for the EPA Super JTI program.
- October 20, 2009: Contacted the County to request the status of their approval of the Annual Horse Park endurance ride that will use a small portion of the ESCA property in Parker Flats Phase 1 on ESCA lands to showcase the future Horse Park property.
- October 21, 2009: Communication with QAOP requesting the draft report for the RQA Pilot Study review.
- October 21, 2009: Received confirmation from ESCA contractor (Field Manager) that the 2nd Hazardous Waste Manifest that was signed for the building debris leaving Parker Flats was not used and was shredded by the contractor.
- October 22, 2009: Meeting with QAOP to review the draft report of the RQA Pilot Study review.
- October 22, 2009: Teleconference with QAOP to discuss the cover letter report that the QAOP will attach to the RQA Pilot Study report review.
- October 22, 2009: Meeting with ESCA contractor to review the Digital Geophysical Mapping information ESCA contractor provided to QAOP.
- October 26, 2009: Meeting with ESCA contractors (Project Manager and Field Manager) to review biologists' draft Micro Burn Plan for East Garrison habitat area.
- October 27, 2009: Teleconference with QAOP about the format and content of the draft report on the RQA Pilot Study QA.
- October 27, 2009: Reviewed game camera photographs for evidence of illegal dumping activity.
- October 27, 2009: Meeting with BRAC biologist and ESCA contractor to review the proposed plan for site preparation for the habitat areas in Group 4 at East Garrison.
- October 27, 2009: Received DTSC's letter concurring that the PG & E corridor through the future CSUMB parcel can be added to the ESCA Safety Access Corridor system.
- October 27, 2009: Reviewed and provided edits to the Draft Final Group 3 Remedial Investigation / Feasibility Study Work Plan response to comments.
- October 28, 2009: Communication with QAOP and forwarded information on the Army's QA report for MRS-16 as a template/example for the QAOP QA report for the RQA pilot study area.
- October 28, 2009: Field update meeting with ESCA contractors.

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- October 28, 2009: Received the draft ESCA Weed Management Plan from ESCA contractor for review and comment.
- October 28, 2009: Received the draft Site Security Implementation Plan from ESCA contractor for review and comment.
- October 29, 2009: Communication with QAOP requesting they provide the rough draft of the QAOP QA report for the RQA pilot study area.
- November 2, 2009: Received the Army's comments on the Draft Group 4 Remedial Investigation/Feasibility Study (RI/FS) Work Plan.
- November 2, 2009: Received the Department of Toxic Substances Control (DTSC) concurrence that the PG&E pipeline corridor in the future CSUMB parcel can be added to the existing ESCA Access Corridor system.
- November 2, 2009: Received DTSC invoice for the ESCA oversight cost they incurred from July 1 to September 30, 2009.
- November 2, 2009: Received an updated work area map from ESCA contractor.
- November 3, 2009: Meeting with Quality Assurance Oversight Professional (QAOP) and introduced him to the ESCA contractors and staff. Discussed the Residential Quality Assurance (RQA) Pilot Study Quality Assurance (QA) Report.
- November 4, 2009: Meeting with ESCA contractor to review the agenda for the upcoming senior management meeting and to discuss the ESCA program management strategy for the next few months.
- November 4, 2009: Field meeting with ESCA contractors to review the progress in the field.
- November 5, 2009: Set up a digital game camera on the ESCA property known as future CSUMB. The area shows signs of recent trespassing and illegal dumping. The Emergency Service Providers recommended that a camera be put in this area. Installation was coordinated with ESCA contractors.
- November 5, 2009: Received the Army Comments on the Draft Group 2 RI/FS.
- November 5, 2009: Provided ESCA contractor with a copy of the Army Comments on the Draft Group 2 RI/FS.
- November 5, 2009: Coordination work with ESCA contractors on the legal descriptions required for the Phase 1 Parker Flats Deed Amendments.
- November 9, 2009: Sent the Administrative Order on Consent (AOC) Monthly Program Report to Regulators.
- November 10, 2009: Exchanged the camera that was set up the week before on the west side of the ESCA Future CSUMB parcel. This area shows signs of heavy off-road vehicle traffic use and some illegal dumping.

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November 10, 2009: Reviewed the legal descriptions and plat maps for the Seaside and Monterey County portions of Phase 1 Parker Flats to use with the Phase 1 Parker Flats Deed Amendments.

November 10, 2009: Bi-weekly teleconference call with ESCA RP team.

November 12, 2009: Attended General Jim Moore Boulevard (GJMB) Pre-Bid opening meeting to represent the ESCA and provide contractors with an overview of the unique site safety requirements, safety procedures, scheduling for the ESCA MEC cleanup site and to answer questions.

November 12, 2009: Teleconference with representative from Super Job Training Initiative (JTI) to assist in preparations for the Super JTI team visit.

November 12, 2009: Teleconference with EPA and DTSC about the potential for using the Seaside RQA area as a borrow area for soil to be used as fill in the adjacent Eucalyptus Road corridor for the next round of GJMB construction.

November 12, 2009: Meeting with ESCA contractors about the County and Seaside legal descriptions and plat maps for the Phase 1 Parker Flat's deed amendments and the Cemetery Transfer

November 13, 2009: Received the Army's summary of comment letter on the Draft Final Analysis of the 2007 Community Survey, Fort Ord California.

November 13, 2009: Provided an update to the FORA Board of Directors on the progress of the ESCA Program.

November 16, 2009: Monthly Army Munitions Response Base Cleanup Team (MR BCT) meeting.

November 16, 2009: Received the Army's notice that they may conduct a prescribed burn on a portion of the inland ranges. The ESCA team is responding on all levels to compensate for the Army prescribed burn effort field movement and the drawdown in BRAC team staff.

November 16, 2009: FORA Special Counsel sent the proposed edits to the Parker Flats Deed Amendments for approval to the Army Corps of Engineers' representative.

November 16, 2009: Monthly Regulatory meeting.

November 17, 2009: Teleconference with QAOP to discuss the RQA Pilot Study QA Report.

November 18, 2009: Prepared the deed amendments for Seaside, Monterey and Monterey Peninsula College (MPC) deeds in Parker Flats Phase 1 for FORA Executive Officer's signature.

November 18, 2009: Communication with the Army and Kutak Rock, FORA's Special Counsel, on the quality of the FOSET 5 Deed Amendments and the process needed to edit to the required quality standards.

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- November 24, 2009: Attended the General Jim Moore Blvd. (GJMB) bid opening to meet the selected contractor and provide them with the ESCA notification and construction support requirements.
- November 25, 2009: Meeting with FORA Engineering Department about the options for getting the portion of Eucalyptus Road corridor east of the previous TIP prepared for the FORA Engineering Team to add to the upcoming GJMB contract work that was bid yesterday.
- November 25, 2009: Provided the Presidio of Monterey (POM) with approval for the 229th to use the MOUT facility for three days during the January to March 2010 time frame.
- November 25, 2009: Communication with Environmental Protection Agency (EPA) about the options for getting the portion of Eucalyptus Road corridor east of the previous TIP prepared for the FORA Engineering Team to add to the upcoming GJMB contract work that was bid November 24, 2009.
- November 25, 2009: Meeting with ESCA contractor to discuss and call Judy Huang about the options for getting the portion of Eucalyptus Road corridor east of the previous TIP prepared for the FORA Engineering Team to add to the upcoming GJMB contract work that was bid November 24, 2009.
- November 25, 2009: On-site meeting with ESCA contractor (Field Manager) about the status of the ESCA Field work.
- November 30, 2009: Conference call with the Regulators about how to handle the addition of about 2,500 LF of Eucalyptus Road located on ESCA property to the current GJMB Eucalyptus road contract.
- November 30, 2009: Conference call with Regulators about how to handle reporting the 2 - 40mm projectiles found on ESCA property November 19, 2009 while UXO field crews were checking for erosion damage to future remediation areas.
- November 30, 2009: Communication with representative from POM to discuss the impact of the 229th's request for "set-up" days at the MOUT site.
- November 30, 2009: Reviewed and provided comments on the "Response to Comments" on Track 1 Plug-In Approval Memorandum."
- December 2, 2009: Reviewed various ESCA documents for past response to comments presented by FOCAG that address the same or similar questions presented by FOCAG to the Supervisor Parker's office.
- December 2, 2009: Sent the Army the Draft Response to Comments for the Track 1 Approval Memorandum for the Army's review and use.
- December 2, 2009: Field meeting with ESCA contractors to review the progress in the field.
- December 2, 2009: Preparation for and reviewed the agenda for the upcoming monthly ESCA Regulatory meeting.

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December 2, 2009: Communication with ESCA contractor (Safety Officer) to request that they "daisy chain" the locks at the General Jim Moore gate.

December 2, 2009: Provided information to the County Sheriff's Department on the status of land ownership for the ESCA property and existing agreements detailing that the Jurisdictions provide Emergency services as soon as the property transfers to FORA.

December 3, 2009: Meeting with ESCA contractor on the memorandum describing the past discussions that FORA, Department of Toxic Substances Control (DTSC) and the rest of the ESCA team have had on the request to add an additional portion of Eucalyptus Road to the current GJMB and Eucalyptus Road work contract.

December 3, 2009: Sent the Regulators a memorandum describing the past discussions that FORA, Department of Toxic Substances Control (DTSC) and the rest of the ESCA team have had on the request to add an additional portion of Eucalyptus Road to the current General Jim Moore Boulevard (GJMB) and Eucalyptus Road work contract.

December 3, 2009: Reviewed and approved the Quality Assurance Oversight Professional (QAOP) invoice for November's ESCA Third-Party Quality Assurance (QA) work.

December 7, 2009: Conference call with ESCA contractors to review the upcoming monthly Regulatory meeting agenda and materials scheduled for December 8th in Emeryville.

December 8, 2009: Received and reviewed QAOP's edited report for the geophysical work in the Residential Quality Assurance (RQA) Pilot Study.

December 8, 2009: Monthly Regulatory meeting (Emeryville).

December 9, 2009: Sent the Administrative Order on Consent (AOC) Monthly Program Report to Regulators.

December 10, 2009: Received the Army comments about the Track 1 Plug-In Approval Memorandum County North Munitions Response Area - Response to Comments.

December 10, 2009: Received the Environmental Protection Agency (EPA) Draft Group 4 Remedial Investigation/Feasibility (RI/FS) Work Plan comments.

December 14, 2009: Sent the draft RQA Pilot Study Third-Party RQA report from QAOP to ESCA team.

December 14, 2009: Completed the Draft Fort Ord Reuse Authority Biennial Hazardous Waste Report for the lead-based paint (LBP) building debris from the ESCA property in Parker Flats and sent to DTSC for their review and comment.

December 15, 2009: Communication with QAOP requesting the draft RQA Pilot Study Third-Party Residential Quality Assurance (RQA) report.

December 15, 2009: Conference call with the Regulators.

December 15, 2009: Bi-weekly teleconference call with ESCA RP team.

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December 15, 2009: Meet with ESCA contractor (biologist) and the Burn Specialist to review their thoughts about the viability of burning the habitat parcels in East Garrison in preparation for the ESCA remediation in that area.

December 17, 2009: Collected photos of current GJMB construction and forwarded to DTSC.

December 17, 2009: Communication with EPA and DTSC representatives about CERCLA questions as posed by Supervisor Jane Parker's office.

December 21, 2009: Communication with BRAC office about Garrison Commander approval of Fitch Park flyer regarding possible detonation near area. Garrison Commander will review the fact sheet and produce a draft for review today. BRAC staff will also develop an accompanying telephone message.

December 21, 2009: Sent the Regulators and the Army the FTP link to QAOP's third-party geophysical review of the RQA Pilot Study site.

December 21, 2009: Requested a construction schedule from the GJMB contractor.

December 21, 2009: ESCA team provided the GJMB construction crew with initial MEC training.

December 22, 2009: Continued coordination with BRAC office regarding revisions to Fitch Park flyer/fact sheet. Received final approval redesigned Fitch Park flyer from EPA and DTSC.

December 22, 2009: Provided a copy of the GJMB construction schedule to ESCA contractors.

ESCA Grant Funds Spent- This Quarter- Total to date

See the attached Financial Report form 272.

Upcoming work for the next reporting Quarter

In the upcoming Quarter FORA and FORA's Remediation team will:

1. Continue program management;
2. Continue Residential Quality Assurance Pilot Study activities.
3. Continue Munitions and Explosives of Concern Remediation in habitat and development areas of Parker Flats.
4. Work on various Documents for ESCA Group 2, ESCA Group 3 properties, ESCA Group 4 properties and in support of the Army's Track One Approval Memorandum.

Technical or Regulatory issues that may impact project schedule

N/A

Status of comments submitted by Army on documents submitted by FORA

N/A

Status coordination of MEC documents with DDESB

N/A

Corrective Measures Implementation Reports

N/A

Corrective Measures Effectiveness Report

N/A

Needed Notifications in accordance with the ESCA

N/A

Changes to the Administrative Order on Consent

N/A

Summary of public participation – This Quarter- Next Quarter

Public Participation during this Quarter was extensive including; hosting ESCA Property Users Group monthly meetings, hosting Emergency Service provider monthly meetings to focus on the ESCA parcel management, providing ESCA Tours for *officios* and other jurisdiction representatives, developing agreements between FORA, the Army Presidio of Monterey and Army Defense Language School, the Universities and the jurisdictions so they can continue to operate existing programs that were initiated under ownership of the ESCA properties (such as use of the MOUT site). Continue to participate with the Army in their Community Involvement Workshop and Technical Review Committee meetings, participated in public outreach events such as California State University Monterey Bay (CSUMB) Earth Day and Club Showcase Day, Marina Air Faire and the Monterey County Fair. ESCA held an Informal Community Workshop to update the public on the recent and upcoming ESCA RP work.

FORA's critical outreach dates and public participation completed within this Quarter are:

October 1, 2009: FORA/BLM/Army joint trash pickup day planning conference call.

October 2, 2009: ESCA Hotline updates.

October 2, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

October 5, 2009: Meeting with representatives from the Monterey Horse Park to discuss coordination for their annual horse ride and ESCA cleanup work.

October 5, 2009: Meeting with Monterey County Police Activity League to change the date for their foot race event on ESCA roads to January 17, 2010 due to a conflict with another local foot race run by the Big Sur Marathon.

October 6, 2009: Forwarded correspondence from Fort Ord Community Advisory Group (FOCAG) to ESCA contractors and Army.

October 7, 2009: Meeting with California State University Monterey Bay (CSUMB) Police, University of California Santa Cruz (UCSC) MBEST Property Manager, BLM law enforcement, County property management and FORA on controlling off-road vehicle access and vandalism on the properties south of Reservation Road and east of Imjin Road including the northern ESCA parcels that are south of Inter-Garrison Road and east of Schoonover Avenue.

October 7, 2009: Monthly Emergency Service Coordination meeting.

ESCA Quarterly Report:
Number 11

- October 8, 2009: FORA/BLM/Army joint trash pickup day planning conference call.
- October 8, 2009: Summary Notes for the meeting with CSUMB Police, UCSC MBEST Property Manager, BLM Enforcement, County property management and FORA on controlling off road vehicle access on the properties south of Reservation Road and east of Imjin Road including the northern ESCA parcels that are south of Inter-Garrison and east of Schoonover Road.
- October 8, 2009: Sent out transmittal letters for the Draft Group 4 RI/FS Work Plan, FORA ESCA Remediation Program, Former Fort Ord, Monterey, California for the regulators and members of the public.
- October 8, 2009: Reviewed the final draft of the ESCA newsletter.
- October 8, 2009: Dry-run for Community Involvement Workshop (CIW) presentation scheduled for next week.
- October 8, 2009: Monthly Veterans Cemetery Citizens Advisory Committee meeting.
- October 9, 2009: ESCA Hotline updates.
- October 9, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- October 9, 2009: Preparation for public outreach event on 10-10-09 (11th Annual Marina Air Faire).
- October 10, 2009: ESCA RP staffed an information booth at the 11th Annual Marina Air Faire at the Marina Municipal Airport.
- October 12, 2009: Debrief communication to ESCA team, Regulators and the Army about the Marina Air Fair where the ESCA RP was represented.
- October 14, 2009: Quarterly Army Community Involvement Workshop (CIW) and presented a status report on the ESCA Program.
- October 14, 2009: FORA Administrative Committee meeting and provided a status report on the ESCA Program.
- October 15, 2009: Quarterly Technical Review Committee meeting and presented a status report on the ESCA Program.
- October 15, 2009: EPA Super JTI Kick Off meeting to explore the job training opportunities that are within the ESCA and on Fort Ord.
- October 15, 2009: FORA/BLM/Army joint trash pickup day planning conference call.
- October 16, 2009: ESCA Hotline updates.

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- October 16, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- October 20, 2009: Laguna Seca Pre and Post Event meeting to insure that any impacts on the ESCA properties would be addressed.
- October 21, 2009: Communication with Central Coast Cyclo-Cross (CCCX) requesting a meeting to discuss their event attendee's motor vehicle speeds as they drive to their events through ESCA property.
- October 21, 2009: Monthly ESCA Users Working Group meeting.
- October 22, 2009: FORA/BLM/Army joint trash pickup day planning conference call.
- October 23, 2009: ESCA Hotline updates.
- October 23, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- October 23, 2009: Preparation for public outreach event on 10-24-09 (ESCA RP Volunteer Trash Pickup Day). Prescreening of illegal trash piles by Weston UXO Technicians.
- October 24, 2009: Volunteer Trash Pickup Day on the ESCA parcels known as County North. The event hosted 200 volunteers. 4 dumpsters of Trash were picked up. The County Illegal Dumping Task Force supported the event. FORA, LFR and Weston provided event support staff. The Monterey Regional Waste management District provided disposal vouchers for the collected trash.
- October 26, 2009: Meeting with representatives from Monterey County Illegal Dumping Task Force. They delivered a third disposal voucher for the trash picked up at the ESCA RP Volunteer Trash Pickup Day.
- October 26, 2009: Sent out thank you notes for the participants in the ESCA RP Volunteer Trash Pickup Day.
- October 28, 2009: Distributed a summary of the October 24 ESCA RP Volunteer Trash Pickup Day on the ESCA property known as County North.
- October 28, 2009: Teleconference call with ESCA contractor (community outreach/public involvement) about coordination of future events, media, presentation and preparation for upcoming meetings in November.
- November 3, 2009: Reviewed and edited the Army minutes for the ESCA update from the last Community Involvement Workshop (CIW).
- November 3, 2009: Meeting with representative of Umatilla Chemical Depot (UMCD) Local Reuse Authority (LRA) in northeastern Oregon to review the ESCA Program and privatized cleanup.
- November 4, 2009: Monthly Emergency Services Coordination meeting.

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Number 11

November 6, 2009: ESCA Hotline updates.

November 6, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

November 9, 2009: Received the Army BRAC office's response to Fort Ord Community Advisory Group's (FOCAG) information request on August 12, 2009 and FOCAG August 10, 2009 community meeting.

November 9, 2009: Prepared the FORA Board PowerPoint ESCA Update for the November FORA Board meeting.

November 9, 2009: Received a copy of the proof of insurance for the upcoming Equestrian Endurance Ride that will use a section of trail running through ESCA property similar to their course from last year. The section of trail diverts riders to just inside the future horse park property so the event can highlight this future community asset.

November 12, 2009: Received a letter from the California Native Plant Society informing the ESCA that David Styer (Bureau of Land Management volunteer and member of the Fort Ord Users Working Group) is their agent and they will provide him with insurance coverage that will meet FORA's needs.

November 12, 2009: Monthly Veterans Cemetery Citizens Advisory Committee meeting.

November 13, 2009: ESCA Hotline updates.

November 13, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

November 16, 2009: Provided office space for the EPA Super JTI team for the purpose of interviewing potential community partners for collaboration in a Fort Ord Job Training Initiative including the ESCA Program.

November 16, 2009: Reviewed and revised the Horse Parks' Desert Gold Multiday 2009 Event Master and Subordinate Vehicle Access Permit.

November 17, 2009: First dry run for the upcoming Informal Community Workshop scheduled for December 10, 2009.

November 17, 2009: Meeting with the EPA Super JTI team to identify potential community partners to collaborate in a Fort Ord Job Training Initiative including the ESCA Program.

November 17, 2009: Meeting with the representative from the Monterey Horse Parks' Desert Gold Multiday 2009 endurance trail ride to provide a Master Vehicle Access Permit for their Thanksgiving event.

November 18, 2009: Monthly ESCA Users Working Group meeting.

November 18, 2009: Meeting with representatives from the Veterans Cemetery Community Advisory Group (CAC) to identify locations for cemetery signs to be placed on ESCA property. The Cemetery is an ESCA property.

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November 18, 2009: Meeting with representative from the Central Coast Cycle-Cross (CCCX) to identify the 2010 CCCX access needs.

November 18, 2009: Dry Run for December 10, 2009 Informal Community Workshop with the ESCA Team.

November 20, 2009: ESCA Hotline updates.

November 20, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

November 23, 2009: Received the EPA's comments on the Draft Group 2 RI/FS via mail.

November 23, 2009: Received comments from the Fort Ord Community Advisory Group (FOCAG) on the ESCA Draft Group 2 Remedial Investigation/Feasibility Study (RI/FS) Work Plan via facsimile. Distributed copies to the ESCA team.

November 23, 2009: Provided the Monterey County Sherriff and Risk Management Departments with a tour of the ESCA properties.

November 24, 2009: Created the Board Report for the Veterans' Cemetery request to install signs on the ESCA property.

November 25, 2009: Received the hard copy of the FOCAG comments on the Draft Group 2 RI/FS and distributed it to the ESCA Team to begin assembling responses.

November 25, 2009: ESCA Hotline updates.

November 25, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

November 30, 2009: ESCA Hotline updates.

November 30, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

December 1, 2009: Provided revisions to a memorandum notifying the Army of a possible controlled MEC detonation during cleanup in the area adjacent to Fitch Park area.

December 1, 2009: Conference call with representatives of County of Monterey to provide background information on questions received in Supervisor Jane Parker's office from the Fort Ord Environmental Justice Network, Inc. (FOCAG).

December 1, 2009: Created an updated handout of a map of current work areas and a short informational article about the ESCA Remediation Program for local area bicycle shops.

December 1, 2009: Distributed the new ESCA handout to the bicycle shops in Seaside and Marina.

December 2, 2009: Reviewed the Agenda for the December 10, 2009 ESCA Informal Community Workshop.

- December 2, 2009: Monthly Emergency Services Coordination meeting.
- December 2, 2009: Communication from the Monterey County Search and Rescue Dogs (MCSARD) team that the combination lock at Inter-Garrison gate had been locked out by the other lock. The situation was corrected by the ESCA contractor (Safety Officer).
- December 2, 2009: Provided the Veterans Cemetery Citizen's Advisory Committee (CAC) with a copy of the upcoming FORA Board report on their signage for their next meeting.
- December 2, 2009: Provided review and revisions to the signs drafted by the Veterans' Cemetery CAC. They want to install the signs on ESCA property at the location of the future Veterans Cemetery.
- December 2, 2009: Meeting with representatives of the Sea Otter Classic to coordinate their road race course for their 2010 event so that it does not conflict with the ESCA field work at that time.
- December 3, 2009: Coordination meeting with ESCA contractors to prepare for the ESCA December 10th Informal Community Workshop.
- December 3, 2009: Conference call with Veterans Cemetery CAC President and the Ingram Group representative about the signage for the Veterans Cemetery that will be installed on ESCA property.
- December 4, 2009: ESCA Hotline updates.
- December 4, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- December 7, 2009: Meeting with ESCA contractor to review and finalize the posters for the upcoming Informal Community Workshop.
- December 7, 2009: Tour of Veterans Cemetery site (an ESCA property) with Ingram Group representative specializing in grant writing for the Veterans Cemetery CAC.
- December 9, 2009: Dry run for the Informal Community Workshop.
- December 9, 2009: Meeting with Eric Peterson to review requirements for using the roads through the ESCA properties for a road bike race event that would also utilize Monterey County, Army and Bureau of Land Management (BLM) roads.
- December 10, 2009: Monthly Veterans Cemetery (CAC) meeting.
- December 10, 2009: Evening (6:00 to 8:30) Informal Community ESCA Workshop by the ESCA team.
- December 10, 2009: Meeting with California State University Monterey Bay (CSUMB) student to discuss expanding his graduate studies on animal tracking and surveying onto ESCA property.

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December 10, 2009: Represented the ESCA team at the Monterey Peninsula College (MPC) Police Academy Open House. The Police Academy will be taking over the MOUT facility (ESCA property) and a large portion of Parker-Flats, in the future.

December 11, 2009: ESCA Hotline updates.

December 11, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

December 14, 2009: Received confirmation from the Army that they had received a copy of the FOCAG comments about the draft Group 4 RI/FS document.

December 14, 2009: Received the FOCAG comments about the Draft Group 4 RI/FS document.

December 14, 2009: Sent copies of the FOCAG comments about the Draft Group 4 RI/FS document to ESCA contractor for submission to the Administrative Record.

December 14, 2009: Provided County Supervisor Jane Parker's aide with a response to questions posed by FOCAG about the rationale for following CERCLA guidelines for the ESCA Munitions and Explosives of Concern (MEC) remediation.

December 15, 2009: Meet with the FORA Engineering staff and their selected contractor to complete the GJMB Construction work through the ESCA properties in Seaside and provide them with guidelines for requesting and receiving construction support for their activities from the ESCA team.

December 15, 2009: Meeting with representatives of the Monterey County Parks to inspect the illegally-built BMX track on County property immediately adjacent to the ESCA property. Discussed steps to take in removing the track and minimizing repercussions, reprisals, and/or vandalism on County and ESCA lands.

December 15, 2009: Received the hard copy of the FOCAG Draft Group 4 RI/FS Work Plan via mail.

December 15, 2009: Replied to questions by Supervisor Jane Parker's Aide about the ESCA project.

December 15, 2009: Replied to questions by Supervisor Parker's Aide Kristie Markey about the ESCA project.

December 16, 2009: Reviewed the text for an ESCA section for the CSUMB website.

December 16, 2009: Monthly ESCA Users Working Group meeting.

December 16, 2009: Reviewed the Veterans Cemetery signage that will be located on their site (an ESCA property).

December 18, 2009: ESCA Hotline updates.

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December 18, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

December 22, 2009: Assisted Central Coast Cyclo-cross and the Monterey County Police Activities League work out conflicting uses of roads through Fort Ord ESCA properties for events scheduled for January 17, 2010.

December 22, 2009: Provided a Vehicle Access Permit to support the Monterey Peninsula Audubon Society Christmas Bird Count on December 28, 2009.

December 23, 2009: ESCA Hotline updates.

December 23, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

December 30, 2009: Provided a Vehicle Access Permit to support the Monterey County Police Activities League for their event scheduled for early January 2010.

December 31, 2009: ESCA Hotline updates.

December 31, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

Below is a listing of the total number of calls the ESCA Hotline received at (831) 883-3506 and ESCA-dedicated email for the third quarter of 2009. Members of the community called/emailed with questions regarding the ESCA Properties Volunteer Trash Cleanup Day and information about other ESCA-related events and meetings; questions about detonations/demolition activities; received RSVP's for Users Working Group meetings; request for information about Bureau of Land Management and trail system; inquiries about safety access corridors; reports of illegal dumping locations on ESCA property; questions about MEC related vegetation removal; questions about when vehicle access permits are necessary, how to get and who may apply for one; and, general questions about the ESCA RP, website and hotline information.


	<u>ESCA Hotline</u>	<u>ESCA e-mail</u>	<u>ESCA website hits</u>
October 2009:	14	102	3,752
November 2009:	7	139	2,972
December 2009	<u>10</u>	<u>155</u>	<u>2,391</u>
TOTAL	31	396	9,115

Project Updates to Coordinated Resource Management Planning meeting

FORA's critical dates, Coordinated Resource Management Planning meeting updates completed within this Quarter are: N/A


**Fort Ord Reuse Authority (FORA)
Environmental Services Cooperative Agreement (ESCA)
Remediation Program (RP)**

**ESCA Program Update
FORA Board Meeting**



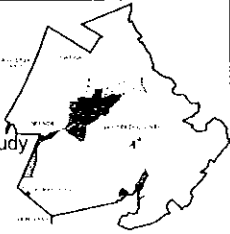
Presentation by:
Stan Cook – FORA ESCA Program Manager
February 11, 2010

1




Presentation Overview


- ✓ Map of ESCA Parcels Groups 1-4
- ✓ Current Work Areas
- ✓ Examples of Items Found
- ✓ Vegetation Removal
- ✓ Residential Quality Assurance Pilot Study
- ✓ Track 1 Approval Memorandum
- ✓ Veterans Cemetery
- ✓ MEC Construction Support
- ✓ ESCA Resources
- ✓ Upcoming Public Outreach



2




ESCA Millions/Response Areas by Group



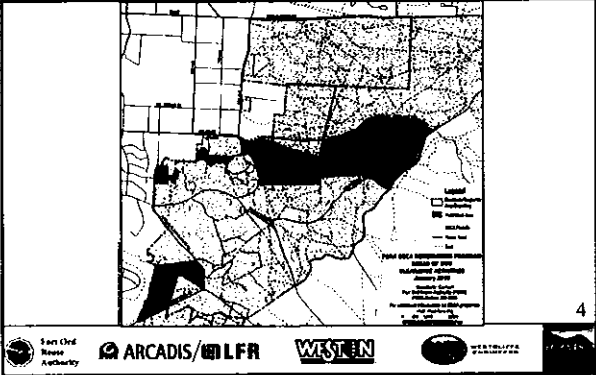
Legend

- Former Fort Ord Boundary
- Group 1 MRAs
Parade MEA
Parade East MEA
- Group 2 MRAs
SUNV MEC Group MRAs
County North MRAs
- Group 3 MRAs
MEC - Arroyo Blanco MRAs
MEC - Old MRAs
De. Bay, Oak, Monterey, VPA
Agua Santa Parking MRAs
- Group 4 MRAs
Parade East - New MRAs

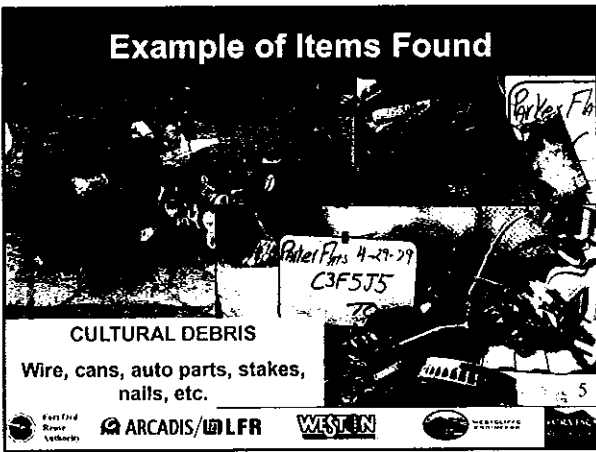
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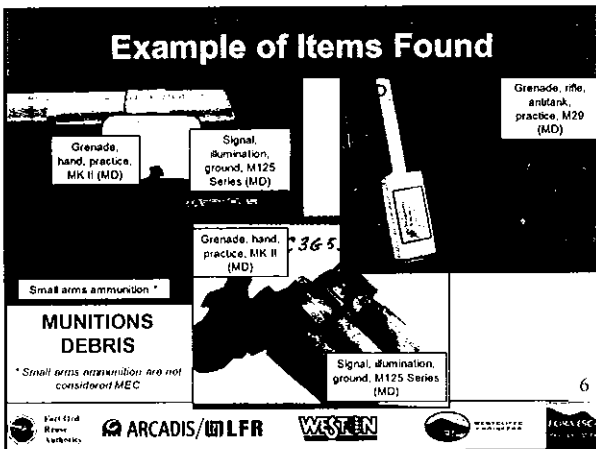
ESCA Current Work Areas



Example of Items Found



Example of Items Found



Example of Items Found

Signal, illumination, ground, parachute, rifle, M19 Series
Risk Code 1

Pot, 10 lb, smoke, HC, screening, M1
Risk Code 1

Grenade, hand, smoke, M18 series
Risk Code 1

Fuze, grenade, hand, practice, M205 series
Risk Code 1

TYPICAL DISCARDED MILITARY MUNITIONS (DMM)

7

Example of Items Found

Projectile, 37 mm, LE, MK1
Risk Code 3

Rocket 3.5", practice, M29 series
Risk Code 1

Projectile, 60mm, mortar, high explosive, M49 series
Risk Code 3

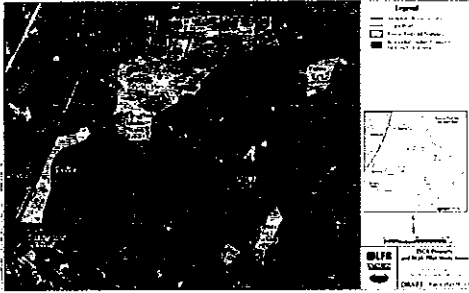
UNCOMMON MEC

8

Vegetation Removal

9

Residential Quality Assurance Pilot Study

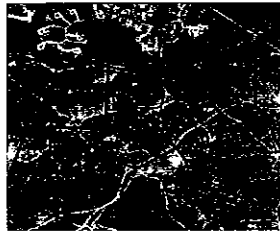


10



County North Track 1 Approval Memo

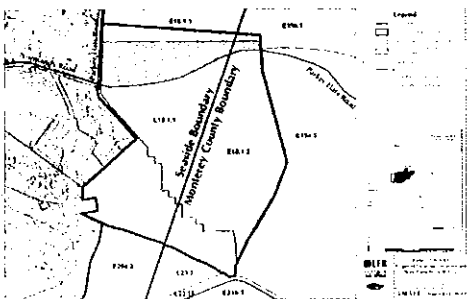
- Track 1 Plug-In Approval Memorandum
 - Received 51 comment letters
 - Responsiveness Summary submitted to regulators
- Next Steps
 1. Regulators approve Responsiveness Summary
 2. Army issues Final Track 1 Approval Memorandum
 3. Begin site transfer process



11



Central Core of Veterans Cemetery



12



General Jim Moore Boulevard Construction



13



Resources

- Website: www.fora-esca-rp.com
- Quarterly Newsletters
- Technical Fact Sheets
- Weekly Updates: Hotline 831-883-3506
- Maps showing access corridors
- Kiosks at access corridor trailheads
- Email: esca@fora.org
- Address: 100 12th Street Bldg 2880, Marina, CA 93933

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Upcoming Meetings & Events

Fort Ord Users Working Group: Next meeting February 17th at FORA offices from 12:00 – 1:00

Army Bus Tour: FORA ESCA RP Team on hand to answer questions. February 20th at 10:00

Emergency Service Providers: Next meeting March 3rd at the FORA offices 12:30 to 1:30





Free Tours of Fort Ord

Saturday February 20, 2010- Meet at Building 4522 Ord Military Community
To get there, take Exit 406 on Highway 1. Follow the signs from Lightfighter Drive. Rain or Shine

Learn more about the cleanup of the former Fort Ord at the semi-annual community Bus Tour and Open House. Take a free 90 minute guided bus tour touring soil, water and munitions cleanup areas at the former Fort Ord. This event is free. No reservations are accepted. Each tour is the same, so pick a time that works for you.

Bus Tours—depart from Building 4522

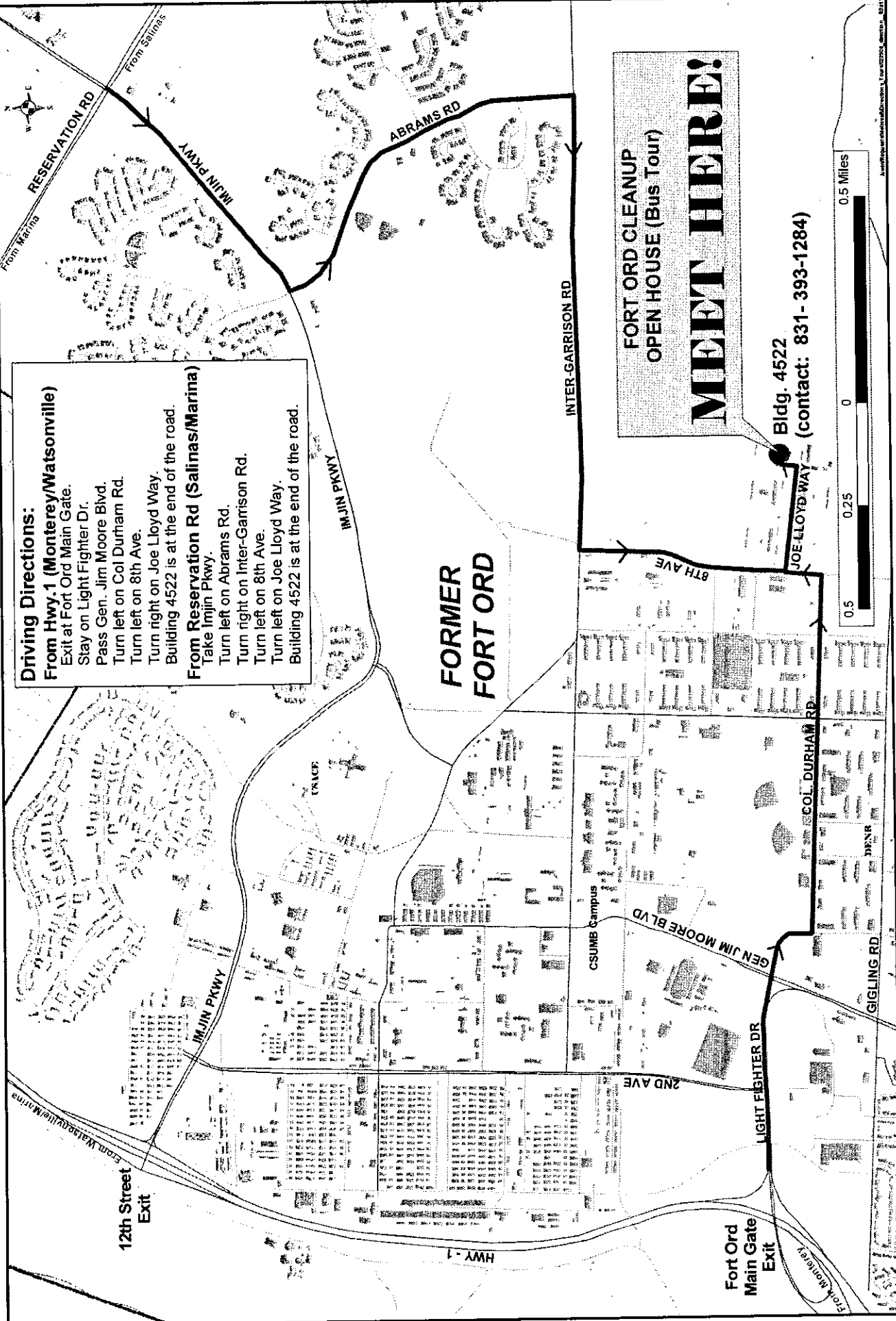
Tour 1 Depart 10:00

Tour 2 Depart 11:45

Don't want to tour, then join us at the Open House from 10:00 am – Noon.

Directions from Highway 1: Take Exit 406. Stay on Lightfighter Drive. Pass General Jim Moore Boulevard. Turn left onto Colonel Durham Road. Turn left onto 8th Avenue. Turn Right onto Joe Lloyd Way. Building 4522 is at the end of the road.

A map showing the bus pick-up location is on the internet at www.fortord.com or by calling (831) 393-1284. The next Open House / Bus Tour will be June 26, 2010.



Driving Directions:

From Hwy. 1 (Monterey/Watsonville)
 Exit at Fort Ord Main Gate.
 Stay on Light Fighter Dr.
 Pass Gen. Jim Moore Blvd.
 Turn left on Col Durham Rd.
 Turn left on 8th Ave.
 Turn right on Joe Lloyd Way.
 Building 4522 is at the end of the road.

From Reservation Rd (Salinas/Marina)
 Take Imjin Pkwy.
 Turn left on Abrams Rd.
 Turn right on Inter-Garrison Rd.
 Turn left on 8th Ave.
 Turn left on Joe Lloyd Way.
 Building 4522 is at the end of the road.

**FORT ORD CLEANUP
 OPEN HOUSE (Bus Tour)**

MEET HERE!

Bldg. 4522
 (contact: 831-393-1284)



FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	General Jim Moore Boulevard road improvement project	
Meeting Date:	February 11, 2009	ACTION/INFORMATION
Agenda Number:	6b	


RECOMMENDATION:

- i. Review the attached list of proposed modifications to the Economic Development Administration ("EDA") grant award and General Jim Moore Boulevard ("GJMB") project scope – **INFORMATION**
- ii. Approve/concur with proposed modifications for submittal to EDA – **ACTION**
- iii. Receive a report on construction noise/vibrations as reported by GJMB area residents – **ACTION/INFORMATION**

BACKGROUND/DISCUSSION:

- i. Staff reported at the January meeting that bids received for the GJMB Phase V and Eucalyptus Road Phase II project were lower than the engineer's opinion of probable cost, presenting an opportunity to restore project elements previously removed (to bring the project budget within the engineer's prior estimate) and modify the grant scope with additional eligible construction-ready work. The FORA Administrative and Capital Improvement Program ("CIP") Committees jointly reviewed the modifications at their meeting of February 3, 2010. **Attachment A** lists the proposed contract change order items, proposed scope modifications and additional items for discussion at the February 17, 2010 joint Administrative/CIP Committee meeting. The joint committee recommends FORA Board approval of the change orders/scope modifications and for staff to request EDA to consider a local match reduction from 50% to 40% which improves spending flexibility. Further refinement to the items for discussion at the February 17th joint meeting will be presented to the Board at their March 2010 meeting.
- ii. If the Board concurs with the Administrative/CIP Committees, staff will work with the EDA for their approval of a local match reduction and grant application modifications.
- iii. Property owners near the GJMB/Eucalyptus Road project have been in communication with FORA staff about construction noise and/or vibrations during working hours. Staff is communicating with the property owners and City of Seaside staff while researching options. Authority Counsel has determined that FORA and its contractor are working within the terms of the contract documents. In addition, www.fora.org now includes a Roadway Construction Update page to keep interested citizens informed of weekly construction.

FISCAL IMPACT:

Reviewed by Controller 

FORA requires its contractors to carry appropriate levels of insurance to cover circumstances where their activities may cause damage. The EDA grant does not cover these items as they are not within the design of the project nor required under the project approval.

COORDINATION:

EDA, Administrative Committee, CIP Committee, Executive Committee

Prepared by 
Jim Arnold

Approved by 
Michael A. Houlemard, Jr.

Economic Development Administration (EDA) Grant Award #07-79-73004

Summary of American Recovery and Reinvestment Act (ARRA) grant or Fort Ord Reuse Authority (FORA) matching funds potentially available to Capital Improvement Program (CIP) projects due to General Jim Moore Boulevard Phase IV/Eucalyptus Road Phase II bidding results

Federal grant	50% local match	Total	Existing obligation (hard & soft costs)	Funds available for project adjustments
\$6,426,754	\$6,426,754	\$12,853,508	\$6,665,697	\$6,187,811

Proposed ARRA construction grant adjustments

Funds available for project adjustments				\$6,187,811
Proposed Contract Change Order items				
Proposed item		Anticipated cost		Deductive total
1. Relocation of PG&E power pole (General Jim Moore Blvd/Eucalyptus Road)		\$100,000		\$6,187,811
2. Road connections at Hilby and San Pablo		\$213,000		-\$313,000
	<i>Total cost of proposed contract change order items</i>	\$313,000		\$5,874,811
Proposed scope modifications to existing contract or future award				
1. Installation of recycled waterline in General Jim Moore Blvd. (FORA 50% share of cost)		\$410,000		\$5,874,811
2. Installation of a bank of 6 4" PVC conduits		\$275,000		-\$1,485,000
3. Signalization at Coe Avenue and Broadway Avenue intersections with General Jim Moore Blvd.		\$800,000		\$4,389,811
	<i>Total cost of proposed scope modifications to existing contract or future award</i>	\$1,485,000		
Items for discussion at future Administrative/Capital Improvement Program Committee meeting				
1. Extension of Eucalyptus Road (Phase II) to Eastside Parkway		\$1,100,000		\$4,389,811
2. CSUMB "Center for Innovation" parking lot and access		\$340,000		-\$4,389,811
3. FORA CIP roadways (South Boundary/Gigling/8 th Street, etc.)/Additional potential projects ¹		\$2,949,811		\$0
	<i>Total cost of items for discussion at future joint meeting</i>	\$4,389,811		

¹ The amount available for other FORA CIP projects is a flexible number that can increase or decrease to zero out the total funds available – pending FORA's request to adjust matching requirement. ARRA funding is intended to create construction jobs and is not available for reimbursement of prior expenditures.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: Resolution authorizing Rabobank financing

Meeting Date: February 11, 2010

Agenda Number: 6c

ACTION

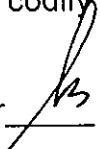
RECOMMENDATION(S)

Approve Resolution 10-04 ("**Attachment A**"), authorizing the Fort Ord Reuse Authority ("FORA") Executive Officer to execute Rabobank financing documents to borrow up to \$19 million.

BACKGROUND/DISCUSSION

On June 12, 2009, the Board authorized the Executive Officer to execute a loan with Rabobank using FORA's share of Preston Park revenue. Rabobank outside counsel requires that the Board codify that action by adopting a resolution.

FISCAL IMPACT

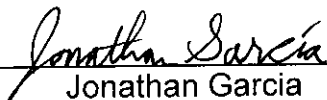
Reviewed by Controller 

FORA has designated the financing proceeds to provide stimulus grant local matching funds, retire existing debt, and accommodate anticipated development projects and required reserves.

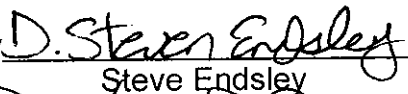
COORDINATION

Authority Counsel and Executive Committee

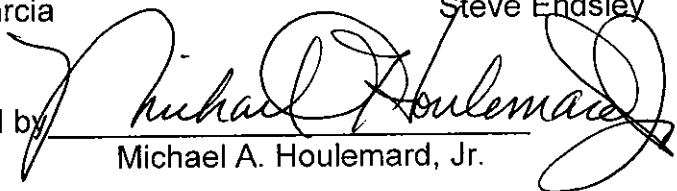
Prepared by

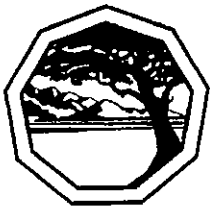

Jonathan Garcia

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933

PHONE: (831) 883-3672 · FAX: (831) 883-3675

WEBSITE: www.fora.org

February 10, 2010

Tony Altfeld
City Manager
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

RE: Preston Park financing

Dear Mr. Altfeld,

Tony

We are in receipt of financing documents from Rabobank that facilitate restructuring of our current Line of Credit secured by a Deed of Trust on the Preston Park property. This letter formalizes our efforts to meet the Fort Ord Reuse Authority (“FORA”) Board directed actions and respond to Marina’s letters from this past December. It is our hope that these commitments will assist us as we move forward.

The Bank has offered, and we have accepted a \$19 million term loan. The interest rate will be 6.3 – 6.5%. In recognition of Marina’s pending acquisition and associative rights, FORA agrees to (and the bank documents facilitate) the following principles as we implement the financing:

- **Protection of Marina’s revenue stream**
 - Debt service for this financing will not exceed \$120,000, protecting in full Marina’s 50% share of income stream.
- **Notification in the event of a default**
 - Rabobank will notify FORA if FORA is in default on the loan. By this letter, FORA agrees to immediately forward to Marina any notification received from Rabobank.
- **Right to cure and assumption**
 - Rabobank has no objection to and agrees to evaluate Marina’s application to cure a default or assume the loan at the time that an application is made by Marina.

- **Assumption fee or prepayment fee**

In the event that an assumption fee or prepayment fee must be paid as a result of Marina buying out FORA's fifty percent interest in Preston Park, FORA agrees to the following points:

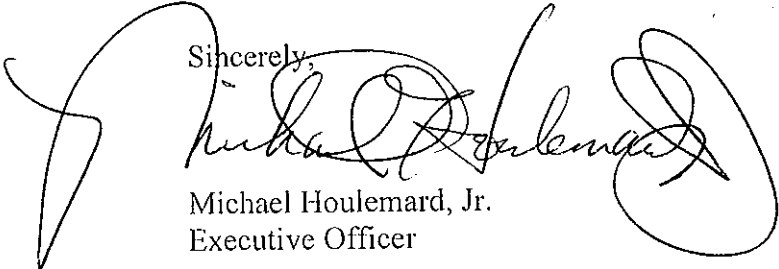
- Should Marina choose to assume the loan over obtaining their own financing, Marina will pay any assumption fee.
- Should Marina's buyout result in a prepayment fee, FORA will pay any prepayment fee.

- **Due diligence costs**

- FORA agrees to classify Marina's and FORA's due diligence costs as transaction costs under a future buyout.
- FORA agrees to deduct such transaction costs from the overall buyout value of the Preston Park asset before splitting the value of the asset 50/50, provided the transaction costs are limited to \$62,500 incurred by Marina and \$62,500 incurred by FORA. Further deductions may be subject to negotiation by FORA and Marina.

I believe all of these agreements are within the action and direction taken by the Fort Ord Reuse Authority last June. However, we can provide this to the FORA Board for action at the March meeting if you prefer their affirmation. We look forward to discussing these and other items in more detail with you and your staff on Wednesday, February 10, 2010.

Sincerely,



Michael Houlemard, Jr.
Executive Officer

C: FORA Board of Directors
Steve Endsley, Director of Planning and Finance
Ivana Bednarik, Controller

RESOLUTION NO. 10-04

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE FORT ORD REUSE AUTHORITY (FORA)
TO BORROW AND/OR OBTAIN CREDIT

I. RECITALS

- 1.1 The Fort Ord Reuse Authority is a corporation of the State of California created by California Government Code Title 7.5, commencing with section 67650 and existing under the laws of California and in good standing ("FORA").
- 1.2 California Government Code Section 67657 (a) reads in part "The authority is a public corporation of the state of California..."

II. RESOLUTIONS

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS

- 2.1. FORA is authorized, to:
 - 2.1.1 borrow money from Rabobank, N.A. (the "Bank");
 - 2.1.2 obtain for the account of FORA commercial and standby letters of credit issued by the Bank or an affiliate of the Bank;
 - 2.1.3 obtain for the account of FORA the Bank's acceptance of drafts and other instruments; and
 - 2.1.4 discount with or sell to the Bank notes, acceptances, drafts, receivables and other evidences of indebtedness, and assign or otherwise transfer or pledge to the Bank any security interest or lien for such obligations.
- 2.2 FORA is authorized to borrow money from the Bank in amounts determined by its Executive Officer to be required to meet FORA's needs; provided, however, that the aggregate principal amount outstanding at any one time under the financial accommodations/credit facilities (the "Financial Accommodations/Credit Facilities") authorized by these resolutions may not exceed the sum of Nineteen Million and No/100 Dollars (\$19,000,000.00). That sum shall be in addition to such other amounts that have been authorized by separate Board action.
- 2.3 FORA is authorized, through its Executive Officer, Michael A. Houlemard Jr., to enter into or engage in swaps and derivatives transactions with Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A. ("Rabobank International") or any of its affiliates and to prepare, negotiate, execute, deliver, acknowledge, certify, record and file such agreements, including, but not limited to, ISDA Master Agreements, the schedules thereto and confirmations in connection therewith, as well as all instruments, certificates and other documents that may be required, any Credit Support Document (as defined in the ISDA Master Agreement) that may be required or necessary in connection with the swaps and derivatives transactions with Rabobank International.
- 2.4 FORA's Executive Officer is hereby authorized and directed, as security for any obligation or obligations of FORA to the Bank or Rabobank International, whether arising under this Resolution or otherwise, to grant in favor of the Bank, for itself and as agent for Rabobank International, a security interest in or lien on any real or personal property belonging to or under FORA's power to convey.

2.5 FORA's Executive Officer, acting alone, is hereby authorized and directed, in the name of FORA, to execute and deliver to the Bank or Rabobank International, as applicable, and the Bank or Rabobank International, as applicable, is requested to accept:

2.5.1. promissory notes, credit agreements, advance account agreements, acceptance agreements, letter of credit applications and agreements, purchase agreements, sale agreements or other instruments, agreements or documents which evidence the obligations of FORA under the Financial Accommodations/Credit Facilities obtained or to be obtained by FORA pursuant to these resolutions;

2.5.2. any and all security agreements, deeds of trust, mortgages, financing statements, fixture filings or other instruments, agreements or documents with respect to any security interest or lien authorized to be given pursuant to these resolutions;

2.5.3. any and all agreements that may be required or necessary in connection with the swaps and derivatives transactions with Rabobank International authorized hereunder; and

2.5.4. any other instruments, agreements or documents the Bank or Rabobank International may require and the Executive Officer may approve.

2.6 FORA's Executive Officer is hereby authorized and directed, in the name of FORA, to endorse, assign to the Bank, and deliver to the Bank, any and all notes, acceptances, drafts, receivables and other evidences of indebtedness discounted with or sold to the Bank, together with any security interest or lien for such obligations, and to guarantee the payment of the same to the Bank.

2.7 The instruments, agreements and documents referred to above may contain such recitals, covenants, agreements and other provisions as the Bank or Rabobank International may require and FORA's Executive Officer may approve, and the execution of such instruments, agreements and documents by FORA's Executive Officer shall be conclusive evidence of such approval, and the Executive Officer is authorized from time to time to execute renewals or extensions of any and all such instruments, agreements and documents.

2.9 Acts previously taken by FORA's Executive Officer in furtherance of or consistent with the actions authorized herein are hereby ratified; and

2.10 Bank and Rabobank International are authorized to act upon the foregoing resolutions until written notice of revocation is received by Bank and Rabobank International, and the authority hereby granted shall apply with equal force and effect to the successors in office of the Executive Officer.

III. AUTHORIZED SIGNATURES

The following officers are authorized to execute any of the instruments mentioned in this Resolution.

Date: February ____, 2010.

Michael A. Houlemard Jr.
Executive Officer

IV. ADOPTION

PASSED AND ADOPTED at a meeting of the Fort Ord Reuse Authority Board of Directors at a regularly scheduled meeting held on February ____, 2010.

PRESTON PARK DEBT CONSOLIDATION FINANCING TERMS AND CONDITIONS SUMMARY

Borrower: Fort Ord Reuse Authority

Lender: Rabobank ("Bank")

Credit Facility: **\$19,000,000 Real Estate Term Loan**
Facility to be secured by a First Deed of Trust on property located at Reservation Road and Imjin Parkway known as "Preston Park Apartments," Marina, California 93933.

Purpose: To: (a) refinance the existing Revolving Line of Credit with the Bank; (b) provide designated matching funds related to the approved Department of Commerce EDA grant; (c) pay off existing Series A & B revenue bonds; (d) pay for loan fees and transaction costs; and (e) provide working capital.

Term: Amortized over Thirty (30) years due in Five (5) years.
Note: Loan maturity shall be the lesser of June 30, 2014 or sixty (60) days prior to the formal closure of FORA.

Interest Rate: **Five (5) Year Term:** "Effective Fixed Rate" Utilizing Interest Rate **Swap:** The Borrower has elected to fix the rate on the term loan by executing an Interest Rate Swap. There are no fees associated with the Swap. An indicative rate (2/10/2010) for this option is **currently 6.2%** (inclusive of the credit spread of 3.25%).

Repayment: Principal and Interest monthly utilizing a thirty (30) year amortization.

Monthly Payments: **\$116,370** based on the 6.2% rate and amortization noted above.

Loan Fee(s): The term loan fee will be 0.75 points (¾ of 1%) or **\$142,500**.

Prepayment Provision The borrower may be subject to an unwind fee with prepayment of the loan.

Assumption Provision: Loan not assumable. The Bank is willing to consider a **City of Marina** loan assumption **request**.

Collateral: Secured: First Deed of Trust on the property.

Other Fees/Charges: Title Fees/transaction costs are paid by the borrower.

Loan Effective Date: Loan closing date projected to be **end of February 2010**.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Habitat Conservation Plan contract amendments for Denise Duffy & Associates and ICF Jones & Stokes	
Meeting Date:	February 11, 2010	ACTION
Agenda Number:	6d	

RECOMMENDATION(S)

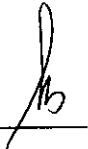
1. Authorize the Executive Officer to execute consultant contract amendment number three ("**Attachment A**") with Denise Duffy and Associates ("DD&A"), requiring no additional budget authority, to update and complete additional take assessment analysis for the HCP and Environmental Impact Report ("EIR")/Environmental Impact Statement ("EIS") documents.
2. Authorize Executive Officer to execute consultant contract amendment number three ("**Attachment B**") with ICF Jones & Stokes ("Jones & Stokes") increasing the available budget by \$64,551 to complete revisions to the Pre-Public Draft Habitat Conservation Plan ("HCP") document.

BACKGROUND/DISCUSSION

The Board authorized the original DD&A consultant contract in October 2004 to coordinate draft HCP document revisions with the HCP consultant and initiate preparation of the associated EIR/EIS documents. In August 2008, the Board authorized consultant contract amendment number one for DD&A to complete the HCP EIR and EIS documents. The Board authorized consultant contract number two in August 2009, allowing DD&A to update and complete take assessment analysis necessary to complete the HCP and EIR/EIS documents. On December 15, 2009, DD&A, Jones & Stokes, and the Wildlife Agencies met to review the take assessment analysis and financial assurances. The Wildlife Agencies noted concerns regarding the level of take for several HCP species. On December 16, 2009, the HCP working group recommended that DD&A perform additional take assessment analysis to address specific HCP Species concerns.

As authorized in May 2007, the Executive Officer previously entered into an agreement with Jones & Stokes in the amount of \$85,445 to prepare revisions to the draft HCP in response to the Wildlife Agencies' comments. The Board approved a contract extension in September 2007 to increase the scope and budget by an additional \$151,105 to combine the Federal and state HCP into one document. Jones & Stokes prepared a second Administrative Draft HCP in September 2008. Additional comments from the Wildlife Agencies and HCP stakeholders resulted in a contract amendment in March 2009 to increase the consultant budget by \$81,023 to complete revisions and distribute a Pre-Public Draft HCP for review in December 2009. Board approval of the recommendation one and two would allow DD&A to perform additional take assessment analysis to address Wildlife Agencies' specific HCP Species concerns and Jones & Stokes to incorporate comments received on the Pre-Public Draft HCP and to resolve outstanding issues necessary for completion of the Public Draft HCP.

FISCAL IMPACT:


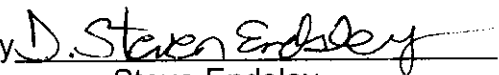
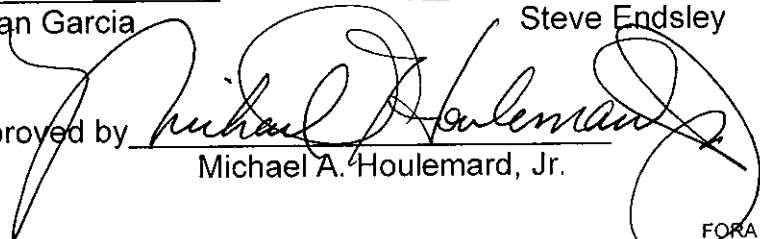
Reviewed by Controller 

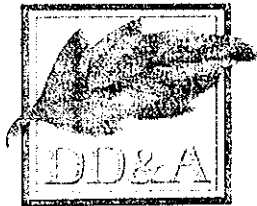
The FORA Board previously authorized the DD&A consultant contract with total budget authority not to exceed \$443,190. Authorization of contract amendment number three requires no increase in budget authority, as current scope and budget items would be adjusted to accommodate additional take assessment analysis. Staff anticipate a consultant budget increase during the 2010-11 fiscal year.

The FORA Board previously authorized the Jones & Stokes consultant contract with total budget authority not to exceed \$317,573. Increasing Jones & Stokes' available budget by \$64,551 will result in a combined budget authority not to exceed \$382,124. Funding for this contract amendment was designated in the current budget.

COORDINATION:

Authority Counsel, Administrative, and Executive Committees

Prepared by  Jonathan Garcia Reviewed by  Steve Endsley
Approved by  Michael A. Houlemard, Jr.



Denise Duffy & Associates, Inc.
PLANNING AND ENVIRONMENTAL CONSULTING

ATTACHMENT A
Item 6d
FORA Board Meeting, February 11, 2010

MEMORANDUM

Date: January 21, 2010

To: Steve Endsley, Director of Planning & Finance, FORA
Jonathan Garcia, Senior Planner, FORA

cc: Michael Houlemard, Executive Officer, FORA

From: Erin Harwayne, Project Manager, Denise Duffy & Associates, Inc.

Subject: Request for Contract Amendment (#3) to Provide Additional Impact Analysis Services for the Fort Ord Habitat Conservation Plan (HCP) and EIS/EIR

Message: Denise Duffy & Associates, Inc. (DD&A) is currently under contract with the Fort Ord Reuse Authority (FORA) and the U.S. Fish and Wildlife Service (Service) to prepare the environmental documentation (EIS/EIR) for the Fort Ord Habitat Conservation Plan (HCP).

DD&A and ICF International (ICF) participated in a meeting with the Service, California Department of Fish and Game (DFG), and Bureau of Land Management (BLM) where the results of the impact analysis and funding issues were discussed. The Service and DFG were satisfied with the impact analysis results and assumptions with the exception of two covered species and requested that DD&A conduct additional analysis for those species. In addition, DD&A was requested by FORA, Service, and DFG at the HCP Working Group meeting on December 16, 2009, to complete additional tasks associated with the impact analysis. These tasks are outlined below:

- Review and Comment on Pre-Public Draft HCP (December 2009);
- Revise western snowy plover habitat extent to exclude backdune and ice plant areas;
- Remove developed areas from California legless lizard and Monterey Ornate shrew habitat models; prepare a table identifying the potential habitat acreage for each species, jurisdiction; and assist ICF with developing avoidance and minimization measures for applicable development and HMA parcels;
- Create species-specific figures to identify covered activity impacts - each figure will include species habitat/occurrences, development area impacts, and known or approximate locations of impacts within HMAs (i.e., road corridors, MCWD facilities, HMA development, existing roads and trails, fuelbreaks);
- Assist ICF with species-specific net effects analysis, as needed;
- Revise impact analysis to avoid double-counting those projects with state individual take permits (processed or pending);
- Revise BLM impact analysis (need to include MCWD as part of 2% allowance);

Tel: (831) 373-4341
Fax: (831) 373-1417
947 Cass Street, Suite 5
Monterey, CA 93940

- Revise future road network figure to show revisions in the proposed MMTC (not anticipated to result in revisions to impact analysis); and
- Revise impact tables and assumptions to include the revisions above.

In addition to the tasks outlined above, DD&A has incurred additional costs resulting from the requests for revisions to the impact analysis. DD&A submitted a draft impact analysis to ICF, Service, DFG, and FORA at the end of August 2009. At that time, the authorized budget for impact analysis was exhausted. Since September 2009, DD&A has continued to provide out-of-scope services related to the impact analysis to help ensure that the release of the pre-public HCP remains on schedule. DD&A has completed three rounds of comments on the impact analysis with multiple agencies, provided the Service with an additional impact table, and prepared detailed impact assumptions for inclusion in the HCP. These additional tasks were not included in the original scope of work.

Therefore, DD&A is requesting that our original contract be amended to include both the previously completed and upcoming additional tasks within our existing budget authority. The estimated cost for these tasks is \$47,875.00. Therefore, some tasks in our current scope will be removed or adjusted until the next anticipated contract amendment (currently anticipated after June 30, 2010). If you are in agreement with the terms of this amendment request, please sign the attached authorization to proceed and fax back to our office as soon as possible. As always, please call me with any questions or comments.

AUTHORIZATION TO PROCEED

Note: If the scope, fee, terms of payment and conditions described in the Denise Duffy & Associates, Inc. attached memorandum are acceptable, please sign and return a copy of this authorization form for our files. Thank you.

Project Name: REVISED SERVICES (AMENDMENT #3) FOR THE FORT ORD HABITAT CONSERVATION PLAN EIR/EIS PROJECT

Accepted by (signature): _____ **Dated:** _____

Print Name: _____

Title: _____

On Behalf of: _____

Mailing Address: _____

Fee/Scope Confirmation:

AMENDMENT TO ORIGINAL CONTRACT BUDGET FOR REVISED SERVICES OF \$47,875.00, AS DESCRIBED IN THE MEMORANDUM DATED JANUARY 21, 2010.

Existing Contract Date, if applicable: FEBRUARY 1, 2005.

If invoice should be sent to a different person or location, please complete below:

Mailing Address: _____

Attention: _____

Return to: Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

Denise Duffy & Associates, Inc. - Amendment #3 January 2010

	Amount	Amendment #3 Adjustment	New TOTAL	Billed % complete	Billed Previous	NEW Remaining
ORIGINAL CONTRACT:						
PHASE ONE						
1.1 Project Initiation	\$ 7,490.00		\$ 7,490.00	100%	\$ 7,490.00	\$ -
1.2 Agency Coordination and Meetings	\$ 14,520.00		\$ 14,520.00	100%	\$ 14,520.00	\$ -
1.3 Review Background Documents	\$ 6,500.00		\$ 6,500.00	100%	\$ 6,500.00	\$ -
1.4 Project Desc. / Determine Critical Project Information	\$ 2,020.00		\$ 2,020.00	100%	\$ 2,020.00	\$ -
1.5 Agency Scoping, Preparation of Notices and Comments	\$ 3,060.00		\$ 3,060.00	100%	\$ 3,060.00	\$ -
1.6 Preliminary Determination of Env Documents	\$ 1,610.00		\$ 1,610.00	100%	\$ 1,610.00	\$ -
1.7 CEQA Coordination	\$ 6,160.00		\$ 6,160.00	100%	\$ 6,160.00	\$ -
PHASE TWO						
2.1 Prepare Schedule Phase Two	\$ 750.00		\$ 750.00	100%	\$ 750.00	\$ -
2.2 Prepare NEPA/CEQA Outline	\$ 1,320.00		\$ 1,320.00	100%	\$ 1,320.00	\$ -
2.3 Prepare First Admin Draft EIS/EIR	\$ 47,800.00		\$ 47,800.00	100%	\$ 47,800.00	\$ -
2.4 Prepare Second Admin Draft EIS/EIR	\$ 6,340.00		\$ 6,340.00	100%	\$ 6,340.00	\$ -
2.5 Prepare Public Review Draft EIS/EIR	\$ 3,220.00		\$ 3,220.00	100%	\$ 3,220.00	\$ -
PHASE THREE						
3.1 Prepare Schedule Phase Three	\$ 565.00		\$ 565.00	100%	\$ 565.00	\$ -
3.2 Respond to Comments & First Ad Draft Final EIS/EIR	\$ 10,340.00		\$ 10,340.00	100%	\$ 10,340.00	\$ -
3.3 Prepare Second Admin Draft Final EIS/EIR	\$ 3,410.00		\$ 3,410.00	100%	\$ 3,410.00	\$ -
3.4 Prepare Final EIS/EIR	\$ 826.00	\$ (7,434.00)	\$ 826.00	10%	\$ 826.00	\$ -
Other Items (billed as T&M)	\$ 23,462.50		\$ 23,462.50		\$ 23,462.50	\$ -
REMAINING AMT ON ORIG CONTRACT	\$ 33,117.50	\$ (33,117.50)	\$ -		\$ -	\$ -
SUBTOTAL	\$ 179,945.00	\$ (40,551.50)	\$ 139,393.50		\$ 139,393.50	\$ -
Amend # 1:						
1 Review Revised HCP and Env Documentation	\$ 12,365.00		\$ 12,365.00	100%	\$ 12,365.00	\$ -
2 Prepare Schedule for Public Draft EIS/EIR	\$ 1,280.00		\$ 1,280.00	90%	\$ 1,152.00	\$ 128.00
3 Agency Coordination and Meetings	\$ 19,770.00		\$ 19,770.00	40%	\$ 7,908.00	\$ 11,862.00
4 Prepare NEPA/CEQA Outline	\$ 2,670.00		\$ 2,670.00	100%	\$ 2,670.00	\$ -
5 Prepare First Admin Draft EIS/EIR	\$ 106,980.00		\$ 106,980.00	77%	\$ 82,374.60	\$ 24,605.40
6 Prepare Second Admin Draft EIS/EIR	\$ 14,355.00		\$ 14,355.00		\$ -	\$ 14,355.00
7 Prepare Public Review Draft EIS/EIR	\$ 10,100.00		\$ 10,100.00		\$ -	\$ 10,100.00
Subs: Air Quality	\$ 10,000.00		\$ 10,000.00		\$ -	\$ 10,000.00
Traffic	\$ 40,000.00	\$ (6,368.25)	\$ 33,631.75		\$ -	\$ 33,631.75
admin fee	\$ 7,500.00	\$ (955.25)	\$ 6,544.75		\$ -	\$ 6,544.75
Expenses	\$ 2,000.00		\$ 2,000.00		\$ -	\$ 2,000.00
Mileage/Comm	\$ 700.00		\$ 700.00		\$ 237.61	\$ 462.39
Misc:	\$ 300.00		\$ 300.00		\$ 65.00	\$ 235.00
admin fee	\$ 450.00		\$ 450.00		\$ 45.00	\$ 405.00
SUBTOTAL	\$ 228,470.00		\$ 221,146.50		\$ 106,817.21	\$ 114,329.29
Amend #2						
Impact Analysis	\$ 34,775.00		\$ 34,775.00	100%	\$ 34,775.00	\$ -
SUBTOTAL	\$ 34,775.00		\$ 34,775.00		\$ 34,775.00	\$ -
Amend #3						
Additional Impact Analysis	\$ -	\$ 47,875.00	\$ 47,875.00	0%	\$ -	\$ 47,875.00
SUBTOTAL	\$ -	\$ 47,875.00	\$ 47,875.00		\$ -	\$ 47,875.00
TOTAL	\$ 443,190.00	\$ -	\$ 443,190.00		\$ 280,985.71	\$ 162,204.29

Agreement No. FC-052107 - 3

Agreement for Professional Services – Extension #3

This is an Extension #3 to Agreement No. FC-052107 ("AGREEMENT") between the Fort Ord Reuse Authority, a political subdivision of the State of California (hereinafter referred to as "FORA") and ICF Jones and Stokes (hereinafter referred to as "CONSULTANT").

All terms and conditions in the AGREEMENT remain the same except for the following adjustments:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement and described in **Exhibit A** (attached), CONSULTANT shall provide to FORA the additional services.

2. TERM. The term of the Agreement is extended until June 30, 2010 or until the maximum amount of the compensation as noted below is reached.

3. COMPENSATION AND OUT OF POCKET EXPENSES. The AGREEMENT is increased by \$64,551 to compensate CONSULTANT for the additional services described in "SERVICES" section above and **Exhibit A** (attached). The overall maximum amount of FORA's liability over the full term of the AGREEMENT is not to exceed \$382,124, including out of pocket expenses.

IN WITNESS WHEREOF, AUTHORITY and CONSULTANT execute this Agreement as follows:

AUTHORITY

CONSULTANT

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

By _____
David Zippin, Ph.D Date
Principle and Conservation Biologist

Approved as to form:

Authority Counsel



January 21, 2010

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

SUBJECT: Addendum #3 Request for Additional Funds for Continued Development of the
Former Fort Ord Habitat Conservation Plan

Dear Mr. Houlemard:

Thank you for the opportunity to continue our work on the Former Fort Ord Habitat Conservation Plan (Plan). This past year culminated in the completion of a pre-public draft (December 2009 Draft) and resolution of several outstanding issues, including the Implementation Assurance Fund funding level and the impact analysis update. To continue the 2009 progress, the schedule presented at the December 2009 meeting identifies several on-going tasks. As such, the following scope of work identifies the tasks and their costs to continue Plan development through July 1, 2010. Table 1 identifies the remaining budget and the additional funding required for each task. A detailed cost estimate is provided in Table 2.

Task 5 Strategic Advice, Project Management and Meetings

Continued coordination and engagement with FORA, the Fort Ord Working Group, and the Wildlife Agencies is integral to maintain the project schedule and ensure Plan completion. As such, regular meetings, close coordination with FORA, and project management are required. Two monthly in-person meetings, plus once-monthly conference calls, for a total of 15 meetings, are anticipated. These meetings will be used to identify and address comments on the December 2009 draft, as well as, resolve outstanding Plan issues. In addition, meeting agendas and summaries will be drafted and circulated to all meeting attendees and Fort Ord Working Group members. Finally, monthly budget summaries will be sent with each invoice.

Deliverables: Meeting agenda, meeting hand-outs, meeting notes, and monthly budget summaries.

Task 8 Revise 2nd Admin Draft

This task includes response to comments on the December 2009 Draft and resolution of outstanding issues. Each comment received on the December 2009 draft will be responded to in the comment document and new text incorporated into the screen-check draft as appropriate. A stand-alone memorandum will be drafted by ICF alone or in conjunction with FORA or other working group members for each of the outstanding issues. Each memorandum will then be circulated for review and comment prior to incorporation into the screen-check draft. Known outstanding issues include the following.

- Impact analysis revisions and species-specific impact figures
- Detailed species-specific avoidance and minimization measures
- Species-specific net effects analysis
- Capital Account and Implementation Assurances Fund description as presented at 12/16/2010 meeting
- Deed restriction language
- BLM Assurances
- HCP concurrence process based on California Coastal Commission appeal/approval process
- Funding protection language

The cost of document production is included in the cost estimate. Release of the screen-check draft is contingent on comment submission, timely response, and resolution of all outstanding issues.

Deliverables: Comment responses, memorandums for outstanding issues, incorporation of comment responses and resolved issues into screen-check draft.

Cost Estimate

We estimate that these tasks will require a budget augment of \$64,551 through July 1, 2010 (Table 2). This cost estimate is valid for ninety (90) days from the date of this proposal. Thank you again for the opportunity to work on this important project. If you have any questions about this proposal, please call me at (510) 433-8962 ext. 8969 or Terah Donovan at (415) 677-7176.

Sincerely,

David Zippin, Ph.D.
Principal and Senior Ecologist



Table 1. Contract Budget Summary with Addendum #3 Request

Task No.	Task Description	Existing Task Budget	Total Invoiced Through Dec 2009	Uninvoiced Amount	Task Budget Remaining	Percent Complete (%)
1	Review Admin Draft HCP & Comment Ltrs	\$ 5,018	\$ 5,018		\$ -	100%
2	Revise Funding Chapter of HCP	\$ 24,842	\$ 24,842		\$ -	100%
3	Revise Other HCP Sections	\$ 148,360	\$ 148,349		\$ 10	100%
4	Prepare HCP for 2081 Permit Application	\$ 9,000	\$ 8,084		\$ 917	90%
5	Strategic Advice, Project Management, Meetings	\$ 72,818	\$ 70,999		\$ 1,819	98%
6	Prepare HCP for Sec 10 Application	\$ 8,500	\$ 6,608		\$ 1,893	78%
7	Implementing Agreement Development	\$ 6,975	\$ 4,963		\$ 2,013	71%
8	Revise 2nd Admin Draft	\$ 5,760	\$ 3,659	\$ 1,417	\$ 684	64%
ODC	Clark Morrison - Subcontractor	\$ 29,660	\$ 29,660		\$ -	100%
ODC	Travel, Auto - Mileage	\$ 3,340	\$ 3,219		\$ 121	96%
ODC	Document Production	-	-		-	-
ODC	Mark-up on ODCs	\$ 3,300	\$ 3,293		\$ 7	100%
	TOTAL	\$ 317,573	\$ 308,994	\$ 1,417	\$ 7,462	97%

Addendum #3 Request	Revised Budget	Revised Budget Remaining
-	\$ 5,018	\$ -
-	\$ 24,842	\$ -
-	\$ 148,360	\$ 10
-	\$ 9,000	\$ 917
\$ 15,660	\$ 88,478	\$ 17,479
-	\$ 8,500	\$ 1,893
	\$ 6,975	\$ 2,013
\$ 45,990	\$ 51,750	\$ 46,674
\$ 1,570	\$ 4,910	\$ 1,691
\$ 1,068	\$ 1,068	\$ 1,068
\$ 264	\$ 3,564	\$ 271
\$ 64,551	\$ 382,124	\$ 72,013

Table 2. Cost Estimate for Addendum #3 Request for Additional Funds for Continued Development of the Former Fort Ord Habitat Conservation Plan

Employee Name	Consulting Staff				Production Staff				Subtotal	Labor Total	Direct Expenses	Total Price
	Project Role	Project Role	Project Role	Project Role	Project Role	Project Role	Project Role	Project Role				
Zippin D	Proj Dir	Donovan T	Le Fer D	Bernazzani	Mejia J	White H	Barnard A	Hicks C	Greenma			
		Manager	Wildlife Biologist	Conservation Biologist	Coordinator	Biologist	Graphics		n J			
		Assoc	Assoc	Sr Consult III	Assoc	Assoc	Sr Consult I	Editor	Admin			
		27	40	20	60	60	25	10	Tech			
Task 5. Strategic Advice, Project Management, Meet		20	40	20	60	60	25	10				
Task 8. Revise 2nd Admin Draft		47	40	20	60	60	25	10				
Total hours		\$180	\$120	\$145	\$100	\$100	\$130	\$72	\$54			
ICF billing rates		\$8,460	\$4,800	\$2,900	\$6,000	\$6,000	\$3,250	\$3,600	\$540			
Subtotals										\$0	\$15,660	\$15,660
Percent of Total Effort		8.8%	7.5%	3.8%	11.3%	11.3%	4.7%	9.4%	1.9%	\$5,040	\$45,990	\$45,990
Total Hours = 532										\$5,040	\$61,650	\$61,650
Direct Expenses												
523.02 Reproductions (8.5x11 Color = .16/page) (8.5x11 B&W = .08/page)												
#	item	unit	cost	Total Cost								
1	Set	CD	\$6.00	\$6.00								
50	pages 11x17 (B&W)		\$0.16	\$8.00								
846	pages 8.5x11 (B&W)		\$0.08	\$67.68								
63	pages 8.5x11 (Color)		\$0.16	\$10.08								
Total			\$6.40	\$91.76								
10 Sets				\$917.60								
523.04 Postage and Delivery											\$918	\$918
523.05 Travel, Auto, incl. Mileage at current IRS rate (.50/mile)											\$150	\$150
Mark up on all non-labor costs and subcontract (10%)											\$1,570	\$1,570
Direct expense subtotal											\$264	\$264
Total price											\$2,901	\$64,551

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: Multi-Modal Transit Corridor Memorandum of Agreement

Meeting Date: February 11, 2010

Agenda Number: 6e

ACTION

RECOMMENDATION(S):

Authorize the Executive Officer to execute the Multi-Modal Transit Corridor realignment Memorandum of Agreement ("MOA") ("**Attachment A**").

BACKGROUND:

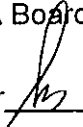
The Multi-Modal Transit Corridor, originally shown on the Fort Ord Reuse Authority ("FORA") Base Reuse Plan ("BRP"), attached as **Exhibit 1** to the MOA, was intended to provide a route extending from Highway 1 East through the former Fort Ord to Salinas. **Exhibit 2** describes the proposed realignment and **Exhibit 3** lists the parcels with right-of-way pertaining to the original alignment. The need for this corridor has evolved, since BRP adoption, as feedback from US Fish and Wildlife Service and California Department of Fish and Game, approval of the Dunes on Monterey Bay and East Garrison development projects, plans for the California State University Monterey Bay ("CSUMB") campus, and planned site improvements by various other stakeholders along the route have all suggested a re-routing. On April 30, 2008, the FORA Administrative Committee received a report from City of Marina staff summarizing the process toward re-designation of the Multi-Modal Transit Corridor within the former Fort Ord. In December 2008, the Board authorized the Executive Officer to execute a previous version of the MOA. Since that time, various Parties to the agreement have continued to review and edit the MOA for approval by their policy makers. The MOA incorporates recent changes.

DISCUSSION:

The County of Monterey originally drafted the enclosed MOA, which outlines the steps that must occur before the Board would consider re-designation of the Multi-Modal Transit Corridor. An important step is the Parties' agreement to grant right of way reservations for the New Multi-Modal Transit Corridor Alignment. The Transportation Agency for Monterey County ("TAMC") and Monterey-Salinas Transit ("MST") will be the responsible entities to implement the Multi-Modal Transit Corridor. The MOA is designed to be a statement of intent by the Parties to adjust the proposed corridor. Correspondence from The Bluffs homeowners association is attached, which lists their concerns with future routing of the Transit Corridor from Reservation Road to Salinas ("**Attachment B**").

On February 3, 2010, the FORA Administrative Committee recommended that the MOA be presented to the FORA Board for approval.

FISCAL IMPACT:

Reviewed by Controller 

Staff time to review this matter is included in the fiscal year 09-10 operating budget.

COORDINATION:

CSUMB, County of Monterey, City of Marina, Golden Gate University, University of California Monterey Bay Education, Science, and Technology Center, TAMC, MST, Authority Counsel, Executive Committee, and Administrative Committee.

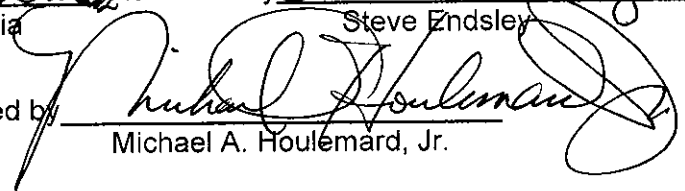
Prepared by


Jonathan Garcia

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.

DRAFT

DRAFT

**MEMORANDUM OF AGREEMENT
AMONG AND BETWEEN
THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, MARINA
REDEVELOPMENT AGENCY, CALIFORNIA STATE UNIVERSITY MONTEREY
BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ, GOLDEN GATE UNIVERSITY,
MONTEREY SALINAS TRANSIT, TRANSPORTATION AGENCY FOR MONTEREY
COUNTY, THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY
AND THE COUNTY OF MONTEREY CONCERNING THE REALIGNMENT OF THE
MULTI-MODAL TRANSIT CORRIDOR ON THE FORMER FORT ORD**

THIS AGREEMENT is made and signed on this ____ day of _____, 2010, by and among the FORT ORD REUSE AUTHORITY (hereinafter referred to as "FORA"), the CITY OF MARINA (hereinafter referred to as "CITY"), the MARINA REDEVELOPMENT AGENCY (hereinafter referred to as "MRA") CALIFORNIA STATE UNIVERSITY MONTEREY BAY (hereinafter referred to as "CSUMB"), UNIVERSITY OF CALIFORNIA SANTA CRUZ ("UCSC"), GOLDEN GATE UNIVERSITY (hereinafter referred to as "GGU"), MONTEREY SALINAS TRANSIT (hereinafter referred to as "MST" and which will be succeeded by the Monterey-Salinas Transit District effective July 1, 2010), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY (hereinafter referred to as "TAMC"), THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY (hereinafter referred to as "AGENCY") and the COUNTY OF MONTEREY (hereinafter referred to as "COUNTY") (with FORA, City, MRA, CSUMB, UCSC, GGU, MST, TAMC, Agency and County each being from time to time hereinafter referred to as "Party", and together being from time to time collectively hereinafter referred to as "Parties").

RECITALS

- A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report (hereinafter referred to as "FEIR") and a Fort Ord Base Reuse Plan (hereinafter referred to as "BRP"). The BRP included the designation of a multi-modal transit corridor along the "Imjin Parkway/Blanco Road" corridor, as shown on Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as "Transit Corridor"). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.
- B. The original alignment (hereinafter referred to as "Original Alignment") of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, and then along Blanco Road to Salinas, as shown generally in Exhibit 1.
- C. Problems have arisen with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands, and impacts to agricultural operations.
- D. The Parties have identified and reviewed a proposed new alignment ("New Alignment") to the Transit Corridor, as shown in Exhibit 2, and it appears that the New Alignment provides the same benefit to the regional transportation network as the Original Alignment and avoids potential impacts to habitat-related lands and to agricultural operations.

E. Property has been conveyed by FORA to various jurisdictions with right of way reservations based upon the Original Alignment. A list of the parcels conveyed with such reservations is attached as Exhibit 3.

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

1. FORA Board Consider Re-Designation of Transit Corridor

The Parties, excepting FORA, hereby agree to recommend rescission of the Original Transit Corridor Alignment and designation of the New Transit Corridor Alignment. It is acknowledged that this re-designation will require at least the following steps:

1.1 Agreement to Cooperate. The jurisdictions agree to cooperate with each other to process the proposed re-designation of the Transit Corridor from the Original Alignment to the New Alignment on the following conditions: (i) the New Alignment will require certain improvements to be performed on the southerly side of 3rd Street, which would only impact Property owned by CSUMB and will not encroach on GGU property and (ii) the Parties shall not be required to incur any costs or expenses in so cooperating with each other.

1.2 Engineering and Design. The COUNTY and CITY, at their respective costs, have prepared preliminary designs for that portion of the New Alignment that will extend through their respective boundaries, for the New Alignment to be approved.

1.3 Agreement to Grant Right of Way Reservations. Those Parties who will receive or have received land over which the New Alignment will extend agree to grant right of way reservations for the New Transit Corridor Alignment described in Exhibit 2 through execution of this agreement. It is intended that any actual conveyance of right of way easements or fee ownership would occur by separate agreement(s) at a later date. The COUNTY will not grant any right of way reservation at this time that would diminish its development potential by allowing a triangle interchange at the intersection of Intergarrison Road, Eastside Parkway and Schoonover Road, but may elect to grant a right of way or other form of easement to MST at a later date. The Parties agree that none of GGU's property (i.e., parcel APN 031-101-019) and none of UC's property (i.e., parcel APN 031-101-018) will be taken in connection with the proposed New Alignment, and therefore no easements or right of way reservations will be requested of, nor imposed upon, GGU or UC.

1.4 Agreement to Release Right of Way Reservations/Easements. FORA agrees, upon adoption of the re-designation of the alignment of the Transit Corridor, to release any right of way reservations or easements with respect to the Original Alignment of the Transportation Corridor, as such Original Alignment is modified by the New Alignment.

1.5 Agreement to consider designation of the New Transit Corridor Alignment. Upon formal agreement by the Parties to grant right of way reservations for the New Transit Corridor Alignment described in Exhibit 2 through execution of this agreement by the Parties, FORA agrees to consider the recommended designation of the New Transit

Corridor Alignment and rescission of the Original Transit Corridor Alignment at its next scheduled Board of Directors meeting. If the recommended designation of the New Transit Corridor Alignment is approved, FORA shall include the New Transit Corridor Alignment in any revision to the Base Reuse Plan.

2. Costs. As stated in section 1.1 of this agreement, the parties shall not be required to incur any costs or expenses in cooperating with each other. Should any Party elect to incur costs or expenses with respect to the subject matter of this Agreement, then such Party shall be solely responsible for paying for those costs or expenses.
3. Amendment by Written Recorded Instrument. This Agreement may be amended or modified in whole or in part, only by a written and recorded instrument executed by the parties.
4. Indemnity and Hold Harmless. Each Party hereto agrees to indemnify, defend and hold each other Party harmless from and against any loss, cost claim or damage directly related to such Party's actions or inactions under this Agreement.
5. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
6. Entire Agreement. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the parties hereto concerning the subject matter hereof.
7. Interpretation. It is agreed and understood by the parties hereto that this Agreement has been arrived at through negotiation and that no party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654.
8. Authority. Each signatory to this Agreement certifies that he or she has the lawful authority to execute this Agreement for and on behalf of the Party named herein.
9. Term. This Agreement will expire on December 31, 2025. This term may not be extended absent separate negotiations and a separate fully executed written agreement.

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

FORT ORD REUSE AUTHORITY

Date: _____

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

By: _____
Gerald D. Bowden, Esq.
FORA Counsel

CITY OF MARINA

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

MARINA REDEVELOPMENT AGENCY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____

By: _____
James E. Main, Vice President for
Administration and Finance

APPROVED AS TO FORM:

By: _____
Carrie Rieth, CSU Attorney

DRAFT

DRAFT

DRAFT

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____

By: _____

Its: _____

APPROVED AS TO FORM:

By: _____

MONTEREY SALINAS TRANSIT

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

DRAFT

DRAFT

DRAFT

TRANSPORATION AGENCY FOR MONTEREY COUNTY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

Date: _____

By: _____

APPROVED AS TO FORM:

By: _____

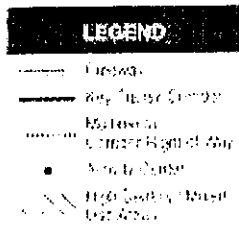
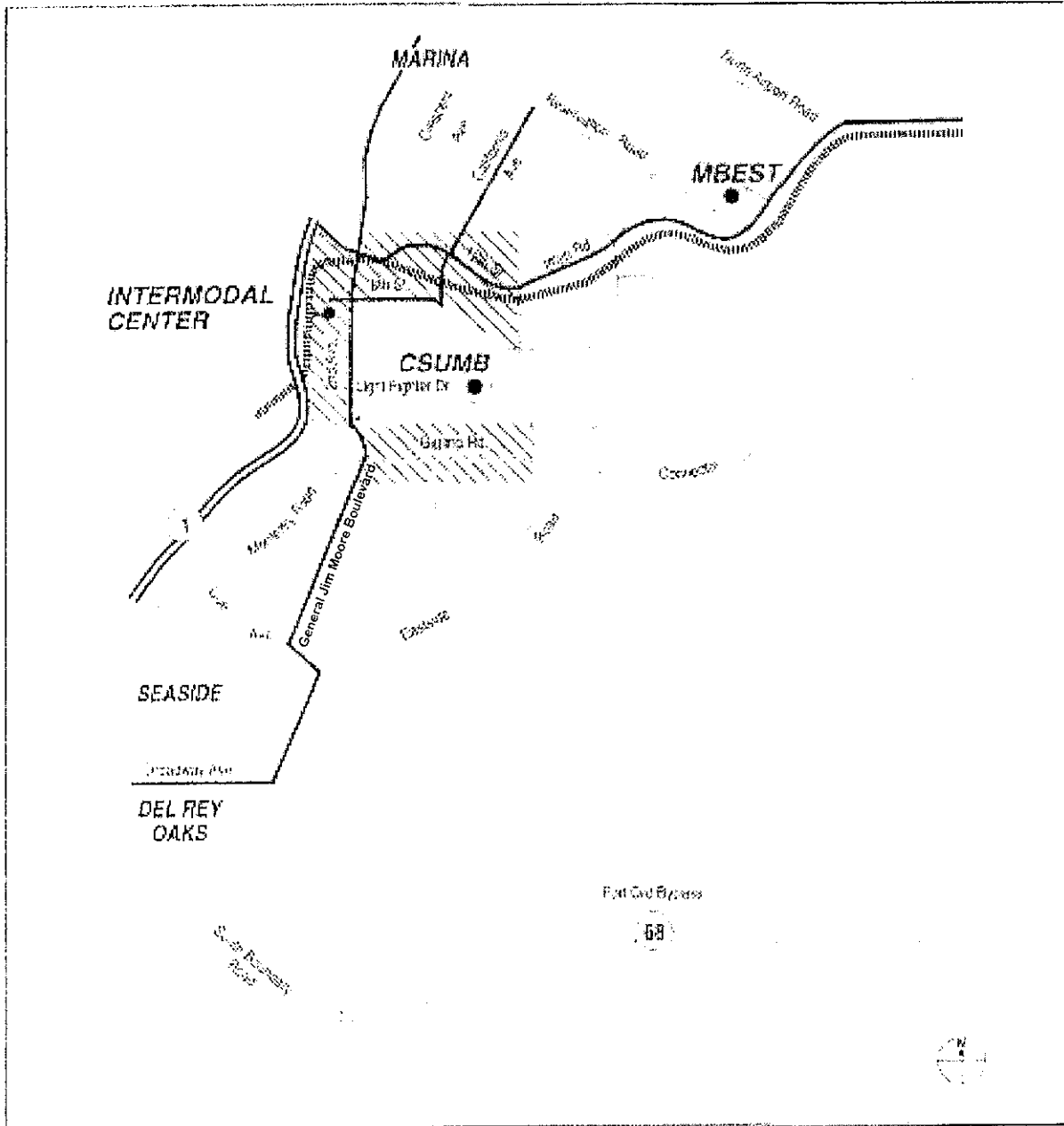
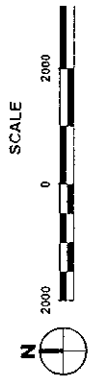
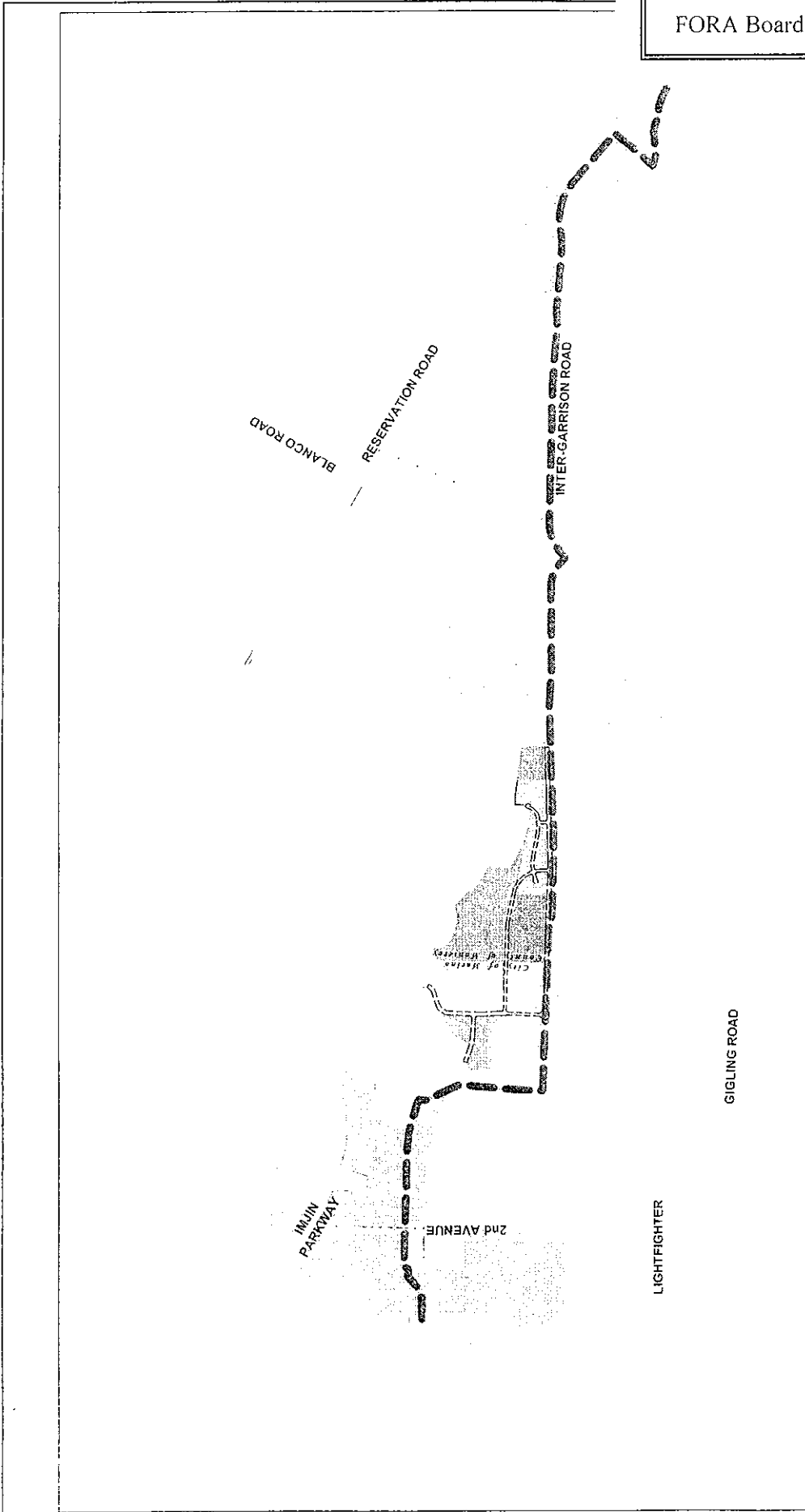


Figure 4.2-6
Transit Activity Centers and Corridors



Proposed Multi-Modal
 Corridor Alignment

The Dunes of
 Monterey Bay
 (Marina)

U.C. Development
 Parcel

Whispering Oaks
 Development (County)

Colleen Gate
 University

C.S.U.M.B.
 Property

Whispering Oaks
 Habitat Conservation

Whispering Oaks
 MST Transit Parcel

City of Marina
 Property

**FORT ORD REUSE AUTHORITY
 MULTI-MODAL CORRIDOR
 ALIGNMENT**

September 24, 2009

WHITSON ENGI
 1050 HILL STREET, SUITE 200, MONTEREY, CA 93940
 831.644.5925 Fax 831.373.6065
 Civil Engineering, Surveying, Planning

Exhibit 3	
Army Corps of Engineers Parcel	Jurisdiction
L2.1	City of Marina
L20.16.1	City of Marina
L20.16.2	City of Marina
L20.16.3	City of Marina
E2b.3.2	City of Marina
E2b.2.3	City of Marina
E2b.1.4	City of Marina
E2d.2	City of Marina
L5.9.1.2	City of Marina
L5.9.2	City of Marina
E2c.4.4	City of Marina
E2c.4.3	City of Marina
S2.5.1.1	City of Marina
S2.5.1.2	Monterey County
E4.6.1	City of Marina
E4.6.2	Monterey County
E4.7.1	City of Marina
E4.7.2	Monterey County
S2.3.2.2	Monterey County
S2.3.1.2	Monterey County
S2.3.2.3	Monterey County
L20.10.1.1	Monterey County
L20.11.1	Monterey County
L20.11.2	City of Marina

The Bluffs

14052 Reservation Road, Salinas 93908-925

October 24, 2008

Michael Houlemard
Executive Officer
Fort Ord Reuse Authority
100 12th Street, Building 2880
Marina, CA 93933



RE: Proposed traffic changes to Reservation Road at Davis Road

Dear Mr. Houlemard:

Thank you for inviting The Bluffs Homeowners Association to comment on the proposed changes to traffic affecting the intersection at Reservation Road and Davis Road.

The Bluffs is a 43-home planned unit development built in the late 1970's. The sole entrance drive is located at the intersection of Reservation Road and Davis Road. This is an uncontrolled intersection with limited visibility due to the curvature of the road and the topography. Although the speed limit is 45 miles per hour, speeding is common and efforts to encourage better enforcement have been unsuccessful. Collision accidents occur frequently.

While residents represent a mix of age groups, several bought their homes in the late 70's and are now older adults. Entering and leaving The Bluffs into high speed traffic can be a daily nightmare for these residents.

Our first concern is that the proposed Multi-Modal Transit Corridor will route more traffic onto Reservation Road before the envisioned future enhancements occur. This would exacerbate an already dangerous condition.

At the time Reservation Road is improved to handle this additional flow, we see three primary issues:

First, we are concerned that the improvements to the corner of Reservation Road and Davis Road actually lead to a safer intersection. As noted above, increasing traffic loads, high-speed drivers, and the existing bends both to the right and left of the Bluffs entrance already make entering and leaving The Bluffs risky. The proposed Multi-Modal Transit Corridor promises even more traffic, while the dry-weather ford over the Salinas River on Davis Road and an unwidened

9

Reservation Road connection to Highway 68 will likely lead to even more congestion. These issues demand expert traffic engineering and planning.

Second, we are concerned that the existing bluffs along Reservation Road not be further undercut by the widening of Reservation Road. These slopes are already steep cliffs that will be subject to severely accelerated erosion if their bases are altered. Several of our homes are located along part of the cliff tops where we have already engineered controls on runoff. Increased cliff erosion simply cannot be tolerated.

And third, we are concerned that the widening of Reservation Road and the re-engineering of the Reservation Road/Davis Road intersection not alter the only entrance to The Bluffs. This entrance now features an ornamental fence, mature oak trees, ornamental plantings, an electric gate, an irrigation system, a retaining wall, attractive signage, and our welcoming board with telephone connections. It also affords some safety from the traffic on Reservation Road by serving as an on-ramp/off-ramp to the intersection. These design features and improvements represent a substantial investment by our Homeowners Association.

Finally, we are concerned that safe and convenient access to our single entry and exit drive will be assured during the construction process and that good communication and coordination with the The Bluffs HOA will be a part of the planning.

Thank you for your attention to these issues. Should you wish to contact me, my phone number is (831) 758-9099 and my e-mail address is helgren@razzolink.com.

We look forward to full consultation as your planning proceeds.

Sincerely,



David M. Helgren, President,
The Bluffs Homeowners Association

cc: Jonathon Garcia

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject: Fort Ord Reuse Authority mid-year budget

Meeting Date: February 11, 2010

Agenda Number: 7a

ACTION

RECOMMENDATIONS:

Accept the FY 09-10 Fort Ord Reuse Authority (FORA) Operating Budget mid-year status report.

BACKGROUND:

The mid-year budget update is typically provided to the Board by the February meeting. This report covers the operations budget status for the budget approved at the June 12, 2009 meeting. The Finance Committee reviewed the mid-year budget at its January 25, 2010 meeting.

DISCUSSION:

Despite the continuing recessionary economic conditions delaying redevelopment activities on the former Fort Ord, FORA Board policies have sustained financial stability. The financial support was aided by two federal grants allowing the Capital Improvement Program (CIP) activities to continue uninterrupted.

This mid-year budget reports a revenue increase and an expenditure decrease projecting ending fund balance increase from the approved FY 09-10 budget.

09-10 REVENUES

The mid-year budget includes variations in several revenue items resulting in net increase of \$431,812 in total revenues.

Most significant revenue variances are:

Revenue Additions

- **\$460,000 Grant from Office of Economic Adjustment (OEA).** Grant received in January 2010 to fund Veterans Cemetery infrastructure planning. The FORA Board approved application and acceptance of this grant at its June 12, 2009 meeting; the OEA grant was included in the approved budget but the amount was unknown at that time.
- **\$256,023 Pollution Legal Liability (PLL) loan payment.** Received from the City of Del Rey Oaks (DRO) and was not included in the approved budget. DRO developer, responsible for this payment, left the project. To prevent losing the coverage, DRO is making regular payments towards the premium.
- **\$288,500 loan interest reimbursement payments.** East Garrison developer is making these payments which were not included in the preliminary budget (not reasonably anticipated at the budget approval time).
- **\$1.3 million Construction Reimbursements** from Marina Coast Water District (MCWD) for utility improvements constructed by FORA on General Jim Moore Boulevard (GJMB).
- **\$450,000 Investment Income.** FORA's investment earnings have increased as result of investment policy adjustments and the gradual stock market rebound.

Revenue Reductions

- \$240,000 in Tax Increment payments. Based on actual mid-year collections that reflect 20% property valuation adjustment.
- \$2,000,000 Preston Park debt consolidation loan proceeds. Reduction reflects financing terms.

09-10 EXPENDITURES

Mid-Year Budget reflects an overall decrease of \$1.68 million

Most significant expenditure variances are:

Expenditure Additions

- \$460,000 in Contractual Services for Veterans Cemetery planning consultant financed by the OEA grant received in January 2010. As explained in the revenue section above, the OEA grant was included in the approved budget but the amount was unknown at that time.

Expenditure Reductions

- \$130,000 in Salaries and Benefits due to staff reductions; one engineering position retired in August 2009, one staff position on unpaid leave/reduced hour schedule; responsibilities reassigned to existing staff.
- \$2.01 million in Debt Service category due to a decreased debt service on the line of credit (LOC) and shorter financing period of Preston Park debt consolidation loan.

ENDING FUND BALANCES

Mid-Year Budget reflects an overall increase of \$2.1 million

As a result of the budget adjustments, the total ending fund balance is estimated at \$2.6 million. The FORA Reserve account was set at \$500,000 in the approved budget; the excess balance is attributable to remaining balance in Preston Park loan and budget savings due to increased revenue.

Attachment 1 illustrates the updated budget as compared to the approved budget; corresponding notes offer brief narrative descriptions of budget variances.

Attachment 2 provides expenditure changes in detail.


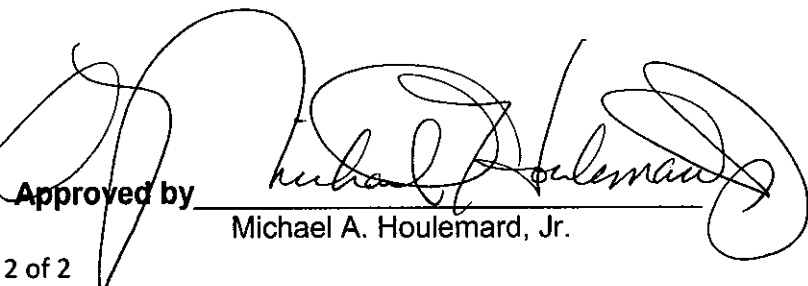
Attachment 3 provides Preston Park debt consolidation financing detail.

FISCAL IMPACT:

Increased fund balances, increased CIP activities.

COORDINATION:

Finance Committee, Executive Committee.

Prepared by  Approved by 
 Ivana Bednarik Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY - FY 09-10 MID-YEAR BUDGET - ALL FUNDS COMBINED

<u>CATEGORIES</u>	<u>FY 09-10 APPROVED</u>	<u>FY 09-10 MID-YEAR</u>	<u>BUDGET ADJUSTMENTS</u>	<u>NOTES</u>
REVENUES				
Carryover Revenue	668,372	610,062	(58,310)	Revised beginning fund balance includes \$400K General Fund Reserve and funding available for current FY expenditures.
Beginning Fund Balance				
09-10 Revenue				
Memberships Dues	261,000	261,000	-	
Franchise Fees - MCWD	195,000	195,000	-	
Federal Grants - ESCA	974,397	974,397	-	All ESCA grant proceeds received by 2009; transfer to cover FY 09-10 activities reported as current revenue.
Federal Grant - EDA	6,800,000	6,426,754	(373,246)	EDA grant awarded to FORA August 17, 2009.
Federal Grants - OEA	727,634	460,000	460,000	OEA Veterans Cemetery planning grant approved January 1, 2010.
PLL Loan Payments	17,000	983,657	256,023	Revised balance includes DRO 09-10 payment not included in preliminary budget.
Development Fees	1,216,000	51,531	34,531	Imjin shoppette project fee payment.
Land Sale Proceeds	1,558,000	1,298,644	82,644	IOP/AMBAG parcel sale not included in preliminary budget.
Rental/Lease Payments	1,200,000	960,000	-	
Tax Increment	500,000	500,000	(240,000)	Tax increment 20% valuation reduction.
CSU Mitigation Fees	-	1,376,670	1,376,670	MCWD payment for FORA GJMB utility improvements
Construction Reimbursement	-	150,000	150,000	IOP planning expenses reimbursed by partners.
Planning Reimbursement	-	288,500	288,500	Interest reimbursements from East Garrison project developer.
Loan Reimbursement	75,000	525,000	450,000	Investment policy adjustments and gradual investment market rebound.
Investment Income	-	5,000	5,000	Construction Plans & Specs and other small items reimbursements.
Other Income	-	-	-	
Total 09-10 Revenue	13,524,031	16,014,153	2,490,122	
Other Financing Sources				
Loan Proceeds	21,000,000	19,000,000	(2,000,000)	Preston Park debt consolidation; amount reflects financing terms and \$120K monthly debt service limitation.
TOTAL REVENUES	35,192,403	35,624,215	431,812	
EXPENDITURES				
Salaries & Benefits	1,792,062	1,662,062	(130,000)	Savings due to retirement, reassignment and unpaid leave.
Supplies & Services	306,250	306,250	-	
Contractual Services	1,711,500	2,171,500	460,000	Veterans Cemetery (OEA Grant) infrastructure planning consultant/s added.
Capital Projects (CP)	14,478,000	14,478,000	-	
Debt Service (P+I)	16,402,036	14,390,606	(2,011,430)	Debt consolidation/retirement.
TOTAL EXPENDITURES	34,689,848	33,008,418	(1,681,430)	(See Attachment - Itemized Expenditures)
NET REVENUES				
(Ending Fund Balance)	502,556	2,615,797	2,113,240	Ending Fund balance/FORA Reserve

**FORT ORD REUSE AUTHORITY
FY 09-10 MID-YEAR BUDGET**

EXPENDITURES - ITEMIZED

EXPENDITURE CATEGORIES	APPROVED	ADJUSTMENTS	REVISED	NOTES
<u>SALARIES & BENEFITS</u>	1,792,062	(130,000)	1,662,062	CIP position held open, unpaid leave and reduced hours for one position.
<u>SUPPLIES & SERVICES</u>	306,250	-	306,250	
<u>CONTRACTUAL SERVICES</u>	1,711,500	460,000	2,171,500	Veterans Cemetery infrastructure consultant-OEA Grant.
<u>CAPITAL PROJECTS</u>				
ROADWAY IMPROVEMENTS-Budgeted	13,178,000	(5,930,633)	7,247,367	GIMB and Eucalyptus Road improvements
ROADWAY IMPROVEMENTS-Additional	-	5,930,633	5,930,633	Favorable construction bidding conditions may allow additional projects.
HABITAT MANAGEMENT (ENDOWMENT)	1,300,000	-	1,300,000	
TOTAL CAPITAL PROJECTS	14,478,000	-	14,478,000	
<u>DEBT SERVICE (Principal and Interest)</u>				
PRESTON PARK FINANCING	1,476,000	(726,000)	750,000	Debt service adjusted to 2/2010 loan date.
LINE OF CREDIT	11,000,000	(1,285,430)	9,714,570	Principal and withdrawal reduction.
REVENUE BONDS	2,853,250	-	2,853,250	
PLL INSURANCE FINANCING	956,786	-	956,786	
FIRE TRUCK LEASE	116,000	-	116,000	
TOTAL DEBT SERVICE	16,402,036	(2,011,430)	14,390,606	
TOTAL FY 09-10 EXPENDITURES	34,689,848	(1,681,430)	33,008,418	

PRESTON PARK FINANCING

Preston Park financing - Effective date 2-1-2010

Amount	19,000,000
Less Processing Fees (Loan fee, Appraisal, Phase I report)	(150,000)
Net amount	18,850,000

Uses:

Retire line of credit with Rabobank	(9,000,000)
Retire 2002 revenue bonds with Bank of New York	(2,465,000)
Provide matching funds to EDA grant	(6,426,754)

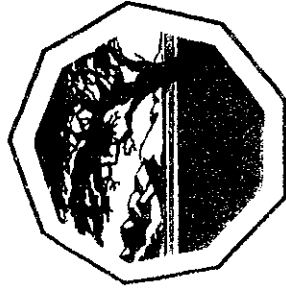
Remaining funds for CIP funding/operating budget

958,246

FORA's additional value (equity) in Preston Park - **Estimated:**

Bank's 2009 Appraisal	49,100,000
Less Project Development Fee owed	(4,302,309)
Net FMV	44,797,691
FORA's 50% share of FMV	22,398,846
Plus Project's Development Fee	4,302,309
FORA's Asset Value	26,701,155
Financing secured by FORA's share of Preston income stream	(19,000,000)
FORA Preston Park remaining value	7,701,155

FORA and City of Marina are negotiating a future buy-out of FORA's remaining interest in Preston Park. These amounts are subject to these discussions.



FORT ORD REUSE AUTHORITY

FY 2009-10

MID-YEAR BUDGET

FORT ORD REUSE AUTHORITY - FY 09-10 MID-YEAR BUDGET - SUMMARY

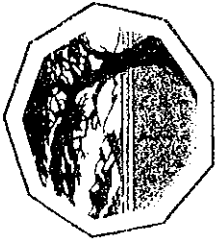
	APPROVED 09-10 BUDGET	MID-YEAR 09-10 BUDGET	VARIANCES
REVENUES (Includes carryover and borrowing)	35,192,403	↗ 35,624,215	431,812
EXPENDITURES	34,689,848	↘ 33,008,418	1,681,430
FUND BALANCE - ENDING (6-2010)	<u>502,555</u>	<u>2,615,797</u>	2,113,242

FORT ORD REUSE AUTHORITY - FY 09-10 MID-YEAR BUDGET - REVENUES

	APPROVED 09-10 BUDGET	MID-YEAR 09-10 BUDGET	VARIANCES
REVENUES			
Beginning Fund Balance	668,372	610,062	(58,310)
09-10 Revenues			
Membership Dues	261,000	261,000	-
Franchise Fees - MCWD	195,000	195,000	-
Federal Grants	7,774,397	7,861,151	86,754
PLL Loan Payments	727,634	983,657	256,023
Development Fees	17,000	51,531	34,531
Land Sale Proceeds	1,216,000	1,298,644	82,644
Rental/Lease Revenues	1,558,000	1,558,000	-
Tax Increment Payments	1,200,000	960,000	(240,000)
CSU Mitigation Fees	500,000	500,000	-
Reimbursements (Planning, Loan, Constr)	-	1,820,170	1,820,170
Investment Income	75,000	525,000	450,000
Total New Revenue	13,524,031	16,014,153	2,490,122
Loan Proceeds	21,000,000	19,000,000	(2,000,000)
TOTALS	35,192,403	35,624,215	431,812

FORT ORD REUSE AUTHORITY - FY 09-10 MID-YEAR BUDGET - EXPENDITURES

	APPROVED 09-10 BUDGET	MID-YEAR 09-10 BUDGET	VARIANCES
EXPENDITURES			
Salaries & Benefits	1,792,062	1,662,062	-
Supplies & Services	306,250	306,250	-
Contractual Services	1,711,500	2,171,500	(460,000)
Capital Projects	14,478,000	14,478,000	-
Debt Service	16,402,036	14,390,606	2,011,430
	<hr/>	<hr/>	
	34,689,848	33,008,418	1,681,430



FORT ORD REUSE AUTHORITY

FY 2009-2010 MID-YEAR BUDGET

RECOMMENDATIONS

ACCEPT THE FY 09-10 MID-YEAR BUDGET REPORT

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	CONSISTENCY DETERMINATION: Marina Housing Element	
Meeting Date:	February 11, 2010	ACTION
Agenda Number:	7b	

RECOMMENDATION(S)

Approve Resolution 10-02 (“**Attachment A**”), concurring in the City of Marina (“Marina”) legislative land use consistency determination and making findings that the Marina Housing Element 2008-2014 is consistent with the Fort Ord Base Reuse Plan (“BRP”).

BACKGROUND

Marina submitted the Housing Element for consistency determination on January 27, 2010 (See attached letter submittal dated “**January 27, 2010**”). Marina requested a Legislative Land Use Decision review of the Housing Element in accordance with section 8.02.010 of the FORA Master Resolution. Under state law, (as codified in FORA’s Master Resolution) legislative land use decisions (plan level documents such as General Plans, Zoning Codes, Specific Plans, Redevelopment Plans, etc.) must be scheduled for FORA Board review under strict timeframes. This item is included on the Board agenda because the Housing Element is a legislative land use decision, requiring Board approval.

The Administrative Committee endorsed the consistency recommendation at it’s February 3, 2010 meeting.

DISCUSSION

Marina staff will be available to provide additional information to the FORA Board on February 11, 2010. In all consistency determinations, the following additional considerations are made and included in abbreviated format in a summary table (“**Attachment B**”).

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

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

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

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

The Housing Element would not establish a land use designation that is more intense than the uses permitted in the Base Reuse Plan since the Housing Element does not amend the Marina General Plan text or land use map. This Housing Element is an update of the previous Housing Element, found consistent with the Base Reuse Plan on March 11, 2005. A Housing Element must be updated every five to seven years by State law. This Housing Element's planning cycle is from 2008 to 2014. The Housing Element is one of seven required elements of a City's General Plan.

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

The Housing Element precludes development densities higher than permitted in the Base Reuse Plan.

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

The Housing Element meets applicable program conditions and facilitates item (t) Jobs Housing Balance under Section 8.02.020 of the Master Resolution by addressing former Fort Ord affordable housing.

(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 Housing Element does not impact open space, recreational, or habitat management areas within FORA's 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

Projects that may be affected by the Housing Element will pay their fair share of the basewide costs through the developer fees and tax increment that will accrue to FORA, as well as land sales revenues.

(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 Housing Element only affects lands that are located within areas designated for "Development" under the HMP. Lands designated as "Development" have no management restrictions placed upon them as a result of the HMP. The Housing Element would not conflict with implementation of the Fort Ord HMP.

FISCAL IMPACT:

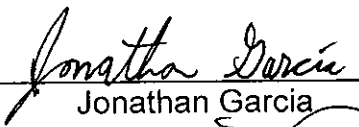

Reviewed by FORA Controller 

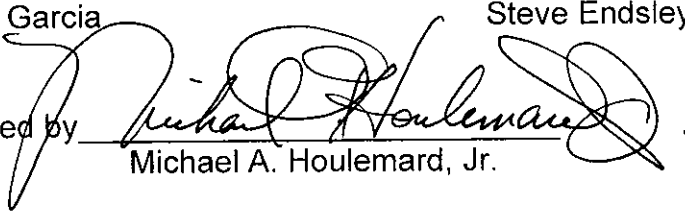
This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. In addition to points already dealt with in this report, it is clarified that the developments expected to be charged with reuse subject to the Housing Element are covered by the Community Facilities District or other agreement that ensure a fair share payment of appropriate future fees to mitigate for impacts delineated in the 1997 BRP and accompanying Environmental Impact Report. Marina has agreed to provisions for payment of all required fees for future developments in the former Fort Ord under its jurisdiction.

Staff time to review this matter is included in the fiscal year 2009-10 operating budget.

COORDINATION:

City of Marina, Planners Working Group, Administrative Committee, and Executive Committee

Prepared by  Jonathan Garcia Reviewed by  Steve Endsley

Approved by  Michael A. Houlemard, Jr.

DRAFT

Resolution 10-02

Resolution Determining Consistency of)
City of Marina Housing Element)

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

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan under Government Code Section 67675, et seq.
- B. After FORA adopted the reuse plan, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of 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 September 1, 2009, the City of Marina adopted the Marina Housing Element ("Housing Element") to comply with State law, affecting lands on the former Fort Ord. The City of Marina also found the Housing Element is consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the Fort Ord Reuse Authority Act and considered the Fort Ord Base Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations.
- F. On January 27, 2010, the City of Marina recommended that FORA concur in the City's determination that FORA's Final Base Reuse Plan, certified by the Board on June 13, 1997, and the Housing Element are consistent. Marina submitted to FORA its Housing Element together with the accompanying documentation.
- G. Consistent with the Implementation Agreements between FORA and Marina, on January 27, 2010, Marina provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the City of Marina's action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Housing Element is consistent with the Fort Ord Base Reuse Plan and the Fort Ord Reuse Authority Act (collectively, "Supporting Material"). Marina requested that FORA certify the Housing Element as being consistent with the Fort Ord Base Reuse Plan for those portions of Marina that lie within the jurisdiction of the Fort Ord Reuse Authority.
- 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 Housing Element is consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the Housing Element before the FORA Board on February 11, 2010.

- I. Master Resolution, Chapter 8, Section 8.02.010(a)(4) reads in part: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property..."
- J. In this context, 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."
- K. FORA's consistency determination must be based upon the overall congruence between the submittal and the Reuse Plan, not on a precise match between the two.

NOW THEREFORE be it resolved:

1. The FORA Board recognizes that the City of Marina's September 1, 2009 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and the Housing Element was appropriate.
2. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Marina's Mitigated Negative Declaration is adequate and complies with the California Environmental Quality Act. The Board finds further that these documents are sufficient for purposes of FORA's determination for consistency of the Housing Element.
3. The Board has considered the materials submitted with this application, the recommendation of the Executive Officer and Administrative Committee concerning the application and oral and written testimony presented at the hearings on the consistency determination, which are hereby incorporated by reference.
4. The Board finds that the Marina Housing Element is consistent with the Fort Ord Base Reuse Plan. The Board further finds that the legislative decision made herein has been based in part upon the substantial evidence submitted regarding allowable land uses, a weighing of the Base Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided, and that the cumulative land uses contained in Marina's submittal are not more intense or dense than those contained in the Base Reuse Plan.

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

Upon motion by _____, seconded by _____, the foregoing resolution was passed on this 11th day of February, 2010, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

I, Mayor Rubio, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item ____, Page ____, of the board meeting minutes of _____, 2010 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED _____

BY _____

Ralph Rubio
Chair, Board of Directors
Fort Ord Reuse Authority

ATTACHMENT B

Item 7b

FORA Board Meeting, February 11, 2010

FORA Master Resolution Section	Finding of Consistency	Justification for finding
(1) Does not provide for a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;	Yes	The Marina Housing Element did not change land use designations.
(2) Does not provide for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;	Yes	The Housing Element does not allow development to be more dense than permitted in the Base Reuse Plan.
(3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.	Yes	The Housing Element is in compliance with applicable programs. See Marina's Consistency Analysis – Sections 8.02.020 (a) to (t), pages 1-6.
(4) Does not provide uses which conflict with or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict with or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;	Yes	No conflict or incompatibility exists between the Marina Housing Element and BRP. See Marina's Consistency Analysis – Sections 8.02.020 (a) to (d), page 1.
(5) Requires or otherwise provides for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision;	Yes	The Marina Housing Element does not modify Marina's obligation to contribute to base-wide costs. See Marina's Consistency Analysis – Sections 8.02.020 (n) and (o), page 5.
(6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan.	Yes	The Marina Housing Element provides for implementation of the Habitat Management Plan. See Marina's Consistency Analysis – Sections 8.02.020 (a) to (d), page 1.
(7) Is consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.	Yes	The Marina Housing Element is consistent with Highway 1 Scenic Corridor design standards.
(8) Is consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.	Yes	The Marina Housing Element is consistent with job/housing balance requirements. See Marina's Consistency Analysis – Sections 8.02.020 (t), page 6.
(9) Prevailing Wage	Yes	The Marina Housing Element does not modify prevailing wage requirements.



Steve Endsley
Director of Planning and Financing
Fort Ord Reuse Authority
100 12th Street Bldg 2880
Marina, CA 93933-6006

January 27, 2010

RE: Request for FORA Consistency Determination in Accordance with FORA Master Resolution, Article 8.01.020

Dear Steve:

Attached are documents needed for FORA to certify consistency of the City of Marina Housing Element 2008-2014 with the Fort Ord Base Reuse Plan.

The Housing Element was adopted by the Marina City Council on September 1, 2009 by Resolution No. 2009-47 and certified by the California Department of Housing and Community Development on December 16, 2009. The project consists of a Mitigated Negative Declaration (MND) and General Plan Amendment.

The City of Marina finds the Housing Element to be consistent with the Fort Ord Base Reuse Plan based on the attached reports and consistency analysis matrix, and requests that FORA concur with this determination and certify the project.

The submittal package has been prepared in accordance with instructions received from Jonathan Garcia of your staff, and includes a memorandum describing web links to the MND and Appendices, as well as 30 copies of the remaining materials on CD ROM's. Two complete hard copies of the package are also included.

I understand that these projects will be reviewed by the FORA Administrative Committee on February 3, 2010 and FORA Board of Directors on February 11, 2010.

Thank your for your help in expediting this very important and exciting project.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine di Iorio". The signature is fluid and cursive, with a large initial "C" and "di" that are connected.

Christine di Iorio, AICP
Community Development Director

Cc: Douglas Yount, Development Services Director



Memorandum

DATE: January 29, 2010

TO: Steve Endsley, Director of Planning and Finance, FORA

FROM: Christine di Iorio, Community Development Director

SUBJECT: **Web Links Related to City of Marina Final Housing Element 2008-2014 Consistency Determination**

This memorandum is part of the City of Marina's submittal for a FORA consistency determination for the City Council's legislative actions on the above referenced project.

The CEQA determination for the project is a Mitigated Negative Declaration (MND). The following links direct interested persons to the City of Marina's web site to view the City of Marina Final Housing Element 2008-2014 & Initial Study and Mitigated Negative Declaration as referenced in the attached staff report and consistency determination. Copy and paste the web link into your web browser.

Web link to City of Marina Final Housing Element 2008-2014:

<http://www.ci.marina.ca.us/DocumentView.aspx?DID=766>

Web link to Initial Study and Mitigated Negative Declaration:

<http://www.ci.marina.ca.us/DocumentView.aspx?DID=558>

Note: If a box appears that says "There is a problem with Adobe Acrobat/Reader. Please exit Adobe Acrobat/Reader and try again", just click "OK" and the document will download anyway.

Consistency Determination

CITY OF MARINA HOUSING ELEMENT 2008-2014 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 February 2, 2010	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element of the General Plan
Natural Resources	
<p>(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.</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. It establishes a program, the Downtown Specific Plan, to plan for the intensification of already developed land, which will help conserve open space.</p>
<p>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.</p>	<p>See above statement.</p>
<p>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.</p>	<p>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.</p>
<p>(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.</p>	<p>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.</p>
<p>(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.</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>
<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>

**CITY OF MARINA HOUSING ELEMENT 2008-2014
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 February 2, 2010**

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

Housing Element of the General Plan

Historic Preservation

(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.

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.

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.

(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.

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.

Rather, it provides an inventory of already entitled projects which have independently addressed historic preservation as appropriate.

(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.

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.

Water, Sewer, Drainage & Waste

(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.

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.

(i) Each land use agency shall adopt the following policies and programs:

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.
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.
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.

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.

CITY OF MARINA HOUSING ELEMENT 2008-2014
CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
February 2, 2010

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element of the General Plan
(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:	
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.	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.
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.	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.
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.	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.
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.	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.
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.	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.
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.	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.
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.	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.
8. Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.	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.
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.	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.

**CITY OF MARINA HOUSING ELEMENT 2008-2014
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 February 2, 2010**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element of the General Plan
(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:	
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.	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.
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.	
(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.	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.
(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.	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.
Traffic & Circulation	
(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.	

CITY OF MARINA HOUSING ELEMENT 2008-2014
CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
February 2, 2010

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element of the General Plan
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.
<i>Fire Protection</i>	
(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.

**CITY OF MARINA HOUSING ELEMENT 2008-2014
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 February 2, 2010**

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

Housing Element of the General Plan

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.

Honorable Mayor and Members
Of the Marina City Council

City Council Meeting
of September 1, 2009

CITY COUNCIL CONSIDER OPENING A PUBLIC HEARING, RECEIVE ANY TESTIMONY FROM THE PUBLIC, AND; CONSIDER ADOPTING RESOLUTION NO. 2009-, ADOPTING AND CERTIFYING A MITIGATED NEGATIVE DECLARATION FOR THE FINAL HOUSING ELEMENT 2008-2014, AND; CONSIDER ADOPTING RESOLUTION NO. 2009-, AMENDING THE CITY OF MARINA GENERAL PLAN BY ADOPTING THE FINAL HOUSING ELEMENT 2008-2014

REQUEST:

It is requested that the City Council:

1. Open a public hearing, receive any testimony from the public, and;
2. Consider adopting Resolution No. 2009-, adopting and certifying a Mitigated Negative Declaration for the Final Housing Element 2008-2014, and;
3. Consider adopting Resolution No. 2009-, amending the City of Marina General Plan by adopting the Final Housing Element 2008-2014.

BACKGROUND:

According to State law, the Housing Element (HE) is one of seven (7) required elements of the City's General Plan. The planning cycle covered by the Housing Element is five (5) to seven (7) years and the City's current Housing Element covered the period 2000-07. At a regularly scheduled meeting of December 5, 2004, the City Council adopted Resolution No. 2004-219, which adopted the Housing Element 2000-07, as amended.

Public Participation in the Housing Element Update:

The process of updating the 2000-07 Housing Element began in September, 2008. A website was created so that the update process would be readily accessible to the public. Announcements about meetings were made at City Council and Planning Commission meetings and Public Service Announcements broadcast on community cable access television.

Notices about a Public Workshop held on October 25, 2008 and flyers about the Update Process and schedule were available at City Hall, City Council Chambers, Planning Services Division office, Strategic Development Center, the Marina Library and Senior Center. Notices and flyers were mailed to churches and 800+ affordable housing tenants and provided to agencies involved in special needs housing and homeless services.

At a special joint meeting on December 9, 2009, the highlights of each section of the Draft Housing Element were presented to the City Council and Planning Commission and changes to the Draft HE were requested. Minutes for both the October 8, 2008 and December 9, 2008 meetings are located in Appendix A of the HE. The revised Draft Housing Element was submitted to the State Department of Housing and Community Development (HCD) on December 16, 2009 for a sixty (60) day review period.

On February 13, 2009, the City received comments from HCD. The City responded to the comments in a letter on March 13, 2009 and included proposed revisions to the Draft Housing Element to address the HCD comments. The Final Housing Element includes the City's responses to the additional comments.

Notably, Chapter 3, Sites Inventory and Analysis, of the Draft HE included an inventory of seventy seven (77) vacant and underutilized sites in central Marina. Many properties within the Downtown Specific Plan (DSP) boundary were included in the inventory, because they were identified in the 2004 Housing Element or the Downtown Specific Plan analysis of opportunity sites in 2007.

In the fall of 2008, Section 65863 of the Planning, Zoning and Development Laws was revised to require that local governments must ensure that the number of residential units per site identified in Housing Element are achievable throughout the HE's planning period.

On July 9, 2009, at a regular meeting, the Planning Commission opened a public hearing to consider recommendations to the City Council. On July 30, 2009, at a regular meeting, at the conclusion of the public hearing the Planning Commission adopted Resolution No. 2009-10 recommending that City Council consider adopting a Mitigated Negative Declaration for the Final Housing Element 2008-2014. The Planning Commission also adopted Resolution No. 2009-11 recommending that City Council consider amending the City of Marina General Plan by adopting the Final Housing Element 2008-2014, with recommended changes to the proposed Final Housing Element made accordingly.

ANALYSIS:

The Final Housing Element 2008-2014 is presented in a "track changes" format so that readers can readily see the proposed revisions to the Draft Housing Element that the Planning Commission and City Council examined closely in November-December 2008.

As a result of changes to Section 65863 of California's Planning, Zoning and Development Laws, and the need for greater clarity regarding the development/redevelopment potential of parcels listed in Chapter 3, the inventory of sites in central Marina was revised to cite only the twenty-nine (29) vacant or under-utilized sites that are located outside of the boundaries of the Downtown Specific Plan. Table 3-8 now shows that 532 additional units will need to be accommodated in the DSP area during the 2008-2014 HE planning period, at the very low income, low income and moderate income levels.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Adoption of a General Plan element is defined as a program-level project in the CEQA Guidelines Sections 15166 and 15168. The CEQA analysis focuses on the effects of the proposed Housing Element policies and programs on a City-wide (program-level) basis. In this type of analysis, mitigation measures are also program-level and focus on policies and programs that would serve to reduce potential impacts to less than significant levels.

The Initial Study ("**EXHIBIT B**") identifies the recently certified Environmental Impact Reports (EIRs) for the approvals of the General Plan (October 2000), the Marina Station (2007), Marina Heights (2004), Cypress Knolls (2006), and The Dunes (2005) (previously University Villages) projects as providing adequate environmental analysis, disclosure and mitigation

measures for potential cumulative impacts. Policies in the HE do not propose to change land use or rezone any specific parcels for housing within Marina.

In addition to the mitigation measures identified in these environmental documents, staff has also included a new mitigation measure for addressing ways to limit greenhouse gas emissions in the MND (Program 13.1 in Chapter 6 of the Final HE). The measure would require the City to consider ways to reduce greenhouse gas emissions at the time specific housing development projects are brought forth.

The Mitigated Negative Declaration was circulated for public review from April 24, 2009 to May 29, 2009. No comments were received.

Subsequent CEQA review for the Downtown Specific Plan and other individual rezoning and development actions would occur at the time these are brought forth and would identify site-specific impacts and additional mitigation measures in appropriate detail.

FISCAL IMPACT :

Over the next five years there will be costs associated with the implementation of the General Plan Housing Element. Program implementation timeframes are consistent with the City's adopted Work Priorities for FY 09/10 and are budgeted for under various accounts, or are administrative activities associated with the various functions of governance. Budgeted priorities for FY 09/10 include: Program 1.1, Rezone within the Downtown Specific Plan Area; Program 1.3, Mixed Use/Increased Density – MST Site; Program 7.3, Green Building Ordinance; and Program 11.3, Emergency Shelters, Transitional and Supportive Housing. Items that are not yet programmed and that will require future expenditures will be cost-estimated and presented for programming during City Council priority setting exercises.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Jennifer Coile, AICP
Interim Housing Coordinator
City of Marina

Theresa Szymanis, AICP
Planning Services Manager
City of Marina

REVIEWED/CONCUR:

Christi Di Iorio, AICP
Community Development Director
City of Marina

Anthony J. Altfeld
City Manager
City of Marina

REVIEWED/CONCUR FOR FISCAL IMPACT

Lauren Lai, CPA
Finance Director
City of Marina



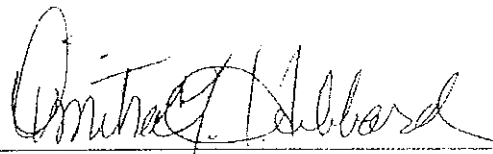
CITY OF MARINA
211 Hillcrest Avenue
Marina, CA 93933
831-884-1278; FAX 831-384-9148
www.ci.marina.ca.us

CERTIFICATE OF THE CITY CLERK

I, DIMITRA M. HUBBARD, DEPUTY CLERK OF THE CITY OF MARINA, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of City Council **Resolution No. 2009-146**, adopting and certifying Mitigated Negative Declaration for Final Housing Element 2008-2014 and adopting **Resolution No. 2009-147**, amending City of Marina General Plan by adopting Final Housing Element 2008-2014, adopted by the City Council of the City of Marina at a regular meeting duly held on the 1ST day of September 2009 and that the original appears on record in the office of the City Clerk.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MARINA

Date: September 2, 2009


Dimitra M. Hubbard, Deputy City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
ADOPTING AND CERTIFYING A MITIGATED NEGATIVE
DECLARATION FOR THE FINAL HOUSING ELEMENT 2008-2014

WHEREAS, for the Final Housing Element 2008-2014, an Initial Study ("Exhibit A") was prepared to determine if the project could have a significant impact on the environment, and;

WHEREAS, it was determined that a Mitigated Negative Declaration (MND) ("Exhibit B") would be required, and;

WHEREAS, the Initial Study for the Final Housing Element 2008-2014 identifies the recently certified Environmental Impact Reports (EIR's) for the approvals of the General Plan (October 2000), the Marina Station (2007), Marina Heights (2004), Cypress Knolls (2006), and The Dunes (2005) (previously University Villages) projects as providing adequate environmental analysis, disclosure and mitigation measures for potential cumulative impacts, and;

WHEREAS, in addition to the mitigation measures identified in these environmental documents, staff has also included a new mitigation measure for addressing ways to limit greenhouse gas emissions in the MND. The measure would require the City to consider ways to reduce greenhouse gas emissions at the time specific housing development projects are brought forth, and;

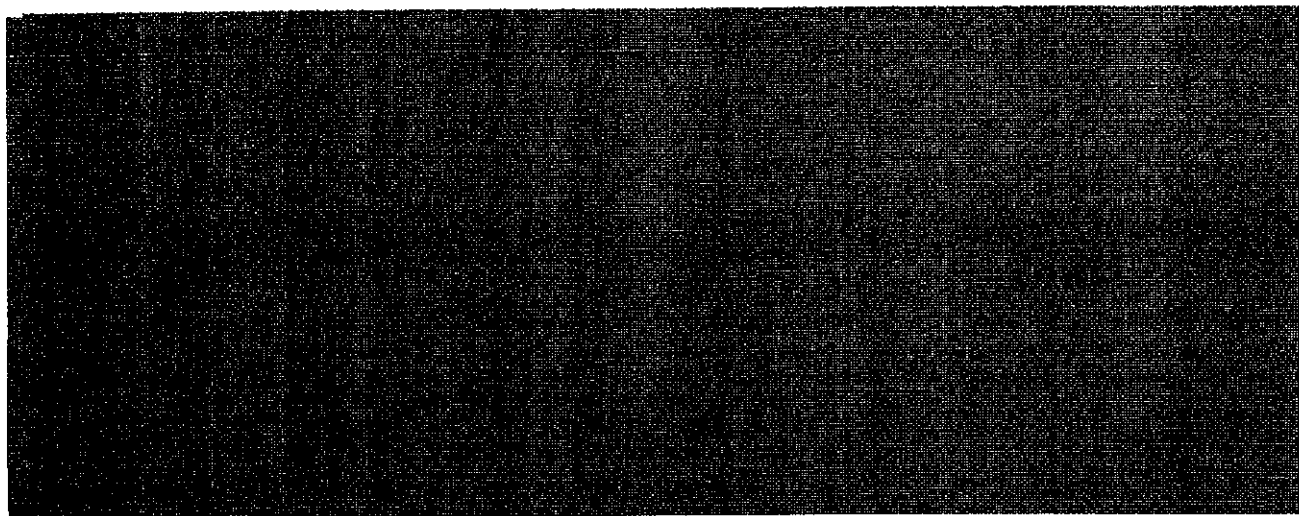
WHEREAS, the Mitigated Negative Declaration was circulated for public review from April 24, 2009 to May 29, 2009, and no comments were received, and;

WHEREAS, the California Environmental Quality Act (CEQA) Statutes and Guidelines provide that an MND may be adopted for a project where potentially significant impacts have been reduced to less than significant, and;

WHEREAS, the Planning Commission of the City of Marina, following Notice of Intent to Adopt a Mitigated Negative Declaration, opened a duly noticed public hearing on the draft Mitigated Negative Declaration for the proposed project at its meeting on July 9, 2009, and this hearing was continued to July 30, 2009 at 6:30 p.m., and;

WHEREAS, on July 30, 2009, at a regular meeting, the Planning Commission continued the public hearing, considered all the information in the staff report for the meeting, as well as all written comments received prior to or during the meeting and all oral testimony presented at the public hearing related to the proposed project before closing the public hearing and adopted Resolution No. 2009-10 that recommended that City Council adopt and certify a Mitigated Negative Declaration for the Final Housing Element 2008-2014, and;

WHEREAS, the City Council of the City of Marina, following Notice of Intent to Adopt a Mitigated Negative Declaration, opened a duly noticed public hearing on the draft Mitigated Negative Declaration for the proposed project at its meeting on September 1, 2009, considered all the information in the staff report for the meeting, as well as all written comments received prior to or during the meeting and all oral testimony presented at the public hearing related to the proposed project before closing the public hearing.



NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby adopt and certify a Mitigated Negative Declaration for the Final Housing Element 2008-2014, with the following required Findings and Mitigation Measures:

Mitigated Negative Declaration Findings

1. That an Initial Study and Mitigated Negative Declaration was prepared by the City of Marina as the Lead Agency, and was properly circulated for public review and comment for 30 days from April 24, 2009 to May 29, 2009.
2. That although the proposed project could have a significant effect on the environment, there will not be significant effect in this case because mitigation measures described in the attached Initial Study are hereby made part of this Mitigated Negative Declaration and have been added to the Project.
3. That on the basis of the whole record before it, there is no substantial evidence that, as mitigated, the Project may have a significant effect on the environment.
4. That the Initial Study and proposed Mitigated Negative Declaration for the Project were independently reviewed and analyzed by the City Council and reflect the independent judgment and analysis of the City Council.
5. That such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole).
6. That the Project complies with CEQA, and that the proposed MND is legally adequate and was presented to the City Council, which reviewed and considered the information contained therein prior to acting on approvals for the Project.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 1st day of September 2009, by the following vote:

AYES, COUNCIL MEMBERS: Ford, McCall, O'Connell, Gray, Delgado

NOES, COUNCIL MEMBERS: None

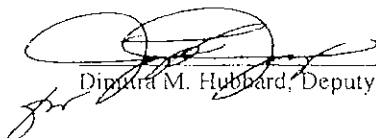
ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

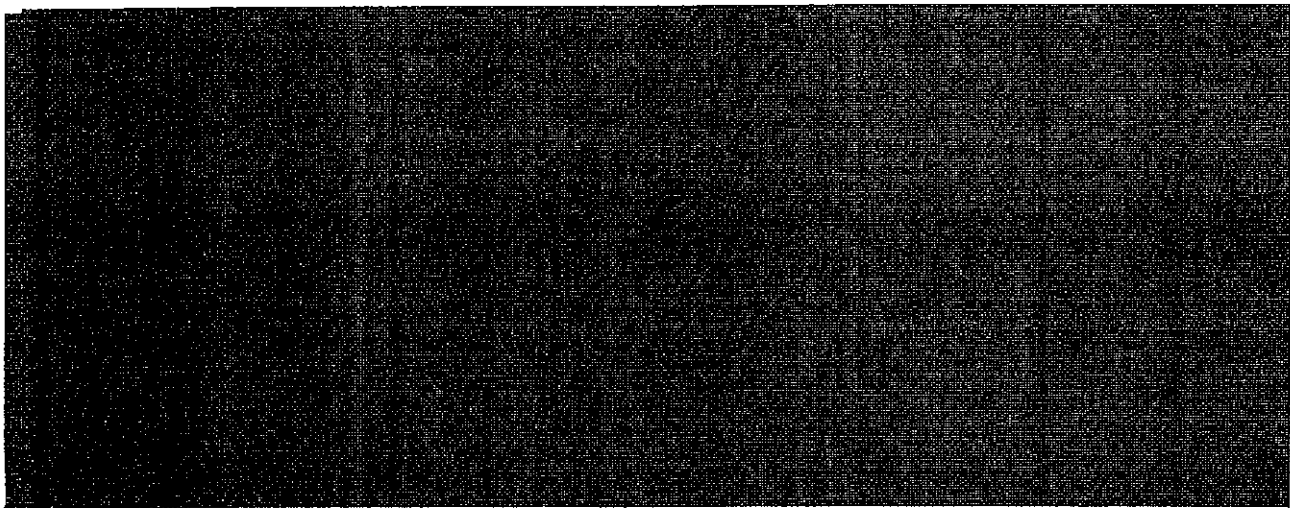


Bruce C. Delgado, Mayor

ATTEST:



Dimpura M. Hubbard, Deputy City Clerk



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AMENDING THE CITY OF MARINA GENERAL PLAN BY
ADOPTING THE FINAL HOUSING ELEMENT 2008-2014

WHEREAS, the City of Marina has been engaged in an extensive public outreach process since September 2008 concerning the update of the City of Marina Housing Element of 2000-2007, and;

WHEREAS, at a special joint meeting on December 9, 2008, the City Council and Planning Commission considered the Draft Housing Element 2008-2014 and recommended changes, and;

WHEREAS, the Draft Housing Element was submitted to the California Department of Housing and Community Development on December 16, 2008 and the HCD submitted comments on the draft on February 13, 2009, and;

WHEREAS, City staff responded to the comments on March 13, 2009, and received further comments from HCD on May 15, 2009, and;

WHEREAS, the Final Housing Element 2008-14 ("Exhibit A") incorporates revisions in response to the comments of the HCD, and;

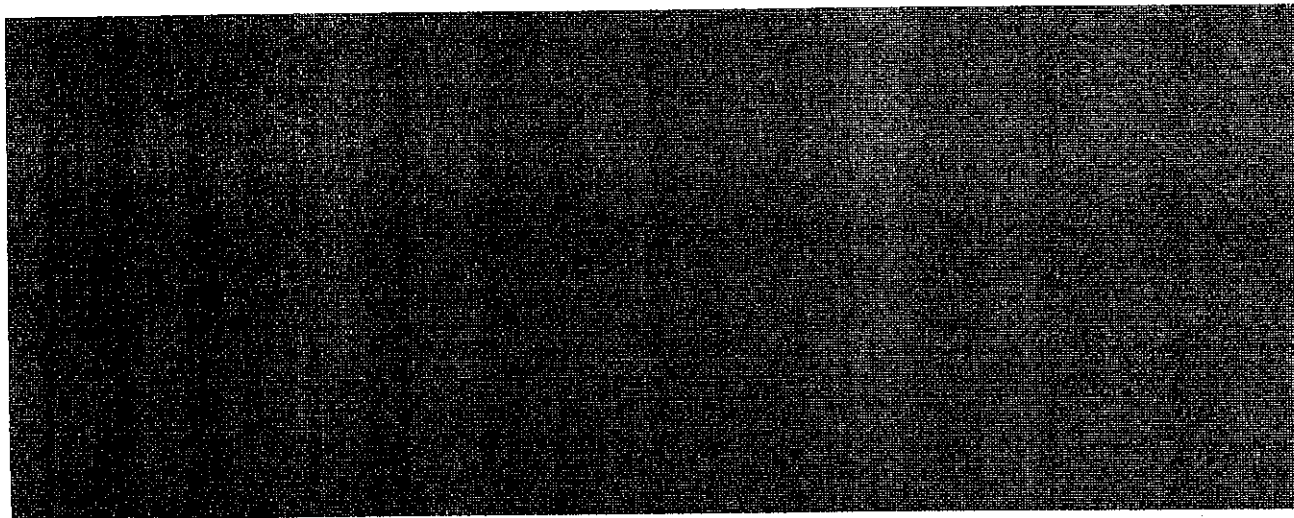
WHEREAS, on July 9, 2009, the Planning Commission of the City of Marina opened a duly noticed public hearing to consider its recommendation to the City Council on the Final Housing Element 2008-2014, and;

WHEREAS, on July 30, 2009, at a regular meeting, the Planning Commission continued the public hearing, considered all the information in the staff report for the meeting, as well as all written comments received prior to or during the meeting and all oral testimony presented at the public hearing related to the proposed project before closing the public hearing, and adopted Resolution No. 2009-10 that recommended that City Council amend the Marina General Plan by adopting the Final Housing Element 2008-2014, with amendments, and;

WHEREAS, on September 1, 2009, the City Council of the City of Marina opened a duly noticed public hearing to consider adopting the Final Housing Element 2008-2014, considered all the information in the staff report for the meeting, as well as all written comments received prior to or during the meeting and all oral testimony presented at the public hearing related to the proposed project before closing the public hearing, and;

WHEREAS, the City Council finds that although the proposed project could have a significant effect on the environment, there will not be significant effect in this case because mitigation measures described in the Initial Study are hereby made part of the Mitigated Negative Declaration adopted by Resolution No. 2009-146 and have been added to the Project, and;

WHEREAS, there is adequate funding for the staff, housing consultation, and legal service costs associated with amending the Marina General Plan to adopt the Final Housing Element 2008-2014 within the FY 2008-09 and FY 2009-10 Budget and will be charged to General Fund, Planning Services Budget, Account No. 11.161.65890-8003 and as of August 24, 2009, the remaining housing consultation contract balance is approximately \$1,000 and remaining legal consultation contract balance is approximately \$1,500 to finalize this matter, and;



WHEREAS, there will be costs associated with the implementation of the General Plan over the next five (5) years and these program implementation costs will be presented to the City Council for source of funding and appropriation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby amend the City of Marina General Plan by adopting the Final Housing Element 2008-2014.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 1st day of September 2009, by the following vote:

AYES, COUNCIL MEMBERS: Ford, McCall, O'Connell, Gray, Delgado

NOES, COUNCIL MEMBERS: None

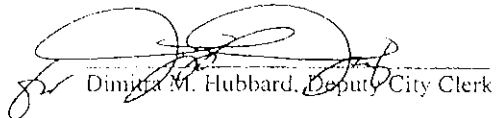
ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

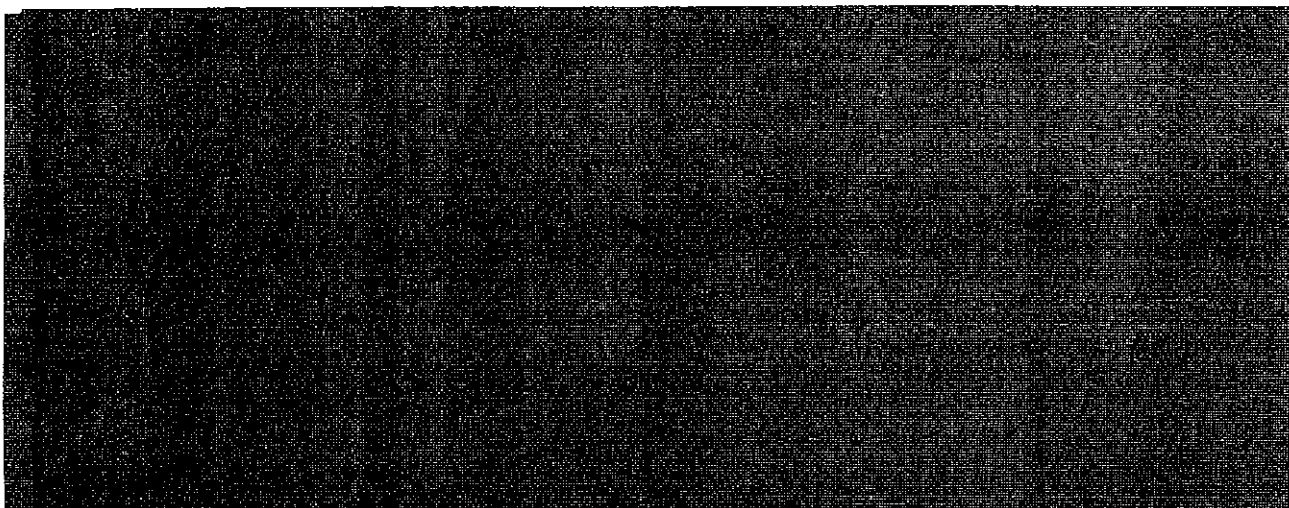


Bruce C. Delgado, Mayor

ATTEST:

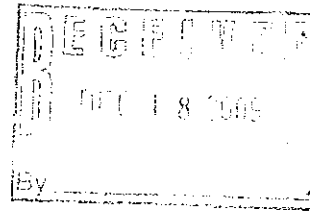


Dimitra M. Hubbard, Deputy City Clerk



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

1800 Third Street, Suite 430
P O Box 952053
Sacramento CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



CC: CDD
DSD

December 16, 2009

Mr. Anthony J. Altfeld
City Manager
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Dear Mr. Altfeld:

RE: Review of the City of Marina's Adopted Housing Element

Thank you for submitting Marina's housing element adopted September 1, 2009 and received for the Department's review on September 22, 2009. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(h). Telephone conversations with Ms. Christi de Iorio, Planning Director, Ms. Theresa Szymanis, Planning Services Manager, and Ms. Jennifer Coile, Interim Housing Coordinator, facilitated the review.

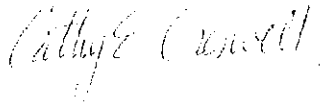
The revised draft element addresses the statutory requirements described in the Department's May 15, 2009 review. As a result, the Department is pleased to find the element in full compliance with State housing element law (Article 10.6 of the Government Code). The element now includes an analysis of the suitability of sites to address Marina's remaining regional need. In addition, Programs 1.4 and 1.6 commit the City to monitor development in mixed-use zones to ensure sufficient residential development occurs and encourage lot consolidation through assistance including use of Redevelopment Agency funds. These programs will facilitate meeting a need for more compact development with a mix of uses to address climate change, energy conservation, air quality, and maximize land resources. Such strategies also promote the feasibility of developing housing for lower-income families and workers while strengthening local economies.

To accommodate the City's regional need for lower-income households, the element identifies capacity within approved specific plans (Marina Station and South Marina) for at least 310 units affordable to very low- and low-income households pursuant to approved development agreements. To accommodate its remaining need for lower-income households, the element identifies sites zoned C-1 and R-4 with potential to address a portion of the City's need for lower-income households. In addition, the element indicates the City will develop a specific plan (Downtown Specific Plan) and includes Program 1.1 committing to rezone a minimum of 27 acres within the area allowing multifamily development by-right at minimum densities of 20 units per acre. To provide realistic and viable development opportunities during the planning period, Program 1.1 should be implemented early in the planning period. The City should report on the implementation progress of this and other programs through the General Plan annual progress report required pursuant to Government Code Section 65400.

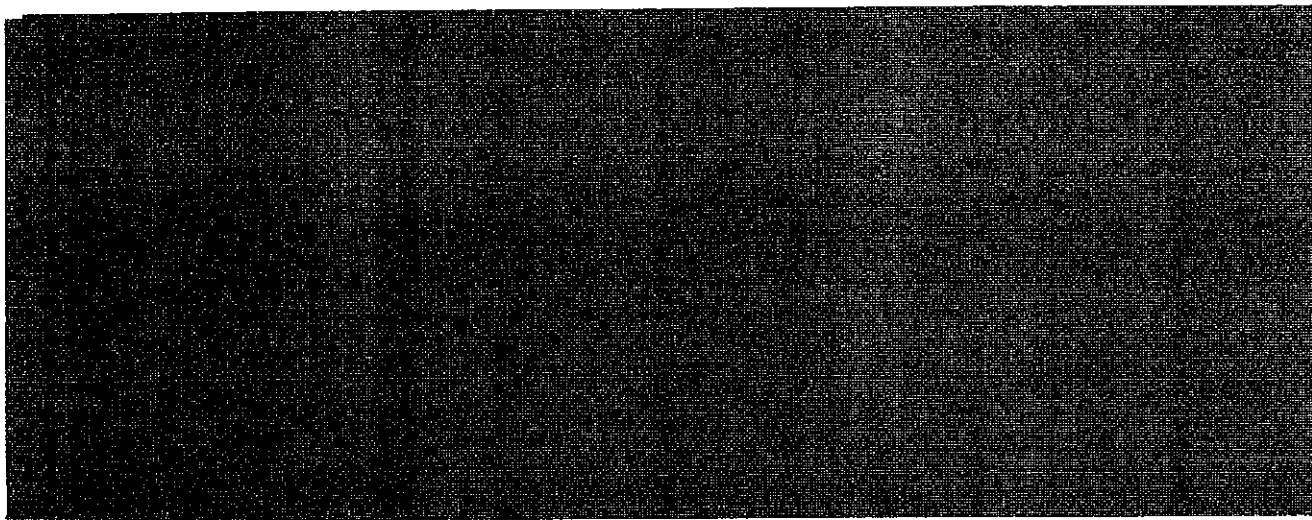
In addition, the City now meets specific requirements for several State funding programs designed to reward local governments for compliance with State housing element law. For example, the Housing Related Parks Program, authorized by Proposition 1C, Local Housing Trust Fund and the Building Equity and Growth in Neighborhoods (BEGIN) Programs include housing element compliance either as a threshold or competitive factor in rating and ranking applications. More specific information about these and other programs is available on the Department's website at http://www.hcd.ca.gov/hpd/hrc/pian/he/loan_grant_hecompl011708.pdf.

The Department appreciates the cooperation and assistance provided by Ms. de lorio, Ms. Szymanis, and Ms. Coile throughout the course of the review. If the Department can provide assistance in implementing the housing element, please contact James Johnson, of our staff, at (916) 323-7271.

Sincerely,



Cathy E. Creswell
Deputy Director



FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	CONSISTENCY DETERMINATION: Salinas Valley Memorial Healthcare System Imjin Parkway Project	
Meeting Date:	February 11, 2010	ACTION
Agenda Number:	7c	

RECOMMENDATION(S)

Approve Resolution 10-03 (“**Attachment A**”), concurring in the City of Marina’s (“Marina”) legislative land use and development entitlement consistency determination and making findings that the Salinas Valley Memorial Healthcare System Imjin Parkway project (“SVMHS project”) is consistent with the Fort Ord Base Reuse Plan (“BRP”).

BACKGROUND

Marina submitted the SVMHS project for consistency determination on January 27, 2010 (See attached letter submittal dated “**January 27, 2010**”). The SVMHS project consists of a Mitigated Negative Declaration, General Plan Land Use Map Amendment, Zoning District Map Amendment, Site and Architectural Design Review, and Tree Removal Permit. Marina requested a Legislative Land Use Decision and Development Entitlement review of the SVMHS project in accordance with sections 8.02.010 and 8.02.030 of the Fort Ord Reuse Authority (“FORA”) Master Resolution. Under state law, (as codified in FORA’s Master Resolution) legislative land use decisions (plan level documents such as General Plans, Zoning Codes, Specific Plans, Redevelopment Plans, etc.) processes differ from development entitlement (a project under an approved General Plan and Zoning designation) consistency determinations. By law, legislative land use decisions must be scheduled for FORA Board review under strict timeframes. Development entitlements are treated differently by the law; they are reviewed by staff to determine consistency with the BRP. The legislative framers wrote the law this way in recognition of the high volume of development entitlements expected to be processed by member jurisdictions.

It is important to note that the Community Facilities District (“CFD”) fees for this project will be paid and that, in March 2001, the FORA Board found Marina’s General Plan, Marina’s legislative land use document applicable to this project, to be consistent with the BRP and Chapter 8 of the Master Resolution. The Administrative Committee endorsed the consistency recommendation for the SVMHS project at it’s February 3, 2010 meeting.

DISCUSSION

Marina staff will be available to provide additional information to the FORA Board on February 11, 2010. In all consistency determinations, the following additional considerations are made and included in abbreviated format in a summary table (“**Attachment B**”).

Rationale for consistency determinations FORA staff finds that there are several defensible rationales for making an affirmative consistency determination. Sometimes

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

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

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

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

The SVMHS project is located on an approximately 5.56-acre site at the northwest corner of Imjin Parkway and Third Avenue in Marina. The SVMHS project site developed from a property exchange agreement between Monterey Peninsula College ("MPC") and the Marina Redevelopment Agency ("MRA"). MPC will acquire additional property from the MRA east of Third Avenue to combine with its existing MPC Marina Satellite Campus in exchange for transferring this 5.56-acre site to the MRA. The SVMHS project is located in a school/university land use designation area of the BRP and is currently within Marina's General Plan Land Use Map designation of "Public Facilities – Education" and Zoning Map district of "Public Facility." The amendments to the Marina General Plan and Zoning Maps to "Office Research" and "Planned Commercial District" would not establish a land use designation that is more intense than the uses permitted in the Base Reuse Plan.

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

Marina's submittal correctly asserts that the intensity of the SVMHS project is consistent with the BRP thresholds. Table 3.3-1 Summary Land Use Capacity: Ultimate Development in the BRP assumes 549 acres of land dedicated to Business Park/Light Industrial/Office/R&D within Marina's area of the former Fort Ord. After subtracting previously approved projects within Marina's portions of former Fort Ord, the SVMHS project is well below that threshold.

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

These conditions are imposed on the project and are explained in greater detail in Marina's Consistency Analysis Matrix items (a) to (t), part of Marina's submittal.

(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 SVMHS project does not impact open space, recreational, or habitat management areas within FORA's 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

The SVMHS project will pay its fair share of the basewide costs through the developer fees and tax increment that will accrue to FORA, as well as land sales revenues.

(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 SVMHS project only affects lands that are located within areas designated for "Development" under the HMP. Lands designated as "Development" have no management restrictions placed upon them as a result of the HMP. The SVMHS project would not conflict with implementation of the Fort Ord HMP.

Additional Considerations from Section 8.02.030 of the FORA Master Resolution Concerning Development Entitlement Consistency

(7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board and

All of the elements of this project are outside of the Highway 1 Design Guidelines 1,000' corridor.

(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 project would increase employment opportunities on the former Fort Ord and support redevelopment activities. This is consistent with the jobs/housing balance approved by the FORA Board.

Additional Considerations

(9) Adoption of required programs from section 8.02.040 of the FORA Master Resolution and

Marina has incorporated BRP programs and is consistent with the BRP Environmental Impact Report ("EIR") and mitigation monitoring plan. Marina has adopted the HMP and the submittal conforms to the Development Resource Management Plan and FORA Master Resolution.

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

The SVMHS project will comply with FORA's prevailing wage policies.

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 SVMHS project is subject to the FORA CFD that ensures a fair share payment of appropriate future fees to mitigate for impacts delineated in the 1997 BRP and accompanying Environmental Impact Report. Marina has agreed to provisions for payment of all required fees for future developments in the former Fort Ord under its jurisdiction.

Staff time to review this matter is included in the fiscal year 2009-10 operating budget.

COORDINATION:

City of Marina, Planners Working Group, Administrative Committee, and Executive Committee

Prepared by Jonathan Garcia Reviewed by Steve Endsley
Jonathan Garcia Steve Endsley

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

DRAFT

Resolution 10-03

Resolution Determining Consistency of)
City of Marina Salinas Valley Memorial)
Healthcare System project)

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

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan under Government Code Section 67675, et seq.
- B. After FORA adopted the reuse plan, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of 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 February 2, 2009, the City of Marina adopted the Marina Salinas Valley Memorial Healthcare System ("SVMHS") project (comprised of a Mitigated Negative Declaration, General Plan Land Use Map Amendment, Zoning District Map Amendment, Site and Architectural Design Review, and Tree Removal Permit), affecting lands on the former Fort Ord. The City of Marina also found the SVMHS project is consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the Fort Ord Reuse Authority Act and considered the Fort Ord Base Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations.
- F. On February 2, 2010, the City of Marina recommended that FORA concur in the City's determination that FORA's Final Base Reuse Plan, certified by the Board on June 13, 1997, and the SVMHS project are consistent.
- G. Consistent with the Implementation Agreements between FORA and Marina, on January 27, 2010, Marina provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the City of Marina's action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the SVMHS project is consistent with the Fort Ord Base Reuse Plan and the Fort Ord Reuse Authority Act (collectively, "Supporting Material"). Marina requested that FORA certify the SVMHS project as being consistent with the Fort Ord Base Reuse Plan for those portions of Marina that lie within the jurisdiction of the Fort Ord Reuse Authority.

- 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 SVMHS project is consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the SVMHS project before the FORA Board on February 11, 2010.
- I. Master Resolution, Chapter 8, Section 8.02.010(a)(4) reads in part: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property..."
- J. In this context, 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."
- K. FORA's consistency determination must be based upon the overall congruence between the submittal and the Reuse Plan, not on a precise match between the two.

NOW THEREFORE be it resolved:

1. The FORA Board recognizes that the City of Marina's February 2, 2010 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and the SVMHS project was appropriate.
2. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Marina's Mitigated Negative Declaration is adequate and complies with the California Environmental Quality Act. The Board finds further that these documents are sufficient for purposes of FORA's determination for consistency of the SVMHS project.
3. The Board has considered the materials submitted with this application, the recommendation of the Executive Officer and Administrative Committee concerning the application and oral and written testimony presented at the hearings on the consistency determination, which are hereby incorporated by reference.
4. The Board finds that the Marina SVMHS project is consistent with the Fort Ord Base Reuse Plan. The Board further finds that the legislative decision made herein has been based in part upon the substantial evidence submitted regarding allowable land uses, a weighing of the Base Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided, and that the cumulative land uses contained in Marina's submittal are not more intense or dense than those contained in the Base Reuse Plan.

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

Upon motion by _____, seconded by _____, the foregoing resolution was passed on this 11th day of February, 2010, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

I, Mayor Rubio, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item ____, Page ____, of the board meeting minutes of _____, 2010 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED _____

BY _____
Ralph Rubio
Chair, Board of Directors
Fort Ord Reuse Authority

FORA Master Resolution Section 8.02.010 (1-6) and additional considerations (7-10)	Finding of Consistency	Justification for finding
(1) Does not provide for a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;	Yes	This development is not more intense than permitted under the current land use designation. See Marina's Consistency Analysis Matrix items (a) through (e) pg. 1-2.
(2) Does not provide for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;	Yes	The project's expansion is well below the 549-acre Business Park/Light Industrial/Office/R&D threshold. See Marina's Consistency Analysis Matrix item (e) pg. 2.
(3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.	Yes	These conditions are imposed on the project. See Marina's Consistency Analysis Matrix items (a) to (t).
(4) Does not provide uses which conflict with or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict with or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;	Yes	The project does not impact open space, recreational, or habitat management areas. See Marina's Consistency Analysis Matrix item (a) pg. 1.
(5) Requires or otherwise provides for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision;	Yes	The project will pay its fair share of base-wide costs through payment of developer fees, tax increment, and land sale proceeds. See Marina's Consistency Analysis Matrix items (n) through (r) 4-5.
(6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan.	Yes	The project does not conflict with implementation of the Fort Ord Habitat Management Plan. See Marina's Consistency Analysis Matrix item (a) pg. 1.
(7) Is consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.	Yes	The project is outside of Hwy 1 Design Guidelines 1,000' corridor. See Marina's Consistency Analysis Matrix under "other consistency considerations" pg. 6.
(8) Is consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.	Yes	The project complies with the 1997 Reuse Plan jobs/housing balance provisions. See Marina's Consistency Analysis Matrix item (t) pg. 6.
(9) Adoption of required programs from section 8.02.040 of the FORA Master Resolution.	Yes	The submittal conforms to DRMP and BRP EIR. See Marina's Consistency Analysis Matrix items (j) 6, 7 pg 3.
(10) Prevailing Wage section 3.03.090 of the FORA Master Resolution.	Yes	Project shall comply with FORA's prevailing wage policy. See Marina's Consistency Analysis Matrix "other consistency considerations" pg. 6.



Jonathan Garcia
Fort Ord Reuse Authority
100 12th Street, Building 2880
Marina, CA 93933

February 3, 2010

RE: Salinas Valley Memorial Healthcare System (SVMHS) Resolution Amendment

Dear Jonathan:

Please convey the following information to the FORA Board of Directors in relation to Salinas Valley Memorial Healthcare System project that will be before them for a consistency determination on February 11, 2010.

On February 2, 2010, Marina City Council approved five (5) Resolutions and one (1) Ordinance associated with the proposed SVMHS project. The Ordinance will be scheduled for a second reading on the consent calendar at an upcoming City Council meeting. There was one amendment to the Resolution relating to the Site and Architectural Design Review entitled as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING: (1) SITE AND ARCHITECTURAL DESIGN REVIEW DR 2009-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN AND LIGHTING PLAN OF A FOUR BUILDING MEDICAL OFFICE COMPLEX; AND (2) TREE REMOVAL PERMIT TP 2009-03 FOR THE REMOVAL OF NINE TREES, ON THE ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004), SUBJECT TO CONDITIONS

This amendment rewords Condition of Approval 7 (d) as follows:

The construction drawings submitted for building plan check shall include:

“... (d) Native Monterey California plant species shall be substituted for up to 60% for most of those plants that are currently listed on the planting plan that are not native to California, and non-native invasive species shall be prohibited.”

Thank you again for your expeditious and efficient consideration of this important project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christine di Iorio'.

Christine di Iorio, AICP
Community Development Director

Cc: Doug Yount, Development Services Director

**SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM PROJECT
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 February 2, 2010**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Salinas Valley Memorial Healthcare System Project Consistency
<i>Jobs/Housing Balance</i>	
<p>(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.</p>	<p>The SVMHS project complies with the 1997 Reuse Plan jobs/housing balance provisions. Additional employment will be generated as a result of building this medical office complex.</p>
<i>Other Consistency Considerations</i>	
<p>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.</p>	<p>The SVMHS project is not within the proposed Highway One Scenic Corridor.</p>
<p>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.</p>	<p>The SVMHS project is a "first-generation" construction project within the area of the Fort Ord Base Reuse Plan and is therefore subject to pay prevailing wages in effect at the time of construction.</p>

THIS PAGE REPLACES PAGE 6 OF EXHIBIT A

hand out at 2/11/10 bd. mtg.

SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM PROJECT CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 February 2, 2010	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Salinas Valley Memorial Healthcare System Project Consistency
<i>Jobs/Housing Balance</i>	
(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 SVMHS project complies with the 1997 Reuse Plan jobs/housing balance provisions. Additional employment will be generated as a result of building this medical office complex.
<i>Other Consistency Considerations</i>	
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 SVMHS project is not within the proposed Highway One Scenic Corridor.
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.	SVMHS project is a "first generation" construction project within the area of the For Ord Reuse Plan and is therefore subject to pay prevailing wages and shall comply with the provisions outlined in Section 3.03.09 of the Fort Ord Reuse Authority Master Resolution.



Steve Endsley
Director of Planning and Financing
Fort Ord Reuse Authority
100 12th Street Bldg 2880
Marina, CA 93933-6006

January 27, 2010

RE: Request for FORA Consistency Determination in Accordance with FORA Master Resolution, Article 8.01.020

Dear Steve:

Attached are documents needed for FORA to certify the City of Marina's finding of consistency of the Salinas Valley Memorial Healthcare System (SVMHS) project with the Fort Ord Base Reuse Plan.

The ±5.56 acre vacant project site is located at the northwest corner of Imjin Parkway and Third Avenue in Marina. The project consists of a Mitigated Negative Declaration (MND), General Plan Land Use Map Amendment (GP 2009-01), Zoning District Map Amendment (ZM 2009-01), Site and Architectural Design Review (DR 2009-05) and Tree Removal Permit (TP 2009-03).

A public hearing for the Salinas Valley Memorial Healthcare System will be held by the Marina City Council on February 2, 2010. The City of Marina finds the SVMHS project consistent with the Fort Ord Base Reuse Plan based on the attached reports and consistency analysis matrix, and requests that FORA concur with this determination and certify the project.

The submittal package has been prepared in accordance with instructions received from Jonathan Garcia of your staff, and includes a memorandum describing web links to the MND and Appendices, as well as 30 copies of the remaining materials on CD ROM's. Two complete hard copies of the package are also included.

I understand that these projects will be reviewed by the FORA Administrative Committee on February 3, 2010 and FORA Board of Directors on February 11, 2010.

Thank you for your help in expediting this very important and exciting project.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine di Iorio". The signature is fluid and cursive, with a large initial "C" and "d".

Christine di Iorio, AICP
Community Development Director

Cc: Douglas Yount, Development Services Director



Memorandum

DATE: January 29, 2010

TO: Steve Endsley, Director of Planning and Finance, FORA

FROM: Christine di Iorio, Community Development Director

SUBJECT: Mitigated Negative Declaration of Environmental Impact for the Salinas Valley Memorial Healthcare System Project

This memorandum is part of the City of Marina's submittal for a FORA consistency determination for the City Council's legislative actions on the above referenced project.

The CEQA determination for the project is a Mitigated Negative Declaration (MND). The following directs interested persons to the City's web site to view the 338-page MND document, which includes the Initial Study, the Mitigation Monitoring and Reporting Program, and the technical appendices.

Steps

1. www.ci.marina.ca.us
2. Click on "Departments" at the top of the page.
3. Click on "Community Development" in the center of the page.
4. Click on "Salinas Valley Memorial Hospital Environmental Documents – read on" at the very bottom of the page under "News Flash".
5. Click on "Salinas Valley Memorial Hospital Environmental Documents – review document (29.68 MB)" at the very top of the page.
6. If a box appears that says "There is a problem with Adobe Acrobat/Reader. Please exit Adobe Acrobat/Reader and try again.", just click "OK" and the document will download anyway.

January 28, 2010

Item No: ■

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of February 2, 2010

CITY COUNCIL CONSIDER: (1) ADOPTING RESOLUTION NO. 2010- , CERTIFYING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT; (2) ADOPTING RESOLUTION NO. 2010- , MAKING FINDINGS AND DETERMINATIONS PURSUANT TO CALIFORNIA WATER CODE SECTION 109119(c) AND CALIFORNIA GOVERNMENT CODE SECTION 66473(b)(3) AND RESERVING AND ALLOCATING WATER SUFFICIENT TO SERVE THE PROJECT; (3) ADOPTING RESOLUTION NO. 2010- , APPROVING GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 TO CHANGE THE LAND USE DESIGNATION FROM "PUBLIC FACILITIES EDUCATION" TO "OFFICE RESEARCH", CONTINGENT UPON THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA OBTAINING OWNERSHIP OF THE PROJECT SITE; (4) INTRODUCING ORDINANCE NO. 2010- , APPROVING ZONING MAP AMENDMENT ZM 2009-01 TO CHANGE THE ZONING DISTRICT FROM "PUBLIC FACILITY (PF)" TO "PLANNED COMMERCIAL DISTRICT (PC)", CONTINGENT UPON THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA OBTAINING OWNERSHIP OF THE PROJECT SITE; (5) ADOPTING RESOLUTION NO. 2010- , APPROVING SITE AND ARCHITECTURAL DESIGN REVIEW DR 2009-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN AND LIGHTING PLAN OF A FOUR BUILDING MEDICAL OFFICE COMPLEX AND APPROVING TREE REMOVAL PERMIT TP 2009-03 FOR THE REMOVAL OF NINE TREES, SUBJECT TO CONDITIONS; AND (6) ADOPTING RESOLUTION NO. 2010- , FINDING THAT THE LEGISLATIVE LAND USE APPROVALS FOR THE PROJECT ARE CONSISTENT WITH THE FORT ORD REUSE PLAN, ON A ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004)

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2010-, certifying the Mitigated Negative Declaration of Environmental Impact;
2. Adopting Resolution No. 2010-, making findings and determinations pursuant to California Water Code section 10911(c) and California Government Code section 66473(b)(3) and reserving and allocating water sufficient to serve the project;

3. Adopting Resolution No. 2010-, approving General Plan Land Use Map Amendment GP 2009-01 to change the land use designation from “Public Facilities Education” to “Office Research”, contingent upon the Redevelopment Agency of the City of Marina obtaining ownership of the project site;
4. Introducing Ordinance No. 2010-, approving Zoning Map Amendment ZM 2009-01 to change the Zoning District from “Public Facility (PF)” to “Planned Commercial District (PC)”, contingent upon the Redevelopment Agency of the City of Marina obtaining ownership of the project site;
5. Adopting Resolution No. 2010-, approving Site and Architectural Design Review DR 2009-05 for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex and Tree Removal Permit TP 2009-03 for the removal of nine trees, subject to conditions, and;
6. Adopting Resolution No. 2010-, finding that the legislative land use approvals for the project are consistent with the Fort Ord Reuse Plan, on a ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third Avenue (Assessor Parcel No. 031-251-004).

BACKGROUND:

The ±5.56 acre vacant project site is located at the northwest corner of Imjin Parkway and Third Avenue, which is part of the 27,879 acre former Fort Ord.

The project site is currently owned by Monterey Peninsula College (MPC).

In February 2007, MPC executed an agreement with the Marina Redevelopment Agency (RDA) to transfer ownership of the project site to the RDA in exchange for an RDA-owned site across Third Avenue, at the northeast corner of Imjin Parkway and Third Avenue. The new site for MPC would be closer to their existing campus.

In November 2008, the RDA executed an Exclusive Negotiating Agreement with Salinas Valley Memorial Healthcare System (SVMHS), a public district hospital, the successful respondent.

The State Department of Education must also approve the MPC-RDA land transfer. Therefore, City Council approval for the General Plan Land Use Map and Zoning Map amendments will be contingent upon the RDA obtaining ownership of the project site.

On November 23, 2009, at a regular meeting, the Tree Committee adopted Resolution No. 2009-03 recommending Planning Commission consideration of Tree Removal Permit TP 2009-03.

On December 16, 2009, at a regular meeting, the Site and Architectural Design Review Board adopted Resolution No. 2009-17 recommending Planning Commission consideration of Site and Architectural Design Review DR 2009-05.

On January 14, 2010, at a public hearing, the Planning Commission adopted Resolution No. 2010-03, Resolution No. 2010-04, and Resolution No. 2010-05, recommending that the City Council consider: (1) the Mitigated Negative Declaration of Environmental

Impact; (2) General Plan Land Use Map Amendment GP 2009-01 and Zoning Map Amendment ZM 2009-01; and (3) Site and Architectural Design Review DR 2009-05 and Tree Removal Permit TP 2009- 03, respectively.

Specifically, the proposed project is for the development of a new SVMHS medical facility, in addition to the existing main facility in Salinas (see “**EXHIBIT A**” for the plan set). SVMHS anticipates medical uses to include general practitioner physicians, specialist physicians, primary care medical groups, and related lab facilities. Other uses may include women and children services and imaging services.

In addition, the new SVMHS facility would include a new urgent care use and the relocation of the existing Doctors On Duty at 3130 Del Monte Boulevard in Marina. A comprehensive sign program for the project will be submitted at a later date.

ANALYSIS:

The project site has a General Plan Land Use Map designation of “Public Facilities - Education” and a Zoning Map district of “Public Facility (PF)”.

For compatibility with surrounding commercial and retail uses and to accommodate the proposed medical office complex and to acknowledge the future transfer of the project site from MPC, the Planning Commission is recommending that the City Council consider changing the General Plan designation to “Office Research” and the zoning district to “Planned Commercial District (PC)”, both of which allow medical offices.

The site plan shows the four buildings arranged so that the main vehicle entrance driveway is along Third Avenue with a secondary entrance driveway along Twelfth Street. No driveways are proposed along Imjin Parkway.

Pedestrians and bicyclists can access the site from the adjacent sidewalks and bike lanes along Imjin Parkway, Third Avenue and Twelfth Street. Conditions are included to show access to the adjacent Veterans Transition Center and coordinate with Salinas Transit. There is an existing bus stop along Imjin Parkway adjacent to the project site.

This access and parking configuration as proposed has been deemed by the Fire Chief to be adequate to accommodate fire truck access and turning movements, subject to conditions.

The “PC” zoning district requires a minimum of 240 parking spaces and the project plans show 280 parking spaces mostly located along Twelfth Street and along the interior property line. Some parking is located along Third Avenue and some is interior to the project site. The recommended conditions include removal of excess spaces to better accommodate pedestrian movement within the parking areas to the building entrances.

The four buildings total ±60,800 square-feet. Building A is ±17,400 square-feet, single-story, and is located at the corner of Imjin Parkway and Third Avenue. Buildings B and C are ±15,500 square-feet each, two-story, and are located at the rear of the project site, nearest to Twelfth Street. Building D is ±12,400 square-feet, single-story, and located near Imjin Parkway.

The "Office Research" General Plan land use designation requires a minimum floor area ratio (FAR) of 0.25:1.00 to a maximum of 0.45:1.00, which equals a minimum of 60,545 square-feet to a maximum of 108,987 square-feet of building area. Since the four buildings are proposed at ±60,800 square feet, this is an FAR of 0.25:1.00, which is consistent with the General Plan policy.

The "PC" zoning district does not have minimum building setback requirements, but the plans show that Buildings B, C and D are well setback from the public streets. Building A (at the corner of Imjin Parkway and Third Avenue) is setback more than 20 feet from the public streets, except for the corner element that is setback 10 feet from the public streets, which creates a strong corner presence.

The "PC" zoning district limits building lot coverage to a maximum of 35 percent, which equals a maximum of 84,767 square-feet. The proposed project has lot coverage of 50,400 square-feet, which is 21 percent.

The applicant is also seeking approval for the architectural design of the four building. The proposed architecture is a Mediterranean style with stucco exterior walls, stone base accents, awnings, and tile parapet roofs. The neutral earth tone palette ties it all together.

The exterior elevations show each building having depth, variation, and articulation along all elevations. Parapet roofs that are varied in height provide additional interest. The maximum allowed building height in the "PC" zoning district is 35 feet and the proposed buildings are at a maximum of 30 feet. Conditions are included requesting minor design modifications to enhance the architectural character of the project.

The applicant has also prepared a Landscape Plan showing that over 140 new trees will be planted. The landscape plan includes native plant species, including species native to the former Fort Ord, but not grown from on-site stock.

The "PC" zoning district requires a minimum 10 percent of the site area to be landscaped, which calculates to a minimum of 24,219 square-feet. The proposed plans show well over 25,000 square-feet of landscaped area.

The applicant is also requesting the removal of nine trees: six (6) Monterey Cypress trees that are in fair, poor or dead condition (tree nos. 182, 185, 186, 187, 189, and 192) and one (1) Blue Gum Eucalyptus tree that is in fair condition (tree no. 194) to be removed and two (2) Monterey Cypress tree that are in good condition (tree nos. 1653 and 1654) to be relocated to another area of the project site.

The applicant submitted a lighting plan for the proposed project that proposes light emitting diodes (LED) lighting. The Zoning Code requires a minimum of 1.0 foot candle on all ground surface areas of the project site for the parking and pedestrian areas and the photometric plan meets this standard.

ENVIRONMENTAL REVIEW

In compliance with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines (section 15000 et seq, Title 14, Division 6, Chapter 3, of the California Code of Regulations), and the City of Marina's Implementation Policies and Procedures for CEQA, staff has prepared and publicly circulated a draft Mitigated

Negative Declaration of Environmental Impact and corresponding initial study (Exhibit A of the first resolution). The public review period is from January 4 through January 24, 2010.

The Mitigated Negative Declaration, identifies several potential significant impacts that have been mitigated to levels of insignificance through measures included in a Mitigation and Monitoring Program (part of the environmental documentation and included in the second to last resolution of this staff report).

These significant impact categories are as follows: (1) air quality – project related and cumulative impacts associated with project construction; (2) cultural resources – impact associated with project construction; (3) geology and soils – impacts associated with erosion during construction and seismic events during building operation; and (4) transportation and traffic – impacts associated with building operation.

Regarding traffic mitigation, the Commission recommends eliminating the contingency condition for the two-lane left-turn lanes if the signal has not yet been installed by the time of building occupancy. However, staff and the City's third-party transportation reviewer recommend keeping the mitigation measure as written, because the two-lane left-turn contingency is only striping, which is a low cost method to mitigate any intersection impacts until the signal is installed. This signalization has been included in the City's capital improvement project for 2011/2012, which should coincide with the timing of the first building's occupancy.

WATER ALLOCATION

Staff is also recommending that the City Council consider adopting a resolution of water allocation for the proposed project, in compliance with California Water Code section 10911(c) and California Government Code section 66473(b)(3).

The water analysis in the environmental documentation concludes that given the planned augmentation of water supplies, there is sufficient water available to serve the anticipated water demand that may result from the proposed project. The impact of the proposed project is considered to be less than significant.

CONSISTENCY WITH FORT ORD REUSE PLAN

The proposed project conforms to the Fort Ord Reuse Plan regarding the land use designation and density, and supports policies and programs concerning water supply and water conservation, drainage, hazardous and toxic materials clean-up, efficient regional transportation network, law enforcement and fire protection.

The matrix in the attached resolution provides a summary and full text analysis of the project's consistency with the Fort Ord Reuse Plan.

FISCAL IMPACT:

Should the City Council approve this request, the applicant will pay the required development impact fees to off set fiscal impacts to the City.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Nancy Hutar, AICP
Project Planner
City of Marina

REVIEWED/CONCUR:

Christine di Iorio, AICP
Community Development Director
City of Marina

Anthony J. Altfeld
City Manager
City of Marina

REVIEWED/CONCUR FISCAL IMPACT:

Lauren Lai
Finance Director
City of Marina

RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA CERTIFYING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR: (1) GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 TO CHANGE THE LAND USE DESIGNATION FROM "PUBLIC FACILITIES EDUCATION" TO "OFFICE RESEARCH"; (2) ZONING MAP AMENDMENT ZM 2009-01 TO CHANGE THE ZONING DISTRICT FROM "PUBLIC FACILITY (PF)" TO "PLANNED COMMERCIAL DISTRICT (PC)"; (3) SITE AND ARCHITECTURAL DESIGN REVIEW DR 2009-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN AND LIGHTING PLAN OF A FOUR BUILDING MEDICAL OFFICE COMPLEX; AND (4) TREE REMOVAL PERMIT TP 2009-03 FOR THE REMOVAL OF NINE TREES, ON THE ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004)

WHEREAS, on October 30, 2009, the applicant, Salinas Valley Memorial Healthcare System (SVMHS), submitted a formal planning application for: (1) a General Plan Land Use Map Amendment (GP 2009-01) to change the land use designation from "Public Facilities Education" to "Office Research"; (2) a Zoning Map Amendment (ZM 2009-01) to change the zoning district from "Public Facility (PF)" to "Planned Commercial District (PC)"; (3) a Site and Architectural Design Review (DR 2009-05) for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (4) a Tree Removal Permit (TP 2009-03) for the removal of nine trees, on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third venue (Assessor Parcel No. 031-251-004) (the "Project"), and;

WHEREAS, on January 14, 2010, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact and the Project, and considered the information presented in the staff report, and adopted Resolution No. 2010-03, recommending that the City Council of the City of Marina consider certifying the Mitigated Negative Declaration of Environmental Impact for the Project, and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact and the Project, and considered the information presented in the staff report.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby certifies the Mitigated Negative Declaration of Environmental Impact, which includes a Mitigation Monitoring and Reporting Program, for: (1) General Plan Land Use Map Amendment GP 2009-01 to change the land use designation from "Public Facilities Education" to "Office Research"; (2) Zoning Map Amendment ZM 2009-01 to change the zoning district from "Public Facility (PF)" to "Planned Commercial District (PC)"; (3) Site and Architectural Design Review DR 2009-05 for the site plan, building

elevations, landscape plan and lighting plan of a four building medical office complex; and (4) Tree Removal Permit TP 2009-03 for the removal of nine trees, on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third Avenue (Assessor Parcel No. 031-251-004), making the following findings:

FINDINGS

1. That an Initial Study and Mitigated Negative Declaration was prepared by the City of Marina as the Lead Agency, and was properly circulated for public review and comment from January 4, 2010, through January 24, 2010.
2. That although the Project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study are hereby made part of this Mitigated Negative Declaration and have been added to the Project.
3. That on the basis of the whole record before it, there is no substantial evidence that, as mitigated, the Project may have a significant impact on the environment.
4. That the Initial Study and proposed Mitigated Negative Declaration for the Project were independently reviewed and analyzed by the City Council and reflect the independent judgment and analysis of the City Council.
5. That such independent judgment is based on substantial evidence in the recorded (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the Mitigated Negative Declaration and the administrative record as a whole).
6. That the Project complies with CEQA, and that the Mitigated Negative Declaration is legally adequate and was presented to the City Council, which reviewed and considered the information contained therein prior to voting on a resolutions for the Project.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of February 2010, by the following vote:

AYES, COUNCIL MEMBERS:
NOES, COUNCIL MEMBERS:
ABSENT, COUNCIL MEMBERS:
ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Dimitra M. Hubbard, Deputy City Clerk

RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA MAKING FINDINGS AND DETERMINATIONS PURSUANT TO CALIFORNIA WATER CODE SECTION 10911(c) AND CALIFORNIA GOVERNMENT CODE SECTION 66473(b)(3) AND RESERVING AND ALLOCATING WATER SUFFICIENT TO SERVE: (1) GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 TO CHANGE THE LAND USE DESIGNATION FROM "PUBLIC FACILITIES EDUCATION" TO "OFFICE RESEARCH"; (2) ZONING MAP AMENDMENT ZM 2009-01 TO CHANGE THE ZONING DISTRICT FROM "PUBLIC FACILITY (PF)" TO "PLANNED COMMERCIAL DISTRICT (PC)"; (3) SITE AND ARCHITECTURAL DESIGN REVIEW DR 2009-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN AND LIGHTING PLAN OF A FOUR BUILDING MEDICAL OFFICE COMPLEX; AND (4) TREE REMOVAL PERMIT TP 2009-03 FOR THE REMOVAL OF NINE TREES, ON THE ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004)

WHEREAS, on October 30, 2009, the applicant, Salinas Valley Memorial Healthcare System (SVMHS), submitted a formal planning application for: (1) a General Plan Land Use Map Amendment (GP 2009-01) to change the land use designation from "Public Facilities Education" to "Office Research"; (2) a Zoning Map Amendment (ZM 2009-01) to change the zoning district from "Public Facility (PF)" to "Planned Commercial District (PC)"; (3) a Site and Architectural Design Review (DR 2009-05) for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (4) a Tree Removal Permit (TP 2009-03) for the removal of nine trees, on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third venue (Assessor Parcel No. 031-251-004) (the "Project"), and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact, which included a determination of a less than significant impact on water allocation that was prepared by WWD Engineering ("Salinas Valley Memorial Hospital Marina Campus Water Allocation" report, dated April 13, 2009) and independently reviewed by: (1) the Marina Coast Water District (MCWD), the water purveyor for the area; and (2) Jones and Stokes Environmental, the City's third party water allocation specialists, both of which concluded that given the planned augmentation of water supplies for the area and the estimated requirement of 0.00027 acre feet per year per building square-foot for the Project (16.4 acre feet per year total), there is sufficient water to serve the anticipated water demand, and considered the information presented in the staff report, and;

Note to City Council: The Mitigated Negative Declaration and Initial Study can be found on the City's web site at:

Steps

1. www.ci.marina.ca.us
2. Click on "Departments" at the top of the page.
3. Click on "Community Development" in the center of the page.
4. Click on "Salinas Valley Memorial Hospital Environmental Documents – read on" at the very bottom of the page under "News Flash".
5. Click on "Salinas Valley Memorial Hospital Environmental Documents – review document (29.68 MB)" at the very top of the page.
6. If a box appears that says "There is a problem with Adobe Acrobat/Reader. Please exit Adobe Acrobat/Reader and try again.", just click "OK" and the document will download anyway.

If you would like a hard copy of the 338-page document, please contact Judy Paterson at 831-884-1220 or jpaterson@ci.marina.ca.us.

WHEREAS, the City has been allocated 1,325 acre feet of potable water annually under the Fort Ord Reuse Plan adopted by the Fort Ord Reuse Authority ("FORA") to serve property within the City that is also within the Fort Ord Reuse Plan planning area (the "FORA Allocation").

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby reserves and allocates water sufficient to serve: (1) General Plan Land Use Map amendment GP 2009-01 to change the land use designation from "Public Facilities Education" to "Office Research"; (2) Zoning Map Amendment ZM 2009-01 to change the Zoning District from "Public Facility (PF)" to "Planned Commercial District (PC)"; (3) Site and Architectural Design Review DR 2009-05 for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (4) Tree Removal Permit TP 2009-03 for the removal of nine trees, on a ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third Avenue (Assessor Parcel No. 031-251-004), making the following findings and determinations pursuant to California Water Code section 10911(c) and California Government Code section 66473(b)(3), as follows:

1. That the above recitations are true and correct, incorporated herein by this reference, and constitute findings of the City Council in this matter, and;
2. That, in accordance with California Water Code section 10911(c) and in light of those considerations set forth in the Mitigated Negative Declaration of Environmental Impact, the City Council hereby finds that, based on the entire record, projected water supplies will be sufficient to satisfy the demands of the Project, in addition to existing and planned future uses, and;
1. That, in accordance with California Government Code section 66473.7(b)(3) and in light of those considerations set forth in the Mitigated Negative Declaration of Environmental Impact, the City Council hereby finds that, based on the entire record, the evidence in the records constitutes substantial evidence to support the actions taken and findings made in this resolution, and;
3. That the City Council does hereby irrevocably reserve and allocate 16.4 acre feet annually of the FORA Allocation to the Project, its Successors and assigns, to serve the development, and;
4. That the allocation of water under this resolution is deemed to be sufficient to meet the water demands associated with the full build-out of the Project in a manner consistent with the City Council's approval of the Project.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of February 2010, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Dimitra M. Hubbard, Deputy City Clerk

RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 TO CHANGE THE LAND USE DESIGNATION FROM "PUBLIC FACILITIES EDUCATION" TO "OFFICE RESEARCH", CONTINGENT UPON THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA OBTAINING OWNERSHIP OF THE PROJECT SITE, ON THE ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004)

WHEREAS, on October 30, 2009, the applicant, Salinas Valley Memorial Healthcare System (SVMHS), submitted a formal planning application for: (1) a General Plan Land Use Map Amendment (GP 2009-01) to change the land use designation from "Public Facilities Education" to "Office Research"; (2) a Zoning Map Amendment (ZM 2009-01) to change the zoning district from "Public Facility (PF)" to "Planned Commercial District (PC)"; (3) a Site and Architectural Design Review (DR 2009-05) for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (4) a Tree Removal Permit (TP 2009-03) for the removal of nine trees, on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third Avenue (Assessor Parcel No. 031-251-004) (the "Project"); and

WHEREAS, on January 14, 2010, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact and the Project, and considered the information presented in the staff report, and adopted Resolution No. 2010-04, recommending that the City Council of the City of Marina approve General Plan Land Use Map Amendment GP 2009-01 and Zoning Map Amendment ZM 2009-01, contingent upon the Redevelopment Agency of the City of Marina obtaining ownership of the project site, and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact and the Project, and considered the information presented in the staff report.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves General Plan Land Use Map Amendment GP 2009-01 to change the land use designation from "Public Facilities Education" to "Office Research", contingent upon the Redevelopment Agency of the City of Marina obtaining ownership of the project site, on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third Avenue (Assessor Parcel No. 031-251-004), as shown in "EXHIBIT A" attached hereto, making the following findings:

FINDINGS

The General Plan Land Use Map Amendment GP 2009-01 is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and that GP 2009-01 is consistent with the following General Plan Community Goals and Primary Policies:

- (a) Community Goals - As incorporated into the General Plan, these framework goals provide the overall direction necessary to ensure that, as it grows, the city will be well functioning and attractive; that it will balance the needs of residents and business; and that appropriate use will be made of its natural, human and economic resources:

- (i) Goal 1.18.2 - Community development which avoids or minimizes to the greatest extent possible the consumption or degradation of non-renewable natural resources including natural habitats, water, energy, and prime agricultural land.

The proposed project will use recycled products to the extent possible and will use energy saving building techniques and appliances.

- (ii) Goal 1.18.3 - A city within which the majority of the residences, businesses and community facilities are served by frequent, cost-effective transit.

The project site is located on a Monterey-Salinas Transit bus route, which allow riders to connect to points north (San Jose, Salinas, Pajardo, for example) and points south (King City, Big Sur, Carmel Valley, Monterey, Pebble Beach, for example). In addition, a bike lane is also scheduled for location along Imjin Parkway.

- (iii) Goal 1.18.4 - A balance of jobs and housing that provides the greatest possible opportunity both to live and work in Marina.

The proposed project is expected to provide approximately 100 jobs at the project site. Some of these jobs will result from the relocation of the Doctors on Duty facility at 3130 Del Monte Boulevard.

- (iv) Goal 1.18.5 - A city designed for and attractive to pedestrians, in which most of the housing, shops, businesses, and community facilities are within easy walking distance of each other.

The project site is near other offices, shopping and the residential areas of The Dunes at Monterey Bay Specific Plan.

- (v) Goal 1.18.6 - A balanced land use/transportation system which minimizes traffic congestion, noise, excessive energy consumption, and air pollution.

The project site is located on a Monterey-Salinas Transit bus route, which allow riders to connect to points north (San Jose, Salinas, Pajardo, for example) and points south (King City, Big Sur, Carmel Valley, Monterey, Pebble Beach, for example). In addition, a bike lane is also scheduled for location along Imjin Parkway.

- (vi) Goal 1.18.7 - A city that helps avoid sprawl in the region by making efficient use of lands designated for community development purposes.

The project site is currently vacant and will be developed with a use that the Marina community can readily use and not drive to Salinas to obtain such medical services.

- (vii) Goal 1.18.8 - A city physically and visually distinguishable from the other communities of the Monterey Bay region, with a sense of place and identity in which residents can take pride.

The project is well designed and attractive, adding to the value of the area.

- (viii) Goal 1.18.9 - A diversified and sound economic base that will permit the delivery of high-quality public services to city residents and businesses.

The project is for the development of a medical office complex open to the public. The uses at the facility will provide local employment for qualifying residents.

- (ix) Goal 1.18.22 - A physically and socially cohesive community in which existing and future land uses, transportation facilities, and open spaces are well integrated.

The project is well sited in an appropriate zoning district and is situated along a regional bus route.

- (x) Goal 1.18.24 - Development which maintains continuity with the city's history and is responsive to the climate and the natural and scenic features of the local and regional setting, including the city's strategic position as the Monterey Peninsula's scenic entry.

The project design respects the adjacent Martinez Hall, a potential landmark with scenic value, with a similar design of stucco and tile roofs. In addition, the landscape plan is conditioned to provide mostly plants native to California and the Monterey Bay area.

- (xi) Goal 1.18.25 - Attractive, distinctive residential neighborhoods and commercial districts which contribute to the overall vitality, image and identity of the city.

The project is well designed and attractive, adding to the value of the area.

- (xii) Goal 1.18.26 - Prevention of threats to life and property from flooding, slope failure, and seismic activity.

The project site is not located in an area for potential flooding or slope failure. The project will be built according to the latest City-adopted California Building Code for seismic safety, among other regulations and standards.

- (xiii) Goal 1.18.27 - Equitable distribution of responsibilities and benefits between existing and future residents and businesses.

The project applicant is required to pay its fair share of development fees, as well as providing required utilities to the project site.

- (b) Primary Policies - The intent of the community land use element is to help achieve the overall General Plan goals of providing a satisfying, safe and healthful living and working environment and promoting the economic well-being of city residents and businesses. To accomplish these ends, City planning, regulatory and development decisions shall be governed by the following Primary Policies which adhere to the above listed Community Goals.

- (i) Policy 2.4.1 - The City shall provide a land supply within (i.e., south of) its Urban Growth Boundary (UGB) sufficient in size and appropriately located to accommodate a fair share of the future population and employment growth within Monterey County. Unless otherwise amended by a vote of the Marina electorate, until December 31, 2020, the City's UGB may be amended by the City Council only to accommodate lands designated for affordable housing in accordance with Sections 1.21 through 1.24 of this Plan.

The project site is not within the City's UGB.

- (ii) Policy 2.4.2 - The City shall prevent under-utilization of land within its UGB that is appropriate for community development, in order to ensure that development proceeds in an orderly and consistent manner and to minimize the dispersal of future growth in Monterey County to outlying areas with potentially higher natural resource value. With respect to phasing and timing, whenever feasible, the City shall encourage new development to locate within the existing developed portion of Marina and Marina's former Fort Ord in preference to the development of currently vacant, undeveloped lands located within the City's UGB (from Section 2 of UGB Initiative).

The project site is not within the City's UGB.

- (iii) Policy 2.4.5 - Future land development, whether it involves development of new areas, infilling of existing neighborhoods or commercial areas, or redevelopment of former Fort Ord lands, shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.

The project will be built to within the floor area ratio parameters of the General Plan.

- (iv) Policy 2.4.12- Land appropriate for community development shall be allocated and phased in a manner that enhances local employment and economic opportunities and provides the City with a strong economic and fiscal base.

The project will provide employment opportunities for the residents of Marina.

- (v) Policy 2.4.13 - The City will provide adequate urban services, including water, only to areas within its designated UGB. The costs of providing the public facilities and services needed for new development shall be borne by new development unless the City chooses to help assume such costs in order to obtain identified community-wide benefits.

The project site is not within the City's UGB.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of February 2010, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Dimitra M. Hubbard, Deputy City Clerk

ORDINANCE NO. 2010-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING ZONING MAP AMENDMENT ZM 2009-01 TO CHANGE THE ZONING DISTRICT FROM "PUBLIC FACILITY (PF)" TO "PLANNED COMMERCIAL DISTRICT (PC)", CONTINGENT UPON THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA OBTAINING OWNERSHIP OF THE PROJECT SITE, ON A ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004)

THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN THAT:

ONE, AMENDMENT TO THE MARINA ZONING MAP: The Zoning Map is amended to change the Zoning designation of a ±5.56 acre site from "Public Facility (PF)" to "Planned Commercial District (PC)", to be consistent with the General Plan Land Use Map designation of "Office Research", located at the northwest corner of Imjin Parkway and Third Avenue (Assessor Parcel No. 031-251-004), as shown in "EXHIBIT A" attached hereto.

TWO, EFFECTIVE DATE: This Ordinance shall take effect and shall be in force upon the 30th calendar day following the City Council's second reading and adoption of this ordinance, or upon the Redevelopment Agency of the City of Marina obtaining ownership of the project site, whichever is later.

THREE, POSTING OF ORDINANCE: Within fifteen (15) calendar days of the adoption of this Ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by Resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on the 2nd day of February 2010, and was passed and adopted at a regular meeting duly held on the 16th day of February 2010, by the following roll call vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Dimitra M. Hubbard, Deputy City Clerk

RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING: (1) SITE AND ARCHITECTURAL DESIGN REVIEW DR 2009-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN AND LIGHTING PLAN OF A FOUR BUILDING MEDICAL OFFICE COMPLEX; AND (2) TREE REMOVAL PERMIT TP 2009-03 FOR THE REMOVAL OF NINE TREES, ON THE ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004), SUBJECT TO CONDITIONS

WHEREAS, on October 30, 2009, the applicant, Salinas Valley Memorial Healthcare System (SVMHS), submitted a formal planning application for: (1) a General Plan Land Use Map Amendment (GP 2009-01) to change the land use designation from "Public Facilities Education" to "Office Research"; (2) a Zoning Map Amendment (ZM 2009-01) to change the zoning district from "Public Facility (PF)" to "Planned Commercial District (PC)"; (3) a Site and Architectural Design Review (DR 2009-05) for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (4) a Tree Removal Permit (TP 2009-03) for the removal of nine trees, on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third Avenue (Assessor Parcel No. 031-251-004) (the "Project"), and;

WHEREAS, on November 23, 2009, the Tree Committee of the City of Marina conducted a duly noticed public meeting and adopted Resolution No. 2009-03 recommending that the Planning Commission of the City of Marina consider TP 2009-03, and;

WHEREAS, on December 16, 2009, the Site and Architectural Design Review Board of the City of Marina conducted a duly noticed public meeting and adopted Resolution No. 2009-17 recommending that the Planning Commission of the City of Marina consider SD 2009-05, and;

WHEREAS, on January 14, 2010, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact and the Project, and considered the information presented in the staff report, and adopted Resolution No. 2010-5, recommending that the City Council of the City of Marina consider SD 2009-05 and TP 2009-03, and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact and the Project, and considered the information presented in the staff report.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves: (1) Site and Architectural Design Review DR 2009-05 for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (2) Tree Removal Permit TP 2009-03 for the removal of nine trees, on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third

Avenuc (Assessor Parcel No. 031-251-004), making the following findings and subject to the following conditions:

FINDINGS

1. Site and Architectural Design Review - Site and Architectural Design Review DR 2009-05 has been designed and will be constructed, and so located, that the project, as conditioned, will not:
 - (a) Be unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the city, in that the project is compatible with surrounding commercial and office buildings in scale, siting and design.
 - (b) Impair the desirability of tenancy or investment or occupation in the City, in that the design and landscaping at this location will improve and add value to the surrounding area and to the City as a whole.
 - (c) Limit the opportunity to obtain the optimum use and value of the land and improvements, in that the project is an appropriate and efficient use of the site.
 - (d) Impair the desirability of tenancy or consumer conditions on or adjacent to the subject site, in that the design and placement of the structures will harmonize the design of the adjacent community and be compatible with surrounding uses.
 - (e) Otherwise adversely affect the general welfare of the community, in that the project will have an overall positive effect on the general welfare of the community.

2. Tree Removal Permit TR 2009-03 - Based on the following findings, the granting of Tree Removal Permit TP 2009-03, as proposed, will achieve the spirit, purpose and intent of Chapter 17.51 of the City of Marina Zoning Ordinance, in that:
 - (a) The permit is for the removal of nine trees, as follows:
 - (i) Six (6) Monterey Cypress trees that are in fair, poor or dead condition (tree nos. 182, 185, 186, 187, 189, and 192) and one (1) Blue Gum Eucalyptus tree that is in fair condition (tree no. 194) to be removed, and;
 - (ii) Two (2) Monterey Cypress tree that are in good condition (tree nos. 1653 and 1654) to be relocated to another area of the project site.
 - (b) The removal and relocation of the trees is appropriate, because the trees conflict with proposed high pedestrian and vehicle traffic areas of the parking lots that cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices.

- (c) The existing location of the trees conflicts with the construction of the drive access and parking area.
- (d) The trees do not serve as part of a windbreak system, or assist in drainage or in the avoidance of soil erosion, or serve as a component of a wildlife habitat, or otherwise play a prominent role in maintaining the existing urban forest.
- (e) The removal and relocation of the trees would not have a substantial detrimental effect on neighboring property values.
- (f) The removal and relocation of the trees are concurrent with development plans for the property and the development plans indicate that it is necessary to remove and relocate the trees to enable reasonable and conforming use of the property which is otherwise prevented by the location of the trees.

CONDITIONS OF APPROVAL

1. Substantial Compliance - The project shall be accomplished in substantial accordance with the plans as shown on attached "**EXHIBIT A**" to this resolution.
2. Permits - The applicant shall obtain all required building permits and public improvement permits prior to initiating construction.
3. Indemnification - The applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of the project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
4. Architecture -- The construction drawings submitted for building plan check shall include:
 - (a) Cast stone at the base of the tower element, which is located close to the corner of Imjin Parkway and Third Avenue.
 - (b) The tower element shall be enclosed with glazing.
 - (c) During the tenant improvement phase, the tenant spaces adjacent to the arcade element shall include at least one pedestrian access to the exterior.
 - (d) The porous paver system in the parking area shall be coordinated with the pedestrian crossings with a focus between Buildings A and B.
 - (e) Certain parking stalls shall be removed to allow for more direct pedestrian access through the complex from the parking areas to the building entrances.

- (f) The vehicle driveway from Third Avenue shall be shown in detail. If a central element is proposed (such as a fountain or roundabout), written clearance shall first be obtained from the Fire Chief.
 - (g) The cast stone element shown on the material board for Buildings C and D shall be replaced with a color that is not so orange (do not use the ESC-1 color).
5. Parking - Typical parking stalls shall measure 9.0 feet wide by 17.5 feet deep, with no greater than a 6-inch high curb at the nose.
 6. Bicycle Parking - The construction drawings submitted for building plan check shall indicate sufficient and convenient bicycle parking.
 7. Landscaping – The construction drawings submitted for building plan check shall include:
 - (a) Minimum size trees at 15 gallons with minimum size 24-inch box trees at key focal points, such as the entry drive along Third Avenue, the Phase 1 building's two entrances, and in the plaza area on the south side of the Phase 1 building.
 - (b) Trees spaced at about 30 feet on-center for larger varieties and about 20 feet on-center for smaller varieties; trees at a minimum of 10 feet away from driveways, 15 feet from streetlights and traffic control signals, 5 feet from water, gas and fire service laterals, and 10 feet from sewer and gas laterals.
 - (c) Minimum size shrubs at 5 gallons for 50 percent of the shrubs and at 1 gallon for the other 50 percent of the shrubs.
 - (d) Native California plant species for most of those plants that are currently listed on the planting plan that are not native to California .
 - (e) Consideration of wind exposure and salt burn.
 8. Lighting - During the building plan check review, staff will ensure that the construction drawings call for LED lighting with an even distribution of lighting across the project site, as well as no light spillover across the property lines.
 9. Access from Adjacent Property – To the extent possible, the construction drawings submitted for Building Division plan check shall show increased pedestrian and bicycle access between the project site and the adjacent Veterans Transition Center. Such access shall be ADA compliant and shall be coordinated with the Center.
 10. Bus Routes – Prior to the issuance of building permits, the applicant shall show proof of coordination with Monterey-Salinas Transit regarding bus access to and from the project site. Coordination may include, but shall not be limited to, improvement to the existing bus stop at the front of the project site along Imjin Parkway.

11. Surety Bond – Prior to the issuance of a building permit, the applicant shall provide a bond or other surety acceptable to the City to guarantee that the installed landscaping shall remain in a healthy and growing condition for a minimum of two years from the date of occupancy approval. The amount of the surety shall be a minimum of ten percent of the actual or estimated costs of the installation accepted by the Planning Services Division. An amount greater than ten percent may be required by the Planning Services Division if more exotic, less reliable plant material is specified in the approved planting plan. Two years after the approval of occupancy, the applicant shall contact the Planning Services Division to arrange for an inspection of the landscaping. If or when all landscaping shown on the approved plans is in place and is in healthy and growing condition, the surety shall be returned to the entity that provided the surety or to another entity upon proof of transfer. If plant material is dead, dying or missing and the applicant does not take steps to restore the landscaping, the City shall have the authority to use the surety for the restoration of the landscaping.
12. Tree Removal - Tree Removal Permit TP 2009-03 is limited to the removal of six Monterey Cypress that are in fair, poor or dead condition (trees no. 182, 185, 186, 187, 189, and 192) and one Blue Gum Eucalyptus that is in fair condition (tree no. 194) and the relocation of two Monterey Cypress that are both in good condition (trees no. 1653 and 1654) (out of the existing fifteen trees on the project site).
13. Tree Removal Plans - Tree relocation and protection information shall be provided on the grading permit prior to issuance. All tree protection shall be installed and approved by the grading inspector prior to relocation and retention of any trees. The tree relocation and protection plan shall include:
 - (a) Trees approved for relocation.
 - (b) Trees required to be preserved.
 - (c) Tree protection guideline notes to include an objectively observable maintenance and care plan and program to be implemented to insure the continued health and care of other trees on the property during construction in accordance with tree protection guidelines adopted by resolution of the planning commission.
 - (d) A Site Restoration Plan for the restoration of ground surface area in the areas where the trees are removed. Such restoration shall include, but not be limited, to the removal of tree stumps and the filling of any holes left by the tree removals.
14. Environmental Mitigation Monitoring and Reporting - To ensure that the Mitigated Measures set forth in the Mitigated Negative Declaration of Environmental Impact are implemented, the City is required to adopt a program for monitoring the measures it has imposed to mitigate or avoid significant environmental effects. The following sets forth the list of Mitigation Measures outlined in this Initial Study, the responsible party for each Mitigation Measure, and the timing of implementation for each.

(a) Air Quality - Mitigation Measure AQ-1:

To reduce the project's cumulative contribution to area PM₁₀ emissions, the project sponsor and project contractor shall implement all listed Best Management Practices (BMPs) of Marina 2000 General Plan Environmental Impact Report (EIR) Mitigation Measure 7.1 during all project construction activities. These BMPs include:

- (i) Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure (Effectiveness = 50%)
- (ii) Prohibit all grading activities during periods of high wind (over 15 MPH)
- (iii) Apply non-toxic binders (e.g. latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area (Effectiveness = 80%)
- (iv) Haul trucks shall maintain at least 2 ft. of freeboard (Effectiveness = 90%)
- (v) Cover all trucks hauling dirt, sand or loose materials
- (vi) (Effectiveness = 90%)
- (vii) Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land (Effectiveness = 4%)
- (viii) Plant vegetative ground cover in disturbed areas as soon as possible (Effectiveness = 5%—99%, based on planting plan)
- (ix) Cover inactive storage piles (Effectiveness = up to 90%)
- (x) Install wheel washers at the entrance to construction sites for all existing trucks (Effectiveness = 50%)
- (xi) Pave all roads on the construction sites (Effectiveness = 90%)
- (xii) Sweep streets if visible soil material is carried out from the construction site (Effectiveness = 34%)
- (xiii) Post a publicly visible sign which specified the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance)
- (xiv) Limit the area under construction at any one time (Effectiveness = 71 pounds/day).

These BMPs shall be included in the construction contract for this project prior to commencement of any project construction. The responsible party for this Mitigation Measure is the project applicant and the Marina Building Division. Monitoring for compliance shall be during construction.

(b) Cultural Resources – Mitigation Measure CR-1:

To reduce the project's potential impact to Native American and archeological resources, the project sponsor and project contractor shall implement the following measures:

- (i) Prior to the issuance of grading permits, tribal monitor(s) from the appropriate Native American tribe(s) shall be required on-site during all ground disturbing activities. The developer shall retain a qualified tribal monitor from the appropriate Native American tribe. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract ("treatment agreement") between the appropriate Native American tribe and the developer for the monitoring of the project to the Planning Department and to the Department of Building and Safety. The treatment agreement shall address the treatment and disposition of all cultural resources impacted as a result of the development. The Developer shall relinquish ownership of all cultural resources, including all archeological artifacts that are of Native American origin, found in the project area to the appropriate Native American tribe for proper treatment and disposition. The Native American monitor(s) shall have the authority to monitor all ground disturbance activities and shall have the authority to temporarily divert, redirect or halt grading activities to allow recovery of Native American resources.
- (ii) Prior to the issuance of grading permits, a qualified archaeologist (pursuant to the Secretary of the Interior's standards and guidelines) shall be retained by the developer for consultation and comment on the proposed grading with respect to potential impacts to archaeological and cultural resources. During grading operations, when deemed necessary in the professional opinion of the retained archaeologist or the Native American tribes (and as determined by the Planning Director), the archaeologist, the archaeologist's on-site representative(s) and the Native American monitor(s) shall actively monitor all project related grading and construction and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of significant archeological or cultural resources. Prior to the issuance of grading permits, the name, address and telephone number of the retained archaeologist and the Native American representative shall be submitted to the Planning Department and the Department of Building and Safety. If the retained archaeologist, after consultation with the appropriate Native American tribe(s), finds no potential for impacts to archeological or cultural resources, a letter shall be submitted to the Planning Department certifying this finding by the retained qualified archaeologist.

- (iii) At all times during demolition, grading and construction, if human remains are encountered, State Health and Safety Code section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resource Code section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the coroner shall notify the Native American Heritage Commission, which shall determine and notify the appropriate Native American tribe who is the most likely descendent (MLD). The descendent shall inspect the site of the discovery and make recommendations and enter into consultation concerning the appropriate mitigation. After the recommendations have been made, the land divider, the MLD, and a City representative shall meet to determine the appropriate mitigation measures and corrective actions to be implemented.
- (iv) At all times during demolition, grading and construction, if significant archeological or cultural resources are discovered that were not anticipated by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed:
- All ground disturbance activities within the immediate vicinity of the discovered archeological or cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the appropriate Native American tribe and the Planning Director to discuss appropriate actions;
 - At the meeting, the significance of the discoveries shall be discussed and, after consultation with the appropriate Native American tribe and the archaeologist, a decision shall be made (with the concurrence of the Planning Director) as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the archeological or cultural resources, and;
 - Grading shall not resume within the immediate vicinity of the discovery until an agreement has been reached by the appropriate Native American tribe, the archaeologist, and the Planning Director as to the appropriate mitigation. The grading plans shall conform to the mitigations requirements placed on the map.
- (v) Prior to final sign off on the first building permit by the Planning Division, the applicant, developer or successor-in-interest shall provide the Planning Director evidence of a Preservation and Disposition Plan with the appropriate Native American tribe that addresses the treatment and disposition of all cultural resources impacted as a result of the development. The agreement shall describe how the protected cultural resources shall be preserved

and maintained, the name, address and telephone number of the organization or group who will monitor the condition of the cultural resources and will be responsible for the long-term maintenance and protection of the cultural resources.

The responsible party for this Mitigation Measure is the project applicant and the Marina Planning Division. Monitoring for compliance shall be as set forth above.

(c) Geology and Soils – Mitigation Measure GEO-1:

To reduce the risk of building failure causing human injury during a seismic event, the building plans and building construction shall incorporate the recommendations of the geotechnical report prepared by Kleinfelder for this project dated January 5, 2009 (Appendix D of the report, pages 11 through 27). The geotechnical recommendations shall be included on the building plans to the satisfaction of the City of Marina Building Official prior to issuance of a Building Permit for the project. All approved recommendations shall be implemented in project construction prior to issuance of a certificate of occupancy by the City of Marina.

The responsible party for this Mitigation Measure is the project applicant and the Marina Building Division. Monitoring for compliance shall be prior to certificate of occupancy.

(d) Geology and Soils – Mitigation Measure GEO-2:

To prevent erosion from occurring during land alteration and associated construction activities, the project applicant and contractor shall implement the following measures during the entire construction phase of the project:

- (i) The near surface soils shall be excavated and recompacted as engineered fill to be suitable for support of the proposed improvements.
- (ii) The construction drawings shall include an erosion control plan and a final landscape and irrigation plan.
- (iii) During construction, the following shall be implemented:
 - Keep construction machinery off established vegetation as much as possible, especially the vegetation on the upwind side of the construction site;
 - Establish specific access routes at the planning phase of the proposed project, and limits of grading prior to development, which should be strictly observed;

- Utilize mechanical measures (i.e., walls from sand bags and/or wooden slat or fabric fences) to reduce sand movement;
- Immediate revegetation (plus the use of temporary stabilizing sprays), to keep sand movement to a minimum, and;
- Fabric or wooden slat fences should be placed around the construction location to reduce sand movement.

The responsible party for this Mitigation Measure is the project applicant and the Marina Building Division. Monitoring for compliance shall be during construction.

(c) Geology and Soils – Mitigation Measure GEO-3:

In order to permit correlation between the soil data obtained during the geotechnical investigation and the actual soil conditions encountered during construction, a qualified geologist shall be retained to provide observation and testing services during site earthwork and foundation construction. The geologist shall also review final foundation and grading plans and specifications, prior to issuance of grading or building permits.

The responsible party for this Mitigation Measure is the project applicant and the Marina Building Division. Monitoring for compliance shall be prior to building permit issuance.

(f) Transportation and Traffic – Mitigation Measure TR-1:

Prior to the issuance of building permits, the applicant shall pay the development's fair share into the City's Traffic Impact Fee fund, which includes the applicant's fair share of the traffic signal installation at Imjin Parkway and Third Avenue to improve the intersection to a LOS A. This signalization has been included in the City's capital improvement project for 2011/2012.

If the signal has not been installed by the time the first building is ready for occupancy, the applicant shall install two-way, left-turn lanes on Imjin Parkway in lieu of the left turn lanes now in place on Imjin Parkway. This would be considered a short-term, low-cost measure that would not be as effective over the long term as traffic flows increase on Imjin Parkway.

The responsible party for this Mitigation Measure is the project applicant and the Marina Building Division. Monitoring for compliance shall be prior to building permit issuance.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of February 2010, by the following vote:

AYES, COUNCIL MEMBERS:
NOES, COUNCIL MEMBERS:
ABSENT, COUNCIL MEMBERS:
ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Dimitra M. Hubbard, Deputy City Clerk

RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA FINDING THAT THE LEGISLATIVE LAND USE APPROVALS OF: (1) GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 TO CHANGE THE LAND USE DESIGNATION FROM "PUBLIC FACILITIES EDUCATION" TO "OFFICE RESEARCH"; AND (2) ZONING MAP AMENDMENT ZM 2009-01 TO CHANGE THE ZONING DISTRICT FROM "PUBLIC FACILITY (PF)" TO "PLANNED COMMERCIAL DISTRICT (PC)", ON THE ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004) ARE CONSISTENT WITH THE FORT ORD REUSE PLAN

WHEREAS, the Fort Ord Reuse Plan contains the development policies and standards for the redevelopment of the former Fort Ord as adopted by the Ford Ord Reuse Authority, and;

WHEREAS, on October 30, 2009, the applicant, Salinas Valley Memorial Healthcare System (SVMHS), submitted a formal planning application for: (1) a General Plan Land Use Map Amendment (GP 2009-01) to change the land use designation from "Public Facilities Education" to "Office Research"; and (2) a Zoning Map Amendment (ZM 2009-01) to change the zoning district from "Public Facility (PF)" to "Planned Commercial District (PC)", on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third venue (Assessor Parcel No. 031-251-004) (the "Project"), and;

WHEREAS, on January 14, 2010, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact and the Project, and considered the information presented in the staff report, and;

WHEREAS, on January 14, 2010, the Planning Commission of the City of Marina adopted Resolution No. 2010-03, recommending that the City Council of the City of Marina consider certifying the Mitigated Negative Declaration of Environmental Impact for the Project, and;

WHEREAS, on January 14, 2010, the Planning Commission of the City of Marina adopted Resolution No. 2010-04, recommending that the City Council of the City of Marina approve General Plan Land Use Map Amendment GP 2009-01 and Zoning Map Amendment ZM 2009-01, contingent upon the Redevelopment Agency of the City of Marina obtaining ownership of the project site, and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact and the Project, and considered the information presented in the staff report, and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina adopted Resolution No. 2010-█, certifying the Mitigated Negative Declaration of Environmental Impact, and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina adopted Resolution No. 2010-█, reserving and allocating water sufficient to serve the Project, and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina adopted Resolution No. 2010-█, approving General Plan Land Use Map amendment GP 209-01, and;

WHEREAS, on February 2, 2010, the City Council of the City of Marina introduced Ordinance No. 2010-█, approving Zoning Map amendment ZM 2009-01.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Marina hereby finds the approved project consistent with the Fort Ord Reuse Plan, as summarized in the consistency analysis in "EXHIBIT A" attached hereto, and authorizes staff to submit the approved project to the Fort Ord Reuse Authority for a determination that the project's legislative land use approvals are consistent with the Fort Ord Reuse Plan.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of February 2010, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Dimitra M. Hubbard, Deputy City Clerk

**SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM PROJECT
CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
February 2, 2010**

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

**Salinas Valley Memorial Healthcare
System Project Consistency**

Natural Resources

(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 Salinas Valley Memorial Healthcare System (SVMHS) project amends the General Plan Land Use Map, but does not amend any of the existing General Plan policies.

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.

The SVMHS project includes a Mitigated Negative Declaration of Environmental Impact, which determined that no impact would result on open space lands. The project site is surrounded by both developed land and vacant land that carries General Plan Land Use Map designations for future development and not for future open space lands.

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 SVMHS project is not adjacent to any Habitat Management areas.

(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.

The SVMHS project is not located within the Local Coastal Zone.

(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 SVMHS project is not located within the East Garrison area of Monterey County.

(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.

The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing General Plan policies.

**SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM PROJECT
CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
February 2, 2010**

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

**Salinas Valley Memorial Healthcare
System Project Consistency**

Historic Preservation

(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.

The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing General Plan policies.

(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.

The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing General Plan policies.

(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.

The SVMHS project is not located within the East Garrison area of Monterey County.

Water, Sewer, Drainage & Waste

(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.

The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City's land use policies.

(i) Each land use agency shall adopt the following policies and programs:

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.
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.
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.

The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City's land use policies.

**SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM PROJECT
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 February 2, 2010**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Salinas Valley Memorial Healthcare System Project Consistency
(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:	
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.	The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City's land use policies.
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.	The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City's land use policies.
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.	The SVMHS project is compliant with the Monterey Peninsula Water Management District Regulation 13 with a requirement for drought tolerant landscaping throughout the project site.
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.	The SVMHS project is subject to the FORA Community Facilities District (CFD) fee. A portion of the CFD fee will be used to support development of augmented water on the former Fort Ord.
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.	The SVMHS project includes such conservation measures.
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.	The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City's land use policies.
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.	The SVMHS project will need to get a will serve letter from the Marina Coast Water District prior to the issuance of any building permits.
8. Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.	The SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City's land use policies.
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.	The SVMHS project will implement water conservation methods consistent with the Reuse Plan.

**SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM PROJECT
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 February 2, 2010**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Salinas Valley Memorial Healthcare System Project Consistency
(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:	
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.	The SVMHS project is required to implement recent on-site storm drainage measures. The project can not increase runoff to the storm drain system.
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.	
(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.	The SVMHS project must submit a Phase I site assessment prior to the issuance of building permits.
(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.	The SVMHS project must submit a Phase I site assessment prior to the issuance of building permits.
Traffic & Circulation	
(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 SVMHS project is subject to the FORA Community Facilities District (CFD) fee. A portion of the CFD fee will be used to meet the project's impact on the regional transit system.
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.	

**SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM PROJECT
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 February 2, 2010**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Salinas Valley Memorial Healthcare System Project Consistency
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.	n/a
(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 SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City's circulation policies.
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 SVMHS project is subject to the FORA Community Facilities District (CFD) fee. A portion of the CFD fee will be used to meet the project's impact on the regional transit system.
(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 SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City law enforcement policies.
Fire Protection	
(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 SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City fire protection policies.
(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 SVMHS project amends the General Plan Land Use Map, but does not amend any of the existing City landscape policies.

**SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM PROJECT
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 February 2, 2010**

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

**Salinas Valley Memorial Healthcare
 System Project Consistency**

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 SVMHS project complies with the 1997 Reuse Plan jobs/housing balance provisions. Additional employment will be generated as a result of building this medical office complex.

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 SVMHS project is not within the proposed Highway One Scenic Corridor.

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 SVMHS project is a privately funded project and the prevailing wage standard does not apply.

RESOLUTION NO. 2010-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF MARINA CONSIDER CERTIFYING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR: (1) GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 TO CHANGE THE LAND USE DESIGNATION FROM "PUBLIC FACILITIES EDUCATION" TO "OFFICE RESEARCH"; (2) ZONING MAP AMENDMENT ZM 2009-01 TO CHANGE THE ZONING DISTRICT FROM "PUBLIC FACILITY (PF)" TO "PLANNED COMMERCIAL DISTRICT"; (3) SITE AND ARCHITECTURAL DESIGN REVIEW DR 2009-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN AND LIGHTING PLAN OF A FOUR BUILDING MEDICAL OFFICE COMPLEX; AND (4) TREE REMOVAL PERMIT TP 2009-03 FOR THE REMOVAL OF SIX (6) MONTEREY CYPRESS TREES AND ONE (1) BLUE GUM EUCALYPTUS TREE AND THE RELOCATION OF TWO (2) MONTEREY CYPRESS TREES TO ANOTHER AREA OF THE PROJECT SITE, LOCATED ON THE ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004)

WHEREAS, on October 30, 2009, the applicant, Salinas Valley Memorial Healthcare System (SVMHS), submitted a formal planning application for: (1) General Plan Land Use Map Amendment GP 2009-01 to change the land use designation from "Public Facilities Education" to "Office Research"; (2) Zoning Map Amendment ZM 2009-01 to change the zoning district from "Public Facility (PF)" to "Planned Commercial District"; (3) Site and Architectural Design Review DR 2009-05 for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (4) Tree Removal Permit TP 2009-03 for the removal of six (6) Monterey Cypress trees and one (1) Blue Gum Eucalyptus tree and the relocation of two (2) Monterey Cypress tree to another area of the project site, located on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third venue (Assessor Parcel No. 031-251-004) (the "Project"), and;

WHEREAS, on November 23, 2009, the Tree Committee of the City of Marina conducted a duly noticed public meeting to consider Tree Removal Permit TP 2009-03 and considered the information presented in the staff report, and adopted Resolution No. 2009-03 recommending that the Planning Commission consider TP 2009-03, and;

WHEREAS, on December 16, 2009, the Site and Architectural Design Review Board of the City of Marina conducted a duly noticed public meeting to consider Site and Architectural Design Review DR 2009-05 and considered the information presented in the staff report, and adopted Resolution No. 2009-17 recommending that the Planning Commission consider SD 2009-05, and;

WHEREAS, on January 14, 2010, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact for the Project, which includes a Mitigation Monitoring and Reporting Program, and considered the information presented in the staff report.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends that the City Council of the City of Marina consider certifying the Mitigated Negative Declaration of Environmental Impact, which includes a Mitigation Monitoring and Reporting Program, for: (1) General Plan Land Use Map Amendment GP 2009-01 to change the land use designation from "Public Facilities Education" to "Office Research"; (2) Zoning Map Amendment ZM 2009-01 to change the zoning district from "Public Facility (PF)" to "Planned Commercial District"; (3) Site and Architectural Design Review DR 2009-05 for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (4) Tree Removal Permit TP 2009-03 for the removal of six (6) Monterey Cypress trees and one (1) Blue Gum Eucalyptus tree and the relocation of two (2) Monterey Cypress tree to another area of the project site, located on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third venue (Assessor Parcel No. 031-251-004), making the following findings:

FINDINGS

1. The Mitigated Negative Declaration of Environmental Impact and corresponding initial study were released for public review and said mitigation measures would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and;
2. There is no substantial evidence in light of the whole record before the City of Marina that the project, may have a significant effect on the environment.

CONDITIONS

1. The traffic mitigation measure shall be changed so that the installation of the traffic signal is required and the striping of the two-lane left-turn shall not be required, as follows.

“Transportation and Traffic – Mitigation Measure TR-1:

Prior to the issuance of building permits, the applicant shall pay the development's fair share into the City's Traffic Impact Fee fund, which includes the applicant's fair share of the traffic signal installation at Imjin Parkway and Third Avenue to improve the intersection to a LOS A. This signalization has been included in the City's capital improvement project for 2011/2012.

The responsible party for this Mitigation Measure is the project applicant and the Marina Building Division. Monitoring for compliance shall be prior to building permit issuance.”

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 14th day of January 2010, by the following vote:

AYES, COMMISSION MEMBERS: David Brown, Debra Daniels, Peter Le
NOES, COMMISSION MEMBERS: Patti Bradshaw, Steve Zmack
ABSENT, COMMISSION MEMBERS:
ABSTAIN, COMMISSION MEMBERS: Kenneth Turgen

Debra Daniels, Acting Chair

ATTEST:

Christine di Iorio, AICP
Community Development Director
City of Marina

RESOLUTION NO. 2010-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF MARINA CONSIDER APPROVING: (1) GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 TO CHANGE THE LAND USE DESIGNATION FROM "PUBLIC FACILITIES EDUCATION" TO "OFFICE RESEARCH"; AND (2) ZONING MAP AMENDMENT ZM 2009-01 TO CHANGE THE ZONING DISTRICT FROM "PUBLIC FACILITY (PF)" TO "PLANNED COMMERCIAL DISTRICT", CONTINGENT UPON THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA OBTAINING OWNERSHIP OF THE PROJECT SITE, LOCATED ON THE ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004)

WHEREAS, on October 30, 2009, the applicant, Salinas Valley Memorial Healthcare System (SVMHS), submitted a formal planning application for: (1) General Plan Land Use Map Amendment GP 2009-01 to change the land use designation from "Public Facilities Education" to "Office Research"; (2) Zoning Map Amendment ZM 2009-01 to change the zoning district from "Public Facility (PF)" to "Planned Commercial District"; (3) Site and Architectural Design Review DR 2009-05 for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex; and (4) Tree Removal Permit TP 2009-03 for the removal of six (6) Monterey Cypress trees and one (1) Blue Gum Eucalyptus tree and the relocation of two (2) Monterey Cypress tree to another area of the project site, located on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third venue (Assessor Parcel No. 031-251-004) (the "Project"), and;

WHEREAS, on January 14, 2010, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Mitigated Negative Declaration of Environmental Impact, which includes a Mitigation Monitoring and Reporting Program, and to consider the Project and considered the information presented in the staff report.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends that the City Council of the City of Marina consider approving: (1) General Plan Land Use Map Amendment GP 2009-01 to change the land use designation from "Public Facilities Education" to "Office Research"; and (2) Zoning Map Amendment ZM 2009-01 to change the zoning district from "Public Facility (PF)" to "Planned Commercial District", contingent upon the Redevelopment Agency of the City of Marina obtaining ownership of the project site, located on the ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third venue (Assessor Parcel No. 031-251-004), making the following findings:

FINDINGS

I. General Plan Land Use Map Amendment – The General Plan Land Use Map Amendment GP 2009-01 is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and that GP 2009-01 is consistent with the following General Plan Community Goals and Primary Policies:

(a) Community Goals - As incorporated into the General Plan, these framework goals provide the overall direction necessary to ensure that, as it grows, the city will be well functioning and attractive; that it will balance the needs of residents and business; and that appropriate use will be made of its natural, human and economic resources:

(i) Goal 1.18.2 - Community development which avoids or minimizes to the greatest extent possible the consumption or degradation of non-renewable natural resources including natural habitats, water, energy, and prime agricultural land.

The proposed project will use recycled products to the extent possible and will use energy saving building techniques and appliances.

(ii) Goal 1.18.3 - A city within which the majority of the residences, businesses and community facilities are served by frequent, cost-effective transit.

The project site is located on a the 2X and 20 Monterey-Salinas Transit bus routes, which allow riders to connect to points north (San Jose, Salinas, Pajardo, for example) and points south (King City, Big Sur, Carmel Valley, Monterey, Pebble Beach, for example). In addition, a Class III bike lane is also scheduled for location along Imjin Parkway.

(iii) Goal 1.18.4 - A balance of jobs and housing that provides the greatest possible opportunity both to live and work in Marina.

The proposed project is expected to provide approximately 100 jobs at the project site. Some of these jobs will result from the relocation of the Doctors on Duty facility at 3130 Del Monte Boulevard.

(iv) Goal 1.18.5 - A city designed for and attractive to pedestrians, in which most of the housing, shops, businesses, and community facilities are within easy walking distance of each other.

The project site is near other offices, shopping and the residential areas of The Dunes at Monterey Bay Specific Plan.

- (v) Goal 1.18.6 - A balanced land use/transportation system which minimizes traffic congestion, noise, excessive energy consumption, and air pollution.

The project site is located on a the 2X and 20 Monterey-Salinas Transit bus routes, which allow riders to connect to points north (San Jose, Salinas, Pajardo, for example) and points south (King City, Big Sur, Carmel Valley, Monterey, Pebble Beach, for example). In addition, a Class III bike lane is also scheduled for location along Imjin Parkway.

- (vi) Goal 1.18.7 - A city that helps avoid sprawl in the region by making efficient use of lands designated for community development purposes.

The project site is currently vacant and will be developed with a use that the Marina community can readily use and not drive to Salinas to obtain such medical services.

- (vii) Goal 1.18.8 - A city physically and visually distinguishable from the other communities of the Monterey Bay region, with a sense of place and identity in which residents can take pride.

- (viii) Goal 1.18.9 - A diversified and sound economic base that will permit the delivery of high-quality public services to city residents and businesses.

The project is for the development of a medical office complex open to the public. The uses at the facility will provide local employment for qualifying residents.

- (ix) Goal 1.18.22 - A physically and socially cohesive community in which existing and future land uses, transportation facilities, and open spaces are well integrated.

The project is well sited in an appropriate zoning district and is situated along a regional bus route.

- (x) Goal 1.18.24 - Development which maintains continuity with the city's history and is responsive to the climate and the natural and scenic features of the local and regional setting, including the city's strategic position as the Monterey Peninsula's scenic entry.

The project design respects the adjacent Martinez Hall, a potential landmark with scenic value, with a similar design of stucco and tile roofs. In addition, the landscape plan is conditioned to provide mostly plants native to California and the Monterey Bay area.

- (xi) Goal 1.18.25 - Attractive, distinctive residential neighborhoods and commercial districts which contribute to the overall vitality, image and identity of the city.

The project is well designed and attractive, adding to the value of the area.

- (xii) Goal 1.18.26 - Prevention of threats to life and property from flooding, slope failure, and seismic activity.

The project site is not located in an area for potential flooding or slope failure. The project will be built according to the latest City-adopted California Building Code for seismic safety, among other regulations and standards.

- (xiii) Goal 1.18.27 - Equitable distribution of responsibilities and benefits between existing and future residents and businesses.

The project applicant is required to pay its fair share of development fees, as well as providing required utilities to the project site.

- (b) Primary Policies - The intent of the community land use element is to help achieve the overall General Plan goals of providing a satisfying, safe and healthful living and working environment and promoting the economic well-being of city residents and businesses. To accomplish these ends, City planning, regulatory and development decisions shall be governed by the following Primary Policies which adhere to the above listed Community Goals.

- (i) Policy 2.4.1 - The City shall provide a land supply within (i.e., south of) its Urban Growth Boundary (UGB) sufficient in size and appropriately located to accommodate a fair share of the future population and employment growth within Monterey County. Unless otherwise amended by a vote of the Marina electorate, until December 31, 2020, the City's UGB may be amended by the City Council only to accommodate lands designated for affordable housing in accordance with Sections 1.21 through 1.24 of this Plan.

The project site is within the City's UGB and with the surrounding commercial and retail land uses.

- (ii) Policy 2.4.2 - The City shall prevent under-utilization of land within its UGB that is appropriate for community development, in order to ensure that development proceeds in an orderly and consistent manner and to minimize the dispersal of future growth in Monterey County to outlying areas with potentially higher natural resource value. With respect to phasing and timing, whenever feasible, the City shall encourage new development to locate within the existing developed portion of Marina and Marina's former Fort Ord in preference to the development of currently vacant, undeveloped lands located within the City's UGB (from Section 2 of UGB Initiative).

The project site is within the City's UGB and is to be built within the floor area ratio parameters of the General Plan.

- (iii) Policy 2.4.5 - Future land development, whether it involves development of new areas, infilling of existing neighborhoods or commercial areas, or redevelopment of former Fort Ord lands, shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.

The project will be built to within the floor area ratio parameters of the General Plan.

- (iv) Policy 2.4.12- Land appropriate for community development shall be allocated and phased in a manner that enhances local employment and economic opportunities and provides the City with a strong economic and fiscal base.

The project will provide employment opportunities for the residents of Marina.

- (v) Policy 2.4.13 - The City will provide adequate urban services, including water, only to areas within its designated Urban Growth Boundary. The costs of providing the public facilities and services needed for new development shall be borne by new development unless the City chooses to help assume such costs in order to obtain identified community-wide benefits.

The project site is within the City's Urban Growth Boundary and the applicant is required to provide utilities to their site.

2. Zoning Map Amendment – The Zoning Map Amendment ZM 2009-01 will maintain zoning consistency with General Plan Land Use Map Amendment GP 2009-01 and that ZM 2009-01 will not be detrimental to the public health, safety or general welfare of the Marina community or the surrounding area.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 14th day of January 2010, by the following vote:

AYES, COMMISSION MEMBERS: Patti Bradshaw, David Brown, Debra Daniels, Peter Le, Steve Zmack

NOES, COMMISSION MEMBERS:

ABSENT, COMMISSION MEMBERS:

ABSTAIN, COMMISSION MEMBERS: Kenneth Turgen

Debra Daniels, Acting Chair

ATTEST:

Christine di Iorio, AICP
Community Development Director
City of Marina

January 7, 2010

Item No: 7b

Honorable Chair and Members
of the Planning Commission

Planning Commission Meeting
of January 14, 2010

REQUEST THAT THE PLANNING COMMISSION OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING: (1) RESOLUTION NO. 2010- , RECOMMENDING THAT CITY COUNCIL CONSIDER CERTIFYING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT; (2) RESOLUTION NO. 2010- , RECOMMENDING THAT CITY COUNCIL CONSIDER APPROVING GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 TO CHANGE THE LAND USE DESIGNATION FROM "PUBLIC FACILITIES EDUCATION" TO "OFFICE RESEARCH" AND ZONING MAP AMENDMENT ZM 2009-01 TO CHANGE THE ZONING DISTRICT FROM "PUBLIC FACILITY (PF)" TO "PLANNED COMMERCIAL DISTRICT" CONTINGENT UPON THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA OBTAINING OWNERSHIP OF THE PROJECT SITE; AND (3) RESOLUTION NO. 2010- , RECOMMENDING THAT CITY COUNCIL CONSIDER APPROVING SITE AND ARCHITECTURAL DESIGN REVIEW DR 2009-05 FOR THE SITE PLAN, BUILDING ELEVATIONS, LANDSCAPE PLAN AND LIGHTING PLAN OF A FOUR BUILDING MEDICAL OFFICE COMPLEX AND APPROVING TREE REMOVAL PERMIT TP 2009-03 FOR THE REMOVAL OF SIX (6) MONTEREY CYPRESS TREES AND ONE (1) BLUE GUM EUCALYPTUS TREE AND THE RELOCATION OF TWO (2) MONTEREY CYPRESS TREES TO ANOTHER AREA OF THE PROJECT SITE, LOCATED ON A ±5.56 ACRE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF IMJIN PARKWAY AND THIRD AVENUE (ASSESSOR PARCEL NO. 031-251-004), SUBJECT TO CONDITIONS

REQUEST:

It is requested that the Planning Commission open a public hearing, take any testimony from the public and consider adopting:

1. Resolution No. 2010- , recommending that City Council consider certifying the Mitigated Negative Declaration of Environmental Impact;
2. Resolution No. 2010- , recommending that City Council consider approving:
 - (a) General Plan Land Use Map Amendment GP 2009-01 to change the land use designation from "Public Facilities Education" to "Office Research", and;

- (b) Zoning Map Amendment ZM 2009-01 to change the Zoning District from “Public Facility (PF)” to “Planned Commercial District”, contingent upon the Redevelopment Agency of the City of Marina obtaining ownership of the project site, and;
3. Resolution No. 2010- , recommending that City Council consider approving:
- (a) Site and Architectural Design Review DR 2009-05 for the site plan, building elevations, landscape plan and lighting plan of a four building medical office complex, and;
 - (b) Tree Removal Permit TP 2009-03 for the removal of six (6) Monterey Cypress trees and one (1) Blue Gum Eucalyptus tree and the relocation of two (2) Monterey Cypress tree to another area of the project site, located on a ±5.56 acre project site located at the northwest corner of Imjin Parkway and Third Avenue (Assessor Parcel No. 031-251-004), subject to conditions.

BACKGROUND:

The ±5.56 acre vacant project site is located at the northwest corner of Imjin Parkway and Third Avenue, which is part of the 27,879 acre former Fort Ord. On August 8, 2000, the federal government deeded the former Fort Ord military base to the Fort Ord Reuse Authority (FORA). FORA then contracted the City to act as FORA’s managing agent for that part of the base that would be owned by the City of Marina, since the use and development of the area would become subject to the land use regulatory authority of Marina.

The Marina Redevelopment Agency (RDA) envisioned the project site with a new high quality development of a non-residential use that would enhance the growing surrounding base of new employers. As such, in March 2008 the RDA solicited proposals for purchase and development of the project site. In November 2008, the RDA executed an Exclusive Negotiating Agreement with Salinas Valley Memorial Healthcare System (SVMHS), a public district hospital, the successful respondent.

Since the project site is currently owned by Monterey Peninsula College (MPC), the State Department of Education must also approve the MPC-RDA land transfer. The State action is expected in March 2010. Therefore, City Council approval for the General Plan Land Use Map and Zoning Map amendments will be contingent upon the RDA obtaining ownership of the project site.

On October 30, 2009, SVMHS submitted a complete application for Site and Architectural Design Review DR 2009-05 for a site plan, building elevations, landscape plan and lighting plan for development of a ±60,800 square-foot, four building, single- and two-story medical office complex at the project site (see “**EXHIBIT A**” for the plan set). The application also included Tree Removal Permit TP 2009- 03 to allow the removal of six (6) Monterey Cypress trees that are in poor, dead or fair condition (trees no. 182, 185, 186, 187, 189, and 192) and one (1) Monterey Cypress and one Blue Gum

Eucalyptus tree that are in fair condition (trees no. 182 and 194) and to relocate two (2) Monterey Cypress that are both in good condition (trees no. 1653 and 1654) to accommodate the proposed development.

Specifically, the proposed project is for the development of a new SVMHS medical facility, in addition to the existing main facility in Salinas. SVMHS anticipates medical uses to include general practitioner physicians, specialist physicians, primary care medical groups, and related lab facilities. Other uses may include women and children services and imaging services. In addition, the new SVMHS facility would include a new urgent care use and the relocation of the existing Doctors On Duty at 3130 Del Monte Boulevard in Marina. A comprehensive sign program for the project will be submitted at a later date.

On November 23, 2009, at a regular meeting, the Tree Committee adopted Resolution No. 2009-03 recommending Planning Commission consideration of Tree Removal Permit TP 2009-03 to allow removal of six (6) Monterey Cypress trees and one (1) Blue Gum Eucalyptus tree and relocation of two (2) Monterey Cypress trees, subject to conditions.

On December 16, 2009, at a regular meeting, the Site and Architectural Design Review Board adopted Resolution No. 2009-17 recommending Planning Commission consideration of Site and Architectural Design Review DR 2009-05 for the site plan, building elevations, landscape plan and lighting plan for a four building medical office complex, subject to conditions.

ANALYSIS:

GENERAL PLAN LAND USE MAP AMENDMENT GP 2009-01 AND ZONING MAP AMENDMENT ZM 2009-01

The project site has a General Plan Land Use Map designation of "Public Facilities - Education" and a Zoning Map district of "Public Facility (PF)". For compatibility with surrounding commercial and retail uses and to accommodate the proposed medical office complex and to acknowledge the future transfer of the project site from MPC, the planning application includes a request to change the General Plan designation to "Office Research" and the zoning district to "Planned Commercial District (PC)", both of which allow medical office uses.

SITE AND ARCHITECTURAL DESIGN REVIEW DR 2009-05

To accommodate the proposed development, the Site and Architectural Design Review Board adopted Resolution No. 2009-17 recommending Planning Commission consideration for the following proposed development.

Site Plan

The site plan shows the four buildings arranged so that the main vehicle entrance driveway is along Third Avenue with a secondary entrance driveway along Twelfth Street. No driveways are proposed along Imjin Parkway. Pedestrians and bicyclists can access the site from the adjacent sidewalks and bike lanes along Imjin Parkway, Third Avenue and Twelfth Street. There is an existing bus stop along Imjin Parkway adjacent to the project site.

The Zoning Code requires a minimum of 240 parking spaces and the project plans show 272 parking spaces mostly located along Twelfth Street and along the interior property line. Some parking is located along Third Avenue and some is interior to the project site. This access and parking configuration as proposed has been deemed by the Fire Chief to be adequate to accommodate fire truck access and turning movements. However, if a structure (fountain or sign, for example) is placed in the center of the entrance drive off Third Avenue, the Site and Architectural Design Review Board recommends having the Fire Department review it for emergency vehicle access (Condition of Approval No. 4(f), in the third resolution to this staff report). In addition, the Site and Architectural Design Review Board recommends Condition of Approval No. 4(e) (in the third resolution to this staff report) that requires certain parking stalls to be removed to allow for more direct pedestrian access through the complex from the parking areas to the buildings.

The four buildings total $\pm 60,800$ square-feet. Building A is $\pm 17,400$ square-feet, single-story, and is located at the corner of Imjin Parkway and Third Avenue. Buildings B and C are $\pm 15,500$ square-feet each, two-story, and are located at the rear of the project site, nearest to Twelfth Street. Building D is $\pm 12,400$ square-feet, single-story, and located near Imjin Parkway. The "Office Research" General Plan land use designation requires a minimum floor area ratio (FAR) of 0.25:1.00 to a maximum of 0.45:1.00, which equals a minimum of 60,545 square-feet to a maximum of 108,987 square-feet of building area. Since the four buildings are proposed at $\pm 60,800$ square feet, this is an FAR of 0.25:1.00, which complies with the General Plan standard.

The "PC" zoning district does not have minimum building setback requirements, but the plans show that Buildings B, C and D are well setback from the public streets. Building A (at the corner of Imjin Parkway and Third Avenue) is setback more than 20 feet from the public streets, except for the corner element that is setback 10 feet from the public streets, which creates a strong corner presence.

The "PC" zoning district limits building lot coverage to a maximum of 35 percent, which equals a maximum of 84,767 square-feet. The proposed project has lot coverage of 50,400 square-feet, which is 21 percent. In addition, the Site and Architectural Design Review Board recommends Condition of Approval No. 4(d) (included in the third resolution to this staff report) requiring that the porous paver system in the parking area be coordinated with the pedestrian crossings with a focus between Buildings A and B.

Elevations

The applicant is also seeking approval of the four buildings' elevations. The proposed architecture is a Mediterranean style with stucco exterior walls, stone base accents, awnings, and tile parapet roofs. The neutral earth tone palette ties it all together. The material key on the elevation plans helps to show how the different materials are placed on the elevations. The exterior elevations show each building having depth, variation, and articulation along all elevations. Parapet roofs that are varied in height provide additional interest. The maximum allowed building height in the "PC" zoning district is 35 feet and the proposed buildings are at a maximum of 30 feet.

The Site and Architectural Design Review Board recommends Condition of Approval No. 4(a), (b), (c), and (g) (in the third resolution to this staff report) requiring that the construction drawings submitted for building plan check include: (a) cast stone at the base of the tower element, which is located close to the corner of Imjin Parkway and Third Avenue; (b) glazing to enclose the tower/corner element; (c) at least one pedestrian access door to the exterior for each tenant space adjacent to the arcade element; and (g) replacing the cast stone element shown on the material board for Buildings C and D with a color that is not so orange (no ESC-1 color).

Landscape Plan

The applicant has also prepared a Landscape Plan. In addition to the requested relocation of two (2) Monterey Cypress and the preservation of five (5) Monterey Cypress and one (1) Pine, over 140 new trees will be planted. The landscape plan includes native plant species, including species native to the former Fort Ord, but not grown from on-site stock. Although almost half of the plant types proposed for the project site are not native to California, many still do well in the Monterey Bay area. The Site and Architectural Design Review Board recommends Condition of Approval 7(d) (part of the third resolution of this staff report) to ensure that at least 50 percent of the plants will be California natives.

The "PC" zoning district requires a minimum 10 percent of the site area to be landscaped, which calculates to a minimum of 24,219 square-feet. The proposed plans show well over 25,000 square-feet of landscaped area.

Lighting Plan

The applicant submitted a lighting plan for the proposed project that proposes light emitting diodes (LED) lighting. The Zoning Code requires a minimum of 1.0 foot candle on all ground surface areas of the project site for the parking and pedestrian areas and the photometric plan meets this standard.

TREE REMOVAL PERMIT TP 2009-03

The project site current has fifteen trees. To accommodate the proposed development, the Tree Committee adopted Resolution No. 2009-03 recommending Planning Commission consideration for the removal of six (6) Monterey Cypress that are in fair, poor or dead condition (trees no. 182, 185, 186, 187, 189, and 192) and one (1) Blue Gum Eucalyptus that is in fair condition (tree no. 194). The applicant is also requesting to relocate two (2) Monterey Cypress that are both in good condition (trees no. 1653 and 1654). The remaining five (5) Monterey Cypress and one (1) Pine are proposed to be preserved in place and are all in fair condition (trees no. 183, 184, 188, 190, 191, and 1655). The existing locations of the fifteen trees are shown on the project plans.

ENVIRONMENTAL REVIEW

In compliance with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines (section 15000 et seq, Title 14, Division 6, Chapter 3, of the California Code of Regulations), and the City of Marina's Implementation Policies and Procedures for CEQA, staff has prepared and publicly circulated a draft Mitigated Negative Declaration of Environmental Impact and corresponding initial study ("EXHIBIT B"). The public review period is from January 4 through January 24, 2010.

The Planning Commission's public hearing may include public testimony on the environmental documentation.

The Mitigated Negative Declaration identifies several potential significant impacts that have been mitigated to levels of insignificance through measures included in a Mitigation and Monitoring Program (part of the environmental documentation and included in which includes a Mitigation Monitoring and Reporting Program in the third resolution of this staff report). These categories are as follows: (1) air quality – project related and cumulative impacts associated with project construction; (2) cultural resources – impact associated with project construction; (3) geology and soils – impacts associated with erosion during construction and seismic events during building operation; and (4) transportation and traffic – impacts associated with building operation.

CONCLUSION:

This request is submitted for Planning Commission consideration and possible action.

Respectfully submitted,

Nancy Hutar, AICP
Project Planner
City of Marina

REVIEWED/CONCUR:

Christine di Iorio, AICP
Community Development Director
City of Marina

EXHIBIT B
Transaction Detail Report - Form
FORT ORD REUSE AUTHORITY

TRANSACTION # _____ **JURISDICTION:** _____

Seller/Lessor: CITY OF MARINA/MRA Address: 211 HILLCREST AVENUE MARINA, CA 93933 Phone: 831-884-1278 Fax: 831-384-9148	Buyer/Lessee: SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM 450 E. ROMIE LANE SALINAS, CA 93901 Phone: 831-757-4333 Fax: 831-757-4333
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Escrow Company: _____
Title Company: _____

Property Location: NORTHWEST CORNER OF MIJIN PARKWAY AND THIRD AVENUE
Parcel #: 031-251-004 **Size:** 5.56 AC. (242,193.6 SQ FT.)

Valuation Company/Firm: _____ **Date of Valuation:** 2007

Valuation Instructions/Specifics:
Demolition Required: No Yes \$ _____ **Cost**
Instructions: VALUATION BASED ON \$ 10 PER SQUARE FOOT COMPARABLE SALE OF LAND FOR NEARBY MIJIN OFFICE PARK PROPERTY AND CONSULTATION WITH COMMERCIAL REAL ESTATE BROKERS.

Value: \$ 2,400,000.00

Proposed Uses of Property: NEW SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM MEDICAL FACILITY (PHYSICIAN OFFICES, URGENT CARE, AND RELATED LAB FACILITIES)
Interim Use (Lease): Yes No **Description:** _____

Costs of Sale/Lease:	Estimated	Final	Date
1. Fees (Recording)			
2. Administrative Costs			
3. Title Report			
4. Subdivision Map and Surveys			
5. Site Improvements			
6. Title Insurance			
7. Brokers Fees			
8. Off-Site Improvements			
9. Taxes			
10. Special Conditions			
11. Leasing Expenses			
12. Special Enhancements			
13. Other Items (Attach Supplemental as needed)			

FORT ORD REUSE AUTHORITY _____

 (JURISDICTION)
 DEPUTY REDEVELOPMENT DIRECTOR, CITY OF MARINA, CA

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject: Office of Economic Adjustment grant award for the Central Coast Veterans Cemetery infrastructure planning

Meeting Date: February 11, 2010

Agenda Number: 7d

INFORMATION

RECOMMENDATION(S):


Receive a report regarding the Fort Ord Reuse Authority's ("FORA") Office of Economic Adjustment ("OEA") grant award to conduct Central Coast Veterans Cemetery infrastructure planning.

BACKGROUND/DISCUSSION:

In January 2010, FORA received a \$460,000 grant award from OEA to conduct Central Coast Veterans Cemetery Infrastructure Planning. The movement to establish a Veterans Cemetery on former Fort Ord has sustained regional support for nearly two decades. This grant will accomplish essential infrastructure planning and coordinate efforts by local, state, and national government to complete the veterans cemetery on former Fort Ord.

FORA has approximately one year to conduct the infrastructure planning. For the first steps in the process, FORA will distribute a request for proposals ("RFP") for qualified consultants to compete for this work. After the selection panel evaluates the proposals, three consultants will be selected for interviews and one consultant will be selected to conduct the infrastructure planning. Staff anticipate bringing a consultant contract before the Board for approval at the April 2010 Board meeting.

FISCAL IMPACT:

Reviewed by Controller 

The Veterans Cemetery planning contract will be financed by the OEA grant funds.

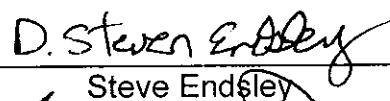
COORDINATION:

Administrative and Executive Committees

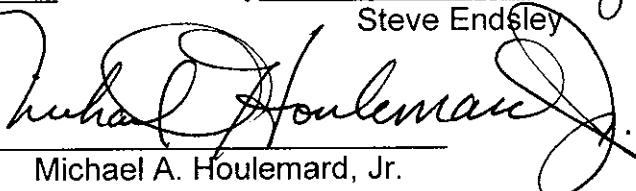
Prepared by

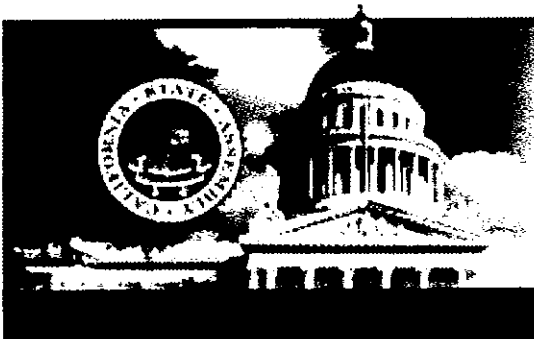

Jonathan Garcia

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.



Press Release

William W. Monning

Assemblymember, representing the 27th District

For Immediate Release: Feb. 08, 2010

Contact: Rachel Anne Goodman (831) 425-1503

Day of event Contact: An McDowell (cell) (831) 595-9657

***** PRESS ADVISORY *****

PRESS CONFERENCE ABOUT CENTRAL COAST VETERANS CEMETERY

(Seaside, CA) On **Friday, February 12th**, Assemblymember Monning will announce the introduction of legislation he is authoring that will help make the California Central Coast State Veterans Cemetery on the former Fort Ord base a reality. This legislation will amend current law to permit fundraising to occur simultaneously with the planning and design of the project, removing a roadblock which had stalled the project's implementation for many years.

3:00--4:00
Time: ~~4:30-5:30~~ pm

Location Ord Military Community Chapel (former Post Chapel Ft. Ord)
4280 General Jim Moore Blvd.
Seaside, CA

Note: We will gather next to the Soldier's Statue on Gen Jim Moore. In case of inclement weather, press conference will be in the Chapel Building.

Participants:

- Assemblymember Bill Monning
- Congressman Sam Farr
- Monterey County Supervisor Jane Parker
- Seaside Mayor Ralph Rubio
- Jack Kirwan, Deputy Secretary for Administration for California Department of Veterans Affairs
- Retired Veterans from Monterey and Seaside

Directions: From Highway 1, take Exit 406 - Lightfighter Drive. After the second traffic light, veer to the right to Gen Jim Moore Blvd. Pass the gas station (right side) and keep going south to Normandy Rd. Chapel is on the left side. Make U-turn at the traffic light to get to the chapel.

Assemblymember Monning was first elected to represent the 27th Assembly District in 2008. The 27th Assembly District includes the cities of Capitola, Santa Cruz and Scotts Valley in Santa Cruz County; as well as the cities of Carmel, Marina, Monterey, and Seaside in Monterey County; and the city of Morgan Hill in Santa Clara County. Prior to his election to the Assembly, Assemblymember Monning was a professor at the Monterey College of Law and a Professor of International Negotiation and Conflict Resolution at the Monterey Institute of International Studies. To learn more about Assemblymember Monning, please visit: www.assembly.ca.gov/monning.

Capitol Office: State Capitol, P.O. Box 942849 • Sacramento, CA 94249-0027 • (916) 319-2027 • Fax: (916) 319-2127

E-Mail: Assemblymember.Monning@assembly.ca.gov

27th Assembly District Web Site: www.assembly.ca.gov/monning

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	Confirmation of 2010 Fort Ord Reuse Authority Legislative and Finance Committee appointments	
Meeting Date:	February 11, 2010	ACTION
Agenda Number:	7e	

RECOMMENDATION:

Confirm the chair's recommendations of members to serve on the Legislative and the Finance Committees for 2010 (February 11, 2010 through the February 2011 board meeting).

BACKGROUND/DISCUSSION:

Each year at the February board meeting, the chair presents his/her recommendations of board members to serve on FORA's Finance and Legislative Committees. These appointments are for one year, beginning from the date of this board meeting. Chair Rubio has recommended the following to serve through the February 2011 board meeting:

Finance Committee:

Members: Mayor Sue McCloud (Carmel) (to serve as Chair)
Councilmember Tom Mancini (Seaside)
Councilmember Ken Gray (Marina)
Councilmember Janet Barnes (Salinas)
Graham Bice (UC Santa Cruz)

Alternate: Hunter Harvath (Monterey-Salinas Transit)

Legislative Committee:

Members: Mayor Ralph Rubio (Seaside) (to serve as Chair)
Supervisor Dave Potter (Monterey County)
Supervisor Jane Parker (Monterey County)
Councilmember Dave McCall (Marina)
Mayor Chuck Della Sala (Monterey)

Alternates: Mayor David Pendergrass (Sand City)
Councilmember Bill Kampe (Pacific Grove)

FISCAL IMPACT: none

Reviewed by the FORA Controller 

COORDINATION:

Chair/Mayor Rubio and Executive Committee

Prepared by 
Linda L. Stiehl

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	Property exchange between City of Marina (Marina) and Monterey Peninsula College (MPC)	
Meeting Date:	February 11, 2010	ACTION
Agenda Number:	7f	

RECOMMENDATION(S)

1. Receive a report from Marina regarding the exchange of parcels with MPC.
2. Approve the exchange of parcels, as presented in the MPC-Marina land exchange agreement and Implementing Agreement to accomplish the boundary adjustment set forth in the Exchange Agreement between MPC and Marina and its Redevelopment Agency ("Agency") ("Attachment A").
3. Concur with the attached Amendment No. 5 to the Memorandum of Agreement between the United States of America, Acting by and through the Secretary of the Army and the Fort Ord Reuse Authority for the Sale of Portions of the former Fort Ord Located in Monterey County, California, dated June 20, 2000 (to exempt the Agency Property from the purview of the EDC Agreement and to subject the MPC Property to the EDC Agreement) ("Attachment B").

BACKGROUND/DISCUSSION

The Agency was granted a certain parcel of land by the Fort Ord Reuse Authority ("FORA"), which was previously conveyed to FORA by the United States Department of the Army ("Army") as an economic development conveyance ("EDC") (the "Agency Property"). Similarly, Monterey Peninsula College ("MPC") was granted by the Department of Education ("DoEd") a public benefit conveyance of a certain parcel of land on the former Fort Ord for use for educational purposes (the "MPC Property"). As the former Fort Ord has developed in the years since its closure, it became apparent that the parcel requested originally by MPC was not ideal and that a contiguous footprint would better serve the future needs of MPC. It has been the goal of the Agency and MPC to exchange the two properties and to both release and bind the respective properties with the appropriate Federal restrictions. For example, the MPC Property would be conveyed by MPC to the Agency, freed of the DoEd educational covenants and restrictions and burdened with the restrictions appropriate for an EDC property. Conversely, the Agency Property would be conveyed by the Agency to MPC, freed of the Army's EDC restrictions and burdened by the DoEd's educational covenants and restrictions.

FISCAL IMPACT


Reviewed by the FORA Controller 

Staff time for reviewing this property exchange is covered in the approved fiscal year 09-10 budget. The terms and conditions of the exchange will not significantly alter revenues to FORA – but may result in earlier reuse of the parcels, which could expedite revenue to support FORA programs.


COORDINATION

City of Marina, MPC, Executive Committee, George Schlossberg/Hilary Jackler (Kutak Rock, LLP)

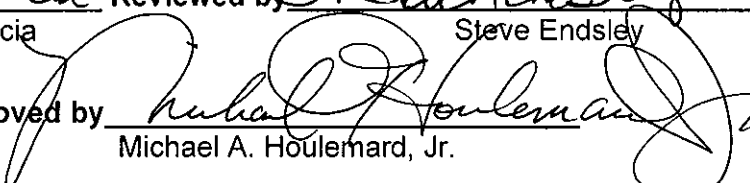
Prepared by


Jonathan Garcia

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.

EXCHANGE AGREEMENT

BETWEEN

THE MONTEREY PENINSULA COLLEGE

AND

THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA

AND THE CITY OF MARINA

**EXCHANGE OF REAL PROPERTY AGREEMENT
BETWEEN MONTEREY PENINSULA COLLEGE,
THE CITY OF MARINA, AND
MARINA REDEVELOPMENT AGENCY**

THIS EXCHANGE OF REAL PROPERTY AGREEMENT (the "Agreement") is made by and between MONTEREY PENINSULA COLLEGE, a California Community College District ("MPC"), the MARINA REDEVELOPMENT AGENCY, a California Redevelopment Agency ("AGENCY"), and the CITY OF MARINA, a Charter City organized under the laws of the State of California ("CITY"). AGENCY, CITY, and MPC are collectively referred to as the "Parties".

RECITALS

WHEREAS, on November 8 and November 21, 2006, CITY adopted Resolutions ("Resolutions") approving Cypress Knolls, a 712 unit residential development on approximately 188 acres immediately adjoining parcels also owned by MPC;

WHEREAS, the Resolutions include General Plan and zoning amendments, certification of the Cypress Knolls Environmental Impact Report, and specifically Resolution No. 2006-285, approving a tentative map for the Project;

WHEREAS, MPC participated in public hearings prior to adoption of the Resolutions, and has expressed to CITY important circulation and public safety concerns arising from the proposed 3rd Avenue access to Cypress Knolls;

WHEREAS, Resolution No. 2006-285 memorializes the CITY's agreement to meet in good faith with surrounding landowners to address MPC's and surrounding land owners' concerns, and includes a condition of approval requiring that the CITY use best efforts to reach a resolution satisfactory to MPC and surrounding land owners;

WHEREAS, the CITY and MPC have engaged in a series of meetings, and have identified an exchange as a satisfactory resolution meeting the terms of the described condition; and

WHEREAS, in furtherance of such a resolution, the AGENCY and MPC each own property described in Section 1.01 below which, if exchanged as provided below will enable the resulting owner to put the exchanged properties to better, more efficient public purpose than which they are currently being used.

NOW, THEREFORE, in consideration of the following, the Parties enter into this Agreement.

Terms & Conditions

Article 1 - Property

1.01 **Property Exchange**. The properties described below are all located in the City of Marina, California, and were part of the former Fort Ord, a military reservation. The following property conveyances (the "Exchange") shall occur in accordance with the escrow instructions, as provided in Section 1.02:

(a) MPC shall quitclaim to the AGENCY that certain real property described in **Exhibit A**, attached hereto, called herein the "MPC Property." The MPC Property consists of 6.89 acres, more or less, consisting of two parcels (one 5.56 acres, more or less, and the other 1.33 acres, more or less) and was conveyed by the United States of America, acting by and through the Secretary of Education, to MPC.

(b) AGENCY shall quitclaim to MPC that certain real property described in **Exhibit B**, attached hereto, called herein the "AGENCY Property." The AGENCY Property consists of a parcel of 7.76 acres, more or less, and will include the right-of-way on 12th Street located between other MPC-owned parcels, and was conveyed to the CITY by the Fort Ord Reuse Authority ("FORA").

(c) As soon as practicable following execution of this Agreement the Parties shall agree upon the forms of the quitclaim deeds to be used to effect the conveyances described in subsections (a) and (b) immediately above, which forms shall be consistent with the approvals and requirements of the United States of America and otherwise reasonably satisfactory to the Parties.

1.02 **Escrow**. The conveyances of real property provided for herein shall be conducted through an escrow, which is to be opened with Stewart Title ("Escrow Holder") promptly upon execution of this Agreement. The AGENCY and MPC shall each bear one-half of the charges and expenses of the escrow. The escrow instructions given to the Escrow Holder shall incorporate the terms of this Agreement and shall be consistent herewith. The escrow instructions shall include the provision that the property conveyances from MPC to the AGENCY, and the AGENCY to MPC, shall occur concurrently, as promptly as practicable following satisfaction of all conditions to closing, but in no event later than one year following the date of execution of this Agreement. The termination provisions contained in this Agreement and the escrow instructions provided to the Escrow Holder shall include a provision that the Parties may modify or waive the time in which any or all of the property transfers are to occur, but any such waiver must be in writing and signed by the Parties. In the event this escrow is terminated and this Agreement is voided pursuant to this Agreement, the Escrow Holder shall return all documents deposited in the escrow to the depositing Party.

Article 2 - Consideration and Covenants

2.01 Consideration. The Parties have each determined that the properties to be conveyed pursuant to this Agreement will serve the public interest in allowing each Party to perform its functions in a more cost-effective and efficient manner. The Parties have investigated the value of their respective properties and determined that the property transactions provided in this Agreement, along with the additional consideration provided by each Party to the other Parties, provide each entity with equivalent value, and that no cash exchange or payment shall be made by any Party. The net usable acreage of the properties to be exchanged are within .14 acres, the AGENCY Property at 6.76 acres, and the MPC Property at 6.89 acres, and as additional consideration, the Parties have agreed to the covenants set forth below.

(a) MPC agrees that MPC shall withdraw any pending, and make no further, objections, complaints, challenges, threats of litigation, plans to litigate, and the like, concerning any and all aspects, including without limitation the consistency of the project with CITY, AGENCY and FORA regulations and laws, of the project commonly known as the Cypress Knolls Project, approved by CITY and AGENCY on November 22, 2006. 21

(b) The CITY and AGENCY agree that MPC shall not have any obligation to pay to CITY and CITY shall not assert or impose any CITY impact and mitigation fees for development of Phase I of the MPC Satellite Center Project in the CITY. Phase I of the MPC Satellite Center Project is expected to include a 15,700 square foot classroom and administrative building, with approximately one acre of landscaping, on land owned by MPC east of 3rd Avenue with approximately 275 students (160 full time equivalent) and 21 staff on campus as a maximum at any given time. CITY and AGENCY further agree that if the CITY and/or AGENCY decide to construct road improvements and traffic signals on Imjin Parkway and 3rd and 4th Avenues and on 12th Street, such construction shall be at no cost to MPC. The Parties agree that by virtue of the Exchange MPC shall have mitigated all of the impacts of development of Phase I of the MPC Satellite Center Project under the California Environmental Quality Act ("CEQA") and any other laws. This provision shall not, however, relieve MPC of its obligation to pay such fees, to the extent applicable to MPC, for subsequent phases of the MPC Satellite Center Project (including any fees relating to MPC's contemplated future planned faculty and staff housing development on its 4.81 acre parcel north of 12th Street).

(c) The CITY agrees that it shall reserve and allocate, from its present allocation from FORA, 7 acre feet per year ("AF") of water for MPC's Phase I use, a portion of which may be supplied from reclaimed water sources. MPC's use of water may commence upon verification from MPC of approval of a connection and meter. This reservation and allocation shall not constitute or be deemed an entitlement to a grant of any additional reservations or allocations for subsequent MPC Satellite Center Project phases, except as set forth in the following subsection (d).

(d) CITY and AGENCY acknowledge that MPC contemplates developing a 10 unit housing project on MPC's 4.81 acre parcel northerly of the 5.56 acre parcel of the

MPC Property for faculty and staff at a future date. The CITY and AGENCY acknowledge that such project will require water estimated at 4 AF. The CITY hereby agrees to reserve 4 AF of water (and to allocate, at such time as formal allocation is permitted by applicable regulation) for this use. CITY and AGENCY acknowledge that this project may require certain amendments to CITY's General Plan and zoning regulations. If such amendments are necessary, CITY and AGENCY will put its regulatory scheme in a state to allow MPC to achieve such development, in the reasonable exercise of its discretion and in accordance with and subject to applicable law.

2.02 Legal Fees Relating to Effectuating Land Exchange The Exchange will be subject to the review and approval of United States, through the Department of Army and the Department of Education (and perhaps other Departments), as provided for in the rules governing the disposition of property for Public Benefit Conveyances and Economic Development Conveyances as prescribed for in the Base Realignment and Closure ("BRAC") process. Such review and approval will necessitate the hiring of specialized legal counsel, for which the AGENCY and MPC will share equally in the cost of a mutually selected and acceptable qualified firm.

2.03 ACOE Commitment to Remove Pump and Treat Facility. The Army Corps of Engineers ("ACOE") currently maintains a groundwater pump and treatment facility for groundwater remediation purposes on the AGENCY Property to be transferred to MPC. Such facility is maintained and provided for by an easement of one acre on the AGENCY Property, for which it is the Parties understanding that the ACOE is solely responsible for removal of all related facilities once remediation is complete. Estimates from the ACOE indicate remediation could last between 10 and 20 years. AGENCY shall provide MPC such documentation in its possession that such obligation for removal exists and is at the sole expense of the ACOE.

Article 3 - Conditions, Certain Covenants, and Representations

3.01 Conditions. The obligations of the Parties to complete the Exchange are subject to the conditions set forth below. The Party for whose benefit the condition exists may waive the condition in a writing delivered to the other Parties. A condition shall be deemed satisfied only upon a verification in writing by the Party for whose benefit the condition exists that the condition has been satisfied, delivered to the other Parties or through escrow.

(a) All necessary approvals from all federal, state, and local government agencies for the Exchange shall have been obtained without imposition of conditions requiring financial outlays or detriment (except such outlay and/or detriment as may be agreed to in writing by all Parties) to any Party (except as contemplated by this Agreement), pursuant to decisions not subject to judicial review. This condition is for the benefit of all Parties.

(b) The CITY and AGENCY, as applicable, shall have amended its General Plan, Zoning Regulations, and other applicable laws and regulations to allow the use of

the AGENCY Property for Educational Use for the MPC Satellite Center and, to the extent necessary, to authorize use of the MPC 4.81 acre parcel for residential use exclusively for faculty and staff housing for MPC educational purposes, pursuant to a decision not subject to judicial review. The CITY and AGENCY covenant to undertake such amendments in accordance with applicable law. This condition is for the benefit of MPC.

(c) The CITY and AGENCY, as lead and responsible agencies, shall have complied with CEQA with respect to the Exchange, pursuant to a decision not subject to judicial review. This condition is for the benefit of all Parties.

(d) MPC shall be satisfied, on a reasonable and objective basis, that ACOE is fully responsible, without cost to MPC, for the remediation and removal of remediation facilities described in Section 2.03. This condition is for the benefit of MPC.

(e) MPC shall be satisfied, on a reasonable and objective basis, that the environmental conditions of the AGENCY Property do not restrict or prevent development of the AGENCY Property for MPC's purposes (except for the one acre easement as described in Section 2.03 in accordance with that Section). This condition is for the benefit of MPC. The CITY and AGENCY covenant to provide MPC with the information on the environmental conditions of the AGENCY Property in its possession, or alternatively to direct MPC to the sources known to CITY and AGENCY where such information can be found.

Article 4 - "As Is" Conveyance & Release

4.01 Properties Conveyed "As Is."

(a) MPC acknowledges and agrees as to its property to be conveyed to AGENCY hereby that MPC owns and possesses the interest to be conveyed pursuant to Article 1 hereof, and that the MPC Property is to be conveyed to and accepted by AGENCY in an "as is" condition with all deficiencies, faults and impediments, and that the MPC Property was formerly part of Fort Ord, a military reservation. MPC makes no representations or warranties of any kind whatsoever, either express or implied, with respect to its property to be conveyed or any of such related matters; in particular, but without limitation, MPC makes no representations or warranties with respect to the use, condition, title (other than its ownership as provided above), occupation, management, topography, climate, air, water, water rights, utilities, present or future zoning, soil, subsoil, hazardous substances, waste or materials, the purposes for which the property is suited, drainage, access to public roads, proposed routes or extensions of roads, the availability of government permits, or approvals of any kind, compliance with applicable statutes, laws, codes, ordinances, regulations or requirements relating to leasing, zoning, subdivision, planning, building, fire, safety, health or environmental matters, compliance with covenants, conditions and restrictions (whether or not of record), other local, municipal, regional, state or federal requirements, or other statutes, laws, codes, ordinances, regulations or requirements, except as otherwise required by the deed by

which MPC acquired the MPC Property. AGENCY acknowledges that it will acquire the MPC Property pursuant to this Agreement on the basis of its own investigation of the physical and environmental conditions of the MPC Property to be conveyed by MPC, including the subsurface conditions, and assumes the risk that adverse physical and environmental conditions may not have been revealed by its investigation.

(b) AGENCY acknowledges and agrees as to its property to be conveyed to MPC hereby that AGENCY owns and possesses the interest to be conveyed pursuant to Article 1 hereof, and that the AGENCY Property is to be conveyed to and accepted by MPC in an "as is" condition with all deficiencies, faults and impediments, and that the AGENCY Property was formerly part of Fort Ord, a military reservation. AGENCY makes no representations or warranties of any kind whatsoever, either express or implied, with respect to its property to be conveyed or any of such related matters; in particular, but without limitation, AGENCY makes no representations or warranties with respect to the use, condition, title (other than its ownership as provided above), occupation, management, topography, climate, air, water, water rights, utilities, present or future zoning, soil, subsoil, hazardous substances, waste or materials, the purposes for which the property is suited, drainage, access to public roads, proposed routes or extensions of roads, the availability of government permits, or approvals of any kind, compliance with applicable statutes, laws, codes, ordinances, regulations or requirements relating to leasing, zoning, subdivision, planning, building, fire, safety, health or environmental matters, compliance with covenants, conditions and restrictions (whether or not of record), other local, municipal, regional, state or federal requirements, or other statutes, laws, codes, ordinances, regulations or requirements, except as otherwise required by the deed by which AGENCY acquired the AGENCY Property. MPC acknowledges that it will acquire the AGENCY Property pursuant to this Agreement on the basis of its own investigation of the physical and environmental conditions of the property to be conveyed by AGENCY, including the subsurface conditions, and assumes the risk that adverse physical and environmental conditions may not have been revealed by its investigation.

4.02 RELEASE

(a) AGENCY, FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, HEREBY WAIVES, RELEASES, REMISES, ACQUITS AND FOREVER DISCHARGES MPC AND ITS EMPLOYEES, AGENTS, OFFICERS, DIRECTORS, SUCCESSORS AND ASSIGNS, OF AND FROM ANY CLAIMS, ACTIONS, CAUSES OF ACTION, DEMANDS, RIGHTS, DAMAGES, COSTS, EXPENSES, PENALTIES, FINES OR COMPENSATION WHATSOEVER, DIRECT OR INDIRECT, WHICH IT NOW HAS OR WHICH IT MAY HAVE IN THE FUTURE ON ACCOUNT OF OR IN ANY WAY ARISING OUT OF OR IN CONNECTION WITH THE CONDITION OF THE PROPERTY HEREBY TO BE CONVEYED TO IT BY MPC, INCLUDING, WITHOUT LIMITATION, THE KNOWN OR UNKNOWN PHYSICAL AND ENVIRONMENTAL CONDITIONS OF THE PROPERTY OR ANY FEDERAL, STATE OR LOCAL LAW, ORDINANCE, RULE OR REGULATION APPLICABLE THERETO.

(b) MPC, FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, HEREBY WAIVES, RELEASES, REMISES, ACQUITS AND FOREVER DISCHARGES AGENCY AND ITS EMPLOYEES, AGENTS, OFFICERS, DIRECTORS, SUCCESSORS AND ASSIGNS, OF AND FROM ANY CLAIMS, ACTIONS, CAUSES OF ACTION, DEMANDS, RIGHTS, DAMAGES, COSTS, EXPENSES, PENALTIES, FINES OR COMPENSATION WHATSOEVER, DIRECT OR INDIRECT, WHICH IT NOW HAS OR WHICH IT MAY HAVE IN THE FUTURE ON ACCOUNT OF OR IN ANY WAY ARISING OUT OF OR IN CONNECTION WITH THE CONDITION OF THE PROPERTY HEREBY TO BE CONVEYED TO IT BY AGENCY, INCLUDING, WITHOUT LIMITATION, THE KNOWN OR UNKNOWN PHYSICAL AND ENVIRONMENTAL CONDITIONS OF THE PROPERTY OR ANY FEDERAL, STATE OR LOCAL LAW, ORDINANCE, RULE OR REGULATION APPLICABLE THERETO.

Article 5 - Miscellaneous

5.01 Successors and Assigns. This Agreement shall be binding upon, and inure to the benefit of, the Parties hereto and their respective successors and assigns. MPC's, CITY's, and AGENCY's interests under this Agreement may not be assigned or otherwise transferred, whether voluntarily, involuntarily, by operation of law or otherwise. Any assignment or other transfer in violation of the foregoing shall be void and the Party shall be deemed in default hereunder.

5.02 Parties in Interest. Except as expressly provided in this Agreement, nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any persons other than the Parties to it and their respective successors and assigns, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third persons to any Party to this Agreement, nor shall any provision give any third persons any right to subrogation or action against any Party to this Agreement.

5.03 Amendment. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all Parties to this Agreement.

5.04 Waiver. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the Party making the waiver.

5.05 Timeliness. MPC, CITY, and AGENCY hereby acknowledge and agree that time is of the essence with respect to each and every term, condition, obligation and provision hereof.

5.06 Notices. Any notice or other communication required or permitted to be given under this Agreement (Notices) shall be in writing and shall be (i) personally delivered; (ii) delivered by a reputable overnight courier; or (iii) delivered by certified mail, return

receipt requested and deposited in the U.S. Mail, postage prepaid. Facsimile notices shall be deemed valid only to the extent they are (a) actually received by the individual to whom addressed and (b) followed by delivery of actual notice in the manner described above within three business days thereafter. Notices shall be deemed received at the earlier of actual receipt or (i) one business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (ii) three business days following deposit in the U.S. Mail, as evidenced by a return receipt. Notices shall be directed to the Parties at their respective addresses shown below, or such other address as either Party may, from time to time, specify in writing to the other in the manner described above:

If to MPC: MONTEREY PENINSULA COLLEGE
Attn: Joe Bissell
Vice-President for Administrative Services
980 Fremont Street
Monterey, CA 93940
Telephone: 831-646-4040
Facsimile: _____

If to AGENCY: MARINA REDEVELOPMENT AGENCY
Attn: Executive Director
City Hall
211 Hillcrest Avenue
Marina, California 93933
Telephone: 831-884-1278
Facsimile: 831-384-9148

If to CITY: CITY OF MARINA
Attn: City Manager
City Hall
211 Hillcrest Avenue
Marina, California 93933
Telephone: 831-884-1278
Facsimile: 831-384-9148

5.07 Governing Law and Venue. This Agreement shall be construed in accordance with, and governed by, the laws of the State of California, and any action or proceeding, including arbitration, brought by any Party in which this Agreement is subject, shall be brought in the County of Monterey.

5.08 Dispute Resolution. If any dispute arises between or among the Parties as to proper interpretation or application of this Agreement, they shall first meet and confer in a good faith attempt to resolve the matter between themselves. If the dispute is not resolved by meeting and conferring, the matter shall be submitted for formal mediation to a mediator selected mutually by the Parties. The expenses of such mediation shall be shared equally between the Parties. If the dispute is not or cannot be resolved by mediation, the Parties may pursue any of their available legal remedies.

5.09 Invalidity. Any provision of this Agreement which is invalid, void, or illegal, shall not affect, impair, or invalidate any other provision of this Agreement, and such other provisions of this Agreement shall remain in full force and effect

5.10 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

5.11 Further Assurances. Each Party agrees to use its best efforts to complete the Exchange (including the expenditure of funds necessary thereto), and to act reasonably and in good faith to complete the Exchange. Each Party agrees to execute, acknowledge, and deliver such further instruments as may be necessary or desirable to accomplish the intent and purpose of this Agreement, provided that the Party requesting such further action shall bear all costs and expenses related thereto.

5.12 Negotiated Terms. The Parties agree that the terms and conditions of this Agreement are the result of negotiations between the Parties and that this Agreement shall not be construed in favor of or against any Party by reason of the extent to which any Party or its professionals participated in the preparation of this Agreement.

5.13 Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter contained in it and supersedes all prior or contemporaneous oral or written agreements, representations, statements, documents, or understandings of the Parties.

5.14 Termination. In the event that the Exchange has not been completed and escrow closed within one year from the date of this Agreement, any Party shall have the right to terminate this Agreement by written notice to the other Parties. In the event of termination of this Agreement, the Parties shall proceed as set forth in Section 1.02.

MPC:

By:

Title:

Date:

Dyab. Sami
Superintendent/President
2-7-07

Attest:

Title: _____

[Signatures continue on following page]

Approved as to Form:

MPC Counsel

CITY:

By:

Title: CITY MANAGER

Date: 2/9/2007

Attest:

Title: City Clerk

Pursuant to
Resolution No.
2007-25

Approved as to form:

Robert R. Wallingford
City Attorney

AGENCY:

By:

Title: CITY MANAGER / Executive Director

Date: 2/9/2007

Attest:

Title: City Clerk / Agency Secretary

Pursuant to
Resolution No:
2007-03 MRA

Approved as to Form:

Robert R. Wallingford
AGENCY Counsel

EXHIBIT A

(MPC SITE)

5.56 ACRE PARCEL

COMMENCING at the southwesterly corner of that certain 3.994 acre parcel shown and so designated as "Parcel 1" on that certain Record of Survey map filed December 6, 1995, in Volume 19 of Surveys, at Page 126, Records of Monterey County, California; thence running along the southerly prolongation of the easterly line of said parcel

- a. S 04° 36' 53" W, 18.97 feet to the True Point of Beginning; thence leaving said prolongation line
1. S 73° 16' 26" E, 330.90 feet; thence along the westerly line of Third Avenue
2. N 16° 44' 33" E, 575.99 feet; thence
3. Northwesterly, 62.76 feet along the arc of a tangent curve to the left having a radius of 40.00 feet, through a central angle of 89° 54' 08"; thence tangentially along the southerly line of Twelfth Street
4. N 73° 09' 35" W, 174.02 feet; thence
5. Westerly, 245.71 feet along the arc of a tangent curve to the left having a radius of 1142.00 feet, through a central angle of 12° 19' 39" to the northeasterly corner of said "Parcel 1"; thence leaving said southerly line of Twelfth Street and running instead along the easterly line of said "Parcel 1"
6. S 04° 36' 35" W, 282.73 feet; thence
7. S 04° 36' 53" W, 321.23 feet to the True Point of Beginning (at 302.25 feet, said point of commencement).

1.33 ACRE PARCEL

BEGINNING at a point the coordinate being Northing = 2138981.90 and Easting = 5738493.37; thence

1. S 01° 40' 22" W, 339.76 feet; thence
2. S 88° 07' 15" E, 170.20 feet; thence along the westerly line of Eleventh Street
3. N 01° 40' 22" E, 340.38 feet; thence leaving said westerly line
4. N 88° 19' 38" W, 170.20 feet to the Point of Beginning.

EXHIBIT B

Portion B

That portion of the former Fort Ord, in the City of Marina, County of Monterey, State of California, comprised of a portion of the Army Corps of Engineers' parcels E2c.3.1 and E2c.3.2 described as follows:

Beginning at the northeast corner of Parcel 1 as shown on the map for "Y.W.C.A." filed in Volume 20, Surveys, Page 25; thence leaving said Parcel 1

South 73°09'00" East, 91.36 feet to the beginning of a curve concave to the southwest having a radius of 40.00 feet; thence southeasterly 64.02 feet along the curve through a central angle of 91°41'47" to the beginning of a compound curve having a radius of 139.50 feet; thence southwesterly 107.17 feet along the curve through a central angle of 44°01'08" to the beginning of a reverse curve having a radius of 200.50 feet; thence southwesterly 219.33 feet along the curve through a central angle of 62°40'41" to the beginning of a reverse curve having a radius of 40.00 feet; thence southwesterly 51.04 feet along the curve through a central angle of 73°06'40" to the beginning of a compound curve having a radius of 1,433.00 feet, said point being on the northerly line of that certain 137.00 foot right-of-way of Imjin Parkway; thence westerly along the northerly line of said right-of-way of Imjin Parkway, 611.04 feet along the curve through a central angle of 24°25'52" to a point on the easterly line of Parcel 3 as shown on the unrecorded Record of Survey for "Monterey Peninsula College; thence northerly along the easterly line of said Parcel 3

North 16°45'37" East, 385.48 feet; thence leaving said Parcel 3

South 73°14'23" East, 218.76 feet; thence

North 16°51'00" East, 41.83 feet to the southwest corner of said Parcel 1; thence easterly along the southerly line of said Parcel 1

South 73°08'16" East, 324.00 feet to the southeast corner of said Parcel 1; thence northerly along the easterly line of said Parcel 1

North 16°51'00" East, 179.85 feet to the **Point of Beginning**.

Together with:

Parcel 1 as shown on the map for "Y.W.C.A." filed as Volume 20, Surveys, Page 25.

Containing 6.03 acres, more or less

CITY OF MARINA

OCT 1 2003

PUBLIC WORKS

EXHIBIT B, cont.

Portion C .

That portion of the former Fort Ord, in the City of Marina, County of Monterey, State of California, comprised of a portion of the Army Corps of Engineers' parcel E2c.3.1 described as follows:

Beginning at the northwest corner of Parcel 1 as shown on the map for "Y.W.C.A." filed in Volume 20, Surveys, Page 25; thence southerly along the westerly line of said Parcel 1

South 16°51'00" West, 179.78 feet to the southwest corner of said Parcel 1; thence leaving said Parcel 1

South 16°51'00" West, 41.83 feet; thence

North 73°14'23" West, 218.76 feet to a point on the easterly line of Parcel 3 as shown on the unrecorded Record of Survey for "Monterey Peninsula College"; thence northerly along the easterly line of said Parcel 3

North 16°45'37" East, 221.56 feet to the northeast corner of said Parcel 3; thence leaving said Parcel 3

North 16°45'37" East, 0.39 feet; thence

South 73°09'00" East, 219.11 feet to the **Point of Beginning.**

Containing 1.11 acres, more or less.

CITY OF MARINA

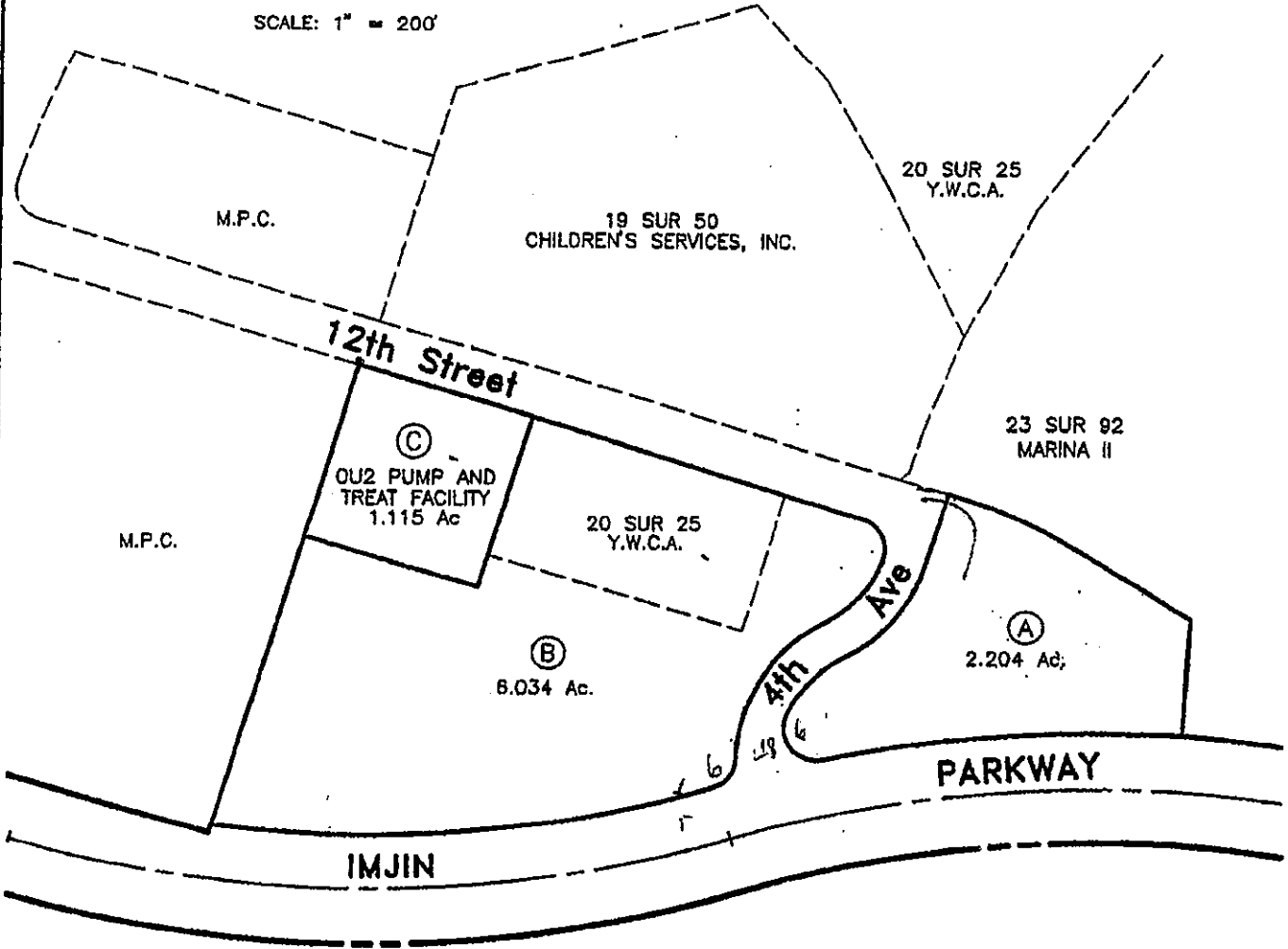
OCT 1 2003

PUBLIC WORKS

EXHIBIT B, cont.



SCALE: 1" = 200'



BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: THE CITY OF MARINA

EXHIBIT OF 3 PARCELS
 FOR PROPOSED LEASE PURPOSES
 BY SAN. LORENZO LUMBER

COUNTY OF MONTEREY,

CALIFORNIA

SCALE: 1" = 200'

DATE: 5/01/03

SHEET
1 OF 1

NO. 6341.00

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**IMPLEMENTING AGREEMENT
TO ACCOMPLISH THE BOUNDARY ADJUSTMENT SET FORTH IN THE
EXCHANGE AGREEMENT BETWEEN
THE MONTEREY PENINSULA COLLEGE,
THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA
AND
THE CITY OF MARINA**

THIS IMPLEMENTING AGREEMENT (“Agreement”) is entered into on this ____ day of _____, 2009 (the “Effective Date”) among **THE MONTEREY PENINSULA COLLEGE (“MPC”), THE REDEVELOPMENT AGENCY OF THE CITY OF MARINA** (the “Agency”), and **THE CITY OF MARINA** (the “City”) (collectively, the “Parties”).

RECITALS

WHEREAS, pursuant to the Defense Base Closure and Realignment Act of 1990 (Part A of Title XXIX of Public Law 101-510; U.S.C. Section 2687 Note), as amended (the “Base Closure Act”), the United States Department of the Army (the “Army”) closed the former Fort Ord Military Installation (“Fort Ord”), located within Monterey County; and

WHEREAS, the Fort Ord Reuse Authority (“FORA”), created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, *et seq.*, and selected provisions of the California Redevelopment Law, is a regional agency established to plan, facilitate, and manage the transfer of former Fort Ord property from the United States Army (hereinafter referred to as the “Army”) to the governing local jurisdictions or their designee(s). FORA has been designated as the Local Redevelopment Authority (“LRA”) for the former Fort Ord by the Office of Economic Adjustment on behalf of the Secretary of Defense; and

WHEREAS, MPC applied for and was granted by the Department of Education a quitclaim deed for certain property on the former Fort Ord described in Exhibit A and hereinafter referred to as the “MPC Property”; and

WHEREAS, that certain property on the former Fort Ord described in Exhibit B and hereinafter referred to as the “Agency Property” was conveyed from the Army to FORA, then reconveyed from FORA to the Agency; and

**IMPLEMENTING AGREEMENT TO ACCOMPLISH THE BOUNDARY
ADJUSTMENT SET FORTH IN THE EXCHANGE AGREEMENT BETWEEN THE
MONTEREY PENINSULA COLLEGE, THE REDEVELOPMENT AGENCY OF THE
CITY OF MARINA AND THE CITY OF MARINA**

Page 2.

1 **WHEREAS**, on November 8 and November 21, 2006, the City adopted resolutions
2 (“Resolutions”) approving Cypress Knolls, a 712 unit residential development on approximately
3 188 acres immediately adjoining parcels also owned by MPC; and
4

5 **WHEREAS**, the Resolutions included a general plan and zoning amendments,
6 certification of the Cypress Knolls Environmental Impact Report, and a tentative map for the
7 Cypress Knolls Project (the “Project”); and
8

9 **WHEREAS**, MPC participated in public hearings prior to adoption of the Resolutions,
10 and has expressed to the City important circulation and public safety concerns arising from the
11 proposed 3rd Avenue access to Cypress Knolls; and
12

13 **WHEREAS**, Resolution No. 2006-285 memorializes the City’s agreement to meet in
14 good faith with surrounding landowners to address MPC’s and surrounding land owners’
15 concerns, and includes a condition of approval requiring that the City use best efforts to reach a
16 resolution satisfactory to MPC and surrounding land owners; and
17

18 **WHEREAS**, the City and MPC have engaged in a series of meetings, and have identified
19 an exchange of Agency Property and MPC Property as a satisfactory resolution that will result in
20 the exchanged properties being put to better, more efficient public purposes than which they are
21 currently being used; and
22

23 **WHEREAS**, the exchanged properties will accomplish a desirable boundary adjustment
24 which will allow MPC to have additional contiguous land; and
25

26 **WHEREAS**, to cause the exchange of the Agency Property and the MPC Property, the
27 Parties entered that certain Exchange of Real Property Agreement Between Monterey Peninsula
28 College, the City of Marina, and Marina Redevelopment Agency dated February 9, 2007 (the
29 “Exchange Agreement”) attached hereto as Exhibit C and made a part hereof; and
30

31 **WHEREAS**, because the MPC Property was conveyed as a public benefit conveyance,
32 the Department of Education must consent to the exchange and remove certain restrictions on the
33 MPC Property, and the Army must provide their interposal of no objection to the request; and
34

35 **WHEREAS**, because the Agency Property was conveyed as an economic development
36 conveyance, the Army and FORA must consent to the exchange and remove certain restrictions
37 on the Agency Property; and
38

**IMPLEMENTING AGREEMENT TO ACCOMPLISH THE BOUNDARY
ADJUSTMENT SET FORTH IN THE EXCHANGE AGREEMENT BETWEEN THE
MONTEREY PENINSULA COLLEGE, THE REDEVELOPMENT AGENCY OF THE
CITY OF MARINA AND THE CITY OF MARINA**

Page 4.

1 1.04. Deeds. Recordable deeds in the form of Exhibit F and Exhibit G, conveying to the
2 respective party all rights and title in and to the applicable property.

3
4 1.05. Escrow. The Parties agree to appoint Chicago Title Company as the Escrow Agent
5 (“Escrow Agent”) to facilitate the closing of all property transfers and other transactions
6 contemplated by this Agreement and the Exchange Agreement.

7
8 1.06. MPC Property. The two parcels of land owned by MPC (one 5.56 acres, more or
9 less, and the other 1.33 acres, more or less) that comprise an area of approximately 6.89 in the
10 City of Marina, more particularly described by metes and bounds in Exhibit A.

11
12 **ARTICLE 2. EXCHANGE OF AGENCY PROPERTY AND MPC PROPERTY.**

13
14 2.01. Exchange of Agency Property and MPC Property. In order to implement the
15 Exchange Agreement, the Parties agree to the terms and conditions for the concurrent exchange
16 of (i) the Agency Property from the Agency to MPC and (ii) the MPC Property from MPC to the
17 Agency, and additional consideration set forth in this Agreement and Article 2 of the Exchange
18 Agreement.

19
20 **ARTICLE 3. CLOSING.**

21
22 3.01 **MPC Closing Deliveries**. In accordance with Section 1.02 of the Exchange
23 Agreement, MPC shall deliver to the Closing the following documents reasonably satisfactory to
24 the Agency, and in a form previously reviewed and approved by the Agency, duly authorized,
25 executed and notarized, as appropriate:

26
27 3.1.1 Consent from the Department of Education to the abrogation of conditions
28 subsequent and the release and relinquishment of all of the Department of Education’s rights in
29 and to the MPC Property in the form set forth in Exhibit E.

30
31 3.1.2 Deed to convey the MPC Property to the Agency in the form set forth in
32 Exhibit G.

33
34 3.1.3 Acceptance of the deed conveying the Agency Property to MPC in the
35 form set forth in Exhibit F.

36
37 3.1.4 Declaration of Covenant for the Agency Property in the form set forth in
38 Exhibit H, fully executed by the Department of Education.

**IMPLEMENTING AGREEMENT TO ACCOMPLISH THE BOUNDARY
ADJUSTMENT SET FORTH IN THE EXCHANGE AGREEMENT BETWEEN THE
MONTEREY PENINSULA COLLEGE, THE REDEVELOPMENT AGENCY OF THE
CITY OF MARINA AND THE CITY OF MARINA**

Page 5.

1 3.02 **Agency Closing Deliveries.** In accordance with Section 1.02 of the Exchange
2 Agreement, the Agency shall deliver to the Closing the following documents reasonably
3 satisfactory to MPC, and in a form previously reviewed and approved by MPC, duly authorized,
4 executed and notarized, as appropriate:

5
6 3.2.1 Deed to convey Agency Property to MPC in the form set forth in Exhibit
7 F.

8
9 3.2.2 Amendment No. 5 to the *Memorandum of Agreement between the United*
10 *States of America, Acting by and through the Secretary of the Army and the Fort Ord Reuse*
11 *Authority for the Sale of Portions of the former Fort Ord Located in Monterey County,*
12 *California* dated June 20, 2000 (“EDC Agreement”) to exclude the Agency Property from the
13 purview of the EDC Agreement and include the MPC Property within the purview of the EDC
14 Agreement, fully executed by the Department of the Army and FORA, in the form set forth in
15 Exhibit D.

16
17 3.2.3 Acceptance of the deed conveying the MPC Property to the Agency in the
18 form set forth in Exhibit G.

19
20 **ARTICLE 4. LIST OF EXHIBITS.**

21 The following exhibits are attached hereto and made a part of this Agreement:

22
23
24 Exhibit A Description of MPC Property
25 Exhibit B Description of Agency Property
26 Exhibit C Executed Exchange Agreement
27 Exhibit D Draft Amendment No. 5 to the EDC Agreement
28 Exhibit E Draft Department of Education Abrogation and Release of Restrictions in
29 MPC Deed
30 Exhibit F Draft Deed from Agency to MPC for Agency Property
31 Exhibit G Draft Deed from MPC to Agency for MPC Property
32 Exhibit H Declaration of Covenant for Agency Property
33
34
35

36 **[SIGNATURE PAGES FOLLOW]**
37

KR DRAFT 12-16-09

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**AMENDMENT NO. 5
TO THE
MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
ACTING BY AND THROUGH
THE SECRETARY OF THE ARMY
UNITED STATES DEPARTMENT OF THE ARMY
AND
THE FORT ORD REUSE AUTHORITY
FOR THE SALE OF
PORTIONS OF THE FORMER FORT ORD
LOCATED IN MONTEREY COUNTY, CALIFORNIA**

THIS AMENDMENT NO. 5 (“Amendment No. 5”) to the *Memorandum of Agreement between the United States of America acting by and through the Secretary of the Army, United States Department of the Army, and the Fort Ord Reuse Authority for the Sale of Portions of the Former Fort Ord Located in Monterey County, California dated June 20, 2000* (“Agreement”) is entered into on this ____ day of _____ 2009 by and between **THE UNITED STATES OF AMERICA**, acting by and through the Department of the Army (“Government”), and **THE FORT ORD REUSE AUTHORITY** (“Authority”), recognized as the local redevelopment authority by the Office of Economic Adjustment on behalf of the Secretary of Defense. Government and Authority are sometimes referred to herein collectively as the “Parties.”

RECITALS

WHEREAS, the Parties did enter into the Agreement for the Economic Development Conveyance (“EDC”) to the Authority of a portion of the former Fort Ord, California (“Property”) pursuant to Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, as amended, and the implementing regulations of the Department of Defense (32 CFR Part 175); and

WHEREAS, subsequent to the execution and delivery of the Agreement, the Government did convey to the Authority, pursuant to the Agreement, certain property located at the former Fort Ord, described more specifically in EXHIBIT “A” and hereinafter referred to as the “Agency Property;” and

WHEREAS, subsequent to the execution and delivery of the Agency Property to the Authority, the Authority conveyed the Agency Property to the Redevelopment Agency of the City of Marina (the “Agency”); and

EXHIBIT A
DESCRIPTION OF AGENCY PROPERTY

EXHIBIT B
DESCRIPTION OF MPC PROPERTY

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee report	
Meeting Date: February 11, 2010	INFORMATION
Agenda Number: 8a	

RECOMMENDATION

Receive a report from the Administrative Committee

BACKGROUND/DISCUSSION

The Administrative Committee met on January 13 and February 3, 2010. The approved minutes of the former meeting and the draft minutes of the latter meeting are **attached** for your review.

A joint meeting of the Administrative Committee and the Capital Improvement Program Committee also took place on February 3, 2010. The draft minutes of this meeting are **attached** for your review.

FISCAL IMPACT

Reviewed by the FORA Controller 

Staff time for the Administrative Committee and Capital Improvement Program Committee is covered in the approved FY 09-10 budget.

COORDINATION

Administrative Committee and Capital Improvement Program Committee

Prepared by 

Linda L. Stiehl

Approved by 

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY

100 12th Street, Building 2880

Marina, CA 93933

(831) 883-3672 (TEL) · (831) 883-3675 (FAX) · www.fora.org

**MINUTES OF THE
ADMINISTRATIVE COMMITTEE MEETING
Wednesday, January 13, 2010**

APPROVED

1. Call to Order

Chair Michael Houlemard called the meeting to order at 8:16 a.m. The following land recipient jurisdiction representatives, establishing a quorum, were present:

*Jim Cook - County of Monterey

*Ray Corpuz - City of Seaside

*Elizabeth Caraker – City of Monterey

*Daniel Dawson – City of Del Rey Oaks

Also present, as noted by the roll sheet, were:

Jim Feeney – FORA

Crissy Maras - FORA

Sean Tillema – Marina Heights project

Steve Endsley – FORA

Jonathan Garcia – FORA

*Anya Spear – CSUMB

Tim O'Halloran – City of Seaside

Bob Schaffer

*Graham Bice – UC MBEST

Jim Arnold – FORA

*Don Bachman – TAMC

Pat Ward – Bestor Engineers

Diana Ingersoll – City of Seaside

*Carl Niizawa – Marina Coast Water District

Andy Stielbenz – Schaaf & Wheeler

*Hunter Harvath – Monterey-Salinas Transit

Nick Nichols – County of Monterey

Michael Houlemard - FORA

* indicates a committee member

Voting board member jurisdictions not represented at this meeting were Salinas, Pacific Grove, Sand City, Marina, and Carmel.

2. Pledge of Allegiance

Chair Houlemard asked Graham Bice, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence - none

4. Public comment period - none

5. Approval of December 16, 2009 meeting minutes

Motion to approve the December 16, 2009 meeting minutes was made by Graham Bice, seconded by Daniel Dawson, and passed by consensus.

6. Follow-up to January 8, 2010 FORA board meeting

Executive Officer Houlemard said there hadn't been many action items, and after discussion, the board members asked that the Master Resolution errata/corrections item be returned to the Board for final action.

7. Old Business

Item 7a - Habitat Conservation Plan ("HCP") – status report: Jonathan Garcia, Senior Planner at FORA, reported that the most recent HCP Working Group meeting was held on December 16, 2009 at the UC MBEST Center conference room. At this meeting, FORA's HCP consultant reported on progress made at the December 15, 2009 meeting with the wildlife agencies. During that all-day meeting, the U.S. Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") met with FORA's HCP and environmental consultants to review the HCP take analysis. The two agencies concluded that the take was too high for five to six different species, so the environmental consultant would conduct a further analysis over the next month and report back. Mr. Garcia noted that the HCP consultant requested that all HCP reviewers provide them with comments/changes on HCP chapters 1-3 by **January 29, 2010** and comments/changes on the remaining HCP chapters by **February 26, 2010**. Graham Bice clarified with Mr. Garcia that the Jurisdictions'/Permittees' deadline for comments/changes to the draft Joint Powers Authority Agreement was **January 22, 2010**.

Item 7b – Update on General Jim Moore Boulevard road improvement project: Chair Houlemard welcome backed FORA's Assistant Executive Officer Jim Feeney, who had been on medical leave since last July. Mr. Feeney said the road project is moving forward and turned the update over to FORA's Senior Project Manager Jim Arnold. A sheet providing a general overview of the project was distributed, and Mr. Arnold encouraged all present the members to pass it along to their staffs to use as an information resource when questions from the public arise. He reported that work had started on the northeast end of Eucalyptus Road and above-ground clearing was in progress on the Del Rey Oaks section. Mr. Arnold explained that the regulatory agencies – Department of Toxic Substances Control (DTSC) and the Environmental Protection Agency (EPA) – need to grant clearances at various stages before the project can move forward. He reported that staff is currently working with the Economic Development Administration ("EDA") in hopes of gaining full consumption of the grant funding and a better match rate. He said staff would provide timely updates to the Administrative Committee, as well as the FORA board. Chair Houlemard remarked that entities receiving American Recovery and Reinvestment Act (ARRA) funding are required to submit a considerable amount of reporting to the government, including uploading their information on various websites, to show transparency in their use of these funds. He added that since the construction bid had come in lower than expected, opportunities for additional funding and a more favorable match rate are now possible. He said he had met with EDA officials, who are reviewing FORA's particular situation.

Item 7c – Multi-Modal Transit Corridor Memorandum of Agreement ("MOA"): Chair Houlemard said there appears to be general agreement among the members that the final

draft is ready to be presented to their decision-makers for approval. Senior Planner Jonathan Garcia pointed out the changes in the current draft and remarked that CSUMB, TAMC and MST had reached mutual agreement in the new text. He remarked, "This is it!", and the time had come to take the document to the agency signers for approval. TAMC's representative, Don Bachman, reported that the TAMC board would consider approval at their late January meeting.

8. New Business - none

9. Adjournment

Chair Houlemard adjourned the meeting at 8:32 a.m.

Minutes prepared by Linda Stiehl, Executive Assistant

FORT ORD REUSE AUTHORITY

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MINUTES OF THE ADMINISTRATIVE COMMITTEE MEETING Wednesday, February 3, 2010

DRAFT

1. Call to Order

Chair Doug Yount called the meeting to order at 8:16 a.m. The following land recipient jurisdiction representatives, establishing a quorum, were present:

*Nick Nichols - County of Monterey

*Diana Ingersoll - City of Seaside

*Elizabeth Caraker – City of Monterey

*Doug Yount – City of Marina

Also present, as noted by the roll sheet, were:

Jim Feeney – FORA

Sean Tillema – Marina Heights

Chuck Lande – Marina Heights

Andy Sterbenz – Schaaf & Wheeler

Bob Schaffer

Jonathan Garcia – FORA

Crissy Maras – FORA

*Todd Muck – TAMC

*Rob Robinson – BRAC

Kathleen Ventimiglia – CSUMB

*John Marker – CSUMB

*Hunter Harvath – Monterey-Salinas Transit

Jim Arnold – FORA

*Vicki Nakamura – Monterey Peninsula College

Steve Endsley – FORA

*Carl Niizawa – MCWD

Brian True – MCWD

Michael Houlemard - FORA

* indicates a committee member

Voting board member jurisdictions not represented at this meeting were Del Rey Oaks, Salinas, Pacific Grove, Sand City, and Carmel.

2. Pledge of Allegiance

Chair Yount asked Hunter Harvath, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence

Executive Officer Houlemard reported that Director of Planning and Finance Steve Endsley, Authority Counsel Jerry Bowden, Chair/Mayor Ralph Rubio, and he had attended meetings in Sacramento the past two days, focused on items on FORA's 2010 Legislative Agenda. Meetings with this area's three elected legislators had proved especially productive in moving forward special redevelopment language that will permit direct assistance to FORA jurisdictions by allowing use of tax increment. Mr. Houlemard said the language had been crafted and the resulting bill will be presented for a number this week. Assemblymember Monning had agreed to be the bill's author and Assemblymember Caballero, and possibly

Senator Maldonado, if he isn't appointed lieutenant governor, will be co-authors. Mr. Houlemard also reported the passing of COL Dan Devlin, retired, on January 26th.

4. Public comment period - none

5. Approval of minutes of the January 13, 2010 meeting

There were no objections to the minutes and Chair Yount declared them approved by consensus.

6. Review draft February 11, 2010 board agenda and draft board reports

Executive Officer Houlemard summarized each agenda item. Re Item 7d (Office of Economic Adjustment grant award for the Central Coast Veterans Cemetery infrastructure planning): He reported that Assemblymember Monning has scheduled a press conference to draw attention to his bill to constrain funding requirements for the cemetery's endowment. Re Item 8d (FORA investment report): He reported that the interest losses resulting from the economic downturn have been recouped, which now puts FORA's funds in a positive position to create the Habitat Conservation Plan endowment.

7. Old Business

Item 7a - Habitat Conservation Plan ("HCP") – status report: Director of Planning and Finance Steve Endsley reported that one of the Sacramento meetings this week had been with the newly appointed Secretary of the Resources Agency, Lester Snow, who was brought up to date about FORA's HCP. He said that the document is on target for submission to the two regulatory agencies in May. A recent email from the CA Department of Fish & Game indicated no huge problems with the current text. He said the "permit completion group" – top level people from the two agencies – have been moving full speed ahead. Senior Planner Jonathan Garcia noted the January 22nd deadline for comments about the Joint Powers Authority ("JPA") and stressed the need for the FORA parties to reach agreement on several issues, in particular, the governance authority of the JPA. He noted that no comments on the JPA text had been received from the regulators. He suggested two courses of action: that a list of options be drafted (Plan A) and determining if unresolved governance structure issues will be a detriment to keeping the HCP moving forward (Plan B). Mr. Endsley commented that the HCP already requires certain mandatory actions by the parties to the document, some of which who may not want to be involved in the governance. Nick Nichols remarked that the County's stand to grant authority is based on each party's proportional impacts. Executive Officer Houlemard said that FORA is not involved in determining how the JPA should be structured, because FORA is not impacted, but FORA staff is available to help the parties flesh out the issues. Chair Yount suggested that this discussion be continued at the February 17th Administrative Committee meeting, at which time FORA staff will present options and discussion points.

8. New Business

Item 8a – CONSISTENCY DETERMINATION: Marina Housing Element: Senior Planner Jonathan Garcia said that a letter from the City of Marina had been received last Friday, January 29th, requesting this consistency determination. The documents had subsequently

been emailed to the Administrative Committee and the Planners' Working Group. Marina Planning Services Manager Theresa Szymanis thanked FORA staff for accepting email links to some of the documents, thus saving 30,000 pieces of paper. She went on to explain the process that Marina had utilized in preparing their determination of consistency. In closing, she said Marina's Housing Element has been consolidated. Director of Planning and Finance Steve Endsley asked if the previous 5% inclusionary program was still in effect, and Ms. Szymanis replied that she was not sure but most programs are inclusionary. Following a brief discussion, Mr. Garcia said **the FORA staff recommendation to the Board was that the Board concur with the City of Marina's legislative land use consistency decision that the Marina Housing Element 2008-2014 is consistent with the Fort Ord Base Reuse Plan. Nick Nichols made the FORA staff recommendation into a motion, which was seconded by John Marker, and the motion carried.**

Item 8b – CONSISTENCY DETERMINATION: Salinas Valley Memorial Healthcare System ("SVMHS") Imjin Parkway Project: Senior Planner Jonathan Garcia said FORA had received a second letter from the City of Marina last Friday, requesting a legislative land use and a development entitlement consistency determination for this project. He introduced the item and reported that a land exchange between SVMHS and Monterey Peninsula College is a necessary component of this project. This exchange is expected to occur within two months and will allow the college to consolidate its footprint in that area. Ms. Szymanis said that the Marina City Council had discussed this item at length last evening and had amended the resolution, which she will revise. She said an insert covering prevailing wage requirements was already in the committee meeting packet. Mr. Endsley asked that the corrections be resubmitted to FORA in time for inclusion in the FORA board packets. Ms. Szymanis described FORA's consistency determination process as it applied to the SVMHS consistency request. Executive Officer Houlemard said that **the FORA staff recommendation to the Board was that the Board concur with the City of Marina's legislative land use and development entitlement consistency determination and making the findings consistent with the Fort Ord Base Reuse Plan. Elizabeth Caraker made the staff recommendation into a motion, which was seconded by Nick Nichols, and the motion carried.**

9. Adjournment

Chair Yount adjourned the meeting at 9:01 a.m.

Minutes prepared by Linda Stiehl, Executive Assistant

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MINUTES OF THE JOINT ADMINISTRATIVE COMMITTEE/CAPITAL IMPROVEMENT COMMITTEE MEETING

Wednesday, February 3, 2010

1. Call to Order

DRAFT

Administrative Committee Co-chair Doug Yount called the meeting to order at 9:01 a.m. The following people, as indicated by the roll sheet signatures, were present:

Nick Nichols, Monterey County

Jim Feeney, FORA

Doug Yount, City of Marina

Diana Ingersoll, City of Seaside

Sean Tillema, Marina Heights

Chuck Lande, Marina Heights

Elizabeth Caraker, City of Monterey

Andy Sterbenz, Schaaf & Wheeler

Bob Schaffer, MCP

Jonathan Garcia, FORA

Crissy Maras, FORA

Michael A. Houlemard, Jr., FORA

Rob Robinson, BRAC

Kathleen Ventimiglia, CSUMB

John Marker, CSUMB

Hunter Harvath, MST

Jim Arnold, FORA

Vicki Nakamura, MPC

Steve Endsley, FORA

Carl Niizawa, MCWD

Brian True, MCWD

Todd Muck, TAMC

2. Public Comment Period – none

3. Old Business

a. General Jim Moore Boulevard

i. Status update

Construction continues. Suddenlink fiber optic line and PG&E pole relocation issues are being resolved. Some nearby City of Seaside residents have experienced construction noise and/or vibrations which have been handed over to the contractor's insurance carrier. This issue will be discussed with the Executive Committee at their 3:30 p.m. 2/3/10 meeting and at the February Board meeting.

Mr. Houlemard informed the committees that CA Department of Toxic Substances Control and Environmental Protection Agency approval was needed prior to Del Rey Oaks ground disturbing activity. FORA now has an acceptable work program format that may be useful to other jurisdictions in the future.

ii. Grant adjustments/project scope enhancements

A chart outlining proposed grant adjustments and project scope enhancements was distributed and reviewed. American Recovery and Reinvestment Act (ARRA) grant restrictions have limited FORA's options for the use of funds available due to the lower bids received for General Jim Moore Blvd. Phase V/Eucalyptus Road Phase II project. ARRA funds must be used for construction ready and job generating projects and cannot be used for project design or reimbursement. Currently, FORA has designs in place for South Boundary and Gigling Roads. The environmental documents could

be easily prepared and certified within the grant life timeframe (5 years from August 2009 award date).

Scope modification to existing contract or future award item #5 (FORA CIP Roadways) is presented as a general way to utilize remaining grant funds after the cost of more specific items have been defined.

Ms. Ingersoll requested that signal lights at Broadway and Coe Avenues be included on the list, either as a contract change order or scope modification with a higher priority than Item #3, Extension of Eucalyptus Road to Eastside Parkway.

Local match funding has been derived from the Preston Park Rabobank loan/refinancing. FORA began conversations with Economic Development Administration (EDA) staff regarding local match reduction. EDA did not seem receptive to anything more than a 5 – 10% reduction. Local match reduction would require approval from Washington DC. Other project scope modifications could be approved by the Seattle EDA.

Mr. Marker asked the committees to consider adding the 8th Street improvement project to Item #5. The City of Marina has prepared the preliminary design work. This project would improve pedestrian safety on the CSUMB campus. Mr. Houlemard responded that modifications must be construction ready and able to demonstrate job generation. However, all CIP projects move up in time as a result of the ARRA grant funding General Jim Moore Blvd. and Eucalyptus Road improvements. The main objective is to determine how grant funds can be maximized while remaining on the former Fort Ord.

Mr. Nichols made the following motion, which was seconded by Elizabeth Caraker:

1. FORA staff pursue approval of a local match reduction from 50% to 40%,
2. Move forward with getting EDA's approval on contract change order items #1 and #2,
3. Move forward with getting EDA's approval on scope modification items #1 and #2, including adding a # 3, signalization at Coe and Broadway Avenues,
4. Schedule the remaining items for additional discussion at the February 17th joint Administrative/CIP meeting.

There were no objections to the motion, the motion carried. Staff will revise the chart as per recommendations prior to presentation to the Executive Committee.

4. New Business

a. Fiscal Year 2010/2011 Capital Improvement Program (CIP) Spreadsheets

FORA CFD revenue forecasts comparison chart: 09-10 approved CIP vs. current projections was reviewed. The City of Marina reported that the CHOMP and SVMH projects would be pulling building permits prior to June 30, 2011. MST and MPC representatives reported building permits would be pulled for their projects during the upcoming fiscal year as well. All other land use jurisdictions reported that they did not anticipate pulling any building permits.

Mr. Garcia will review the submitted projections and prepare CIP spreadsheets for the joint committee's review at the February 17th meeting.

5. Adjournment

Chair Yount adjourned the meeting at 10:30 a.m.

Minutes prepared by Crissy Maras, Administrative Coordinator

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Finance Committee Report	
Meeting Date: February 11, 2010	INFORMATION
Agenda Number: 8b	

RECOMMENDATION:

Receive the January 25, 2010 Finance Committee (FC) meeting minutes.

BACKGROUND/DISCUSSION:

The FC met on January 25, 2010. Please refer to the attached minutes for more details on FY 09-10 mid-year budget discussions and other items.

FISCAL IMPACT:

Reviewed by the FORA Controller 

None

COORDINATION:

Finance Committee

Prepared by 
Marcela Fridrich

Approved by 
Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

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Finance Committee Meeting

Monday, January 25, 2010 at 3:30 pm

Action Minutes – DRAFT

Present: Chair Sue McCloud, Members: Tom Mancini, Graham Bice, Ken Gray, Hunter Harvath
Absent: Janet Barnes (Excused)
Staff: Ivana Bednarik, Steve Endsley, Marcela Fridrich

AGENDA

The Finance Committee (FC) discussed the following agenda items:

1. Roll Call:

A quorum was achieved at 3:30 PM.

2. October 26, 2009 Minutes:

Approved with minor corrections. (Motion Mancini, Second Bice.) Passed 5-0.

3. FY 09-10 Mid-Year Budget Update:

Prior to the meeting FC members received a comprehensive mid-year budget update staff report describing significant changes. Ivana Bednarik explained to FC members that the anticipated \$2.6 million ending fund balance is attributable to increases in revenue line items such as the Office of Economic Adjustment (OEA) award, construction, planning and loan reimbursements, and decreases in expenditures mainly related to the debt service of the existing line of credit and the Preston Park debt consolidation financing. Ivana Bednarik pointed out that the tax increment revenue was adjusted downward by 20% based on the actual collection and fact that the assessed valuation of Fort Ord properties continues to fall. Chair McCloud asked if FORA collects property transfer tax and Ivana Bednarik responded that it does not, Steve Endsley confirmed. Chair McCloud asked staff to find out who is collecting this tax. FC members asked staff if the excess fund balance is already designated to any particular project. Steve Endsley replied that the budget savings will be addressed during the 2010-11 preliminary budget discussions. FC suggested that both presented budget pages (the total budget and itemized expenses) be included with the Board report. Member Gray suggested adding previous FY column for comparison. Ivana Bednarik replied that previous FY was included with the preliminary budget approval. The mid-year budget compares approved budget and mid-year budget.

Ivana Bednarik updated FC members on Preston Park financing, a written Preston Park financing summary was sent to prior to the meeting. Chair McCloud suggested including this table with the mid-year budget Board report.

4. FORA Bank Accounts:

Ivana Bednarik introduced the item by summarizing pros and cons for conducting banking with two institutions. She explained to FC members that First National Bank (FNB) in Monterey has scaled down on services previously provided free to customers (wire/deposit delivery, petty cash delivery, etc.) compared to Rabobank services still provided free of charge and conveniently located in Marina and Seaside. Chair McCloud asked about deposits FORA has at each bank and suggested that staff obtain current bank policies on safeguarding public funds.

Steve Endsley briefed FC members on the process for creating the \$35 million Habitat Conservation Endowment. FORA staff is interviewing experts in the field on how to create an endowment fund focusing on cost effective set up and management fees.

5. 2010 Meeting Calendar:

FC members reviewed a draft calendar prior to the meeting. FC members agreed to serve on the committee in 2010 and approved the meeting schedule. Approved (Motion Harvath, Second Bice). Passed 5-0

6. Adjournment:

The meeting adjourned at 4:40 PM.

Minutes prepared by Marcela Fridrich, Accounting Officer.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Executive Officer's travel report	-
Meeting Date: February 11, 2010	INFORMATION
Agenda Number: 8c	

RECOMMENDATION:

Receive an informational travel report from the Executive Officer

BACKGROUND/DISCUSSION:

The Executive Officer regularly submits reports to the Executive Committee providing details of his travel requests, including those by the Fort Ord Reuse Authority ("FORA") staff and board members. Travel expenses may be paid or reimbursed by FORA, outside agencies/ jurisdictions/organizations, or a combination of these sources. The Executive Committee reviews and approves these requests, accordingly, and the travel information is reported to the Board as an informational item.

~Trip to Sacramento, California (February 1-2, 2010): Current redevelopment legislation does not allow jurisdictions to utilize certain redevelopment direct assistance in commercial parcels exceeding five acres. This restriction has been a negative factor in moving commercial projects forward on former Fort Ord. Authority Counsel Bowden has collaborated with others in drafting language specific to former Fort Ord that will provide more flexibility in these laws. Chair/Mayor Rubio, Executive Officer Houlemard, Authority Counsel Bowden, and Director of Planning and Finance Steve Endsley met with FORA's three legislators and others to support language in the legal code that will remove this legislative block. It is expected that several follow-up meetings in Sacramento will be required. Travel expenses for the four attendees will be reimbursed by FORA according to its travel policy.

~Trip to Sacramento to participate in a State Water Quality Control Board hearing (February 15-16, 2010): This hearing has been called for the purpose of gathering information about the Monterey County regional water project as a potential solution for the Carmel River Cease and Desist Order. As of the writing of this report, four FORA staff members will be participating in this hearing: Executive Officer Houlemard, Authority Counsel Bowden, Director of Planning and Finance Steve Endsley, and Senior Planner Jonathan Garcia. Their travel expenses will be reimbursed by FORA, subject to the FORA travel policy. (Other meetings are being scheduled with government officials on February 16th.)

FISCAL IMPACT:

Reviewed by FORA Controller 

Travel expenses for this item are included in the approved FY 09-10 budget.

COORDINATION:

Chair/Mayor Rubio, Executive Committee, and John Arriaga and his staff (JEA & Associates)

Prepared by 
Linda L. Stiehl

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Fort Ord Reuse Authority investments – status report

Meeting Date: February 11, 2010

Agenda Number: 8d

INFORMATION

RECOMMENDATION:

Receive the Fort Ord Reuse Authority (FORA) investment report - period ending December 31, 2009.

BACKGROUND/DISCUSSION:

As recommended by the Finance Committee (FC), the FORA Board approved modifications to the FORA investment policy at its February 13, 2009 meeting. To preserve investments during the economic downturn, the FC recommended moving funds to more safe fixed income securities as market opportunities arise.

The FC discussed the investments status at May 11 and October 26 meetings. In order to capture earnings and preserve principal, the Executive Officer recommended and FC approved a gradual move to the 40% - 60% investment split. Staff implemented this approach. In May, FORA sold the underperforming Oppenheimer funds held in the portfolio and replaced them with bond funds; in September \$600,000 was reallocated from stocks to government, corporate and inflation hedged bonds within the portfolio as noted above.

No funds were withdrawn and no new funds were invested. The ending balance in the investment account was \$4,137,576.


Financial Institution	Investment Type	9/30/09 Balance	Portfolio Percent	12/31/09 Balance	Portfolio Percent	Maturity
First National Bank	PRIMEVEST INVESTMENT ACCOUNT					
	Mutual Funds	3,952,784	99.82%	4,130,384	99.83%	Liquid
	Stock Funds	1,462,530	36.93%	1,528,242	38.60%	
	Bond Funds	2,490,254	62.89%	2,602,142	61.23%	
	Money Market Funds	7,192	0.18%	7,192	0.17%	Liquid
	TOTALS	3,959,976	100.00%	4,137,576	100.00%	

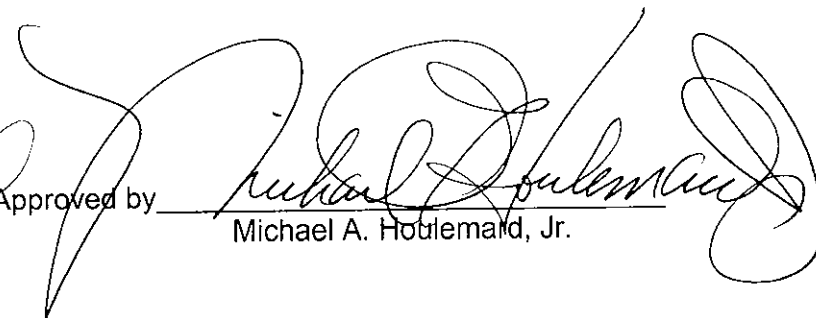
FISCAL IMPACT:

The market began a slow rebound in early 2009. This is the third reporting period since the market decline in 2007 that we can report earnings.

COORDINATION:

Finance Committee Chair, John Pira

Prepared by 
Ivana Bednarik

Approved by 
Michael A. Hotlemaid, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Habitat Conservation Plan - status report

Meeting Date: February 11, 2010

Agenda Number: 8e

INFORMATION

RECOMMENDATION(S):

Receive a status report regarding the Habitat Conservation Plan ("HCP") and State of California 2081 Incidental Take Permit ("2081 permit") preparation process.

BACKGROUND:

FORA, with the support of its member jurisdictions and consultant team, is on a path to receive approval of a completed basewide HCP and 2081 permit in 2011, which will result in the US Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") issuing crucial federal and state permits. Chair/Mayor Ralph Rubio, 1st Vice Chair/Supervisor Dave Potter, Executive Officer Michael A. Houlemard, Jr., and Director of Planning and Finance Steve Endsley ("FORA's legislative representatives") met in Sacramento with California Resources Secretary Mike Chrisman on June 25 and 26, 2009 to develop a critical path forward. A product of these meetings was to form a Permit Completion working group, comprised of department heads from CDFG, USFWS, State Parks, and FORA, to resolve outstanding issues and ensure completion of the HCP and 2081 permit on schedule. FORA's legislative representatives held a meeting with newly appointed California Natural Resources Agency Secretary Lester Snow on February 2, 2010 to reaffirm commitments.

DISCUSSION:

FORA has held staggered monthly meetings of the Permit Completion and HCP working groups. These coordination efforts are bearing fruit as USFWS and Bureau of Land Management ("BLM") issues, CDFG and State Park issues, and CDFG and BLM issues are moving toward resolution. Jones & Stokes, FORA's HCP consultant, completed a pre-public administrative draft HCP on December 4, 2009. CDFG, USFWS, and FORA member jurisdictions will have a comment and review period until February 26, 2010. This review period is the next critical milestone to completing the HCP. Jones & Stokes will schedule meetings in the coming months to resolve outstanding issues with the Wildlife Agencies.

FISCAL IMPACT:

Reviewed by FORA Controller 

Jones & Stokes, and Denise Duffy & Associates (FORA's National Environmental Policy Act/California Environmental Quality Act consultant) contracts have been funded through FORA's annual budgets to accomplish HCP preparation. Staff time devoted to this item is included in the fiscal year 2009-10 operating budget.

COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, HCP working group, HCP Permit Completion working group, FORA Jurisdictions, USFWS and CDFG personnel, Jones & Stokes, DD&A, and various development teams.

Prepared by


Jonathan Garcia

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.