



# FORT ORD REUSE AUTHORITY

## REGULAR MEETING

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

Friday, August 10, 2018 at 2:00 p.m. | 910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenters Union Hall)

## AGENDA

**ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON AUGUST 9, 2018.**

### 1. CALL TO ORDER

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

### 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

### 4. CLOSED SESSION

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

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

### 6. ROLL CALL

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

### 7. CONSENT AGENDA

### INFORMATION/ACTION

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

- a. Approve July 13, 2018 Meeting Minutes ([p. 1](#))  
**Recommendation:** Approve July 13, 2018 meeting minutes.
- b. Administrative Committee ([p. 4](#))  
**Recommendation:** Receive a report from the Administrative Committee.
- c. Veterans Issues Advisory Committee ([p. 7](#))  
**Recommendation:** Receive a report from the Veterans Issues Advisory Committee.
- d. Prevailing Wage Status Report ([p. 10](#))  
**Recommendation:** Receive a Prevailing Wage status report.
- e. Fiscal Year 2017-18 Annual Report ([p. 15](#))  
**Recommendation:** Receive the Fiscal Year 2017-18 Fort Ord Reuse Authority Annual Report.
- f. Transition Planning Process Update ([p. 16](#))  
**Recommendation:** Receive an update of the FORA Transition Planning Process.
- g. Public Correspondence to the Board ([p.25](#))  
**Recommendation:** Receive public correspondence to the Board.

## 8. BUSINESS ITEMS

## INFORMATION/ACTION

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

- a. Service Work Order for General Jim Moore Boulevard – 2d Vote (p. 26)  
**Recommendation:** Authorize Executive Officer to execute Service Work Order (SWO) W5 to the Whitson Engineers Master Services Agreement No. FC-20171117 for the preparation of Planning, Specification and Estimates for the General Jim Moore Boulevard (GJMB) and South Boundary Road (SBR) intersection, not to exceed \$209,965.
- b. Consistency Determination: City of Marina Municipal Airport Master Plan Update (p. 33)  
**Recommendation:**
  - i. Conduct a public hearing regarding City of Marina Municipal Airport Master Plan (AMP) Update for consistency with the Base Reuse Plan (noticed on July 31, 2018).
  - ii. Consider approving Resolution 18-XX, certifying that the AMP is consistent with the Fort Ord Base Reuse Plan.
- c. Consistency Determination: City of Seaside Zoning Code (p. 41)  
**Recommendation:**
  - i. Conduct a public hearing regarding City of Seaside's Zoning Code for consistency with the Base Reuse Plan (noticed on July 31, 2018).
  - ii. Consider approving Resolution 18-XX, certifying that the Seaside Zoning Code is consistent with the Fort Ord Base Reuse Plan.
- d. Building Removal Program (p. 49)  
**Recommendation:** Authorize the Executive Officer to solicit and execute service contracts for a financial advisor and bond counsel to explore the feasibility of bonding FORA property tax to complete remaining base wide building removal, not to exceed \$75,000.
- e. Habitat Conservation Plan (HCP) Update (p. 51)  
**Recommendation:**
  - i. Receive a Fort Ord Multi-Species HCP report regarding United States Fish and Wildlife Service HCP and State of California Department of Fish and Wildlife 2081 Incidental Take Permit developments.
  - ii. Consider scheduling an Habitat Conservation Board Workshop
  - iii. Consider directing staff to work with the jurisdictions on formation of a Joint Powers Authority to implement basewide habitat management activities required by the 1997 Fort Ord Habitat Management Plan.

## 9. PUBLIC COMMENT PERIOD

## INFORMATION

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

## 10. ITEMS FROM MEMBERS

## INFORMATION

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

## 11. ADJOURNMENT

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



**FORT ORD REUSE AUTHORITY**  
**BOARD OF DIRECTORS REGULAR MEETING MINUTES**  
**2:00 p.m., Friday, July 13, 2018 | Carpenters Union Hall**  
910 2<sup>nd</sup> Avenue, Marina, CA 93933

**1. CALL TO ORDER**

Chair Rubio called the meeting to order at 2:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Garrison Commander Colonel Gregory Ford.

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

Executive Officer Michael Houlemard announced the following:

- Community Involvement Mobile Workshop | July 14, 2018 | Open house and free 90 minute guided bus tours. Driving through the Fort Ord National Monument and will have stops at the areas burned on October 5, 2017 as well as a tour of the (currently off limits to the public) Impact Area. More information at [www.fortordcleanup.com](http://www.fortordcleanup.com)
- Acknowledgement of the first meeting as a Board member, Colonel Greg Ford, Garrison Commander for the Presidio of Monterey.
- Association of Defense Communities (ADC) National Summit in June 2018, attended by Mr. Houlemard and Board members Carbone and Reimers on behalf of FORA. Mr. Houlemard also acknowledged and the Board received comments from other members (Dan Albert, City of Monterey) that were in attendance to the Summit on behalf of their jurisdictions.

**4. CLOSED SESSION**

- a. Conference with Legal Counsel – Gov. Code 54956.9(a), (d)(1): Keep Fort Ord Wild v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 17CV004540, Pending Litigation.
- b. Conference with Legal Counsel – Gov. Code 54956.9(a), (d)(1): Marina Community Partners, LLC v. Fort Ord Reuse Authority, Monterey County Superior Court Case No.: 18CV000871, Pending Litigation.
- c. Public Employment, Gov. Code 54959.7(b) - Executive Officer Evaluation

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

Authority Counsel Jon Giffen announced there was no action taken.

**6. ROLL CALL**

**Voting Members Present:**

Mayor Ralph Rubio (City of Seaside), Supervisor Mary Adams (Monterey County), Supervisor John Phillips (Monterey County), Mayor Mary Ann Carbone (City of Sand City), Mayor Jerry Edelen (City of Del Rey Oaks), Councilmember Frank O'Connell (City of Marina), Councilmember Cynthia Garfield (City of Pacific Grove), Councilmember Gail Morton (City of Marina), Councilmember Jan Reimers (City of Carmel-by-the-sea), Councilmember Dan Albert (City of Monterey)

**Ex-officio (Non-Voting) Board Members Present:**

Marina Perepelyuk (20<sup>th</sup> Congressional), Dr. P.K. Diffenbaugh (MPUSD), Dr. Eduardo Ochoa (CSUMB)

**7. CONSENT AGENDA**

- a. Approve June 8, 2018 Meeting Minutes
- b. Administrative Committee
- c. Veterans Issues Advisory Committee
- d. Environmental Services Cooperative Agreement Quarterly Report
- e. Revised 2018 Board Meeting Schedule
- f. Purchase Authorizations – Dues & Memberships
- g. Public Correspondence to the Board

Chair Rubio introduced the consent agenda items and asked Board members to make their request for any items to be pulled. No comments were received on the item.

Motion: On motion by Board member Phillips second by Board member Edelen and carried by the following vote, the Board moved to approve the consent agenda items as presented

**MOTION PASSED UNANIMOUSLY**

**8. BUSINESS ITEM**

- a. Stockade Building Removal and Contract Approvals

Project Manager Peter Said provided a presentation on the item. There were no comments from the Board or the public.

MOTION: On motion by Board member Edelen and second by Board member Carbone and carried by the following vote, the Board moved to authorize the Executive Officer to solicit and execute contracts necessary for Stockade Building Removal, not to exceed \$4.2 million.

**MOTION PASSED UNANIMOUSLY**

- b. Service Work Order for General Jim Moore Boulevard

Mr. Said presented the item. Comments were received from the Board and staff responded. There were no comments from the Board or the public.

MOTION: On motion by Board member Phillips and second by Board member Garfield and carried by the following vote, the Board moved to authorize the Executive Officer to execute Service Work Order (SWO) W5 to the Whitson Engineers Master Services Agreement No. FC-20171117 for the preparation of planning, specification and estimates for the General Jim Moore Boulevard and South Boundary Road intersection, not to exceed \$209,965.

Roll Call Vote: (10 Ayes; 1 No)

Item 8b: Motion			
Director Parker	Aye	Director Rubio	Aye
Director Phillips	Aye	Director Alexander	Aye
Director Adams	Aye	Director Carbone	Aye
Director Edelen	Aye	Director Gunter	Aye
Director O'Connell	Aye	Director Garfield	Aye
Director Morton	No	Director Reimers	Aye
Director Albert	Aye		

This item will return for a second vote at the August 10, 2018 regular Board meeting.

**9. PUBLIC COMMENT**

Public comment was received by Ron Cheshire, whom submitted a copy of the Fort Ord Reuse Authority Workforce Development Training Policy that was approved by the FORA Board on October 14, 2005.

**10. ITEMS FROM MEMBERS**

There were no items from members.

**11. ADJOURNMENT** at 3:07 p.m.

*In honor of Bishop Richard John Garcia (the fourth bishop of the Roman Catholic Diocese of Monterey) and Richard "Dick" Globber (Father of Ex-Officio member alternate Kathleen Lee).*

Minutes Prepared by:  
Dominique L. Jones  
Deputy Clerk

Approved by:

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Michael A. Houlemard, Jr.  
Executive Officer

DRAFT

**FORT ORD REUSE AUTHORITY BOARD REPORT**

**CONSENT AGENDA**

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

**RECOMMENDATION:**

Receive a report from the Administrative Committee.

**BACKGROUND/DISCUSSION:**

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

**FISCAL IMPACT:**

Reviewed by the FORA Controller 

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

**COORDINATION:**

Administrative Committee

Prepared by  Approved by   
Dominique L. Jones Michael A. Houlemard, Jr.



APPROVED

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

**1. CALL TO ORDER**

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

The following members were present:

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

**2. PLEDGE OF ALLEGIANCE**

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

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

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

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

**4. PUBLIC COMMENT PERIOD**

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

There were no public comments received.

**5. APPROVAL OF MEETING MINUTES**

**ACTION**

- a. June 13, 2018 Meeting Minutes

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

**MOTION PASSED UNANIMOUSLY**

**6. BUSINESS ITEMS**

**INFORMATION/ACTION**

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

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

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

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

This item was for information only.

**b. Building Removal Program**

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

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

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

**7. ITEMS FROM MEMBERS**

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

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

Minutes Prepared By:  
Dominique Jones  
Deputy Clerk



# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Veterans Issues Advisory Committee

**Meeting Date:** August 10, 2018

**Agenda Number:** 7c

**INFORMATION/ACTION**

### RECOMMENDATION:

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

### BACKGROUND/DISCUSSION:

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

### FISCAL IMPACT:

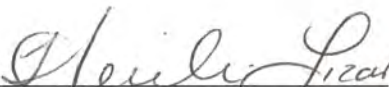
Reviewed by FORA Controller 

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

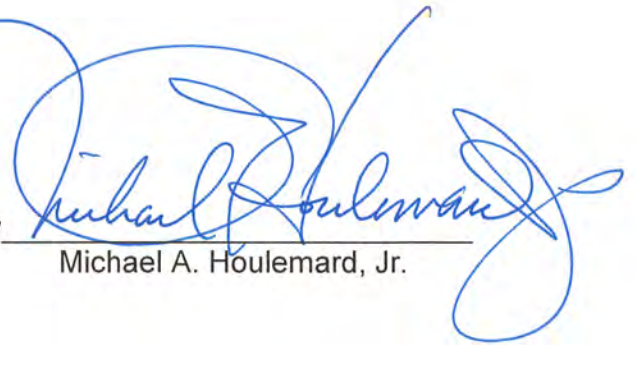
### COORDINATION:

VIAC

Prepared by

  
Heidi L. Lizarbe

Approved by

  
Michael A. Houlemard, Jr.



**APPROVED**

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

**1. CALL TO ORDER**

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

**Committee Members Present:**

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

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

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

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

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

**4. PUBLIC COMMENT PERIOD**

There were no comments from the public.

**5. APPROVAL OF MEETING MINUTES**

a. May 24, 2018 Regular Meeting Minutes

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

**6. BUSINESS ITEMS**

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

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

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

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

ii. *Veterans Cemetery Land Use Status*

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

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

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

b. **Fundraising Status**

i. *CCVCF Status Report*

No Report.

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

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

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

d. **VA-DOD Clinic**

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

The cafeteria is now open for breakfast and lunch.

e. **Historical Preservation Project**

No Report.

f. **Calendar of Events**

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

**7. ITEMS FROM MEMBERS**

Veteran's Cemetery/State Budget

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

Minutes Prepared by:

Heidi Lizarbe

Administrative Assistant

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

<b>Subject:</b>	Prevailing Wage Status Report	
<b>Meeting Date:</b>	August 10, 2018	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	7d	

### RECOMMENDATION(S):

Receive Prevailing Wage Status Report

### DISCUSSION:

From April 1, 2018 – June 30, 2018, multiple construction workers were employed on Fort Ord projects. From reported information (California State University (CSU) and County of Monterey), approximately 30,856 worker hours were utilized and approximately 411 workers employed. An average of 47.5% of those workers were from the tri-County area. (Santa Cruz, Monterey and San Benito Counties). In addition, Marina Coast Water District (MCWD) is continuing on the RUWAP project. That project has utilized 19,525.5 hours for the period April 1, 2018 through June 30, 2018. The percentage of those workers from the tri-County area was unable to be determined from DIR records. These numbers do not yet include the Dunes on Monterey Bay (Dunes) housing project, Seahaven project worker hours or the County.

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

Additionally, in the August 11, 2017 Prevailing Wage report, it was reported that a Civil Wage and Penalty Assessment (CWPA) had been imposed by the Department of Industrial Relations (DIR) against Prosiding, Inc., in the amount of \$1,826,297.64. That CWPA identified Shea Homes Limited Partnership as the prime contractor and Prosiding, Inc as the subcontractor. However, it has since been clarified that Prosiding, Inc. is the subcontractor of Capital Builders, a contractor hired by Shea Homes LP for the Shea Homes portion of the Dunes project. The DIR has settled that matter last month (July 2018) for a total of \$203,494.77, which was comprised of \$162,134.77 in back wages and a total in penalty assessments of \$41,360.

### FISCAL IMPACT:

Reviewed by FORA Controller 

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

Prepared by   
Sheri L. Damon

Approved by   
Michael A. Houlemard, Jr.

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
BLYTHE MICKELSON  
BARRY E. HINKLE  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. WEDA  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN \*\*  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
DAREN P. SENCER  
ANNE I. YEN  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES \*\*\*  
KERIANNE R. STEELE \*\*  
GARY P. PROVENCHER  
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TRACY L. MAINGUY, Of Counsel \*\*\*\*\*  
ROBERT E. SZYKOWNY, Of Counsel  
ANDREA K. DON, Of Counsel  
LORI K. AQUINO, Of Counsel \*  
SHARON A. SEIDENSTEIN, Of Counsel

July 24, 2018

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

### VIA U.S. MAIL

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

**Re: Renasci Homes - Sea Haven Development**

Dear Ms. Wilder:

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

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

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

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

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

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

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

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

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

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

Thank you for your anticipated cooperation.

Sincerely,



Jolene Kramer

JEK:mda  
opeiu 29 afl-cio(1)

cc **Via U.S. Mail**

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

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

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SHARON A. SEIDENSTEIN, Of Counsel

July 24, 2018

**VIA U.S. MAIL**

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

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

Dear Ms. Wilder:

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

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

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

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

LOS ANGELES OFFICE  
800 Wilshire Boulevard, Suite 1320  
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TEL 213 380.2344 FAX 213 443.5098

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

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

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

Thank you for your anticipated cooperation.

Sincerely,



Jolene Kramer

JEK:mda  
opeiu 29 afl-cio(1)

cc **Via U.S. Mail**

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

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

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# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

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

### RECOMMENDATIONS:

Receive the Fiscal Year 2017-18 Fort Ord Reuse Authority Annual Report.

### BACKGROUND/DISCUSSION:

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

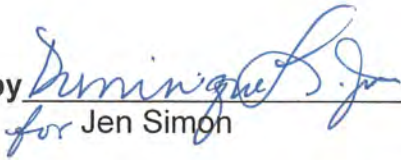
### FISCAL IMPACT:

Reviewed by FORA Controller 

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

### COORDINATION:

FORA Staff

Prepared by   
for Jen Simon

Approved by   
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Transition Planning Process Update

**Meeting Date:** August 10, 2018

**Agenda Number:** 7f

**INFORMATION/ACTION**

### RECOMMENDATION:

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


### BACKGROUND/DISCUSSION:

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

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

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

**FISCAL IMPACT:**

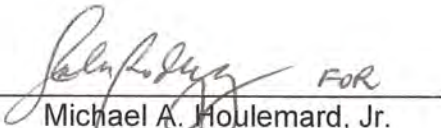
Reviewed by FORA Controller 

**COORDINATION:**

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

Prepared by   
Sheri L. Damon

Reviewed by   
Steve Endsley

Approved by  FOR  
Michael A. Houlemard, Jr.

**FORT ORD REUSE AUTHORITY  
RESOLUTION NO. 18-xx**

*A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY  
Adopting a Transition Plan*

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

- A. The Fort Ord Reuse Authority (“FORA”) was established in 1994 by state legislation and when each Jurisdiction voted to create the Fort Ord Reuse Authority in accordance with Government Code section 67700 and following (the “FORA Act”). FORA, as a regional agency, is authorized with a primary legislative directive to plan, facilitate, and manage the transfer of former Fort Ord property from the United States Army (the “Army”) to the governing local jurisdictions or their designee(s).
- B. FORA, under FORA Act authority, adopted a Fort Ord Base Reuse Plan (the “Reuse Plan”) on June 13, 1997, which identified (1) environmental actions required to mitigate development and redevelopment of the former Fort Ord (the “Basewide Mitigation Measures”), and (2) infrastructure and related costs necessary to accommodate development and redevelopment of the former Fort Ord (the “Basewide Costs”). As a part of that approval, the Board certified an Environmental Impact Report and adopted a Statement of Overriding Considerations making the follow findings:
- The Reuse Plan will provide for an improved and diversified retail and industrial economy and market that will generate employment and create financial stability;
  - The Reuse Plan will provide moderate and upscale housing which will provide more affluent residents to the Cities of Seaside (“Seaside”) and Marina (“Marina”), thereby creating a housing stock with higher income families in these communities with larger disposable incomes;
  - The Reuse Plan will provide additional tourist support facilities in Seaside and Marina, thereby contributing additional employment opportunities;
  - The Reuse Plan will encourage and prioritize the development of projects that are regional in scale, thereby creating additional destination points on the Monterey Peninsula, and thereby enhancing the local economy;
  - The Reuse Plan provides for the creation of various additional recreational facilities and open space that will enhance the quality of life for not only the residents of Seaside and Marina but all of the residents of the Peninsula;
  - The Reuse Plan will attract and assist in retaining a pool of professional workers for the Peninsula;
  - The Reuse Plan will assist in ensuring that the overall economic recovery of the Peninsula benefits the Cities of Del Rey Oaks (“DRO”), Monterey (“Monterey”), Seaside, Marina, and the unincorporated areas of the County of Monterey (“County”) in the vicinity of Fort Ord;
  - The Reuse Plan will provide for additional and needed senior housing opportunities;

- The Reuse Plan will assist the communities of Seaside and Marina in the transition of their respective community images from dependent, military base extensions with transient military personnel to vital, independent, and self-actuated communities populated with permanent residents with long-term interests in the well-being of their respective communities.
  - The Reuse Plan will encourage development that will enhance the continued viability of California State University at Monterey Bay and the open space areas retained by the federal government through the Bureau of Land Management and conveyed to the California Department of Parks.
- C. FORA is obligated by the California Environmental Quality Act, the Reuse Plan and the Authority Act (Government Code Section 67670 and following) to implement the Basewide Mitigation Measures and incur the Basewide Costs. To carry out such obligations, FORA arranged for a public financing mechanism to apply to all former Fort Ord properties.
- D. In the Reuse Plan, FORA identified land sale and lease (or “property based”) revenues, FORA share of Fort Ord property taxes, and basewide assessments or development fees, as the primary sources of funding to implement the Basewide Mitigation Measures and to pay the Basewide Costs.
- E. To implement its obligations under the Authority Act and transition the base as quickly as possible, FORA sought funding, entered into multiple agreements with local, state, and federal entities, established a community facilities fee and a capital improvement program. Many of those contractual obligations will survive FORA dissolution and must be assigned.
- F. On or about June 7, 2000, FORA entered into a Memorandum of Agreement (MOA) for the No-Cost Economic Development Conveyance (“EDC”) of former Fort Ord Lands. This document was recorded on June 23, 2000 at Series No. 2000040124 in Monterey County records. The MOA provided the vehicle for the Army to transfer property to FORA without monetary consideration. Under the Federal legislation any Sale or Lease Proceeds are to be applied to the economic development of the former Fort Ord.
- G. In 2001, each underlying Land Use Jurisdiction and FORA entered into Implementation Agreements or other Agreements to provide for orderly transfer of EDC property and the allocation of a fair and equitable share of Basewide Costs and Mitigation Measures. The Army required that water be allocated in a fair and equitable manner amongst all property recipients. It is intended that those contracts be addressed through this Transition Plan Agreement for the mutual benefit of the Monterey Bay region and to the mutual benefit of all other successors in interest to FORA.
- H. On or about 2001, FORA established a Community Facilities District (“CFD”), which collects a special tax on all properties to be developed. The tax is due and payable on issuance of a building permit for the property. That tax adjusts annually and cannot be legally challenged. The CFD is structured to promote business/job generating uses on the base. When the FORA legislation sunsets that CFD may no longer be collected. If

the CFD is replaced with a nexus fee, it is likely the underlying taxation will be shifted to job generating uses paying more and housing paying less. Replacement fees may be imposed on future development.

- I. On or about \_\_\_\_\_ the entire former Fort Ord was designated as a Superfund Site due to contamination. The Army is obligated to remediate the former Fort Ord by state and Federal law, including the removal of munitions and explosives. The timeline for the Army cleanup was based in part upon the contingent nature of funding and Department of Defense priorities for funds. Accordingly, in order to receive the properties early and facilitate an orderly and timely remediation of former Fort Ord lands, the Army and FORA entered into an early transfer agreement. Through a series of agreements between Army, FORA, Environmental Protection Agency, and Department of Toxic Substance Control, FORA has proceeded pursuant to an Army grant to remediate the former Fort Ord. The remediation obligations will be ongoing post dissolution of FORA.
- J. The Board wishes to continue orderly reuse, and to provide for the orderly transition of FORA's assets, liabilities, pledges, obligations and a schedule of those obligations to complete the FORA basewide costs and mitigation measures.
- K. Government Code section 67700 requires that FORA sunset when eighty percent (80%) of the base has been reused or on June 30, 2020 and that FORA file a transition plan with the Local Agency Formation Commission ("LAFCO") on December 31, 2018 or eighteen months prior to expiration of FORA.

WITH REFERENCE TO THE FACTS RECITED ABOVE, the Board hereby makes the following findings:

Section 1. Basewide Costs and Basewide Mitigation Measures:

The Board hereby finds that the Basewide Costs and Basewide Mitigation measures are as reflected in the Capital Improvement Program. Basewide Costs and Basewide Mitigation measures are defined as follows:

- Basewide Costs means the estimated costs identified in the Reuse Plan for the following: FORA Reuse Operations, Net Jurisdictional Fiscal Shortfalls, Caretaker Costs, and Demolition. The Basewide Costs are more particularly described in the Fort Ord Comprehensive Business Plan and the Findings attached to the Reuse Plan.
- Basewide Mitigation Measures means the mitigation measures identified in the Reuse Plan. Basewide Mitigation Measures include: basewide transportation costs; habitat management capital and operating costs; water augmentation and storm drainage costs; FORA public capital costs; and fire protection costs. The Basewide Mitigation Measures are more particularly described in the Fort Ord Comprehensive Business Plan, described in Section 1(f), the Development and Resource Management Plan, and the Findings attached to the Reuse Plan.

The Board finds that the FORA Community Facilities District funding mechanism provides the best vehicle to ensure long term revenue generation and revenue sharing to complete the

basewide mitigation measures in the Capital Improvement Program. The Board makes this finding knowing that imposing new financing mechanisms on already entitled development creates risk of loss to the region of approximately \$72 million dollars towards completing the remaining Basewide Mitigation measures. As a part of this transition, the Board strongly encourages all underlying jurisdictions with future prospective development to form Community Facilities Districts (or other replacement mechanisms) to replace the revenues which would have been raised by the FORA CFD. Additionally, the Board encourages member jurisdictions to include in future projects language which will obligate future development projects to pay a FORA/Basewide Mitigation/Basewide Cost fee (or equivalent replacement fees). The Board recognizes that replacement financing mechanisms will require new revenue sharing agreements between those that generate the revenues and those that are completing the Basewide mitigation measures. The Board further finds that the Implementation Agreements with Marina, Seaside, City of Monterey, City of Del Rey Oaks and the County all require that they continue to fund the base reuse until all basewide costs and mitigation measures have been retired. The Board hereby assigns and requests that LAFCO impose revenue generation obligations, pursuant to Government Code section 56886, on the member jurisdictions in accordance with the formulas set forth in the Implementation Agreements. That revenue generation shall be paid into a fund/escrow account established for the purpose of sharing revenues, unless revenue sharing agreements are finalized and presented prior to LAFCO approval of this Transition Plan.

Section 2. Assignment of liabilities/obligations:

FORA has two types of liabilities/obligations: **real property related** liabilities and obligations (Basewide Mitigation Measures, Basewide Costs, Contractual, and ESCA obligations) and **administrative** liabilities and obligations (E.g. CalPERS, Administrative, costs not flowing from the ownership, control, management or transfer of real property). Each type of obligation will have a unique assignment as a part of transitioning the Agency. In general, administrative liabilities and obligations will be assigned base upon FORA Board voting percentage as outlined herein below. Unless otherwise specified, Real property related liabilities and obligations shall be assigned to the underlying jurisdiction, unless there are agreements changing that allocation.

**Administrative**

	VOTING (13)
City of Monterey 1/13	7.69%
City of Marina 2/13	15.38%
City of Del Rey Oaks 1/13	7.69%
City of Monterey 1/13	7.69%
County of Monterey 3/13	23.1%
City of Pacific Grove 1/13	7.69%
City of Carmel-by-the-Sea 1/13	7.69%
City of Sand City 1/13	7.69%
City of Seaside 2/13	15.38%
	100%

## **Contractual Obligations.**

The Board hereby finds that the FORA contractual obligations have been collected and reflected on the attached Exhibit A. To the extent that any contractual obligation is discovered after LAFCO approval of this transition plan, those contractual obligations shall be assigned as follows:

- If the obligation is related to underlying use of property, it shall be assigned to the underlying land use jurisdiction;
- If the obligation is an administrative liability/obligation it shall be assigned/addressed jointly and severally in conformance with the voting percentage obligation;

### Section 3. Transition Plan Subject matters:

- A. **Habitat.** The Board hereby finds that integrated basewide habitat protection is best funded by the FORA CFD. By Board policy the Board has identified and set aside approximately 30% of collected CFD fees to be put towards a basewide habitat management and conservation plan. It is the Board's intent that if/once a joint powers agency/authority is formed for the purposes of basewide habitat management and conservation, that the habitat management and conservation obligations shall be assigned/transferred to that entity. If the FORA CFD is continued, it shall continue to keep basewide habitat conservation as one of the funding requirements and shall transfer funds to the JPA for purposes of management of habitat in perpetuity. The attendant funds on hand at FORA sunset shall be provided to that entity to be held in trust solely for the purposes of long term management of habitat management areas and assistance for other projects requiring site specific habitat conservation plan and take permits. If no JPA is formed, then long term habitat management shall be borne by the underlying land use jurisdictions. Prior to FORA Board sunset, the Board shall review the basewide habitat funding policies to determine whether those funds shall be transferred/provided to underlying jurisdictions at FORA sunset or allocated to other basewide costs and mitigation measures.
- B. **Roads.** The Board hereby finds that completion of the on-base Fort Ord Transportation Network projects that have been identified in the Capital Improvement program are essential to the long term success of the economic recovery of the reuse. The Board further finds that extension of the FORA CFD for the purpose of revenue generation and revenue sharing would be the best long term way to collect and share revenues to fund the transportation network for the on-site and off-site projects and the regional projects to the extent that a replacement regional transportation fee may not be imposed on already approved development projects. For all those projects in which FORA is not the designated lead agency, which is not yet completed, the responsibility to generate and/or collect revenues from the other member agencies will rest with the lead agency. For those projects in which FORA is the lead agency which have not yet been completed, the



Board request that LAFCO assign obligation to the Transportation Agency of Monterey or that it remain under the obligation of a modified extension of the FORA Act.

- C. **Environmental Services**. The Board hereby finds that the long term stewardship obligations and related monitoring activities identified by the United States Army for its munitions removal obligations are crucial to the future success of the recovery program. The Board further finds that the current staffing of the Environmental Services Cooperative Agreement (“ESCA”) be continued and sustained either through an extension of a modified FORA through ESCA contract terminus in 2028 or assignment to Seaside upon the dissolution of FORA. The Board also finds that the funding associated with the performance of the terms of the contract be negotiated for assignment at the point of dissolution.
- D. **Building Removal**. The Board hereby finds that former Fort Ord remnant US Army structures not obligated to be removed under the FORA CIP are a barrier to the recovery and reuse overall program and a nuisance to quiet enjoyment of the region assets. The Board also finds that an extension of the FORA Act to sustain resources that can be applied to this significant barrier to recovery is an important transition component. The Board, therefore, further requests legislative consideration of an extension to meet this blight eradication need as well as other resource demands noted in A & B herein.
- E. **Establishment of a Basewide Funding Escrow Account**. The Board hereby finds that a unified funding mechanism for handling Indemnification, Litigation and other expenses related to Basewide Mitigation Measures and Basewide Costs is necessary and appropriate. The unified fund may be either managed by a successor Jurisdiction willing and able to hold these funds in a special account solely for the purpose of administering the Basewide Mitigation Measures and Basewide Costs or an escrow account established for the sole purpose of holding and administering Basewide Mitigation Measures and Basewide Costs. The administrative overhead for holding and managing either of these mechanisms shall be treated as a real property related cost. Litigation management shall be pursuant to unanimous agreement of all affected parties, unless otherwise agreed in writing. Any additional funds required for administrative type liabilities/obligations shall be funded in accordance with the voting percentages of the FORA Board member jurisdictions. Any additional funds required for real property type liabilities/obligations shall be borne jointly and severally by the underlying land use jurisdictions, unless such basewide mitigation measure or costs is a project in which an underlying jurisdiction is the lead agency.
- F. **Water/Wastewater**. The Board hereby finds that it has made water allocations in accordance with the Implementation Agreements and those Agreements may need to be enforced should any jurisdiction’s approved developments exceed their water allocations. In such a case, the remedy shall be [\_\_\_\_\_]. The Board further finds that transferring the obligation to finance water and wastewater infrastructure to Marina Coast Water District to implement the Reuse Plan is appropriate at FORA sunset. To the extent that Marina Coast is unable to impose and/or collect revenues to replace the revenues

generated by FORA's CFD, the Board finds that continuation of the CFD allows for funds to reduce connection and other costs imposed by MCWD.

The Board's intent is that **MCWD?/Successor** may adjust water allocations in accordance with the provisions set forth in the Implementation Agreements and in particular Section 3.11.54 of the Development Resource Management Plan (DRMP) includes procedures for adjusting water allocations. That reallocation procedure is subject to FORA's general operating procedures in Chapter 8 of the FORA Master Resolution. The Board finds MCWD shall be its successor with respect to the reviewing body for water allocations.

- G. **Policy Issues.** The FORA Board hereby finds that the policies contained in the Master Resolution should be enforced upon FORA dissolution and hereby direct staff to record the Master Resolution in its entirety one month prior to the dissolution. In particular, the Board finds that the prevailing wage policy established in 1996 to promote an equitability and fairness to all workers on the former Fort Ord shall be sustained in the completion of the former Fort Ord recovery program. The Board further finds that the State of California should provide legislative clarity regarding the authority of the Department of Industrial Relations, underlying land use jurisdictions or the Fort Ord Reuse Authority to monitor and establish a procedure for compliance with this policy.

**Section 4. California Environmental Quality Act:**

The Board hereby finds that it adopting this Transition Plan in response to Government Code section 67700 and solely allocates assets, liabilities and obligations of the Fort Ord Reuse Authority in advance of its ultimate dissolution. Nothing herein approves any change in land use or underlying land use jurisdiction, or makes any changes to project-specific review by lead agencies for those projects located within their respective boundaries, including but not limited to those projects contained in the Capital Improvement Program. As such the Board hereby finds that this Transition Plan is not a project under CEQA and/or is exempt as an organizational reorganization.

**Section 5. LAFCO Review and Approval:**

If LAFCO finds that any portion of this plan is insufficient or must be modified prior to the FORA expiration on June 30, 2020, in accordance with Government Code section 67700, this Board is to review and approve any modifications.

Signature block for Resolution  
Attachment: Contract assignment list

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

Public correspondence submitted to the Board is posted to FORA’s website on a monthly basis and is available to view at <http://www.fora.org/board.html>

Correspondence may be submitted to the Board via email to [board@fora.org](mailto:board@fora.org) or mailed to the address below:

FORA Board of Directors  
 920 2<sup>nd</sup> Avenue, Suite A  
 Marina, CA 93933

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

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

### RECOMMENDATION(S):

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

### BACKGROUND:

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

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

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

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

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

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

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

**DISCUSSION:**

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


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

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

**Recommendation:**

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

**FISCAL IMPACT:**

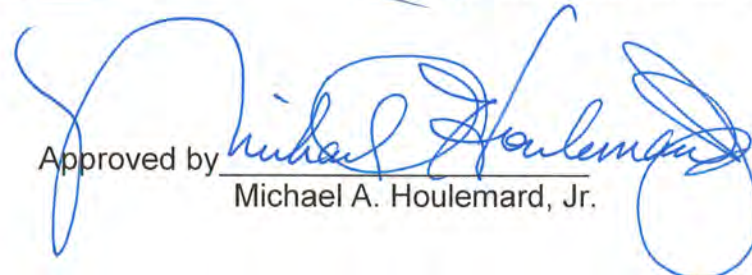
Reviewed by FORA Controller 

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

**COORDINATION:**

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

Prepared by  Peter Said      Reviewed by  Jonathan Brinkman

Approved by  Michael A. Houlemard, Jr.

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

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

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

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

**SWO-W5: SCOPE OF SERVICES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SWO-W5: TIME OF PERFORMANCE**

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

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

**SWO-W5: COMPENSATION**

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

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

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

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

### RECOMMENDATION(S):

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

### BACKGROUND:

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

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

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

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

### DISCUSSION:

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

**Rationale for consistency determinations.** FORA staff finds that there are several defensible rationales for making an affirmative consistency determination. In general, it is noted that the

Reuse Plan is a framework for development, not a precise plan to be mirrored. However, the resource constrained BRP, section 3.11.5 of FORA's Development and Resource Management Plan, sets thresholds that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. A brief summary of staff consistency determination review is **Attachment B**. In keeping with the FORA Master Resolution's particular rationales for consistency analysis, staff has reviewed the AMP according to the following:

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

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

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

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

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

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

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

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

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

- Noise was addressed in the AMP with policies including avoidance of overflight above noise sensitive areas, implementation of noise insulation standards, strategic placement of land uses and compliance with new noise contours.

- Air quality impacts on Marina Station planned residential area was a concern of the Monterey Bay Air Resources District during the IS/MND review period. Marina responded with modifications that address attainment status, low-emission construction equipment, and project-specific air quality analysis.
- California Department of Fish and Wildlife did not offer concurrence on the AMP. The matter will resurface when the runway extension becomes a project. As mentioned above, the action will likely require an HMP amendment and additional mitigations.
- Safety is addressed in several ways. Seismic risks of development at the airport were evaluated as part of the IS/MND and impacts were found to be less than significant.
- The Reuse Plan Fire, Flood, and Emergency Management Policy A-5 requires jurisdictions to evaluate the need for additional fire stations and fire suppression facilities and manpower within areas of the former Fort Ord. The Marina General Plan identified a site at the Marina Municipal Airport for a fire station, and two other potential sites. The resulting recently-updated fire station is identified in Exhibit 1C of the AMP. Three firefighting vehicles are stored at the facility.
- Another issue pertaining to safety is that the airport area and vicinity are used for ultralight and skydiving activity. An interim drop zone is located on the southeast side of the airport in the AMP (also in Exhibit 1C). Appendix E of the AMP presents analysis of potential locations for a relocated interim drop zone.
- Lastly, in terms of safety, the airport has full perimeter fencing for security and wildlife prevention function.
- The AMP reviews building height regulations in the Inventory chapter. FAA enforcement of height limitations in proximity to an airport is restricted to 200 feet above the ground. Therefore, the AMP recognizes it is the responsibility of Marina to implement height and hazard zoning. Building heights, it reports, are in the Marina Municipal Zoning Code for Airport District as maximum of 56 feet. Airport control towers, airport hangars, and other airport related buildings, facilities or appurtenances may be erected to a greater height, subject to case-by-case permit. The maximum height for buildings in the UC MBEST Center is 50 feet.

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

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

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

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

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

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

be affected by this LLUD, and is a Development with Reserve Areas or Development with Restrictions” parcel. The HMP foresaw development of FAA-required airport support facilities as well as a road within the parcel. The land use transfer anticipated in this LLUD may require an HMP amendment. The AMP would not conflict with implementation of the Fort Ord HMP.

**Additional Considerations**

(7) Is not consistent with the Highway 1 Design Corridor Design Guidelines and the Regional Urban Design Guidelines; and

The AMP would not modify Highway 1 Design Corridor Design Guidelines and is not applicable to the Regional Urban Design Guidelines (RUDG). Specifically, the AMP is in the general area of the proposed Fort Ord Recreational Trail and Greenway (FORTAG). However, the AMP was drafted to meet FAA requirements, which did not allow for trail planning. Since the AMP did not address trails, there are no applicable items under FORA’s RUDG to evaluate.

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

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

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

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

**FISCAL IMPACT:**

Reviewed by FORA Controller 

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

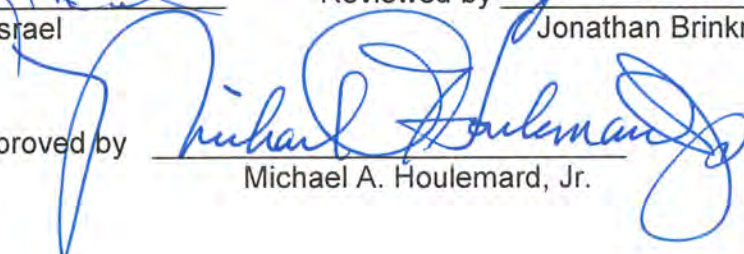
Staff time for this item is included in the approved annual budget.

**COORDINATION:**

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

Prepared by   
Mary Israel

Reviewed by   
Jonathan Brinkmann

Approved by   
Michael A. Houlemard, Jr.

**FORT ORD REUSE AUTHORITY  
RESOLUTION NO. 18-xx**

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

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

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

- I. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: “(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board’s resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified...”
- J. FORA’s review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board’s decision to certify or to refuse to certify the legislative land use decision.
- K. The term “consistency” is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- L. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory; (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory; (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan."

NOW THEREFORE the Board hereby resolves that:

1. The FORA Board acknowledges Marina’s recommendations and actions of June 5, 2018 requesting that the FORA Board certify that the AMP and the Reuse Plan are consistent.
2. The FORA Board has reviewed and considered the AMP Final Mitigated Negative Declaration as Marina’s environmental documentation and finds that these documents provide substantial additional information for purposes of FORA’s determination that the AMP and the Reuse Plan are consistent.
3. The FORA Board has considered all the Supporting Materials submitted with this application for a consistency determination, the recommendations of the Planners Working Group and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.



4. The FORA Board certifies that the AMP is consistent with the Reuse Plan. The FORA Board further finds that its legislative decision is based in part upon the substantial evidence submitted and a weighing of the Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided.
5. The AMP will, considering all its aspects, further the objectives and policies of the Reuse Plan. The Marina application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Reuse Plan.

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

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

ATTEST:

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

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

<b>FORA Master Resolution Section</b>	<b>Finding of Consistency</b>	<b>Justification for finding</b>
(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 AMP makes no land use changes from the Board-certified Marina General Plan. There is no intensification of uses. See Marina City Council Rpt in Link 2 of FORA Board Rpt Item 8b, and Marina Reso. No. 2018-63 in Link 1.
(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 AMP does not plan for denser uses. See Marina City Council Rpt in Link 2 of FORA Board Rpt Item 8b and Marina Reso. No. 2018-63 in Link 1.
(3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.	Yes	The AMP is in substantial conformance with applicable programs specified in the Reuse Plan. Where the AMP could be out of conformance, the mitigations in the Final MND make adjustments. Before any ground-disturbing actions take place, the actions will be evaluated in subsequent site-specific environmental analyses. See Marina Reso. No. 2018-64 in Link 1 of FORA Board Rpt Item 8b, and Ex. B of Marina Reso. No. 2018-62 in Link 2.
(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. Potential HMA impacts and FORTAG impacts will be addressed on a project-by-project basis. Before any ground-disturbing actions take place, the actions will be evaluated in subsequent site-specific environmental analyses. See Marina Reso. No. 2018-64 and RUDG Checklist (p. 9) in Link 1, FORA Board Rpt Item 8b, AMP Ex. 5A in Link 2.
(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 projects developed in the future subject to this AMP will pay fair share of base-wide costs. See <a href="http://www.FORA.org">www.FORA.org</a> , Index of Supporting Document, Marina Implementation Agreement, and Amendments.
(6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan (“HMP”).	Yes	The submittal provides for HMP implementation. See p. 35 of Land Use Element Worksheet in Link 1, FORA Board Rpt Item 8b.
(7) Is consistent with the Highway 1 Design Corridor Design Guidelines and the Regional Urban Design Guidelines (“RUDG”).	Yes	The project lies outside of the Highway 1 Design Corridor. The RUDG Checklist is not applicable to the AMP. See AMP Ex. 1H in Link 2 of the FORA Board Rpt Item 8b, and Checklist in Link 1.
(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 submittal is consistent with job/housing balance requirements. See Link 1, Marina Resolution No. 2018-62 finding 4.
(9) Prevailing Wage	Yes	The project applicants are required to pay prevailing wage consistent with the FORA Master Resolution.

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

**RECOMMENDATION(S):**

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

**BACKGROUND:**

The City of Seaside (Seaside) submitted its Zoning Code for consistency determination on Thursday, July 26, 2018. The cover letter is **Attachment B**, with hyperlinks to each of the listed items (1 – 13) in their consistency determination submittal package.

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

The FORA Planners Working Group reviewed this item on July 30, 2018 and the FORA Administrative Committee reviewed this item on August 1, 2018, each recommending that the Board certify the Seaside Zoning Code as consistent with the BRP.

**DISCUSSION:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Fort Ord Habitat Management Plan (HMP) designates certain parcels for "Development," in order to allow economic recovery through development while promoting preservation,

enhancement, and restoration of special status plant and animal species in designated habitats. The Seaside Zoning Code only affects lands that are located within areas designated for "Development with no Restrictions" under the HMP. Lands designated as "Development" have no management restrictions placed upon them as a result of the HMP. The Seaside Zoning Code would not conflict with implementation of the Fort Ord HMP.

**Additional Considerations**

(7) Is not consistent with the Highway 1 Design Corridor Design Guidelines and the Regional Urban Design Guidelines;

The Seaside Zoning Code would not modify Highway 1 Design Corridor Design Guidelines. Seaside completed a Regional Urban Design Guidelines (RUDG) checklist that showed, in some instances, how RUDG measures would be implemented through the Seaside Zoning Code. FORA Master Resolution Section 8.01.020(g) provides that the Board can only refuse to certify the Seaside Zoning Code if it demonstrates that the Seaside Zoning Code does not conform with the 2004 Seaside General Plan, certified as consistent with the BRP in 2004.

(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; and

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

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

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

**FISCAL IMPACT:**

Reviewed by FORA Controller 

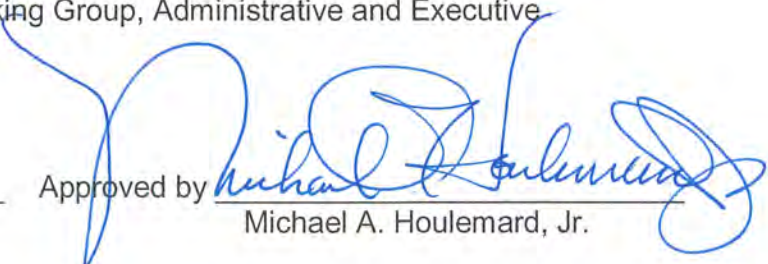
This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. In addition to points already dealt with in this report, it is clarified that the developments expected to be engaged in reuse subject to the Seaside Zoning Code are covered by the Community Facilities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

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

**COORDINATION:**

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

Prepared by   
Jonathan Brinkmann

Approved by   
Michael A. Houlemard, Jr.

**FORT ORD REUSE AUTHORITY  
RESOLUTION NO. 18-xx**

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY  
*Certifying the City of Seaside Zoning Code*

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

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan (Reuse Plan) under Government Code Section 67675, *et seq.*
- B. After FORA adopted the Reuse Plan, Government Code Section 67675, *et seq.* requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, *et seq.*
- D. The City of Seaside ("Seaside") is a member of FORA. Seaside has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After a noticed public meeting on February 6, 2014, Seaside adopted the Seaside Zoning Code ("Zoning Code"), affecting lands on the former Fort Ord. Seaside also found the Zoning Code consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations on May 3, 2018.
- F. On May 3, 2018, Seaside recommended that FORA certify the Zoning Code as consistent with FORA's Reuse Plan, certified by the Board on June 13, 1997. Seaside submitted to FORA its Zoning Code together with the accompanying documentation.
- G. Consistent with the Implementation Agreements between FORA and Seaside, on July 26, 2018, Seaside provided FORA with a complete copy of the submittal for the Zoning Code, the resolutions and/or ordinance approving it, a staff report and materials relating to Seaside's action, a copy of the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Zoning Code is consistent with the Reuse Plan and the FORA Act (collectively, "Supporting Material"). Seaside staff requested that FORA certify the Zoning Code as being consistent with the Reuse Plan.
- H. FORA staff, the FORA Planners Working Group, and the FORA Administrative Committee reviewed Seaside's application for consistency evaluation. The Planners Working Group recommended that the FORA Board find that the Zoning Code consistent with the Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Planners Working Group recommendation. The Executive Officer set the matter for public hearing regarding consistency of the Zoning Code before the FORA Board on August 10, 2018.

- I. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: “(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board’s resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified...”
- J. FORA’s review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board’s decision to certify or to refuse to certify the legislative land use decision.
- K. The term “consistency” is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- L. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory; (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory; (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan."

NOW THEREFORE the Board hereby resolves that:

1. The FORA Board acknowledges Seaside’s recommendations and actions of May 3, 2018 requesting that the FORA Board certify that the Zoning Code and the Reuse Plan are consistent.
2. The FORA Board has reviewed and considered the Zoning Code Initial Study/Negative Declaration as Seaside’s environmental documentation and general law ordinances and finds that these documents provide substantial additional information for purposes of FORA’s determination that the Zoning Code and the Reuse Plan are consistent.
3. The FORA Board has considered all the Supporting Materials submitted with this application for a consistency determination, the recommendations of the Planners

Working Group and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.

4. The FORA Board certifies that the Zoning Code is consistent with the Reuse Plan. The FORA Board further finds that its legislative decision is based in part upon the substantial evidence submitted and a weighing of the Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided.
5. The Zoning Code will, considering all its aspects, further the objectives and policies of the Reuse Plan. The Seaside application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Reuse Plan.

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

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

ATTEST:

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Michael A. Houlemard, Jr., Clerk

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Ralph Rubio, Chair





**Community Development Department**

440 Harcourt Avenue  
Seaside, CA 93955

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

July 26, 2018

Fort Ord Reuse Agency  
Attn: Mary Israel  
Marina, CA

RE: Seaside Zoning Code Consistency Determination Request

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

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

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

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

Sincerely

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

Rick Medina  
Senior Planner

<b>FORA Master Resolution Section</b>	<b>Finding of Consistency</b>	<b>Justification for finding</b>
(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 Zoning Code makes no land use changes from the Board-certified 2004 Seaside General Plan. There is no intensification of uses. See <b>Attachment B</b> link to “1. Legislative Land Use Decision Consistency Checklist from Section 8.02.010 and 8.20.020 of the FORA MR.”
(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 Zoning Code does not plan for denser uses. See <b>Attachment B</b> link to “1. Legislative Land Use Decision Consistency Checklist from Section 8.02.010 and 8.20.020 of the FORA MR.”
(3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.	Yes	The AMP is in substantial conformance with applicable programs specified in the Reuse Plan. See <b>Attachment B</b> link to “2. FORA Land Use Matrix.”
(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. See <b>Attachment B</b> link to “1. Legislative Land Use Decision Consistency Checklist from Section 8.02.010 and 8.20.020 of the FORA MR.”
(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	Any future infrastructure and public services as part of either a private development or a Seaside sponsored CIP will be required to comply with the policies and regulations of the Seaside General Plan, Seaside Zoning Code and the BRP. See <b>Attachment B</b> link to “1. Legislative Land Use Decision Consistency Checklist from Section 8.02.010 and 8.20.020 of the FORA MR.”
(6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan (“HMP”).	Yes	The submittal provides for HMP implementation. See <b>Attachment B</b> link to “1. Legislative Land Use Decision Consistency Checklist from Section 8.02.010 and 8.20.020 of the FORA MR.”
(7) Is consistent with the Highway 1 Design Corridor Design Guidelines and the Regional Urban Design Guidelines (“RUDG”).	Yes	Seaside completed a RUDG checklist, demonstrating how RUDG measures would be implemented through the Zoning Code. See <b>Attachment B</b> link to “13. Response to RUDG Checklist.”
(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 submittal is consistent with job/housing balance requirements. See <b>Attachment B</b> link to “1. Legislative Land Use Decision Consistency Checklist from Section 8.02.010 and 8.20.020 of the FORA MR.”
(9) Prevailing Wage	Yes	The Zoning Code does not modify prevailing wage requirements for future development entitlements in Seaside.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Building Removal Program	
<b>Meeting Date:</b>	August 10, 2018	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8d	

**RECOMMENDATION:**

Authorize the Executive Officer to solicit and execute service contracts for a financial advisor and bond counsel to explore the feasibility of bonding FORA property tax to complete remaining base-wide building removal, not to exceed \$75,000.

**BACKGROUND/DISCUSSION:**

During six meetings, the Administrative Committee analyzed and discussed a potential program to remove the remaining abandoned Army buildings left after FORA completes its CIP building removal obligations. Staff presented information, including a preliminary cost estimate for building removal, a potential financing plan, and a draft cost-benefit analysis. Below is a table showing the preliminary building removal cost estimate.

**Preliminary Building Removal Cost Estimate:**

DESCRIPTION	PRELIMINARY COST ESTIMATE
Seaside Surplus II (10 Buildings)	(\$10 M)
Marina Cypress Knolls	(\$14 M)
TAMC, MST	(\$6 M)
Marina City Park in Dunes Specific Plan	(\$10 M)
County Ammo Supply Point (bunkers remain)	(\$2 M)
Overhead (operations, oversight) (5 years)	<u>(\$4.8 M)</u>
<b>TOTAL COST ESTIMATE</b>	<b>(\$46.8 M)</b>

**Potential Financing Plan:**

DESCRIPTION	COSTS & REVENUE SOURCES
Building Removal Cost Estimate	(\$46.8 M)
FORA Property Tax Bond FY 18/19	<u>\$31 M</u>
Remaining Building Removal Cost Estimate	(\$15.8 M)
FORA Land Sales Proceeds in FY 19/20	<u>\$21.2 M</u>
<b>LAND SALES REMAINING TO FUND CIP</b>	<b>\$5.4 M</b>

Discussions with the FORA Administrative Committee have enhanced general understanding of the building removal issue and sparked ideas for creating financing solutions. The abandoned buildings have been an eye-sore to residents, students, workers, and visitors in our community since the early 1990's. The buildings have inhibited development of the urbanized Army footprint because of the high costs and hazardous substances liabilities to remove the structures. They also pose a constant public health risk and require continued maintenance to bar entry. As the Administrative Committee explored a potential financing plan, it became clear that more questions have arisen that would require special expertise. FORA's property tax appears to be a potential revenue source that could spring-board action to take down buildings. However, staff needs financial and legal expertise to explore whether FORA could feasibly issue debt on its existing property tax revenue stream. For these reasons, staff and Administrative Committee members recommend that the Board authorize the Executive Officer to solicit and execute contracts for a financial advisor and bond counsel to explore the feasibility of bonding FORA property tax to complete remaining base-wide building removal, not to exceed \$75,000.

**FISCAL IMPACT:**

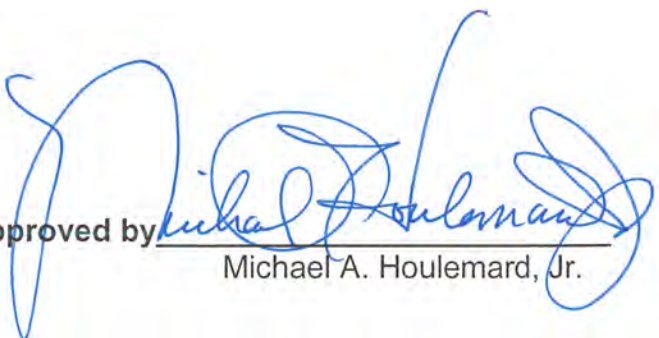
Reviewed by the FORA Controller 

Staff time for the Administrative Committee is included in the approved annual budget. This action would result in an increase in consultant services by \$75,000, which would be incorporated into the FORA mid-year budget update.

**COORDINATION:**

Administrative Committee

Prepared by   
Jonathan Brinkmann

Approved by   
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Habitat Conservation Plan Update	
<b>Meeting Date:</b>	August 10, 2018	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8e	

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

- i. Receive a Fort Ord Multi-Species Habitat Conservation Plan (HCP) report regarding United States Fish and Wildlife Service (USFWS) HCP and State of California Department of Fish and Wildlife (CDFW) 2081 Incidental Take Permit (ITP) developments.
- ii. Consider scheduling an HCP Board Workshop.
- iii. Consider directing staff to work with the jurisdictions on formation of a Joint Powers Authority (JPA) to implement base-wide habitat management activities required by the 1997 Fort Ord Habitat Management Plan (HMP).

### **BACKGROUND:**

To complete the reuse of former Fort Ord as envisioned in the 1997 Fort Ord Base Reuse Plan (BRP), the Fort Ord Reuse Authority (FORA) must complete an HCP for “take” of Federally-listed species and a 2081 ITP for take of State-listed species as required by the Endangered Species Act (ESA) and California Endangered Species Act (CESA), respectively. Such permits are required to fully implement Habitat Management Plan (HMP) activities and the BRP. Since 1997, FORA pursued a base-wide HCP, and worked through many challenges in its pursuit, including impediments to conducting habitat restoration burns, listing of California Tiger Salamander (CTS), changing CDFW and USFWS staffing, changing funding requirements, and changing HCP/2081 ITP requirements.

In late 2016, USFWS Ventura Office Field Supervisor Stephen P. Henry issued FORA a comment letter outlining nine general recommendations for changes to the draft Fort Ord HCP which caused a major overhaul of the species covered and the areas included as federal permit “preserved” habitat. Due to the need for these extensive revisions, FORA staff and consultants worked significantly longer to complete the screen-check draft HCP. However, USFWS and CDFW representatives agreed to meet an HCP schedule allowing one 60-day review period prior to publishing the public review draft HCP and its Environmental Impact Statement/Environmental Impact Report (EIS/EIR). In July 2017, FORA distributed the screen-check draft HCP for USFWS, CDFW, and Permittees’ 60-day review. While other parties met the timeline, CDFW took eleven months to send in comments on the screen-check draft HCP. Many of CDFW staff comments brought up issues that were already resolved through discussions and compromises with CDFW staff in previous years. Staff found the degree and amount of the comments challenging, and recognized that strategic meetings, rather than editorial rewrites of the draft document, were in order.

CDFW and FORA staff agreed to meet on July 27<sup>th</sup> and 30<sup>th</sup> for phone conference meetings to work through the new comments. Several issues were resolved, and others remain yet-to-resolve. The two main issues to be resolved in the next few weeks are:

1. CDFW assurances of Bureau of Land Management (BLM) continued management of the Fort Ord National Monument in a manner consistent with HCP and
2. CDFW's current position that they would not consider issuance of a 2081 permit for Sand Gilia under the Fort Ord HCP until the Marina Heights (now known as Seahaven) developer successfully mitigates Sand Gilia take that occurred in the last 14 years and was not mitigated in compliance with their 2081 permit.

Two topic-specific meetings are planned to resolve these issues.

The schedule for completion of the HCP was delayed by several months by CDFW's new staff, as discussed above. However, a new development in the regulation of federal Environmental Impact Statements (EISs) by the Department of Interior may provide an opportunity for expediting the project timeline. On April 27, 2018, the Deputy Secretary of the Interior sent out a Memorandum mandating that all outstanding EISs with a Notice of Intent published on or before August 31, 2017 must publish a project schedule with a Final EIS completion and Record of Decision (ROD) issuance date of no later than 365 days from the effective date of the Memorandum. This pertains to the HCP, and follow-up communications with USFWS indicate that they will work on a tight timeline to complete the review. Therefore, the HCP schedule (**Attachment A**) has been adjusted to bring it to completion for a ROD in April 2019.

The HCP program is based on building to a habitat endowment that would generate enough annual interest earnings to fund protection in "perpetuity" for cost of restoring and managing habitat areas. The Cities, County, and other members of a future JPA (called the HCP Cooperative) would sign an Implementing Agreement and oversee stay-ahead provisions so that no species take exceeds completed mitigations.

## **DISCUSSION:**

Discussions at Transition Task Force (TTF) meetings have often focused on the cost of the HCP. HCP preparation and environmental review has been paid for by FORA, using Community Facilities District (CFD) monies collected from former Fort Ord development. FORA has paid \$2-3 million for the environmental review and document preparation so far as performed by consultants and staff. The required Endowment was originally projected to be \$9 million but is now expected to cost \$48 to \$66 million with about \$21 million expected to be collected by FORA before June 30, 2020. It is estimated that, if FORA sunsets, the jurisdictions would have to figure out how to generate the remaining \$27 to \$45 million required by USFWS/CDFW if they were to continue the effort, or, alternatively, the State Legislature might extend FORA's financing ability with FORA assigning that revenue stream to a successor agency.

Some have raised the idea that HMP obligations can be met by using current HCP funding, and that will be as useful to the region and individual jurisdictions as a functioning base-wide HCP. There are several issues associated with this approach:

- 1) The HMP obligations are for a longer list of species;

- 2) The HMP does not include CTS obligations because it pre-dated that species' State and Federal listing;
- 3) The HMP sets aside Habitat Management Areas (HMAs), but does not provide a mechanism for take of species in the required management actions for the HMAs;
- 4) Without a base-wide USFWS HCP and CDFW 2081 ITPs, any development project will have to process Federal and State permits individually. Additive costs for such an approach are estimated to be much higher than a base-wide approach. Also, mitigation for listed plant species is most commonly in the form of preserved habitat. As a result, some jurisdictions may not be able to find sufficient mitigation land for the permits that they seek.

The Transition Task Force (TTF) discussed Habitat Management on May 16, 2018 and subsequent meetings, and several Task Force members were concerned that, without a Joint Powers Authority (JPA) to assign HCP work to, the Transition Plan to be delivered to the Local Agency Formation Commission (LAFCO) of Monterey County by the end of 2018 would have a loose end. This discussion was elevated to Board on July 13, in a Transition Plan study session. In response, Authority Counsel removed the paired signing of the JPA Agreement and Implementing Agreement to allow for early execution. At a meeting on August 30<sup>th</sup>, prospective permittees reviewed the updated agreement. Most were in favor of forming a JPA with the purpose of implementing base-wide habitat management activities required by the 1997 Fort Ord Habitat Management Plan (HMP). If the HCP and its accompanying EIS/EIR are completed in the future, the JPA's purpose could be amended.

Now is probably a point of no return for USFWS, CDFW, BLM and FORA to resolve the remaining issues and bring the HCP and its supporting documents forward for public comment and Board approval. Given the overarching principal to complete a Transition Plan without loose ends, the FORA Board may entertain options and alternatives to the current assumed approach. It is recommended that the participants sign on to some form of JPA Agreement and establish a Habitat Cooperative to allow the parties a structure to continue discussing how to protect habitat on the former Fort Ord and enable a permitting structure that treats the FORA jurisdictions in an equitable manner.

The Executive Officer suggests that the Board could consider the following alternatives:

- A. Form a JPA Cooperative according to the current HCP schedule (March/April 2019) and continue building the HCP Endowments with HCP replacement funding provided by the Jurisdictions post-FORA or an extension of FORA financing authority.
  - Pro: Staff time efficiently directed to completing the HCP within the expedited schedule
  - Con: Possible loose end in the Transition Plan depending on HCP outcome
  
- B. Form a JPA Cooperative in the near-term, providing the initial purpose of implementing the 1997 HMP on behalf of its members and supporting member jurisdiction's CESA and ESA ITP processing, prior to providing LAFCO with a draft Transition Plan (December 2018), and provide flexibility that this JPA may amend its purpose in the future to implement the base-wide HCP if that effort is successfully concluded.
  - Pros: Loose ends are tied up in one aspect of the Transition Plan; the region would have a responsible entity that would fund and implement HMP requirements.
  - Con: Staff time directed to forming a JPA might divert resources from completing HCP

C. Abandon the HCP process and assign FORA funds collected so far to FORA jurisdictions charged with implementing FORA's habitat management obligations or their own.

Pro: This option would save FORA from expending approximately \$150,000 for HCP consultants in the current FY18-19 budget.

Cons: Individual HCPs for future development lack regional cohesion and are therefore less effective at saving endangered species, CDFW and USFWS indicated that individual permits would be difficult to acquire without a regional approach, FORA jurisdictions (Seaside, Del Rey Oaks, Monterey) may not be able to identify enough mitigation land for the permits that they seek.

**FISCAL IMPACT:**

Reviewed by FORA Controller 

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

**COORDINATION:**

Authority Counsel, Administrative Committee, ICF International, Denise Duffy & Associates, CDFW, and USFWS.

Prepared by   
Mary Israel

Reviewed by   
Jonathan Brinkmann

Approved by   
Michael A. Houlemard, Jr.





	Status	2017												2018												2019											
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
<b>EIR/EIS</b>																																					
1 Prepare 1st Admin Draft EIS/EIR	Done																																				
2 Review Period	Done																																				
3 Prepare 2nd Admin Draft EIS/EIR	Done																																				
4 Solicitor review (2 weeks)																																					
5 Prepare Public Review EIS/EIR																																					
6 Prepare and publish Notice of Availability in Federal Register (see HCP-15 above)																																					
7 Prepare and publish CEQA Notice of Availability																																					
8 Public/Agencies Review Period (90 days)																																					
9 Respond to public comments/Prepare Admin Draft Final EIS/EIR																																					
10 Agency Review Period (2 weeks)																																					
11 Prepare Final Public Draft EIS/EIR - clear for publication																																					
12 Prepared and Publish Notice of Final EIS, HCP and IA Availability in Federal Register - 30 day comment period																																					
13 Publish CEQA Notice of Determination - Permit Applicants - 30 day challenge period																																					
14 CEQA Notice of Determination--CDFW - 30 day challenge period																																					
15 See Approval Process steps																																					



Status	2017												2018												2019											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
<b>Approval Process</b>																																				
1 Permit Applicants and BLM Approval of Final Plan, Final EIR/EIS, Final IA, & JPA																																				
2 Establish JPA (Implementing Entity)																																				
3 JPA approves Final Plan, EIR/EIS and Implementing Agreement																																				
4 See EIR/EIS steps 12, 13 and 14																																				
5 Local Agencies Adopt Imp Ordinances																																				
6 Wildlife Agencies Approval of Plan, EIR and EIS and IA																																				
7 CDFW Findings Preparation																																				
8 FWS Findings/Biological Opinion																																				
9 Permits Issued by FWS																																				
10 Permits issued by CDFW																																				