



Fort Ord Reuse Authority

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

BOARD OF DIRECTORS MEETING

Friday, August 12, 2011 3:30 p.m.

910 2nd Ave, Marina (on the former Fort Ord)

AGENDA

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**
 - a. Special Service Acknowledgement
4. **PUBLIC COMMENT PERIOD:** Members of the audience wishing to address the Fort Ord Reuse Authority ("FORA") Board on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period. Public comments are limited to a maximum of three minutes. Public comments on specific agenda items will be heard at the time the matter is under Board consideration.
5. **CONSENT AGENDA** ACTION
 - a. July 8, 2011 FORA Board meeting minutes
 - b. Kutak Rock – Attorney Contract Waiver – Water Service Agreement
6. **OLD BUSINESS**
 - a. California Central Coast Veterans Cemetery – update INFORMATION/ACTION
 - i. Citizens' Advisory Committee Report
 - ii. Memorandum of Understanding Approval
 - b. Preston Park INFORMATION/ACTION
 - i. Receive a report on the Fiscal Year 11/12 Preston Park Budget
 - ii. Extend FY 10-11 approved budget and continue July 2011 rent schedule for all tenants to January 1, 2012, reiterating that Capital Expenditures and Reserve Account activities must be approved by Fort Ord Reuse Authority ("FORA") on a case by case basis.
 - iii. Receive a report on the disposition of Preston Park and provide direction to staff
 - c. Creegan + D'Angelo Professional Services – Contract Amendments ACTION
 - i. Amendment #22 to Master Agreement 12-02 - Service Work Orders 3, 4 and 9
 - ii. Amendment #1 to Service Agreement 12-09
7. **NEW BUSINESS**
 - a. Consistency Determination: City of Marina Zoning Ordinance Amendments ACTION
8. **EXECUTIVE OFFICER'S REPORT**
 - a. Outstanding Receivables INFORMATION
 - b. Administrative Committee report INFORMATION
 - c. Habitat Conservation Plan – status report INFORMATION
 - d. Marina Coast Water District Ord Community Budgets and Rates – FY 11/12 Q&A and process of approval INFORMATION
 - e. Distribution of FY 2011/12 through 2021/22 Capital Improvement Program INFORMATION
 - f. Executive Officer's Travel Report INFORMATION
9. **ITEMS FROM MEMBERS** INFORMATION
10. **CLOSED SESSION**
 - a. Preston Park Disposition Dispute Mediation
11. **REPORT OUT OF CLOSED SESSION**
12. **ADJOURNMENT**



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[Return to Agenda](#)

BOARD OF DIRECTORS MEETING

Friday, July 8, 2011

3:30 p.m. Carpenters Union Hall
910 2nd Ave, Marina (on the former Fort Ord)

MINUTES

1. CALL TO ORDER AND ROLL CALL

1st Vice Chair/Mayor Edelen called the July 8, 2011 Board of Directors meeting to order at **4:07 p.m.**

Voting members present (Quorum present at call to order)

Mayor Pendergrass (City of Sand City)
Mayor Pro-Tem Kampe (City of Pacific Grove)
Councilmember Brown (City of Marina)
Supervisor Parker (County of Monterey)
Mayor McCloud (City of Carmel-by-the-Sea)

Councilmember Selfridge (City of Monterey)
Councilmember Oglesby (City of Seaside)
2nd Vice Chair/Mayor Pro-Tem O'Connell
(City of Marina)

Arriving after the roll call: Jim Cook (County of Monterey)

Absent: Chair/Supervisor Potter (County of Monterey), Mayor Bachofner (City of Seaside), Councilmember Barrera (City of Salinas).

Ex-Officio members present:

Graham Bice (University of California Santa Cruz ("UCSC")), John Marker (California State University Monterey Bay ("CSUMB")), Vicki Nakamura (Monterey Peninsula College ("MPC")), Bill Collins (Base Realignment and Closure ("BRAC")), Debbie Hale (Transportation Agency for Monterey County ("TAMC")), COL Darcy Brewer (United States Army), Alec Arago (17th Congressional District) and Ken Nishi (Marina Coast Water District ("MCWD")), Nicole Charles (27th State Assembly District).

Absent: representation Dan Albert, Jr., (Monterey Peninsula Unified School District), Hunter Harvath (Monterey Salinas Transit), and representation from the 15th State Senate District.

2. **PLEDGE OF ALLEGIANCE** – (The Board recited the pledge at the 3:00 p.m. Joint MCWD meeting)

3. **ACKNOWLEDGEMENTS/ANNOUNCEMENTS/CORRESPONDENCE** –Chair/Mayor Edelen presented COL Darcy Brewer a Resolution on behalf of the FORA Board members commending him for the service he has provided to the military community, members of the public and to the FORA Board. **Mayor McCloud moved for approval of the Resolution, seconded by Supervisor Parker and the motion carried unanimously.** Executive Officer Houlemard noted the demolition of Building #4470 which is located at the Northeast corner at the intersection of Gigling Road and Malmedy Road in the City of Seaside. He said that the building removal should be completed within three (3) months under an agreement with Granite Construction.

4. **PUBLIC COMMENT PERIOD** – LeVonne Stone thanked COL Brewer for his service. She also thanked Stan Cook for his help with the Fort Ord Environmental JTI (Job Training Initiative) program and asked Board members to keep the graduates of in mind when filling jobs. She said that she looks forward to getting students placed and hopes for many more training programs such as these to be provided to the community.

5. CONSENT AGENDA

- a. June 10 Joint FORA/MCWD Board meeting minutes
- b. June 10 FORA Board meeting minutes

Executive Houlemard asked the Board to hold over the joint meeting minutes and accept them after receipt of today's meeting minutes at the next joint MCWD/FORA Board meeting, further noting that some technical corrections needed to be made. **Mayor McCloud made a motion to hold the Joint Board meeting minutes for a period of 60-days and to accept the (regular) Board meeting minutes, Supervisor Parker seconded and the motion carried.**

6. OLD BUSINESS

Approval of the FY 2011/2012 – 2021/2022 Capital Improvement Program ("CIP") – Director of Planning and Finance Steve Endsley gave a brief overview and PowerPoint presentation of the formal approval process and progress to date of the CIP. Mr. Endsley discussed the presentations made to date of the CIP, the Land Use Jurisdiction ("LUC") development forecast, the lowered Community Facilities District ("CFD") fee amount to \$33,700 per new residential dwelling unit and proportionally for all other fee categories would translate into a total fee collection of \$5,054,000, if the development forecasts come to fruition this FY. Mr. Endsley described how the CIP mitigation categories were adjusted due to cost index factors and how the projected fee collections of \$5,054,000 would be expended in the various mitigation categories. He listed changes to the CIP document resulting from the Board's resolution to adjust the CFD fees. 1st Vice Chair Edelen opened public comment. Doug Yount asked for confirmation of the building removal program funds/allocated for the stockade in Marina. Mr. Endsley confirmed that the CIP document shows building removal funds allocated for the stockade in future years. (PowerPoint presentation attached to these minutes.) **Mayor McCloud made a motion to approve FY 2011/2012 – 2021/2022 Capital Improvement Program, seconded by Councilmember Selfridge and the motion carried.**

- a. California Central Coast Veterans Cemetery – Mr. Houlemard reported that Congressman Farr has been advocating for the project for over 17 years. He said that about \$1,074,000 is needed to be placed in the endowment with the State of California in order for the state to proceed with its application for federal construction funding. He said that the funds are needed in the next six weeks. Assemblymember Monning has forwarded AB 629 and which has gone thru the State Assembly, is currently working its way through the State Senate, and will likely be signed into law in September since there has been no opposition. He said this would allow FORA to become the contracting agent for a savings of about ½ million dollars. He said that if the August 15 deadline is not made this year, the funding would have to wait until August 2012.

Supervisor Parker said she was pleased that the Monterey Downs project was not part of the MOU (Memorandum of Understanding) and that the City of Seaside was not being asked to sell the northern endowment piece to the Monterey Downs developer. This was an information only item and no action was taken.

b. Preston Park

- i. FY 2011-12 budget
- ii. Management Agreement Amendment No. 4

Mr. Endsley gave a PowerPoint presentation (attached) regarding the Preston Park budget which has historically been reviewed by FORA staff requesting Board action. Mr. Endsley stated that staff was asking the Board for the following:

1. Conduct Public Hearing/Deliberation considering Preston Park rates.
2. Approve Management Agreement Amendment #4 (although Marina and FORA versions slightly differ in interpretation but close enough in agreement for Board approval).
3. Concur in Alliance rent increase recommendation.
4. Consider continuing budget approval deliberations to August allowing outstanding items to be resolved.

Mr. Endsley reported that the City of Marina rescinded its previous budget approval in order to reconsider at a future City Council meeting. He said that there are a couple of budget issues and said that staff would recommend continuing the budget approval to the August meeting to allow staff to work through those issues. Mr. Endsley stated that as part of the agreement with the City, the Preston Park budget has to be disapproved by FORA by a date certain (July 1) otherwise it is considered automatically approved. Mr. Endsley said that by pro-forma FORA sent the City a letter formally disapproving the budget because there were a few line items that needed clarification. He said that specifically, FORA staff requested any major capital improvement expenditures be postponed until the disposition of Preston Park could be determined. Mr. Endsley reported that both parties agreed that any emergency health and safety issues be approved. He said that the recent budget submitted by the City had differed from the initial budget presented to FORA staff on May 11, 2011. Mayor Pro-Tem O'Connell said that the Council (of Marina) will reconsider the June 28 decision by the 19th of July. Mr. O'Connell concurred that the City was in agreement with FORA as to the management agreement. As to Items 3 and 4 (outlined in the presentation) he asked the Board to hold those over to the August FORA Board meeting. Mayor Pro-Tem Kampe asked how the City could take Capital expenditures when as he understands it the property is still owned by FORA. Mr. O'Connell said he understood that while FORA wanted to limit improvements to those affecting health and safety, the City considered improvements to include such items as exterior painting, fence slats, signage problems, landscaping, clubhouse upgrade, and playground refurbishing and removal. He said that he hopes the City and FORA staff can resolve the issues. Councilmember Oglesby commented about the management agreement wording. Mr. Houlemard clarified that the wording was the same on both Amendment agreements. Jan Shriner commented that the Preston Park tenants are already suffering financially due to the ongoing rent increases and water rates. She said that some tenants have experienced retaliation and asked for clarification on the \$3.3 million dollars that Alliance has accumulated and why it is not being used on maintenance and/or improvements. She also asked where these funds will go once the disposition of the property is resolved. Mr. Houlemard stated his concern that the agent had not disclosed any problems of retaliation to FORA as the owner of Preston Park. He said these are serious charges and that they should be taken immediately to Jennifer Coile. He said that there is a reserve fund for Preston Park to take care of issues associated with upkeep of the property and urged Ms. Shriner and members of the community to address such concerns immediately to the Marina City Council. Chair Edelen encouraged the public to address their concerns to the FORA staff. **Mayor Pro-Tem O'Connell made a motion for the Board to approve Items #2 and #4, seconded by Supervisor Parker, and carried. Mayor Pro-Tem O'Connell then made a motion that the Board concur regarding the Alliance rent increase (Item #3) recommendation be put over to the August FORA Board meeting, seconded by Councilmember Brown, motioned carried.**

7. **NEW BUSINESS** - none

8. **EXECUTIVE OFFICER'S REPORT** - Executive Officer Houlemard stated that most items were for informational purposes and highlighted the following: Item 8a. Outstanding Receivables – Controller Bednarik, payment from City of Del Rey Oaks continues to pay interest and the City of Marina portions of the tax increment have been resolved. There is additional work that needs to be resolved with the City of Marina. **Supervisor Parker made a motion to accept a 50% payment from the City of Marina for Neeson Road, Mayor Pro-Tem O'Connell seconded and the motion carried. Supervisor Parker made a motion approving the Memorandum of Agreement regarding the tax increment obligation, seconded by Councilmember Oglesby, and the motion carried.** Item 8c. Legislative Committee – Mr. Houlemard highlighted the recent AB 629 regarding the California Central Coast Veterans Cemetery. Item 8d. Habitat Conservation Plan – Mr. Houlemard noted the schedule has been extended and it is of concern since FORA is coming to conclusion. Item 8e. Travel Report – Mr. Houlemard reported that he would be meeting with the Office of Economic Adjustment along with Justin Wellner of CSUMB in Washington and will be attending the ADC conference in Norfolk, Virginia. Mr. Houlemard noted Marina member Doug Yount will also be attending the conference. Item 8f. Fort Ord Reuse Authority FY 2010-11 Annual Report – Mr. Houlemard presented the annual report for the FY 2010-11 which provides a summary of accomplishments over the past year. Mayor McCloud asked if the report will be made available online and Mr. Houlemard confirmed.

9. ITEMS FROM MEMBERS - none

10. CLOSED SESSION – Real Property Negotiations: Preston Park sale

11. REPORT OUT OF CLOSED SESSION – The Board gave direction to the Executive Officer for action to be taken in mediation. The Board asked the Preston Park sub-committee to: 1) Look at terminating the agreement with the City of Marina as agent, 2) Take action to retain title to Preston Park under the FORA Act, and 3) Demand an accounting for the 2010 Preston Park budget. **Upon a motion made by Mayor Pro-Tem Kampe and seconded by Councilmember Oglesby, the Board agreed to consider spending up to \$38,000 toward the cost of mediation.**

12. ADJOURNMENT - Chair Edelen adjourned the meeting at 6:19 p.m.

Minutes prepared by Daylene Alliman, Deputy Clerk

Approved by _____
Michael A. Houlemard, Jr., Executive Officer/Clerk

Presentation to the
**Fort Ord Reuse Authority
Board of Directors**

**Draft Capital Improvement Program
("CIP")**
FY 2011/2012

Recent CIP presentations

- January 11, 2011 – CIP review Consultant presentation
- February 11, 2011 – CIP review Board workshop – staff and consultant presentations
- March 11, 2011 – CIP review – consultant presentation
- April 8, 2011 – CIP review – consultant and TAMC staff presentations
- May 13, 2011 – Draft FY 11/12 CIP presentation

**2011/12 Land Use Jurisdiction ("LUJ")
Development Forecast Updates**

- Total LUJ residential development forecasts:
 - 134 units anticipated
- Lowered Community Facilities District ("CFD") fee amount:
 - \$33,700
- Anticipated CFD fee collections FY 2011/12:
 - \$5,054,000

CIP Expenses and Inflation

- CIP revenues and expenses are updated by the Engineering News Record's Construction Cost Index
- 4.1% inflation rate for FY 2011/12 to CIP mitigation remaining categories:

Category	FY 10/11 Cost	Cost Index	FY 11/12 Cost
Trans/Trans	\$115,725,928	4.1%	\$118,650,859
Habitat Mgt	\$31,016,924	n/a	\$32,457,560
Water Aug	\$43,060,349	4.1%	\$44,562,883
Fire-Fighting	\$464,000	n/a	\$ 348,000

**CFD Revenues against FY 11/12
Obligations**

- \$5,054,000 expected CFD revenue

Obligation / Project	Expenditure Amount
Habitat Management (25%)	\$1,263,500
UC Fort Ord Natural Reserve	\$82,000
Fire Fighting Enhancement	\$116,000
Transportation/Transit	\$3,572,500*
Property/Caretaker Costs	\$20,000
Total Expenditures	\$5,054,000

*Grant funds and loan proceeds (approx. \$4.2 M) will be used to augment the transportation/transit category, causing actual expenditures to be higher than reported here. This amount only reflects dedicated CFD fees.

**Amendments to FY 11/12 CIP (and as
Adopted Previously by Resolution)**

Reflected in FY 11/12 CIP:

- Include following contingency items:
 - Add'l transportation costs (15% of total costs)
 - Add'l habitat mgt costs (50% over \$35M endowment cost estimate)
 - Utilities & Storm Drainage (\$3.5M)
 - Other costs (\$3M)
- Include Jurisdiction Property Maintenance & Management Costs (\$12.2M) as expenditure
- \$12.2M land sales loan paid by CFD fees
- Relocate "Add'l Water Augmentation Costs" to CIP project expenditure
- Adjust contingency line items including "Financing Costs" for clarity
- Eliminate assumption of 1,100 units at Tier 1,2 or 3 fee reduction
- Updates to the text to bring individual project descriptions current
- \$103,000 building removal expenditure in FY 11/12.

FORT ORD REUSE AUTHORITY BOARD REPORT**CONSENT AGENDA****Subject:** Kutak Rock - Attorney Contract Waiver - Water Service Agreement**Meeting Date:** August 12, 2011**Agenda Number:** 5b**ACTION****RECOMMENDATION:**

Authorize Executive Officer to waive the potential attorney/client conflict and any similar future potential conflicts, after concurrence by Authority Counsel.

BACKGROUND/DISCUSSION:

In spring, 2011, Colonel Darcy Brewer indicated to Fort Ord Reuse Authority ("FORA") staff that additional water resources were necessary for the US Army to complete its growing mission at the Presidio of Monterey. In particular, there are approved funds to construct buildings on the Presidio of Monterey that require sufficient water resources to meet the additional personnel that will be housed in those facilities.

FORA leadership and staff met with US Army and Department of Defense officials in May and July to discuss how FORA might be able to assist in this need, and to explore options for securing support for the defense mission. The US Army headquarters staff confirmed the need for supplemental resources and suggested that FORA review options of using the US Army resources that are restricted to the former Fort Ord as a means for securing other resources that can be applied to the Presidio of Monterey. Kutak Rock Attorneys (FORA Special Counsel) prepared a term sheet to be used as the basis for amending the FORA/Army Economic Development Conveyance contract. George Schlossberg of Kutak Rock is also counsel to Seaside on certain matters and they intend to use Mr. Schlossberg if they are to be included as a party to an agreement for this purpose.

Therefore, the purpose of this item is to request authority to waive any actual or potential conflict Kutak Rock may have or later discover, acting simultaneously as special counsel to both FORA and the City of Seaside in drafting and negotiating water service agreement(s) that may include Seaside and FORA. Kutak Rock has represented both FORA and Seaside in similar transactions in the past. Both entities want to take advantage of Kutak Rock's experience and expertise in handling similar contracts, including this water service contract and amendment to the FORA/Army Economic Development Conveyance contract.

Under California law, only the client may waive an attorney conflict. Therefore, staff is seeking FORA Board approval to waive this potential conflict.

FISCAL IMPACT:Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Administrative Committee

Prepared by 
Daylene AllimanApproved by 
Michael A. Houlemard, Jr.



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MEMORANDUM

August 3, 2011

TO: FORA Board

FROM: Jerry Bowden, FORA Counsel

RE: FORA Board Agenda – Item 5b

As FORA Counsel, I recommend waiving a potential attorney conflict for the firm of Kutak Rock. This waiver pertains to drafting a Water Service contract between FORA and Seaside. The law firm has represented both FORA and Seaside in water agreement. They are uniquely qualified to do this work.

As FORA Counsel, I support this waiver for the following reasons:

1. Kutak Rock is uniquely qualified;
2. We have confidence in this firm's work. That confidence is based on years of work together;
3. I will monitor Kutak Rock's work;
4. If the potential conflict becomes actual, I will terminate Kutak Rock;
5. FORA and Seaside share a common interest in this contract; and
6. The contract does not pose significant chance that it will favor either side at the expense of the other.

For these reasons, I recommend the following action: The Board authorize and direct the Executive Officer to waive the potential attorney/client conflict posed by the work performed by Kutak Rock as counsel to FORA and Seaside for work on the proposed Water Service Agreement and any similar future conflicts.

FORT ORD REUSE AUTHORITY BOARD REPORT**OLD BUSINESS****Subject:** California Central Coast Veterans Cemetery – update**Meeting Date:** August 12, 2011**Agenda Number:** 6a**INFORMATION/ACTION****RECOMMENDATION(S):**

- i. Receive a report from Fort Ord Veterans' Cemetery Citizens' Advisory Committee ("CAC") representatives on the fundraising effort.
- ii. Authorize the Executive Officer to execute the Veterans Cemetery Memorandum of Understanding ("MOU") (**Attachment A**).

BACKGROUND/DISCUSSION:

The CAC asked two of its representatives, Edith Johnsen and Tom Mancini, to present a report to the Fort Ord Reuse Authority ("FORA") on fundraising efforts. The CAC created a liaison subcommittee to support the Central Coast Veterans Cemetery Foundation ("CCVCF"). Edith Johnsen and Tom Mancini are CAC liaison subcommittee members to the CCVCF and will provide a report on current and future fundraising efforts.

The City of Seaside, County of Monterey, and FORA previously entered into an MOU in support of the future California Central Coast Veterans Cemetery ("CCCVC") on April 28, 2009. Through this previous MOU, the parties committed the sale proceeds of an Endowment Fund parcel to fund the state-held Veterans Cemetery Endowment. The attached MOU updates and reaffirms commitments made in the previous MOU to coordinate completion of the Veterans Cemetery.

The City of Seaside, County of Monterey, FORA, Central Coast Veterans Cemetery Foundation ("CCVCF"), and others have recently discussed possible solutions to fund the Veterans Cemetery Endowment. The draft MOU would allow flexibility for these entities to work together on a near-term funding strategy for the Veterans Cemetery Endowment fund.

FISCAL IMPACT:Reviewed by FORA Controller 

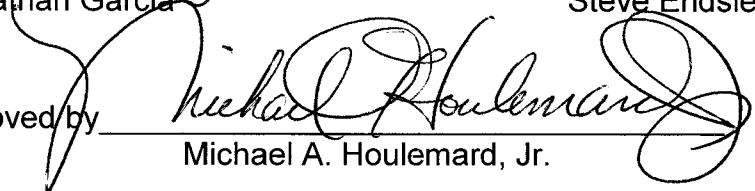
Staff time related to this item is included in FORA's annual budget.

COORDINATION:

City of Seaside, County of Monterey, CCVCF, Executive Committee, and Administrative Committee.

Prepared by 
Jonathan GarciaReviewed by 
Steve Endsley

Approved by


Michael A. Houlemard, Jr.

MEMORANDUM OF UNDERSTANDING BY AND AMONG COUNTY OF MONTEREY, CITY OF SEASIDE, CENTRAL COAST VETERANS CEMETERY FOUNDATION, AND FORT ORD REUSE AUTHORITY REGARDING VETERANS CEMETERY PLANNING

This MEMORANDUM OF UNDERSTANDING (hereinafter "MOU") regarding the development of the California Central Coast Veterans Cemetery (hereinafter "Cemetery") is entered into by and among COUNTY OF MONTEREY, a political subdivision of the state of California (hereinafter "County"), CITY OF SEASIDE, a municipal corporation, (hereinafter "Seaside"), the REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE, a public body, corporate and politic (hereinafter "Seaside Agency"), the CENTRAL COAST VETERANS CEMETERY FOUNDATION, a non-profit corporation (hereinafter "Foundation"), and the FORT ORD REUSE AUTHORITY, a public corporation of the State of California (hereinafter "FORA") (each individually referred to hereinafter as a "Party," and collectively referred to hereinafter as "Parties." This MOU is dated for reference on _____, 2011.

RECITALS

1. On April 28, 2009 the County, Seaside, and FORA entered into a Memorandum of Understanding to cooperate in processing the Cemetery Plan (hereinafter "Plan") and to establish an Endowment Fund (hereinafter "Endowment") for the Cemetery's continued operation as required by the California Department of Veterans Affairs (hereinafter "CDVA").
2. Since the enactment of that planning agreement, the Plan has evolved and the Foundation has desired to become a Party and Seaside desires to add Seaside Agency to the ongoing planning of the Cemetery.
3. The Parties have all agreed and/or adopted planning documents that confirm the Cemetery will be located on the former Fort Ord. The Cemetery site is identified in Exhibit 1. The Cemetery Parcel is both within the jurisdiction of Seaside and the County.
4. The Proposed Project. The Plan envisions development of a 178 gross acre site (hereinafter "Project") into six planned land use areas. These areas include: 1) the approximately 78.7-acre Cemetery, 2) three separate parcels for ancillary use, 3) habitat mitigation areas, and 4) two development parcels referred to as the Northern Endowment Opportunity Parcel and the Southern Development Area along with related rights-of-way and 5) other public improvement areas. The Project's areas are defined on the attached Exhibit 2 and are described as follows:
 - a. Cemetery Burial Grounds including Ancillary Uses:
 - i. Approximately 31.1 acres with Seaside.
 - ii. Approximately 47.6 acres within County.
 - b. Ancillary Uses Adjacent to Burial Grounds:
 - i. Approximately 1.8 acres in the northwestern border of the Cemetery.
 - ii. Approximately 1.1 and .9 acres on the south border of the Cemetery.
 - c. Northern Endowment Fund Opportunity Parcel:
 - i. Approximately 28.7 acres within Seaside.
 - ii. Approximately 1.7 acres within County.
 - d. Southern Development Area with Habitat Restoration Opportunity Area:
 - i. Approximately 30.4 acres within Seaside.
 - ii. Approximately 15.5 acres within County.
5. State Cemetery Grant. Construction of the Cemetery is anticipated to be funded through a grant from the State Cemetery Grant Program offered by the U.S. Department of Veterans Affairs under its National Cemetery Administration. The grant can finance administration and design costs, cemetery features, and related equipment. The State Cemetery Grant Program requires that assurance of on-going operational

funding for the cemetery be in place prior to grant submission.

6. The Parties agree to work toward State of California legislation that would create a mechanism for the CDVA to reimburse local private and public contributions to the Endowment when the operations and maintenance purpose of the endowment is fulfilled.
7. In addition to establishing an endowment fund for the operation of the Cemetery, this MOU establishes a mechanism to facilitate the design, construction and operation of the Cemetery.
8. The Parties concur that near-term cemetery endowment funding strategy be established.

This MOU should be interpreted to carry out these goals.

AGREEMENT

1. Use of Proceeds from sale of Development Parcels. The Parties collectively commit up to \$1.9 million required to a) submit an application for the design and construction grant and b) to fund an endowment for the long term operation and maintenance of the Cemetery, through the sale of either the Northern Endowment Fund Opportunity Parcel by the Parties or portions of the Southern Development Area with Habitat Restoration Opportunity Area within Seaside.
 - a. The County and Seaside agree to work collaboratively to designate the Northern Endowment Fund Opportunity Parcel for future development.
 - b. Seaside endeavors to comply with the development milestones outlined in Section 11 of this MOU. Those milestones pertain to the Northern Endowment Fund Opportunity Parcel.
 - c. Seaside may transfer, sell, or otherwise encumber the Southern Development Area with Habitat Restoration Opportunity Area within Seaside's jurisdiction upon Endowment funding requirements being met. Seaside may control the use of this portion of the Southern Development Area.
2. Principles for near-term funding strategy. The Parties agree to the following principles in pursuing a near-term funding strategy for the Cemetery Endowment:
 - a. That all Parties be included, and that the Northern Endowment Fund Opportunity Parcel will continue to be a primary mechanism to provide Cemetery Endowment funding.
 - b. That the Cemetery Parcel be surveyed for transfer.
 - c. That the funding strategy be accomplished by October 1, 2011.
 - d. That the funding strategy may include other entities upon consensus agreement.
 - e. That the asset value of the Northern Endowment Fund Opportunity Parcel be the source of repayment if other collateral is used to secure Cemetery Endowment funding.
 - f. To the extent possible, the Parties will work toward State of California legislation that would create a reimbursement mechanism, so that local contributions to the Cemetery Endowment, in excess of required operations and maintenance funding would be reimbursed to the contributors.
 - g. The Parties agree to cooperate in the processing, planning, and other promotional activities to accommodate and advance Cemetery development as designated in the Fort Ord Base Reuse Plan ("BRP") and other planning documents.
3. Annexation. It is the intent of the Parties to cooperate fully to accomplish annexation and transfer of ownership of portions of the Cemetery Parcel, Ancillary parcels, Northern Endowment Parcel, and Southern Development Parcel and Habitat area currently located in County territory to Seaside. It is anticipated that this conveyance will accommodate and advance the development of the Cemetery as noted in the principles listed above and as designated in the BRP and other planning documents.
4. Land Conveyance. At the direction of Seaside and with the cooperation of the Parties, FORA agrees to

convey title to the land described in Exhibit 1 in multiple conveyance events as regulatory agencies have confirmed site closure for the removal of remnant hazards. The land will likely be conveyed with applicable conveyance documentation, land use controls and deed restrictions. These include, but are not restricted to Finding of Suitability for Early Transfer 5 (“FOSET 5”), Monterey County Ordinance (Chapter 16.10 of the County Code), Seaside Ordinance (Chapter 15.34 of the Seaside Municipal Code), and the Remedial Design/Remedial Action, Land Use Controls Implementation, and Operation and Maintenance Plan - Parker Flats Munitions Response Area Phase I. To reduce costs associated with land conveyance of the Cemetery to CDVA, County and Seaside may elect to direct FORA to transfer the approximately 78.7-acre Veterans cemetery parcel (31.1 acres within Seaside and 47.6 acres within the County) directly to CDVA or to the Foundation for Cemetery construction. The Foundation agrees to provide cost assistance for the property survey needed to complete the transfer. Such transfer is not intended to include the Cemetery’s ancillary use parcels.

5. Design and Construction of Cemetery. The CDVA will be the lead agency for the proposed Cemetery and may designate FORA to act on its behalf. The Parties support the transfer of responsibility for the design and construction of the Cemetery to FORA.
6. Water Allocation. The Parties agree that FORA will take the lead to request that the U.S. Army and Department of the Defense provide sufficient water resources [currently estimated to be up to 105 acre-feet per year (“AFY”) of potable water] for the Cemetery, ancillary uses adjacent to the Cemetery, and the Northern and Southern Development Areas. The use of the Northern Endowment Parcel as the funding mechanism for the Endowment is conditioned upon Seaside receiving a minimum of 100 AFY of potable water to support future development. Water demand has been estimated to be 2.2 AFY for the Cemetery burial grounds. If necessary, the County agrees to allocate up to this amount of water (2.2 AFY) for the Cemetery burial grounds. Further, the Parties will work with the Marina Coast Water District and the Army to secure sufficient interim water necessary to establish Cemetery landscaping.
7. Environmental Disclosures. The Agency for Toxic Substances and Disease Registry (“ATSDR”) was established under the mandate of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”) of 1980. CERCLA, also known as the “Superfund” law, authorized the U.S. Environmental Protection Agency (“EPA”) to conduct clean-up activities at hazardous waste sites. EPA was directed to compile a list of sites considered hazardous to public health. This list is termed the National Priorities List (“NPL”). The 1986 Superfund Amendments and Reauthorization Act (“SARA”) directed ATSDR to perform a public health assessment for each NPL site. In 1990, federal facilities were included as sites to be proposed for or listed on the NPL. EPA placed Fort Ord on the NPL on February 21, 1990. The US Army, in consultation with EPA, is implementing groundwater and munitions and explosives of concern (“MEC”) remediation on former Fort Ord. FORA has entered into an Environmental Services Cooperative Agreement (“ESCA”) to complete a portion of the US Army's MEC remediation work on certain portions of former Fort Ord, which includes the Cemetery parcel, to be transferred from the US Army to FORA under the FOSET 5. As FORA completes former Fort Ord ESCA MEC remediation work and transfers property, groundwater and soil Land Use Covenants (“LUC”) restricting certain property uses will be recorded.
8. Munitions Response Sites. Based on the 1997 BRP designations, FORA is required under an Administrative Order on Consent with State and Federal regulators to achieve regulatory site closure before transferring any of the properties described herein to Seaside, the County, or others as may be directed. FORA anticipates the portion of the Veterans Cemetery site that was remediated by the US Army and has an approved Record of Decision will be transferred during calendar year 2012 -

once property surveys are completed and after the regulatory agencies have confirmed that site closure is complete. In addition, the Army must grant the CERCLA covenant..

9. **Ongoing Remediation.** The FORA ESCA will continue remediation adjacent to the Cemetery, which may require munitions removals or on-site detonation. This may impact Cemetery construction and/or operations. If intrusive activity is to occur in an area where MEC is expected, and for all MEC demolition operations, an exclusion zone will be established to ensure public safety. During any intrusive activity (e.g., excavations) in areas where MEC is likely to be present, only authorized personnel essential to the operation are permitted to be inside the exclusion zone. When an exclusion zone includes public roads, businesses, residences, or ongoing construction projects, the affected entities or individuals will be notified and asked to temporarily relocate outside the exclusion zone.
10. **Environmental Review.** Parties shall cooperate with Seaside as lead agency relating to the disposition of property to generate funds for the Endowment, including environmental review pursuant to a separate agreement.
11. **Milestones.** The Parties endeavor to comply with the following schedule and acknowledge the CDVA's overall project schedule as currently described in **Exhibit 3**.

Task	Lead Agency	Completion Date
Approve Exclusive Negotiating Agreement ("ENA") for Northern Endowment Fund Opportunity Parcel	Seaside	September 18, 2010
Conduct Environmental Review of Endowment Parcel use(s)	Seaside	November 1, 2011 to March 1, 2013
Complete Cemetery Parcel Transfer	CDVA or Foundation	June 1, 2012
Complete Habitat Conservation Plan (HCP)	FORA	August 1, 2012
Complete Disposition and Development Agreement for Northern Endowment Fund Opportunity Parcel	Seaside	April 1, 2013
Complete Annexation to Seaside	Seaside	April 1, 2013
Receive Regulator & U.S. Army approval to transfer property from FORA to Seaside	FORA	December 2014
Convey remaining land to Seaside	FORA	March 1, 2015
Convey land/assets	Seaside	Late 2015

12. **County and County Agency Approvals.** The County Director of Redevelopment and Housing, or his or her designee, is authorized to act on behalf of the County and the County Redevelopment Agency as to matters of administration and interpretation of this MOU, except for matters expressly required in this MOU to be acted upon by the County's Board of Supervisors or the County's Agency's Board of Directors. The Director of Redevelopment and Housing of the County of Monterey, or designee, at his or her sole discretion, may refer any matter under this MOU to the County Board of Supervisors or the County Agency Board of Directors for action in a timely manner under this MOU.
13. **Seaside/Seaside Agency Approvals.** Seaside Manager and the Executive Director of the Seaside Agency, or his or her designee, is authorized to act on behalf of Seaside and Seaside Agency as to matters of administration and interpretation of Seaside's and Seaside Agency's roles and responsibilities under this MOU, except for matters expressly required in this MOU to be acted upon by

Seaside Council or Seaside's Agency's Board of Directors.

14. Termination. The purpose of this MOU is to facilitate the June 2012, funding of an endowment for the operation of the California Central Coast Veterans Cemetery. The endowment needs to be funded by this date in order to formally request funds for the construction of the cemetery under the State Cemetery Grant Program. If this purpose is frustrated by the failure to fund the endowment by the time stated, then this MOU may be terminated on thirty (30) days' notice by action of one or more of the legislative bodies of the County, Seaside or FORA.
15. Amendment by Written Recorded Instrument. This MOU may be amended or modified in whole or in part, only by a written instrument executed by all of the parties.
16. Governing Law. This MOU shall be governed by and interpreted by and in accordance with the laws of the State of California.
17. Entire MOU. This MOU, along with any exhibits and attachments hereto, constitutes the entire MOU between the parties hereto concerning the subject matter hereof.
18. Interpretation. It is agreed and understood by the parties hereto that this MOU has been arrived at through negotiation and that no party is to be deemed the party which prepared this MOU within the meaning of Civil Code Section 1654.

IN WITNESS WHEREOF, the Parties have executed this MOU on the day and year set out opposite their respective signatures.

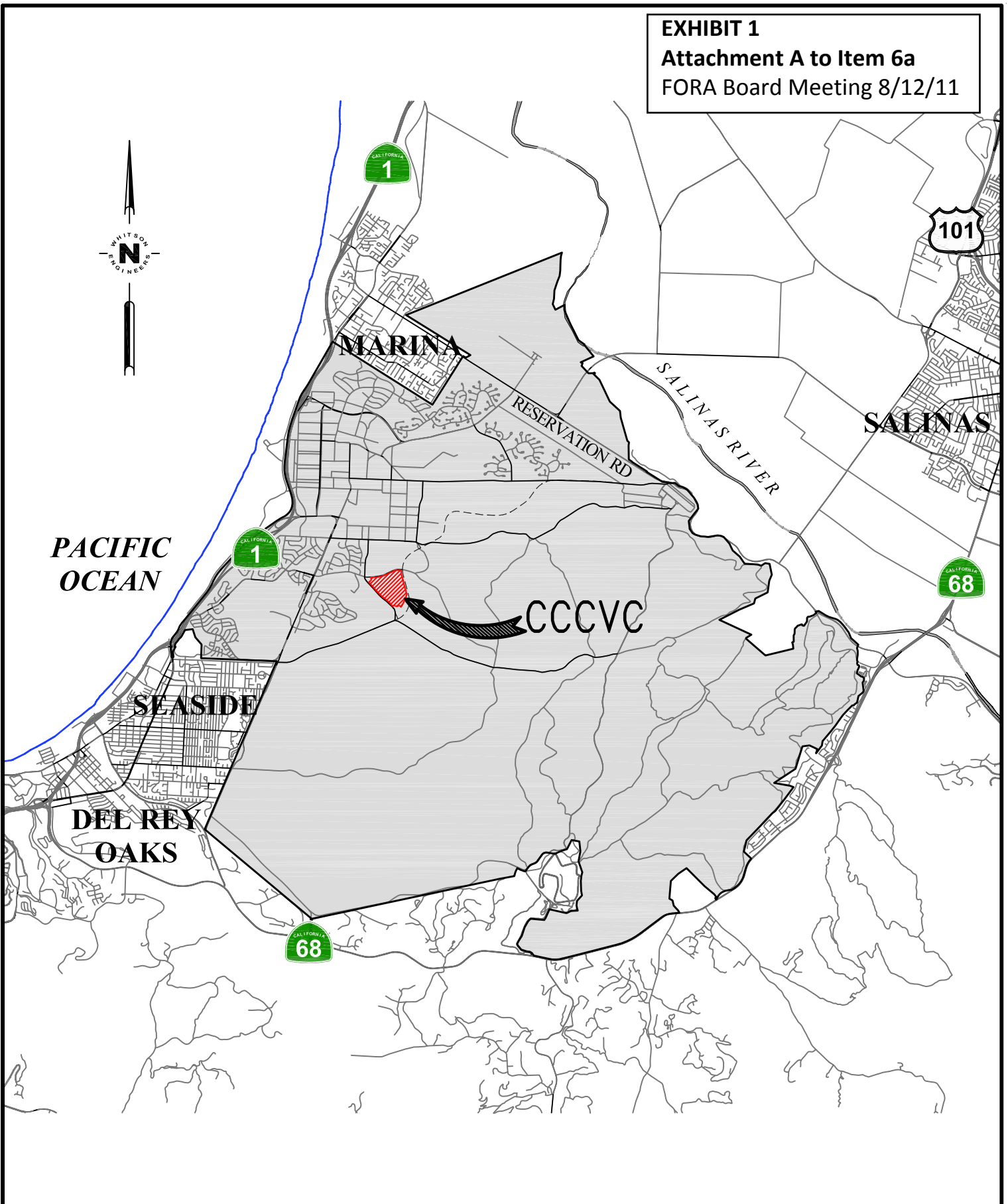
By: _____ Date: _____
CITY OF SEASIDE, a municipal corporation As to Form

By: _____ Date: _____
REDEVELOPMENT AGENCY OF SEASIDE OF SEASIDE, a public body, corporate and politic As to Form

By: _____ Date: _____
COUNTY OF MONTEREY, a political subdivision of the State of California As to Form

By: _____ Date: _____
FORT ORD REUSE AUTHORITY, a public corporation of the State of California As to Form

By: _____ Date: _____
CENTRAL COAST VETERANS CEMETERY FOUNDATION, a non-profit corporation As to Form



**CALIFORNIA CENTRAL COAST VETERANS CEMETERY
VICINITY MAP**

MONTEREY COUNTY

CALIFORNIA

BACKGROUND INFORMATION REPORT

DRAWING PATH: T:\Monterey Projects\2232\223201\CAD\Exhibits\Background Info Report\Fig 1 - Vicinity Map.dwg

DATE:	DEC. 16, 2010
SCALE:	NTS
DRAWN:	APH
CHECKED:	RPW
PROJECT No.:	2232.01

FIGURE

1

OF 2

EXHIBIT 2
Attachment A to Item 6a
FORA Board Meeting, 8/12/11

Fig. 5.01



LEGEND

- CITY OF SEASIDE / COUNTY OF MONTEREY BOUNDARY
- SITE BOUNDARY
- PARCEL BOUNDARY
- VETERANS CEMETERY PHASE 1 BOUNDARY
- CREMAIN BURIAL IN TERRACES
- CREMAIN BURIAL IN COLUMBARIA
- CRYPT BURIAL AREAS & IN-GROUND CREMAIN BURIAL AREAS

EXHIBIT 3**Attachment A to Item 6a**

FORA Board Meeting 8/12/11

California Central Coast Veterans Cemetery - draft schedule

ID	Task Name	Start	Finish	Duration
	1 State Budget Process	12/29/2010	7/5/2013	658 Days
	Funding Letter of Assurance Preliminary			
	2 Plans (PP)	12/29/2010	12/29/2010	0 Days
	Funding Letter of Assurance Working			
	3 Drawings (WD)	9/5/2011	9/5/2011	0 Days
	4 Full Funding Letter of Assurance	9/3/2012	9/3/2012	0 Days
	FY 11-12 Budget Process as Spring Finance			
	5 Letter (SFL)	12/29/2010	7/1/2011	133 Days
	6 FY 12-13 Budget Process	9/5/2011	7/6/2012	220 Days
	7 FY 13-14 Budget Process	9/3/2012	7/5/2013	220 Days
	8 Appropriation for PP	7/1/2011	7/1/2011	0 Days
	9 Appropriation for WD	7/6/2012	7/6/2012	0 Days
	10 Appropriation for Construction	7/5/2013	7/5/2013	0 Days
	12 Fund Raising	12/29/2010	8/30/2013	698 Days
	13 Fund Raising to Support PP	12/29/2010	8/31/2011	175 Days
	14 Fund Raising to Support WD	4/4/2011	4/3/2012	262 Days
	15 Fund Raising to Support Full Need	4/4/2012	4/4/2013	262 Days
	16 Deposit Funds for PP	8/31/2011	8/31/2011	0 Days
	17 Department of Finance (DOF) Certification	8/31/2011	10/26/2011	40 Days
	18 Deposit Funds for WD	4/3/2012	4/3/2012	0 Days
	19 DOF Certification	4/4/2012	5/29/2012	40 Days
	20 Deposit Full Endowment Requirement	4/4/2013	4/4/2013	0 Days
	State Controller's Office (SCO) Certification			
	21 of Funding	7/1/2013	8/30/2013	45 Days
	23 Cemetery Construction Project	10/15/2010	8/28/2015	1271 Days
	24 Project Budget Package	10/15/2010	5/16/2011	152 Days
	25 Preliminary Plans	10/26/2011	11/21/2012	280 Days
	26 Working Drawings	7/30/2012	8/23/2013	280 Days
	27 Bidding Process	9/2/2013	1/3/2014	90 Days
	28 Cemetery Construction	2/17/2014	8/28/2015	400 Days
	30 Federal Grant Process	10/26/2011	12/18/2015	1083 Days
	Design Coordination with National			
	31 Cemetery Administration (NCA)	10/26/2011	8/23/2013	478 Days
	32 Final Grant Application Submission	1/6/2014	2/14/2014	30 Days
	33 Grant Award (If Funds Available)	2/14/2014	2/14/2014	0 Days
	34 Grant Payout	3/31/2014	12/18/2015	450 Days

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Preston Park	
Meeting Date:	August 12, 2011	INFORMATION/ACTION
Agenda Number:	6b	

RECOMMENDATION(S):

- i. Receive a report on the Fiscal Year ("FY") 11/12 Preston Park ("PP") Budget.
- ii. Extend FY 10-11 approved budget and continue July 2011 rent schedule for all tenants to January 1, 2012, reiterating that Capital Expenditures and Reserve Account activities must be approved by Fort Ord Reuse Authority ("FORA") on a case by case basis.
- iii. Receive a report on the disposition of PP and provide direction to staff.

BACKGROUND/DISCUSSION:

Regarding recommendations #i and #ii, FORA staff reviewed the FY 11/12 PP budget with Marina on March 8 and May 11, 2011. FORA asked Marina to remove proposed capital expenditures (CE) from the budget except for those addressing health and safety issues. On June 28, 2011, Marina staff submitted to the City Council a different FY 11/12 PP budget. That new budget proposed increased rents by 1.7%, but also increased CE significantly. The Marina City Council approved that proposed budget. On July 5, 2011, the Marina City Council took action to reconsider the approved FY 11/12 PP budget. On July 19, 2011, the Marina City Council rescinded their previous action on Preston Park rent increases for existing and move-in tenants. The intent was to defer rent increases for existing tenants and to change the Board approved formula for move-in tenants – to be based on the Monterey County FMR, as established by the Federal Department of Housing and Urban Development. In a July 26, 2011 letter to Anthony Altfeld, Alliance (PP management company) cautioned Marina that implementation of the rent rollback could result in a loss in rent income that would translate into lower property value. Since that time, Marina's City Attorney has ruled that the City must approve any changes to the move-in rents by resolution. As this action has not been taken as of this writing, FORA staff is recommending the Board direct our Agent (Marina) to hold rents constant as of July 2011.

As the owner of the property, FORA controls rents and budgets and Marina may only change rents or budgets with FORA's consent. FORA's right to set rents is established in the PP management agreement. There are outstanding questions about capital expenditures, the reserve account, and other PP management issues to be answered.

In regard to the FY 11/12 budget approved by Marina, FORA staff recommends that the Board approve extend the prior FY 10/11 budget terms (line items and rents) until January 2012 and implement of the following budget/management items:

- Alliance to distribute accumulated FY 2008-2011 excess revenue 50/50 to FORA and Marina by September 1, as directed and in compliance with both existing agreements and past practice.
- Marina to provide budget itemization of CEs reported in FY 10/11 and FY 11/12 budgets.
- CEs and Reserve Account disbursements approved by FORA case by case.

Regarding recommendation #iii, FORA and Marina have negotiated sale of Preston Park from FORA to Marina for nearly two years. An appraisal in August 2010 established a value for Preston Park and significant capital improvements and/or rent reductions could affect valuation. To avoid these issues while negotiations continue, FORA staff recommends dealing with capital

improvement expenditures on a case by case basis until the sale of Preston Park is resolved. An alternative to this approach would be to approve a limited list of CE's for the budget year, but still postpone the new rates included in the City of Marina approved budget.

Marina and FORA representatives attended a mediation meeting with retired judge Richard Silver on August 2, 2011. Significant progress was made. Staff and/or negotiators can provide a brief update at this meeting.

FISCAL IMPACT:

Reviewed by FORA Controller KB

Continuance of the FY 10/11 budget will maintain monthly net income at the last FY level which was more than adequate to assure the \$120,000 monthly distribution to FORA (and Marina) as required for the Preston Park loan financing.

COORDINATION:

Marina Staff, Alliance Staff, Administrative Committee, Executive Committee, Authority Counsel.

Prepared by D. Steve Endsley
D. Steve Endsley

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

FORT ORD REUSE AUTHORITY BOARD REPORT**OLD BUSINESS**

Subject:	Creegan + D'Angelo Professional Services – contract amendments	
Meeting Date:	August 12, 2011	ACTION
Agenda Number:	6c	

RECOMMENDATION:

- i. Authorize Amendment #22 to Master Agreement AEI-1202 for Service Work Orders (“SWOs”) 3, 4 and 9, and
- ii. Authorize Amendment #1 to Service Agreement AEI-1209

BACKGROUND:

i. In November 2002, the Fort Ord Reuse Authority (“FORA”) Board authorized Agreement 1202 (for a five-year term) with Creegan + D’Angelo (“C+D”) to provide “on-call” engineering design services to support the on-site transportation elements of FORA’s Capital Improvement Program (“CIP”). The Agreement provides for the negotiation of SWOs and Agreement amendments as funding becomes available. The Agreement term was extended by Board authorization of Amendment #1202-13 for an additional five years, through November 2012.

The Board approved SWOs 1 through 5 for \$1,366,750 in October 2003. **SWO 3** provides for General Jim Moore Boulevard (“GJMB”) design and environmental processing and **SWO 4** provides for Eucalyptus Road design and environmental processing. **SWO 9** was approved by the Board in June 2007 and provides for the design and environmental processing of Gigling Road from GJMB easterly to the Seaside city limits.

ii. Service Agreement 1209 was required by the US Department of Commerce, Economic Development Administration (“EDA”) for Construction Management services during work funded by the American Recovery and Reinvestment Act (“ARRA”) grant. After a comprehensive proposal and selection process, the FORA Board authorized a construction management contract to C+D in December 2009. The phasing of the ARRA grant has created additional work that was not a part of the original scope of services.

DISCUSSION:

i. The GJMB Phase V (SWO 3) / Eucalyptus Road Phase II (SWO 4) project was originally intended to be a single package. The engineer’s opinion of probable cost exceeded the amount of available funding, causing several project elements to be removed from the bid documents. However, with the national economic downturn and bids being very competitive, it became apparent there would be funds available for an additional round of construction. Amendment #22 accommodates the necessary work for C+D to prepare a second bid package for those project elements removed from the original bid package. This was not a part of C+D’s original scope of work for this project, but it was necessary to provide project completion. Additionally, various revisions to Gigling Road (SWO9) design were needed to accommodate existing physical structures including overhead power poles on the north of the roadway as proposed by PG&E.

SWO 3	Am #22 additional funding	\$18,770	Total funding to date	\$1,751,363
SWO 4	Am #22 additional funding	\$5,480	Total funding to date	\$644,764
SWO 9	Am #22 additional funding	\$34,160	Total funding to date	\$341,560

See **Attachment A**, *C+D Scope of Services*, for more detail.

ii. Amendment #1 to Service Agreement 1209 is required to continue construction management services through the remaining construction work on GJMB and Eucalyptus Road. Due to the separation of the project into two bid packages, it is necessary to amend the current agreement to add more time and funding for the second phase of work. FORA staff, working under EDA direction, has

been able to free up funding from other categories of work to accommodate the fiscal impact of this Amendment #1.

The Board and EDA approved Contract Agreement 1209 in the amount of \$542,615 (plus \$45,260 in Marina Coast Water District ("MCWD") funding). Work completed to date of \$651,604 (plus \$55,207 funded by MCWD) includes \$220,036 in construction surveying that was transferred, with EDA consent, to the Construction category. This move freed up about \$120,000 in the Architecture & Engineering category of the ARRA grant to accommodate the additional work described above.

FISCAL IMPACT:


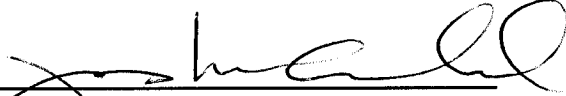
Reviewed by FORA Controller 

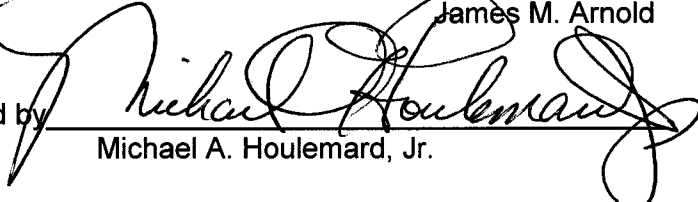
i. The cost of the recommended Amendment #22 to AEI-1202 is not to exceed \$58,410. The funding is included in the approved FY 11-12 budget and is to be derived from Community Facilities District fees/loan proceeds.

ii. The cost of the recommended Amendment #1 to AEI-1201 is not to exceed \$120,000. The Amendment will be funded by the EDA grant (50% FORA match) and it is included in the approved FY 11-12 budget.

COORDINATION:

EDA, Administrative Committee, Executive Committee, Monterey County and City of Seaside

Prepared by  Crissy Maras Reviewed by  James M. Arnold

Approved by  Michael A. Houlemard, Jr.



July 25, 2011

707007, 707010, 707012

Mr. Jim Arnold, Senior Project Manager
Fort Ord Reuse Authority
100 12th Street, Building 2880
Marina, CA 93933

Re: **CONTRACT AMENDMENT #1202-22:**
Service Work Order No. 3 General Jim Moore Boulevard
Service Work Order No. 4 Eucalyptus Road
Service Work Order No. 9 Gigling Road

Dear Jim:

Creegan + D'Angelo (C+D) assisted FORA with implementing the design modifications for the extension of Eucalyptus Road improvements from Phase II limits to the Parker Flats Cut-Off/interface with Eastside Parkway. The scope of work and compensation to C+D for the preparation of the construction PS&E's for the "follow on" bid was provided for under Contract Amendments #1202-20 and #1202-21.

During the course of preparing the PS&E's for the Eucalyptus Road extension "follow on" bid documents, several requests were made by FORA for additional services that were not within the original Scope of Work for 1202-20 and 1202-21. We are requesting this contract amendment to cover expenses that were not included within the original scope of work.

In addition to the above mentioned work for the Project Completion of Eucalyptus Rd. and General Jim Moore Boulevard, C+D also revised the horizontal and vertical alignments and typical cross section for Gigling Road to accommodate additional overhead power poles on the north side of Gigling Road as proposed by PG&E during a meeting with you, Tim O'Halloran and Joyce Nichols on March 23, 2011. As a result of this meeting, a narrower cross section for the proposed widening was considered and approved by the City of Seaside by email on April 11, 2011. Since the plans for Gigling Road were at a 90% submittal stage prior to the change, the changes will require revisions to the current Civil Engineering drawings to bring the PS&E back to the 90% submittal stage plan with the new cross section.

**SERVICE WORK ORDER NO. 3 – GENERAL JIM MOORE BLVD.
SCOPE OF SERVICES:**

1. Revise Civil PS&E for Signing and Striping of Hilby Ave and San Pablo Ave (removed from base bid and re-attached to follow on bid).
Fee = \$1,200
2. Revise Electrical PS&E for lighting and signal meters for Hilby Ave and San Pablo Ave intersections, including coordination with PG&E.
Fee = \$3,300

3. Design ADA accessible improvements and intersection modifications at Hilby/Mescal Intersection.
Fee = \$3,400
4. Provide (post Phase V construction) ambient sound study for sound wall south of Coe Avenue.
Fee = \$4,370
5. Landscape Architect (BFS) responses to the City of Seaside to meet on site to review tree planting and attend ARC meetings.
Fee = \$6,500

TOTAL SWO-3 = \$18,770

**SERVICE WORK ORDER NO. 4 – EUCALYPTUS ROAD
SCOPE OF SERVICES:**

1. Design storm water infiltrator retrofit and slope stability for washouts at Stations 21+75, 29+96, and 45+38.
Fee = \$3,800
2. Access Road plan from Station 71+00 to end including Access Road Detail.
Fee = \$1,680

TOTAL SWO-4 = \$5,480

**SERVICE WORK ORDER NO. 9 – GIGLING ROAD
SCOPE OF SERVICES:**

1. Redesign Gigling Road and develop Civil Plans to 90% design stage. Revise profile (5 sheets), curb return profiles (6 sheets), striping plans (3 sheets), Cross Sections (5 sheets), typical section details (1 sheet) and earthwork quantities.
Fee = \$34,160

TOTAL SWO-9 = \$34,160

FEE REQUEST SUMMARY:

TOTAL SWO-3 + SWO-4 + SWO-9 = \$58,410

SCHEDULE:

Creegan & D'Angelo and their subconsultants have already performed the services described in this request for amendment for SWO No. 3 and 4 and preliminary design for SWO-9. Completion of SWO-9 will commence on approval of this contract amendment.

If these Service Work Orders are acceptable, we respectfully request that a Contract Amendment be issued as our authorization to invoice for this additional scope. We appreciate the opportunity to continue working with you and the FORA staff.

Very truly yours,



Richard G. Simonitch, PE, PLS
Vice President/Engineering Manager

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	Consistency Determination: City of Marina Zoning Ordinance Amendments	
Meeting Date:	August 12, 2011	ACTION
Agenda Number:	7a	

RECOMMENDATION(S):

Approve Resolution 11-06 (**Attachment A**), concurring in the City of Marina's ("Marina") legislative land use decision that the City of Marina Zoning Ordinance Amendments ("Zoning Ordinance Amendments") are consistent with the Fort Ord Base Reuse Plan ("BRP").

BACKGROUND:

Marina submitted the Zoning Ordinance Amendments for consistency determination on July 6, 2011 (**Attachment B**). Marina requested a Legislative Land Use Decision review of the Zoning Ordinance Amendments in accordance with section 8.02.010 of the Fort Ord Reuse Authority ("FORA") Master Resolution. Under state law, (as codified in FORA's Master Resolution) legislative land use decisions (plan level documents such as General Plans, Zoning Codes, Zoning Ordinance Amendments, Redevelopment Plans, etc.) must be scheduled for FORA Board review under strict time frames. This item is included on the Board agenda because the Zoning Ordinance amendments are a legislative land use decision, requiring Board approval.

The FORA Administrative Committee will review this item on August 3, 2011 and their action will be noted in this report.

DISCUSSION:

Marina staff will be available to provide additional information to the FORA Board on August 12, 2011. In all consistency determinations, the following additional considerations are made and summarized in a table (**Attachment C**).

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

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

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

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

The Zoning Ordinance Amendments would not establish a land use designation that is more intense than the uses permitted in the BRP. The Zoning Ordinance Amendments are required for Marina to implement Program 11.3 of its Final Housing Element 2008-14, which requires that Marina amend the Marina Zoning Ordinance to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

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

The Zoning Ordinance Amendments are consistent with the BRP thresholds.

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

The Zoning Ordinance Amendments meet applicable program conditions.

(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 Zoning Ordinance Amendments do not impact habitat management areas within FORA's authority.

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

Future development affected by the Zoning Ordinance Amendments will pay its fair share of basewide costs through the FORA Community Facilities District Fee and tax increment that will accrue to FORA, as well as land sales revenues.

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

The Fort Ord Habitat Management Plan ("HMP") designates certain parcels for "Development," in order to allow economic recovery through development while promoting preservation, enhancement, and restoration of special status plant and animal species in designated habitats. The Zoning Ordinance Amendments only affect lands that are located within areas designated for "Development" under the HMP. Lands designated as "Development" have no management restrictions placed upon them as a result of the HMP. The Zoning Ordinance Amendments would not conflict with implementation of the Fort Ord HMP.

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

The Zoning Ordinance Amendments do not modify the Highway 1 Scenic Corridor design standards.

(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.

Implementation of the Zoning Ordinance Amendments would support redevelopment activities by bringing Marina's Final Housing Element 2008-14 into compliance with State law. It is consistent with the jobs/housing balance approved by the FORA Board.

Additional Considerations

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

The Zoning Ordinance Amendments do not modify FORA's prevailing wage policy.

FISCAL IMPACT:


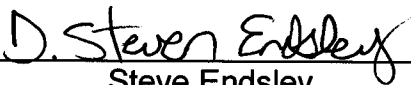
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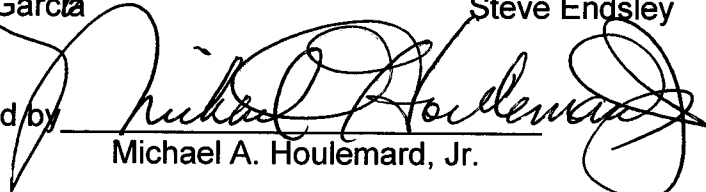
This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. In addition to points already dealt with in this report, it is clarified that the developments expected to be charged with reuse subject to the Zoning Ordinance Amendments are covered by the Community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

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

COORDINATION:

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

Prepared by 
Jonathan Garcia Reviewed by 
Steve Endsley

Approved by 
Michael A. Houlemard, Jr.

Resolution 11-06

Resolution Determining Consistency of)
City of Marina Zoning Ordinance)
Amendments)

DRAFT

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

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan under Government Code Section 67675, et seq.
- B. After FORA adopted the reuse plan, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of Marina ("Marina") is a member of FORA. Marina has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After noticed public meetings on June 7 and 14, 2011, the City of Marina adopted Amendments to the Marina Zoning Ordinance Defining Emergency Shelters, Transitional Housing and Supportive Housing Consistent with State Law ("Zoning Ordinance Amendments"), affecting lands on the former Fort Ord. Marina also found the Zoning Ordinance Amendments are consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Fort Ord Base Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations.
- F. On July 6, 2011, the City of Marina recommended that FORA concur in the City's determination that FORA's Final Base Reuse Plan, certified by the Board on June 13, 1997, and the Zoning Ordinance Amendments are consistent. Marina submitted to FORA its Zoning Ordinance Amendments together with the accompanying documentation.
- G. Consistent with the Implementation Agreements between FORA and Marina, on July 6, 2011, Marina provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the City of Marina's action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Zoning Ordinance Amendments are consistent with the Fort Ord Base Reuse Plan and the FORA Act (collectively, "Supporting Material"). Marina requested that FORA certify the Zoning Ordinance Amendments as being consistent with the Fort Ord Base Reuse Plan for those portions of Marina that lie within the jurisdiction of FORA.

- H. FORA's Executive Officer and the FORA Administrative Committee reviewed Marina's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the Zoning Ordinance Amendments are consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the Zoning Ordinance Amendments before the FORA Board on August 12, 2011.
- I. Master Resolution, Chapter 8, Section 8.02.010(a)(4) reads in part: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property..."
- J. In this context, the term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."
- K. FORA's consistency determination must be based upon the overall congruence between the submittal and the Reuse Plan, not on a precise match between the two.

NOW THEREFORE be it resolved:

1. The FORA Board recognizes the City of Marina's June 7, 2011 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and the Zoning Ordinance Amendments was appropriate.
2. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Marina's environmental documentation is adequate and complies with the California Environmental Quality Act. The Board finds further that these documents are sufficient for purposes of FORA's determination for consistency of the Zoning Ordinance Amendments.
3. The Board has considered the materials submitted with this application, the recommendation of the Executive Officer and Administrative Committee concerning the application and oral and written testimony presented at the hearings on the consistency determination, which are hereby incorporated by reference.
4. The Board finds that the Zoning Ordinance Amendments are consistent with the Fort Ord Base Reuse Plan. The Board further finds that the legislative decision made herein has been based in part upon the substantial evidence submitted regarding allowable land uses, a weighing of the Base Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided, and that the cumulative land uses contained in Marina's submittal are not more intense or dense than those contained in the Base Reuse Plan.

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

Upon motion by _____, seconded by _____, the foregoing resolution was passed on this 12th day of August, 2011, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

I, Supervisor Potter, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item ____, Page ____, of the board meeting minutes of _____, 2011 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED _____

BY _____

Dave Potter
Chair, Board of Directors
Fort Ord Reuse Authority



City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.ci.marina.ca.us

Attachment B to Item 7a
FORA Board Meeting, 8/12/11

July 6, 2011

Michael A. Houlemard
Executive Officer, FORA
100 12th Street, Building 2880
Marina, CA 93933

Re: Request for Consistency Determination for Amendments to the Marina Zoning Ordinance Defining Emergency Shelters, Transitional Housing and Supportive Housing Consistent with State Law

Dear Mr. Houlemard,

This is a formal request for a consistency determination with the Fort Ord Reuse Plan by the FORA Board of Directors for the above referenced project.

The adopted Ordinance amendments are required to implement Program 11.3 of the Final Housing Element 2008-2014, which requires that the City amend the Marina Zoning Ordinance to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

On February 11, 2010, the FORA Board of Directors approved Resolution 10-02, concurring in the City of Marina legislative land use consistency determination and making findings that the Marina Housing Element 2008-2014 is consistent with the Fort Ord Base Reuse Plan.

On May 26, 2011, the Marina Planning Commission adopted Resolution No. 2011-06, recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

At the regular meeting of June 7, 2011, the Marina City Council opened a Public Hearing, received testimony from the public and introduced the Ordinance amendments; and adopted Resolution No. 2011-98, finding the proposed amendments to be consistent with the Fort Ord Base Reuse Plan.

At the adjourned regular City Council meeting of June 14, 2011, the Marina City Council waived the second reading and adopted Ordinance No. 2011-03, amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

S

To facilitate the requested consistency determination the following documents have been provided:

- Executed copy of Ordinance No. 2011-03
- Executed copy of City Council Resolution No. 2011-98
- Copy of City Council staff report dated June 7, 2011, and
- Executed copy of Planning Commission Resolution No. 2011-06
- Copy of Planning Commission staff report dated May 26, 2011

Transmitted with this cover letter, for Administrative Committee review are two (2) hard copies of the complete package described above. For the FORA Board of Directors, thirty (30) CD ROM's have been provided.

Should you have any questions regarding this submission, please call me at (831) 884.1289.

Sincerely,



Theresa Szymanis, AICP
Planning Services Manager
City of Marina



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

CERTIFICATE OF THE CITY CLERK

I, ANITA SHARP, ACTING DEPUTY CLERK OF THE CITY OF MARINA, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of City Council **Ordinance No. 2011-03**, Amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) defining emergency shelters, transitional housing and supportive housing consistent with State law; permitting transitional and supportive housing as a residential use of property in all residential zoning districts and allowing emergency shelters in the R-4 and C-R Zoning Districts, adopted by the City Council of the City of Marina at a regular meeting duly held on the 14th day of June 2011 and that the original appears on record in the office of the City Clerk.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MARINA

Date: June 17, 2011

Anita Sharp, Acting Deputy City Clerk

ORDINANCE NO. 2011-03

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04, 17.14, 17.16, 17.18, 17.20, 17.21, AND 17.26 TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS

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

1. Chapter 17.04 Amended. Municipal Code Chapter 17.04, entitled "Definitions," is hereby amended, as follows:

a) To add the following definitions:

17.04.292 Emergency shelter.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

17.04.698 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

17.04.699 Target population.

"Target population" means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

17.04.711 Transitional housing.

"Transitional housing" means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing

for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

b) To delete section 17.04.441, entitled "Interim housing," in its entirety.

2. Chapter 17.14 Amended. Municipal Code Chapter 17.14, entitled "R-1 or Single Family Residential District," is hereby amended by adding new sub-sections F and G to section 17.14.020, so that the section now reads as follows (new language underlined):

"17.14.020 Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

- A. One single-family dwelling per lot;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040, except in the Coastal Zone where this provision shall not be effective unless and until approved by the California Coastal Commission;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.14.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats."

3. Chapter 17.16 Amended. Municipal Code Chapter 17.16, entitled "R-2 or Duplex Residential District," is hereby amended by adding new sub-sections F and G to section 17.16.020, so that the section now reads as follows (new language underlined):

"17.16.020 Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

- A. Single-family dwellings;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.16.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats."

4. Chapter 17.18 Amended. Municipal Code Chapter 17.18, entitled "R-3 or Limited Multiple-Family Residential District," is hereby amended by adding new sub-sections F and G to section 17.18.020, so that the section now reads as follows (new language underlined):

"17.18.020 Permitted uses.

Uses permitted in the R-3 districts shall be the following:

- A. Single-family dwellings;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.08.040, including but not limited to: small family day care and foster home care, rooming and boarding of not more than two persons, the keeping of not more than two dogs and/or cats, and on-site property management."

5. Chapter 17.20 Amended. Municipal Code Chapter 17.20, entitled "R-4 or Multiple-Family Residential District," is hereby amended as follows (new language underlined):

a) By adding new sub-sections G, H and I to section 17.20.020, so that the section now reads as follows:

"17.20.020 Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

- A. Single-family dwellings constructed prior to January 1, 2005;
- B. Multiple dwellings and dwelling groups not exceeding twenty-five units per acre;
- C. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- D. Small residential care homes;
- E. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;
- F. Home occupations pursuant to Section 17.06.110 of this code;
- G. Transitional housing pursuant to Section 17.04.711 of this code;
- H. Supportive housing pursuant to Section 17.04.698 of this code;
- I. Emergency shelters pursuant to Section 17.04.292 of this code;
- J. Other uses accessory and incidental to residential use pursuant to Section 17.20.050, including, but not limited to:
 - 1. Small family day care and foster home care,
 - 2. Rooming and boarding of not more than two persons,
 - 3. On-site property management, and
 - 4. The keeping of not more than two cats and/or dogs per unit."

b) To delete existing sub-section 17.20.030 I, entitled "Interim housing" in its entirety.

6. Chapter 17.21 Amended. Municipal Code Chapter 17.21, entitled "C-R or Commercial/Multiple-Family Residential District," is hereby amended as follows (new language underlined):

a) By adding new sub-sections H, I and J to section 17.21.020, so that the section now reads as follows:

"17.21.020 Permitted uses.

Uses permitted in the C-R districts shall be as follows:

- A. Retail stores and shops conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, and furniture and millinery shops when incidental to the retail sales of such items; radio sales, shoe shops, hardware stores, department stores, drugstores, nursery or horticulture, photography studios, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;
- B. Offices other than medical establishments;
- C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;
- D. Studios—acting, music, dance, martial arts, etc.;
- E. Small residential care homes;
- F. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;
- G. Home occupations pursuant to Section 17.06.110 of this code;
- H. Transitional housing pursuant to Section 17.04.711 of this code;
- I. Supportive housing pursuant to Section 17.04.698 of this code; and
- J. Emergency shelters pursuant to Section 17.04.292 of this code."

b) To delete sub-section 17.21.030 K, entitled "Interim housing" in its entirety.

7. Chapter 17.26 Amended. Municipal Code Chapter 17.26, entitled "PC or Planned Commercial District," is hereby amended by adding the phrase "including transitional housing and supportive housing" to sub-section B of section 17.26.050, so that the section now reads as follows (new language underlined):

"17.26.050 Conditional uses.

The following conditional uses may be permitted when found by the planning commission and the city council to be, by reason of sensitive planning and attractive design, consistent with the purposes and objectives of the planned commercial zone; provided, however, that such uses will not be permitted within the Coastal Zone.

- A. Laboratories, research or development installations, specialized light manufacturing institutions, and administrative or executive offices related to such uses, when of a non-nuisance type;
- B. Residential uses, including transitional housing and supportive housing, not exceeding ten percent of total floor area of all uses in the district."

8. Effective Date: This Ordinance shall take effect and shall be in force thirty (30) days from and after its final passage and adoption.

9. Posting Of Ordinance: Within fifteen (15) days of the adoption of this Ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by Resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on June 7, 2011, and was passed and adopted at a regular meeting duly held on June 14, 2011 by the following roll call vote:

AYES: COUNCIL MEMBERS: Amadeo, Brown, Ford, O'Connell, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

APPROVED:

A handwritten signature in black ink, appearing to read "Bruce Delgado", written over a horizontal line.

Bruce Delgado, Mayor

ATTEST:


Anita Sharp, Acting Deputy Clerk



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

CERTIFICATE OF THE CITY CLERK

I, ANITA SHARP, ACTING DEPUTY CLERK OF THE CITY OF MARINA, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of City Council **Resolution No. 2011-98**, finding that the legislative action is consistent with the Fort Ord Base Reuse Plan, adopted by the City Council of the City of Marina at a regular meeting duly held on the 7th day of June 2011 and that the original appears on record in the office of the City Clerk.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MARINA

Date: June 10, 2011

Anita Sharp, Acting Deputy City Clerk

RESOLUTION NO. 2011-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
FINDING THAT AMENDMENTS TO MARINA MUNICIPAL CODE
CHAPTERS 17.04, 17.14, 17.16, 17.18, 17.20, 17.21 AND 17.26 ARE
CONSISTENT WITH THE FORT ORD BASE REUSE PLAN

WHEREAS, at the regular meeting of September 1, 2009, the City Council adopted Resolution 2009-147 amending the City of Marina General Plan by adopting the Final Housing Element 2008-2014 and the State Department of Housing and Community Development subsequently certified the Housing Element in December 2009, and;

WHEREAS, Implementation Program 11.3 of the Housing Element requires that the City amend the Marina Zoning Ordinance to define emergency shelters, transitional housing and supportive housing consistent with State law; permit transitional and supportive housing as a residential use of property in all residential zoning districts; and allow emergency shelters in the R-4 and C-R Zoning Districts, and;

WHEREAS, at the regular meeting of May 26, 2011, the Planning Commission held a public hearing to review the proposed amendment and adopted Resolution No. 2011-06, recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts, and;

WHEREAS, at the regular meeting of June 2, 2011, the City Council held a public hearing and introduced Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts, and;

WHEREAS, the proposed project is exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Statutes and Guidelines whereby the activity is covered by the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby find that amendments to Marina Municipal Code Chapters 17.04, 17.14, 17.16, 17.18, 17.20, 17.21 and 17.26 are consistent with the Fort Ord Base Reuse Plan based on the attached "EXHIBIT A".

Resolution No. 2011-98

Page 2.

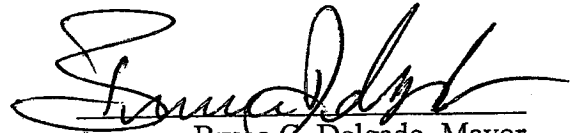
PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 7th day of June 2011 by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Brown, Ford, O'Connell, Delgado

NOES: COUNCIL MEMBERS: None

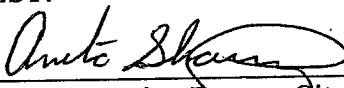
ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None



Bruce C. Delgado, Mayor

ATTEST:



Anita Sharp, Acting Deputy City Clerk

“EXHIBIT A”

HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 June 2, 2011	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
<i>Natural Resources</i>	
(a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord territory by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.	The Zoning Ordinance text amendment will not amend any of the existing General Plan policies or the General Plan Land Use Map.
1. Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.	N/A
2. When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.	N/A
(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.
(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.	N/A

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.
Historic Preservation	
(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies. It recognizes transitional and supportive housing as a residential use of property, and allows emergency shelters in multiple-family areas.
(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.	N/A
Water, Sewer, Drainage & Waste	
(h) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.

HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
(i) Each land use agency shall adopt the following policies and programs:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
1. A solid waste reduction and recycling program applicable to Fort Ord territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 et seq.	
2. (2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department.	
3. A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.	
(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
1. Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development.	N/A
2. Commence working with appropriate agencies to determine the feasibility of developing additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options.	N/A
3. Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.	N/A
4. Active participation in the support of the development of reclaimed or recycled water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.	N/A
5. Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.	N/A

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
6. Adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development at territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.	N/A
7. Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements.	N/A
8. Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.	N/A
9. Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including: dual plumbing using non-potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.	N/A
(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
1. Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.	N/A
2. Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.	

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
(l) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
(m) Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control (DTSC) to control and restrict excavation or any soil movement on those parcels of the Fort Ord territory, which were contaminated with unexploded ordnance and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.	N/A
Traffic & Circulation	
(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.
1. Establishment and provision of a dedicated funding mechanism to pay for the fair share of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority.	
2. Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation effort to access Fort Ord territory.	N/A
(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or General Plan Land Use Map.
1. Preparation and adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities.	
2. Design and construction of an efficient system of arterials in order to connect to the regional transportation system.	

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
3. Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.	
(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
Fire Protection	
(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, shall be obtained from stock originating on Fort Ord territory.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
Jobs/Housing Balance	
(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which would result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
June 2, 2011**

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

**Housing Element Implementation
Program 11.3**

Other Consistency Considerations

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

The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.

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

N/A

June 2, 2011

Item No.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 7, 2011

REQUEST TO OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER INTRODUCING ORDINANCE NO. 2011- , AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04 (DEFINITIONS), 17.14 (R-1 OR SINGLE FAMILY RESIDENTIAL DISTRICT), 17.16 (R-2 OR DUPLEX RESIDENTIAL DISTRICT), 17.18 (R-3 OR LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.20 (R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.21 (C-R OR COMMERCIAL/MULTIPLE-FAMILY RESIDENTIAL DISTRICT) AND 17.26 (PC OR PLANNED COMMERCIAL DISTRICT) TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS; AND CONSIDER ADOPTING RESOLUTION NO. 2011- , FINDING THAT THE LEGISLATIVE ACTION IS CONSISTENT WITH THE FORT ORD BASE REUSE PLAN

RECOMMENDATION:

It is requested that the City Council:

1. Open a Public Hearing and take any testimony from the public, and;
2. Consider introducing Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts, and;
3. Consider adopting Resolution No. 2011- , finding that the legislative action is consistent with the Fort Ord Base Reuse Plan.

BACKGROUND:

At the regular meeting of September 1, 2009, the City Council adopted Resolution 2009-147 amending the City of Marina General Plan by adopting the Final Housing Element 2008-2014. The State Department of Housing and Community Development subsequently certified the Housing Element in December 2009.

Implementation Program 11.3 of the Housing Element requires that the City amend the Marina Zoning Ordinance to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of

property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

At the regular meeting of May 26, 2011, the Planning Commission held a public hearing to review the proposed amendment and adopted Resolution No. 2011-06, recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

ANALYSIS:

Proposed changes are for the purpose of implementing State Law through local regulations. According to Government Code Section 6583(a)(5),

“Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.”

Definitions of supportive housing, transitional housing and emergency shelter are excerpted directly from the Health and Safety Code, as referenced in the Government Code. The term “interim housing” has been stricken from the Zoning Ordinance as the term is no longer used in State Law.

The Zoning Ordinance text amendment clarifies that supportive housing, transitional housing and emergency shelters are residential land uses and are spelled out as permitted uses in all residential zoning districts.

Emergency shelters are included as permitted uses in the Multiple-Family (R-4) Residential District and in the Commercial/Multiple Family (C-R) Residential District. A conditional use permit would no longer be required.

Consistency with the Fort Ord Base Reuse Plan

The proposed Zoning Ordinance text amendment conforms to the Fort Ord Reuse Plan and Chapter 8 of the Master Resolution in that the project does not amend any General Plan policies or the General Plan Land Use Map. The text amendment retains the existing land use designations and densities, and does not impact policies and programs concerning natural resources, historic preservation, water, sewer, drainage and waste, traffic circulation, fire protection or the jobs/housing balance.

A full text analysis of the project’s consistency with the Fort Ord Reuse Plan and Chapter 8 of the Master Resolution is provided in the matrix attached to the resolution (“**EXHIBIT A**”).

California Environmental Quality Act

The proposed project is exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Statutes and Guidelines whereby the activity is covered by the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CONCLUSION:

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

Respectfully submitted,

Theresa Szymanis, AICP
Planning Services Manager
City of Marina

REVIEWED/CONCUR:

Christine di Iorio, AICP
Community Development Director
City of Marina

Anthony J. Altfeld
City Manager
City of Marina

NOTED FOR FISCAL IMPACT:

Lauren Lai, CPA
Finance Director
City of Marina

RESOLUTION NO. 2011-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA RECOMMENDING CITY COUNCIL CONSIDERATION OF ORDINANCE NO. 2011- , AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04 (DEFINITIONS), 17.14 (R-1 OR SINGLE FAMILY RESIDENTIAL DISTRICT), 17.16 (R-2 OR DUPLEX RESIDENTIAL DISTRICT), 17.18 (R-3 OR LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.20 (R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.21 (C-R OR COMMERCIAL/MULTIPLE-FAMILY RESIDENTIAL DISTRICT) AND 17.26 (PC OR PLANNED COMMERCIAL DISTRICT) TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS

WHEREAS, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider its recommendation to City Council on the proposed amendment to the Marina Municipal Code (“**EXHIBIT A**”), considered all public testimony, written and oral, presented at the public hearing, received and considered the written information and recommendation of the staff report for the May 26, 2011 meeting related to the proposed amendment to the Marina Municipal Code; and,

WHEREAS, the Planning Commission finds that the proposed amendment to the Marina Municipal Code is consistent with the goals, policies and programs of the Marina General Plan in that the amendment will implement Program 11.3 of the adopted Housing Element of the General Plan, and;

WHEREAS, the proposed project is exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Statutes and Guidelines whereby the activity is covered by the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby adopts Resolution No. 2011- , recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

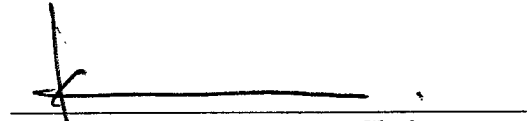
PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 26th day of May, 2011 by the following vote:

AYES, PLANNING COMMISSION MEMBERS: Turgen, Le, Bankston Burnett, Daniels, Le,
Moore, Zmak

NOES, PLANNING COMMISSION MEMBERS:

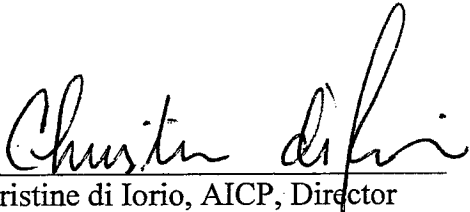
ABSENT, PLANNING COMMISSION MEMBERS:

ABSTAIN, PLANNING COMMISSION MEMBERS:



Ken Turgen, Chairperson

ATTEST:



Christine di Iorio, AICP, Director
Community Development Department

“EXHIBIT A”

ORDINANCE NO. 2011-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04, 17.14, 17.16, 17.18, 17.20, 17.21, AND 17.26 TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS

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

1. Chapter 17.04 Amended. Municipal Code Chapter 17.04, entitled “Definitions,” is hereby amended, as follows:

a) To add the following definitions:

17.04.292 Emergency shelter.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

17.04.698 Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

17.04.699 Target population.

"Target population" means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

17.04.711 Transitional housing.

"Transitional housing" means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing

for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

b) To delete section 17.04.441, entitled "Interim housing," in its entirety.

2. Chapter 17.14 Amended. Municipal Code Chapter 17.14, entitled "R-1 or Single Family Residential District," is hereby amended by adding new sub-sections F and G to section 17.14.020, so that the section now reads as follows (new language underlined):

"17.14.020 Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

- A. One single-family dwelling per lot;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040, except in the Coastal Zone where this provision shall not be effective unless and until approved by the California Coastal Commission;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.14.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats."

3. Chapter 17.16 Amended. Municipal Code Chapter 17.16, entitled "R-2 or Duplex Residential District," is hereby amended by adding new sub-sections F and G to section 17.16.020, so that the section now reads as follows (new language underlined):

"17.16.020 Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

- A. Single-family dwellings;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.16.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats."

4. Chapter 17.18 Amended. Municipal Code Chapter 17.18, entitled "R-3 or Limited Multiple-Family Residential District," is hereby amended by adding new sub-sections F and G to section 17.18.020, so that the section now reads as follows (new language underlined):

"17.18.020 Permitted uses.

Uses permitted in the R-3 districts shall be the following:

- A. Single-family dwellings;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.08.040, including but not limited to: small family day care and foster home care, rooming and boarding of not more than two persons, the keeping of not more than two dogs and/or cats, and on-site property management."

5. Chapter 17.20 Amended. Municipal Code Chapter 17.20, entitled "R-4 or Multiple-Family Residential District," is hereby amended as follows (new language underlined):

a) By adding new sub-sections G, H and I to section 17.20.020, so that the section now reads as follows:

"17.20.020 Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

- A. Single-family dwellings constructed prior to January 1, 2005;
- B. Multiple dwellings and dwelling groups not exceeding twenty-five units per acre;
- C. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- D. Small residential care homes;
- E. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;
- F. Home occupations pursuant to Section 17.06.110 of this code;
- G. Transitional housing pursuant to Section 17.04.711 of this code;
- H. Supportive housing pursuant to Section 17.04.698 of this code;
- I. Emergency shelters pursuant to Section 17.04.292 of this code;
- J. Other uses accessory and incidental to residential use pursuant to Section 17.20.050, including, but not limited to:
 - 1. Small family day care and foster home care,
 - 2. Rooming and boarding of not more than two persons,
 - 3. On-site property management, and
 - 4. The keeping of not more than two cats and/or dogs per unit."

b) To delete existing sub-section 17.20.030 I, entitled "Interim housing" in its entirety.

6. Chapter 17.21 Amended. Municipal Code Chapter 17.21, entitled "C-R or Commercial/Multiple-Family Residential District," is hereby amended as follows (new language underlined):

a) By adding new sub-sections H, I and J to section 17.21.020, so that the section now reads as follows:

"17.21.020 Permitted uses.

Uses permitted in the C-R districts shall be as follows:

- A. Retail stores and shops conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, and furniture and millinery shops when incidental to the retail sales of such items; radio sales, shoe shops, hardware stores, department stores, drugstores, nursery or horticulture, photography studios, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;
- B. Offices other than medical establishments;
- C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;
- D. Studios—acting, music, dance, martial arts, etc.;
- E. Small residential care homes;
- F. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;
- G. Home occupations pursuant to Section 17.06.110 of this code;
- H. Transitional housing pursuant to Section 17.04.711 of this code;
- I. Supportive housing pursuant to Section 17.04.698 of this code; and
- J. Emergency shelters pursuant to Section 17.04.292 of this code."

b) To delete sub-section 17.21.030 K, entitled "Interim housing" in its entirety.

7. Chapter 17.26 Amended. Municipal Code Chapter 17.26, entitled "PC or Planned Commercial District," is hereby amended by adding the phrase "including transitional housing and supportive housing" to sub-section B of section 17.26.050, so that the section now reads as follows (new language underlined):

"17.26.050 Conditional uses.

The following conditional uses may be permitted when found by the planning commission and the city council to be, by reason of sensitive planning and attractive design, consistent with the purposes and objectives of the planned commercial zone; provided, however, that such uses will not be permitted within the Coastal Zone.

- A. Laboratories, research or development installations, specialized light manufacturing institutions, and administrative or executive offices related to such uses, when of a non-nuisance type;
- B. Residential uses, including transitional housing and supportive housing, not exceeding ten percent of total floor area of all uses in the district."

8. Effective Date: This Ordinance shall take effect and shall be in force thirty (30) days from and after its final passage and adoption.

9. Posting Of Ordinance: Within fifteen (15) days of the adoption of this Ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by Resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on _____, and was passed and adopted at a regular meeting duly held on _____, by the following roll call vote:

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

APPROVED:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Acting Deputy Clerk

May 19, 2011

Item No. 7b.

Honorable Chair and Members
of the Marina Planning Commission

Planning Commission Meeting
of May 26, 2011

REQUEST TO OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2011- , RECOMMENDING CITY COUNCIL CONSIDERATION OF ORDINANCE NO. 2011- , AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04 (DEFINITIONS), 17.14 (R-1 OR SINGLE FAMILY RESIDENTIAL DISTRICT), 17.16 (R-2 OR DUPLEX RESIDENTIAL DISTRICT), 17.18 (R-3 OR LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.20 (R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.21 (C-R OR COMMERCIAL/MULTIPLE-FAMILY RESIDENTIAL DISTRICT) AND 17.26 (PC OR PLANNED COMMERCIAL DISTRICT) TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Open a Public Hearing and take any testimony from the public, and;
2. Consider adopting Resolution No. 2011- , recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

BACKGROUND:

At the regular meeting of September 1, 2009, the City Council adopted Resolution 2009-147 amending the City of Marina General Plan by adopting the Final Housing Element 2008-2014. The State Department of Housing and Community Development subsequently certified the Housing Element in December 2009.

Implementation Program 11.3 of the Housing Element requires that the City amend the Marina Zoning Ordinance to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

ANALYSIS:

Proposed changes are for the purpose of implementing State Law through local regulations. According to Government Code Section 6583(a)(5),

“Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.”

Definitions of supportive housing, transitional housing and emergency shelter are excerpted directly from the Health and Safety Code, as referenced in the Government Code. The term “interim housing” has been stricken from the Zoning Ordinance as the term is no longer used in State Law.

The Zoning Ordinance text amendment clarifies that supportive housing, transitional housing and emergency shelters are residential land uses and are spelled out as permitted uses in all residential zoning districts.

Emergency shelters are included as permitted uses in the Multiple-Family (R-4) Residential District and in the Commercial/Multiple Family (C-R) Residential District. A conditional use permit would no longer be required.

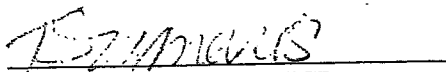
California Environmental Quality Act

The proposed project is exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Statutes and Guidelines whereby the activity is covered by the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CONCLUSION:

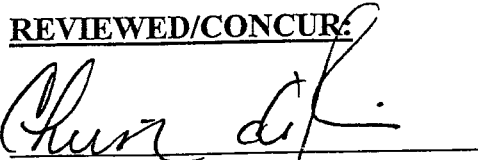
This request is submitted for Planning Commission consideration and possible action.

Respectfully submitted,



Theresa Szymanis, AICP
Planning Services Manager
City of Marina

REVIEWED/CONCURRED



Christine di Iorio, AICP
Community Development Director
City of Marina



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211 Hillcrest Avenue
Marina, CA 93933
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CERTIFICATE OF THE CITY CLERK

I, ANITA SHARP, ACTING DEPUTY CLERK OF THE CITY OF MARINA, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of City Council **Ordinance No. 2011-03**, Amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) defining emergency shelters, transitional housing and supportive housing consistent with State law; permitting transitional and supportive housing as a residential use of property in all residential zoning districts and allowing emergency shelters in the R-4 and C-R Zoning Districts, adopted by the City Council of the City of Marina at a regular meeting duly held on the 14th day of June 2011 and that the original appears on record in the office of the City Clerk.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MARINA

Date: June 17, 2011

Anita Sharp, Acting Deputy City Clerk

ORDINANCE NO. 2011-03

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04, 17.14, 17.16, 17.18, 17.20, 17.21, AND 17.26 TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS

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

1. Chapter 17.04 Amended. Municipal Code Chapter 17.04, entitled "Definitions," is hereby amended, as follows:

a) To add the following definitions:

17.04.292 Emergency shelter.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

17.04.698 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

17.04.699 Target population.

"Target population" means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

17.04.711 Transitional housing.

"Transitional housing" means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing

for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

b) To delete section 17.04.441, entitled "Interim housing," in its entirety.

2. Chapter 17.14 Amended. Municipal Code Chapter 17.14, entitled "R-1 or Single Family Residential District," is hereby amended by adding new sub-sections F and G to section 17.14.020, so that the section now reads as follows (new language underlined):

"17.14.020 Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

- A. One single-family dwelling per lot;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040, except in the Coastal Zone where this provision shall not be effective unless and until approved by the California Coastal Commission;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.14.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats."

3. Chapter 17.16 Amended. Municipal Code Chapter 17.16, entitled "R-2 or Duplex Residential District," is hereby amended by adding new sub-sections F and G to section 17.16.020, so that the section now reads as follows (new language underlined):

"17.16.020 Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

- A. Single-family dwellings;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.16.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats."

4. Chapter 17.18 Amended. Municipal Code Chapter 17.18, entitled "R-3 or Limited Multiple-Family Residential District," is hereby amended by adding new sub-sections F and G to section 17.18.020, so that the section now reads as follows (new language underlined):

"17.18.020 Permitted uses.

Uses permitted in the R-3 districts shall be the following:

- A. Single-family dwellings;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.08.040, including but not limited to: small family day care and foster home care, rooming and boarding of not more than two persons, the keeping of not more than two dogs and/or cats, and on-site property management."

5. Chapter 17.20 Amended. Municipal Code Chapter 17.20, entitled "R-4 or Multiple-Family Residential District," is hereby amended as follows (new language underlined):

a) By adding new sub-sections G, H and I to section 17.20.020, so that the section now reads as follows:

"17.20.020 Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

- A. Single-family dwellings constructed prior to January 1, 2005;
- B. Multiple dwellings and dwelling groups not exceeding twenty-five units per acre;
- C. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- D. Small residential care homes;
- E. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;
- F. Home occupations pursuant to Section 17.06.110 of this code;
- G. Transitional housing pursuant to Section 17.04.711 of this code;
- H. Supportive housing pursuant to Section 17.04.698 of this code;
- I. Emergency shelters pursuant to Section 17.04.292 of this code;
- J. Other uses accessory and incidental to residential use pursuant to Section 17.20.050, including, but not limited to:
 - 1. Small family day care and foster home care,
 - 2. Rooming and boarding of not more than two persons,
 - 3. On-site property management, and
 - 4. The keeping of not more than two cats and/or dogs per unit."

b) To delete existing sub-section 17.20.030 I, entitled "Interim housing" in its entirety.

6. Chapter 17.21 Amended. Municipal Code Chapter 17.21, entitled "C-R or Commercial/Multiple-Family Residential District," is hereby amended as follows (new language underlined):

a) By adding new sub-sections H, I and J to section 17.21.020, so that the section now reads as follows:

"17.21.020 Permitted uses.

Uses permitted in the C-R districts shall be as follows:

- A. Retail stores and shops conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, and furniture and millinery shops when incidental to the retail sales of such items; radio sales, shoe shops, hardware stores, department stores, drugstores, nursery or horticulture, photography studios, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;
- B. Offices other than medical establishments;
- C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;
- D. Studios—acting, music, dance, martial arts, etc.;
- E. Small residential care homes;
- F. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;
- G. Home occupations pursuant to Section 17.06.110 of this code;
- H. Transitional housing pursuant to Section 17.04.711 of this code;
- I. Supportive housing pursuant to Section 17.04.698 of this code; and
- J. Emergency shelters pursuant to Section 17.04.292 of this code."

b) To delete sub-section 17.21.030 K, entitled "Interim housing" in its entirety.

7. Chapter 17.26 Amended. Municipal Code Chapter 17.26, entitled "PC or Planned Commercial District," is hereby amended by adding the phrase "including transitional housing and supportive housing" to sub-section B of section 17.26.050, so that the section now reads as follows (new language underlined):

"17.26.050 Conditional uses.

The following conditional uses may be permitted when found by the planning commission and the city council to be, by reason of sensitive planning and attractive design, consistent with the purposes and objectives of the planned commercial zone; provided, however, that such uses will not be permitted within the Coastal Zone.

- A. Laboratories, research or development installations, specialized light manufacturing institutions, and administrative or executive offices related to such uses, when of a non-nuisance type;
- B. Residential uses, including transitional housing and supportive housing, not exceeding ten percent of total floor area of all uses in the district."

8. Effective Date: This Ordinance shall take effect and shall be in force thirty (30) days from and after its final passage and adoption.

9. Posting Of Ordinance: Within fifteen (15) days of the adoption of this Ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by Resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on June 7, 2011, and was passed and adopted at a regular meeting duly held on June 14, 2011 by the following roll call vote:

AYES: COUNCIL MEMBERS: Amadeo, Brown, Ford, O'Connell, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

APPROVED:

A handwritten signature in black ink, appearing to read "Bruce Delgado", written over a horizontal line.

Bruce Delgado, Mayor

ATTEST:


Anita Sharp, Acting Deputy Clerk



CITY OF MARINA
211 Hillcrest Avenue
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CERTIFICATE OF THE CITY CLERK

I, ANITA SHARP, ACTING DEPUTY CLERK OF THE CITY OF MARINA, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of City Council **Resolution No. 2011-98**, finding that the legislative action is consistent with the Fort Ord Base Reuse Plan, adopted by the City Council of the City of Marina at a regular meeting duly held on the 7th day of June 2011 and that the original appears on record in the office of the City Clerk.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MARINA

Date: June 10, 2011

A handwritten signature in cursive script, reading "Anita Sharp", written over a horizontal line.

Anita Sharp, Acting Deputy City Clerk

RESOLUTION NO. 2011-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
FINDING THAT AMENDMENTS TO MARINA MUNICIPAL CODE
CHAPTERS 17.04, 17.14, 17.16, 17.18, 17.20, 17.21 AND 17.26 ARE
CONSISTENT WITH THE FORT ORD BASE REUSE PLAN

WHEREAS, at the regular meeting of September 1, 2009, the City Council adopted Resolution 2009-147 amending the City of Marina General Plan by adopting the Final Housing Element 2008-2014 and the State Department of Housing and Community Development subsequently certified the Housing Element in December 2009, and;

WHEREAS, Implementation Program 11.3 of the Housing Element requires that the City amend the Marina Zoning Ordinance to define emergency shelters, transitional housing and supportive housing consistent with State law; permit transitional and supportive housing as a residential use of property in all residential zoning districts; and allow emergency shelters in the R-4 and C-R Zoning Districts, and;

WHEREAS, at the regular meeting of May 26, 2011, the Planning Commission held a public hearing to review the proposed amendment and adopted Resolution No. 2011-06, recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts, and;

WHEREAS, at the regular meeting of June 2, 2011, the City Council held a public hearing and introduced Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts, and;

WHEREAS, the proposed project is exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Statutes and Guidelines whereby the activity is covered by the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby find that amendments to Marina Municipal Code Chapters 17.04, 17.14, 17.16, 17.18, 17.20, 17.21 and 17.26 are consistent with the Fort Ord Base Reuse Plan based on the attached "EXHIBIT A".

Resolution No. 2011-98

Page 2.

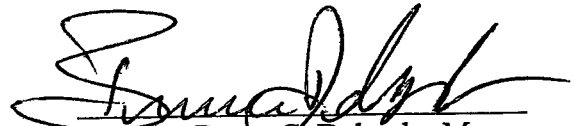
PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 7th day of June 2011 by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Brown, Ford, O'Connell, Delgado

NOES: COUNCIL MEMBERS: None


ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None



Bruce C. Delgado, Mayor

ATTEST:



Anita Sharp, Acting Deputy City Clerk

“EXHIBIT A”

HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8 June 2, 2011	
FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
<i>Natural Resources</i>	
(a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord territory by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.	The Zoning Ordinance text amendment will not amend any of the existing General Plan policies or the General Plan Land Use Map.
1. Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.	N/A
2. When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.	N/A
(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.
(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.	N/A

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.
Historic Preservation	
(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies. It recognizes transitional and supportive housing as a residential use of property, and allows emergency shelters in multiple-family areas.
(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.	N/A
Water, Sewer, Drainage & Waste	
(h) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
(i) Each land use agency shall adopt the following policies and programs:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
1. A solid waste reduction and recycling program applicable to Fort Ord territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 et seq.	
2. (2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department.	
3. A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.	
(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
1. Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development.	N/A
2. Commence working with appropriate agencies to determine the feasibility of developing additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options.	N/A
3. Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.	N/A
4. Active participation in the support of the development of reclaimed or recycled water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.	N/A
5. Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.	N/A

HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
June 2, 2011

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
6. Adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development at territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.	N/A
7. Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements.	N/A
8. Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.	N/A
9. Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including: dual plumbing using non-potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.	N/A
(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
1. Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.	N/A
2. Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.	

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
(l) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
(m) Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control (DTSC) to control and restrict excavation or any soil movement on those parcels of the Fort Ord territory, which were contaminated with unexploded ordnance and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.	N/A
Traffic & Circulation	
(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.
1. Establishment and provision of a dedicated funding mechanism to pay for the fair share of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority.	
2. Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation effort to access Fort Ord territory.	N/A
(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or General Plan Land Use Map.
1. Preparation and adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities.	
2. Design and construction of an efficient system of arterials in order to connect to the regional transportation system.	

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

FORA Master Resolution Chapter 8 Sections 8.02.020 (a) to (t)	Housing Element Implementation Program 11.3
3. Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.	
(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
Fire Protection	
(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, shall be obtained from stock originating on Fort Ord territory.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies.
Jobs/Housing Balance	
(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which would result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.	The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.

**HOUSING ELEMENT IMPLEMENTATION PROGRAM 11.3
 CONSISTENCY WITH FORT ORD REUSE PLAN AND MASTER RESOLUTION CHAPTER 8
 June 2, 2011**

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

**Housing Element Implementation
 Program 11.3**

Other Consistency Considerations

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

The Zoning Ordinance text amendment does not amend any of the existing General Plan policies or the General Plan Land Use Map.

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

N/A

June 2, 2011

Item No.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 7, 2011

REQUEST TO OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER INTRODUCING ORDINANCE NO. 2011- , AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04 (DEFINITIONS), 17.14 (R-1 OR SINGLE FAMILY RESIDENTIAL DISTRICT), 17.16 (R-2 OR DUPLEX RESIDENTIAL DISTRICT), 17.18 (R-3 OR LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.20 (R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.21 (C-R OR COMMERCIAL/MULTIPLE-FAMILY RESIDENTIAL DISTRICT) AND 17.26 (PC OR PLANNED COMMERCIAL DISTRICT) TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS; AND CONSIDER ADOPTING RESOLUTION NO. 2011- , FINDING THAT THE LEGISLATIVE ACTION IS CONSISTENT WITH THE FORT ORD BASE REUSE PLAN

RECOMMENDATION:

It is requested that the City Council:

1. Open a Public Hearing and take any testimony from the public, and;
2. Consider introducing Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts, and;
3. Consider adopting Resolution No. 2011- , finding that the legislative action is consistent with the Fort Ord Base Reuse Plan.

BACKGROUND:

At the regular meeting of September 1, 2009, the City Council adopted Resolution 2009-147 amending the City of Marina General Plan by adopting the Final Housing Element 2008-2014. The State Department of Housing and Community Development subsequently certified the Housing Element in December 2009.

Implementation Program 11.3 of the Housing Element requires that the City amend the Marina Zoning Ordinance to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of

property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

At the regular meeting of May 26, 2011, the Planning Commission held a public hearing to review the proposed amendment and adopted Resolution No. 2011-06, recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

ANALYSIS:

Proposed changes are for the purpose of implementing State Law through local regulations. According to Government Code Section 6583(a)(5),

“Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.”

Definitions of supportive housing, transitional housing and emergency shelter are excerpted directly from the Health and Safety Code, as referenced in the Government Code. The term “interim housing” has been stricken from the Zoning Ordinance as the term is no longer used in State Law.

The Zoning Ordinance text amendment clarifies that supportive housing, transitional housing and emergency shelters are residential land uses and are spelled out as permitted uses in all residential zoning districts.

Emergency shelters are included as permitted uses in the Multiple-Family (R-4) Residential District and in the Commercial/Multiple Family (C-R) Residential District. A conditional use permit would no longer be required.

Consistency with the Fort Ord Base Reuse Plan

The proposed Zoning Ordinance text amendment conforms to the Fort Ord Reuse Plan and Chapter 8 of the Master Resolution in that the project does not amend any General Plan policies or the General Plan Land Use Map. The text amendment retains the existing land use designations and densities, and does not impact policies and programs concerning natural resources, historic preservation, water, sewer, drainage and waste, traffic circulation, fire protection or the jobs/housing balance.

A full text analysis of the project’s consistency with the Fort Ord Reuse Plan and Chapter 8 of the Master Resolution is provided in the matrix attached to the resolution (“**EXHIBIT A**”).

California Environmental Quality Act

The proposed project is exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Statutes and Guidelines whereby the activity is covered by the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CONCLUSION:

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

Respectfully submitted,

Theresa Szymanis, AICP
Planning Services Manager
City of Marina

REVIEWED/CONCUR:

Christine di Iorio, AICP
Community Development Director
City of Marina

Anthony J. Altfeld
City Manager
City of Marina

NOTED FOR FISCAL IMPACT:

Lauren Lai, CPA
Finance Director
City of Marina

RESOLUTION NO. 2011-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA RECOMMENDING CITY COUNCIL CONSIDERATION OF ORDINANCE NO. 2011- , AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04 (DEFINITIONS), 17.14 (R-1 OR SINGLE FAMILY RESIDENTIAL DISTRICT), 17.16 (R-2 OR DUPLEX RESIDENTIAL DISTRICT), 17.18 (R-3 OR LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.20 (R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.21 (C-R OR COMMERCIAL/MULTIPLE-FAMILY RESIDENTIAL DISTRICT) AND 17.26 (PC OR PLANNED COMMERCIAL DISTRICT) TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS

WHEREAS, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider its recommendation to City Council on the proposed amendment to the Marina Municipal Code (“**EXHIBIT A**”), considered all public testimony, written and oral, presented at the public hearing, received and considered the written information and recommendation of the staff report for the May 26, 2011 meeting related to the proposed amendment to the Marina Municipal Code; and,

WHEREAS, the Planning Commission finds that the proposed amendment to the Marina Municipal Code is consistent with the goals, policies and programs of the Marina General Plan in that the amendment will implement Program 11.3 of the adopted Housing Element of the General Plan, and;

WHEREAS, the proposed project is exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Statutes and Guidelines whereby the activity is covered by the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby adopts Resolution No. 2011- , recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.


PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 26th day of May, 2011 by the following vote:

AYES, PLANNING COMMISSION MEMBERS: Turgen, Le, Bankston Burnett, Daniels, Le,
Moore, Zmak

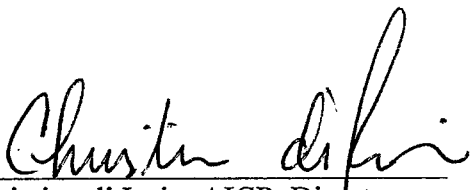
NOES, PLANNING COMMISSION MEMBERS:

ABSENT, PLANNING COMMISSION MEMBERS:

ABSTAIN, PLANNING COMMISSION MEMBERS:


Ken Turgen, Chairperson

ATTEST:


Christine di Iorio, AICP, Director
Community Development Department

“EXHIBIT A”

ORDINANCE NO. 2011-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04, 17.14, 17.16, 17.18, 17.20, 17.21, AND 17.26 TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS

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

1. Chapter 17.04 Amended. Municipal Code Chapter 17.04, entitled “Definitions,” is hereby amended, as follows:

a) To add the following definitions:

17.04.292 Emergency shelter.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

17.04.698 Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

17.04.699 Target population.

"Target population" means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

17.04.711 Transitional housing.

"Transitional housing" means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing

for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

b) To delete section 17.04.441, entitled "Interim housing," in its entirety.

2. Chapter 17.14 Amended. Municipal Code Chapter 17.14, entitled "R-1 or Single Family Residential District," is hereby amended by adding new sub-sections F and G to section 17.14.020, so that the section now reads as follows (new language underlined):

"17.14.020 Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

- A. One single-family dwelling per lot;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040, except in the Coastal Zone where this provision shall not be effective unless and until approved by the California Coastal Commission;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.14.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats."

3. Chapter 17.16 Amended. Municipal Code Chapter 17.16, entitled "R-2 or Duplex Residential District," is hereby amended by adding new sub-sections F and G to section 17.16.020, so that the section now reads as follows (new language underlined):

"17.16.020 Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

- A. Single-family dwellings;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.16.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats."

4. Chapter 17.18 Amended. Municipal Code Chapter 17.18, entitled “R-3 or Limited Multiple-Family Residential District,” is hereby amended by adding new sub-sections F and G to section 17.18.020, so that the section now reads as follows (new language underlined):

“17.18.020 Permitted uses.

Uses permitted in the R-3 districts shall be the following:

- A. Single-family dwellings;
- B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- C. Small residential care homes;
- D. Large family day care homes pursuant to Section 17.06.135 of this code;
- E. Home occupations pursuant to Section 17.06.110 of this code;
- F. Transitional housing pursuant to Section 17.04.711 of this code;
- G. Supportive housing pursuant to Section 17.04.698 of this code;
- H. Other uses accessory and incidental to residential use pursuant to Section 17.08.040, including but not limited to: small family day care and foster home care, rooming and boarding of not more than two persons, the keeping of not more than two dogs and/or cats, and on-site property management.”

5. Chapter 17.20 Amended. Municipal Code Chapter 17.20, entitled “R-4 or Multiple-Family Residential District,” is hereby amended as follows (new language underlined):

a) By adding new sub-sections G, H and I to section 17.20.020, so that the section now reads as follows:

“17.20.020 Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

- A. Single-family dwellings constructed prior to January 1, 2005;
- B. Multiple dwellings and dwelling groups not exceeding twenty-five units per acre;
- C. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;
- D. Small residential care homes;
- E. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;
- F. Home occupations pursuant to Section 17.06.110 of this code;
- G. Transitional housing pursuant to Section 17.04.711 of this code;
- H. Supportive housing pursuant to Section 17.04.698 of this code;
- I. Emergency shelters pursuant to Section 17.04.292 of this code;
- J. Other uses accessory and incidental to residential use pursuant to Section 17.20.050, including, but not limited to:
 - 1. Small family day care and foster home care,
 - 2. Rooming and boarding of not more than two persons,
 - 3. On-site property management, and
 - 4. The keeping of not more than two cats and/or dogs per unit.”

b) To delete existing sub-section 17.20.030 I, entitled “Interim housing” in its entirety.

6. Chapter 17.21 Amended. Municipal Code Chapter 17.21, entitled "C-R or Commercial/Multiple-Family Residential District," is hereby amended as follows (new language underlined):

a) By adding new sub-sections H, I and J to section 17.21.020, so that the section now reads as follows:

"17.21.020 Permitted uses.

Uses permitted in the C-R districts shall be as follows:

- A. Retail stores and shops conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, and furniture and millinery shops when incidental to the retail sales of such items; radio sales, shoe shops, hardware stores, department stores, drugstores, nursery or horticulture, photography studios, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;
- B. Offices other than medical establishments;
- C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;
- D. Studios—acting, music, dance, martial arts, etc.;
- E. Small residential care homes;
- F. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;
- G. Home occupations pursuant to Section 17.06.110 of this code;
- H. Transitional housing pursuant to Section 17.04.711 of this code;
- I. Supportive housing pursuant to Section 17.04.698 of this code; and
- J. Emergency shelters pursuant to Section 17.04.292 of this code."

b) To delete sub-section 17.21.030 K, entitled "Interim housing" in its entirety.

7. Chapter 17.26 Amended. Municipal Code Chapter 17.26, entitled "PC or Planned Commercial District," is hereby amended by adding the phrase "including transitional housing and supportive housing" to sub-section B of section 17.26.050, so that the section now reads as follows (new language underlined):

"17.26.050 Conditional uses.

The following conditional uses may be permitted when found by the planning commission and the city council to be, by reason of sensitive planning and attractive design, consistent with the purposes and objectives of the planned commercial zone; provided, however, that such uses will not be permitted within the Coastal Zone.

- A. Laboratories, research or development installations, specialized light manufacturing institutions, and administrative or executive offices related to such uses, when of a non-nuisance type;
- B. Residential uses, including transitional housing and supportive housing, not exceeding ten percent of total floor area of all uses in the district."

8. Effective Date: This Ordinance shall take effect and shall be in force thirty (30) days from and after its final passage and adoption.

9. Posting Of Ordinance: Within fifteen (15) days of the adoption of this Ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by Resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on _____, and was passed and adopted at a regular meeting duly held on _____, by the following roll call vote:

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

APPROVED:

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Acting Deputy Clerk

May 19, 2011

Item No. 7b.

Honorable Chair and Members
of the Marina Planning Commission

Planning Commission Meeting
of May 26, 2011

REQUEST TO OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2011- , RECOMMENDING CITY COUNCIL CONSIDERATION OF ORDINANCE NO. 2011- , AMENDING MARINA MUNICIPAL CODE CHAPTERS 17.04 (DEFINITIONS), 17.14 (R-1 OR SINGLE FAMILY RESIDENTIAL DISTRICT), 17.16 (R-2 OR DUPLEX RESIDENTIAL DISTRICT), 17.18 (R-3 OR LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.20 (R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.21 (C-R OR COMMERCIAL/MULTIPLE-FAMILY RESIDENTIAL DISTRICT) AND 17.26 (PC OR PLANNED COMMERCIAL DISTRICT) TO DEFINE EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING CONSISTENT WITH STATE LAW; TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING AS A RESIDENTIAL USE OF PROPERTY IN ALL RESIDENTIAL ZONING DISTRICTS; AND TO ALLOW EMERGENCY SHELTERS IN THE R-4 AND C-R DISTRICTS

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Open a Public Hearing and take any testimony from the public, and;
2. Consider adopting Resolution No. 2011- , recommending City Council consideration of Ordinance No. 2011- , amending Marina Municipal Code Chapters 17.04 (Definitions), 17.14 (R-1 or Single Family Residential District), 17.16 (R-2 or Duplex Residential District), 17.18 (R-3 or Limited Multiple-Family Residential District), 17.20 (R-4 or Multiple-Family Residential District), 17.21 (C-R or Commercial/Multiple-Family Residential District) and 17.26 (PC or Planned Commercial District) to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

BACKGROUND:

At the regular meeting of September 1, 2009, the City Council adopted Resolution 2009-147 amending the City of Marina General Plan by adopting the Final Housing Element 2008-2014. The State Department of Housing and Community Development subsequently certified the Housing Element in December 2009.

Implementation Program 11.3 of the Housing Element requires that the City amend the Marina Zoning Ordinance to define emergency shelters, transitional housing and supportive housing consistent with State law; to permit transitional and supportive housing as a residential use of property in all residential zoning districts; and to allow emergency shelters in the R-4 and C-R Zoning Districts.

ANALYSIS:

Proposed changes are for the purpose of implementing State Law through local regulations. According to Government Code Section 6583(a)(5),

“Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.”

Definitions of supportive housing, transitional housing and emergency shelter are excerpted directly from the Health and Safety Code, as referenced in the Government Code. The term “interim housing” has been stricken from the Zoning Ordinance as the term is no longer used in State Law.

The Zoning Ordinance text amendment clarifies that supportive housing, transitional housing and emergency shelters are residential land uses and are spelled out as permitted uses in all residential zoning districts.

Emergency shelters are included as permitted uses in the Multiple-Family (R-4) Residential District and in the Commercial/Multiple Family (C-R) Residential District. A conditional use permit would no longer be required.

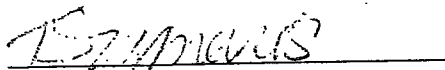
California Environmental Quality Act

The proposed project is exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Statutes and Guidelines whereby the activity is covered by the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CONCLUSION:

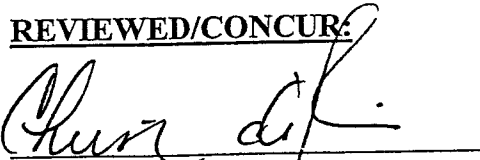
This request is submitted for Planning Commission consideration and possible action.

Respectfully submitted,



Theresa Szymanis, AICP
Planning Services Manager
City of Marina

REVIEWED/CONCUR:



Christine di Iorio, AICP
Community Development Director
City of Marina

ATTACHMENT C

Item 7a

FORA Board Meeting, August 12, 2011

FORA Master Resolution Section	Finding of Consistency	Justification for finding
(1) Does not provide for a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;	Yes	The Zoning Ordinance Amendments do not establish land use designations more intense than permitted in the Base Reuse Plan ("BRP").
(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 Ordinance Amendments do not allow denser development than permitted in the BRP.
(3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.	Yes	The Zoning Ordinance Amendments are in compliance with applicable programs. See Attachment B submittal – (a) to (t), pages 12-17.
(4) Does not provide uses which conflict with or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict with or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;	Yes	No conflict or incompatibility exists between the Zoning Ordinance Amendments and BRP. See Attachment B submittal – (a) to (d), pages 12-13.
(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 Zoning Ordinance Amendments do not modify Marina obligations to contribute to base-wide costs. See Attachment B submittal – (n) and (o), pages 16-17.
(6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan ("HMP").	Yes	The Zoning Ordinance Amendments provide for HMP implementation. See Attachment B submittal – (a) to (d), pages 12-13.
(7) Is consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.	Yes	The Zoning Amendments do not modify the Highway 1 Scenic Corridor design standards. See Attachment B submittal – page 18.
(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 Zoning Ordinance Amendments are consistent with job/housing balance requirements. See Attachment B submittal – (t), page 17.
(9) Prevailing Wage	Yes	The Zoning Ordinance Amendments do not modify prevailing wage requirements. See Attachment B submittal – pg. 18.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Outstanding Receivables	
Meeting Date:	August 12, 2011	INFORMATION
Agenda Number:	8a	

RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update as of July 31, 2011.

BACKGROUND/DISCUSSION:

FORA has several significant outstanding receivables. FORA Late Fee policy requires receivables older than 90 days be reported to the Board.

	Item Description	Amount Owed	Amount Paid	Amount Outstanding	
1	City of Del Rey Oaks	PLL Loan Payment 09-10	182,874	0	182,874
		PLL Loan Payment 10-11	256,023	0	256,023
2	City of Marina	Tax Increment 08-09	108,862	52,400	56,462
		Tax Increment 07-08	109,310 *		109,310
		<i>*Amount not confirmed by Marina</i>			
3	City of Seaside	Tax Increment 03-10	358,830	180,000	178,830
Total Outstanding Receivables				\$ 783,499	

1. **City of Del Rey Oaks (DRO)**

- PLL insurance annual payments: In 2009, DRO cancelled its agreement with its project developer who previously made the PLL loan payments. The FORA Board approved a payment plan for DRO and the interim use of FORA funds to pay the premium until DRO finds a new developer (who will be required by the City to bring the PLL Insurance coverage current). DRO agreed to make interest payments on the balance owed until this obligation is repaid, and they are current.

Payment status: First Vice Chair Mayor Edelen informed the Board and Executive Committee members about DRO plan to borrow or secure funds from new developer to pay off this obligation.

2. **City of Marina (Marina)**

- Tax increment (TI): In the fall of 2010, as directed by the FORA Board during the Capital Improvement Program review, FORA conducted an audit of TI revenue that FORA collects from Seaside, Marina and County of Monterey. The results indicated that FORA is owed property TI payments from Seaside and Marina. Both cities acknowledged the debt.

At the July 2011 meeting, FORA Board approved an MOA with Marina for a phased (2 payments) repayment of the FY 08-09 tax increment obligation.

In June 2011, FORA has received additional information from the County of Monterey demonstrating also FY 07-08 underpayment; based on the County information, that amount should be about \$109K. Marina staff acknowledged this fact, but they were not able to confirm amount or payment timing until review by Redevelopment Counsel; Marina staff indicated that FORA was to receive communication in late July or early August. No communication has been received to date.

Payment status: Marina paid the first installment payment of the FY 08-09 underpayment on time; the next payment is due November 1, 2011. FY 07-08 TBD.

3. **City of Seaside (Seaside)**

- **Tax increment:** Please see paragraph 2 above regarding Seaside tax increment underpayment.

At the February 2011 meeting, FORA Board approved an MOA with Seaside for a phased (4 payments) repayment of this obligation.

Payment status: Seaside paid the first and second installment on time. The next (third) installment payment is due January 31, 2012.

FISCAL IMPACT:

Negative. FORA expends its own resources until these receivables are collected.

COORDINATION:

Executive Committee

Prepared by


Ivana Bednarik

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee Report

Meeting Date: August 12, 2011

Agenda Number: 8b

INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

A Joint Administrative Committee and Capital Improvement Program Committee meeting was held on June 29, 2011. Approved minutes are attached.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Administrative Committee

Prepared by 
Daylene Alliman

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY

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JOINT ADMINISTRATIVE / CAPITAL IMPROVEMENT PROGRAM ("CIP") COMMITTEE MEETING MINUTES

Wednesday, June 29, 2011

1. Call to order at 8:15 A.M. - Noting a quorum was present; Administrative Committee co-chair Daniel Dawson called the meeting to order at 8:16 AM. The following people, as indicated by signatures on the roll sheet, were present:

Michael Houlemard, FORA
Diana Ingersoll, City of Seaside
Jim Arnold, FORA
Todd Muck, TAMC
Graham Bice, MBEST
Andy Sterbenz, Schaaf & Wheeler
Jonathan Garcia, FORA
Vicki Nakamura, MPC
Crissy Maras, FORA

Nick Nichols, Monterey County
Bob Schaffer, MCP
Patrick Breen, MCWD
Megan Tolbert, CSUMB
Jeff Crechriou, City of Marina
Ian Gillis, UCP
Keith McCoy, UCP
Tim O'Halloran, City of Seaside

Chuck Lande, Marina Heights
Beth Palmer, Monterey Downs
Scott Hilk, MCP
Steve Endsley, FORA
Jim Cook, Monterey County
Daniel Dawson, City of DRO
Tom Reeves, City of Monterey
Rob Robinson, BRAC

2. Pledge of Allegiance – Co-chair Dawson asked Patrick Breen, who agreed, to lead the pledge of allegiance.

3. Acknowledgements, announcements and correspondence – 1) Fort Ord Reuse Authority ("FORA") Executive Officer Michael A. Houlemard, Jr. acknowledged Patrick Breen as the Marina Coast Water District ("MCWD") rep leading the charge on FORA's new space within Imjin Office Park. FORA expects a certificate of occupancy within a month, with move-in to follow mid-August. A tour can be arranged for the Administrative Committee at an upcoming meeting. 2) Nick Nichols announced that he had sent letters requesting nominations of qualified or interested people to assemble a steering committee for the Fort Ord back country trail planning effort. The first community meeting is being held in two weeks. Mr. Nichols asked that Members respond with nomination information. 3) Jim Cook noted that on July 14th from 9AM to 12PM a City/County economic summit is scheduled so the County can hear the City's priorities and to establish a City/County working group to vet an economic strategy for the coming year.

4. Public comment period - none

5. Approval of the June 15, 2011 meeting minutes – On a motion made by Graham Bice and seconded by Todd Muck, the minutes were approved as presented.

6. Old Business

Mr. Houlemard asked that item **6c, California Central Coast Veterans Cemetery – update**, be discussed ahead of the other items. There were no objections. Mr. Houlemard reported that at the upcoming Board meeting, the Board will be asked to approve a list of principles that forms a foundation to move forward with important items in establishing CCCVC financing. FORA Board endorsed AB1629 was approved by the State Assembly three years ago and the State Senate approved it yesterday. The need to finance \$2M will cover the State's estimates of engineering, planning, drawings, etc. Once FORA receives the grant, these costs would be reimbursed by the State. FORA Senior Planner Jonathan Garcia noted that a meeting was being held later this day to discuss possible funding solutions.

a. Habitat Conservation Plan – update

Mr. Garcia distributed a memo to members which presented information from the previously held HCP meeting with the regulators. Information not in the memo was covered in the staff report to the Board. There were two parts to the meeting: 1) Coordination on the draft EIS/EIR document and 2) the draft HCP. During draft HCP discussions, the Monterey Ornate Shrew issue was resolved in FORA's favor. This was

the last substantive issue requiring resolution. Remaining issues involve the process and schedule to approval. Some time could be saved by compressing our review schedule; however, delays already incurred are a result of late comments submitted by the agencies.

Ian Gillis expressed his frustration with the delays. Mr. Houlemard explained that the document is ready to go. The only thing we have control of is our own review time. Most of the time involved in the schedule to approval is statutory in the CEQA / NEPA process. Bob Schaffer asked if the endowment issue was resolved. Mr. Garcia responded that it wasn't, but that was more a technical question rather than a substantive issue with the document. Mr. Houlemard commented that the endowment would be set at \$50M until we can prove that it should be lowered. Mr. Houlemard additionally noted that FORA is getting a lot of help to see this issue resolved. Right now, it's a Fish & Wildlife issue, and discussions with Alec Arago and Sam Farr have already begun.

The document still has to go through the public review process which may be another source of delay. Director of Planning and Finance Steve Endsley noted that he is generally happy with the issues that have been resolved and with the tone of cooperation.

Staff will evaluate the option of strategically applying for project by project 2081 permits versus a basewide HCP. Results will be reported at an administrative committee meeting in 4-6 weeks.

b. Capital Improvement Program ("CIP") – update

Mr. Endsley explained that the updated text and spreadsheets will be going to the Board in July. Major updates reflect the 27% fee reduction and transportation project timing. Generally, the CIP hasn't changed very much; it has only been updated to include the current status of various CIP obligations.

Nick Nichols moved approval of the document; Diana Ingersoll seconded the motion, the motion passed. City of Marina representative Jeff Crechriou indicated after the meeting was adjourned that Marina could not support the recommendation to approve the CIP since they did not have time to fully review the document. Executive Officer Houlemard has asked this to be included in the minutes.

7. New Business – none

8. July 8, 2011 FORA Board Meeting – agenda review

Item 5c (Preston Park) will be moved to Old Business to accommodate changes made since last month by the Marina City Council; 6a, updates made to the CIP will be presented to the Board for approval; 6b, an update on the MOU for the California Central Coast Veterans Cemetery will be reported with a request for approval; 8c, the FORA legislation schedule will be delivered at the next Administrative Committee meeting; July 17-19 staff will be attending an EDA conference in Washington DC regarding OEA funding. An opportunity to get grant funding to plan for removal of certain CSUMB/City of Seaside buildings may be available. Mr. Houlemard also intends to discuss ways that the local community could support DLI's mission with DOD officials during his next trip to Washington DC. There has been talk in DC about moving the DLI to Arizona and consolidating services to reduce heavy infrastructure. In Monterey, DLI build out is limited by transportation and water availability. Whenever DOD is downsizing, this region needs to pay attention. Mr. Houlemard will report back after the trip. Item 8f the FY 2010/2011 FORA annual report will be distributed at the meeting; 8g is an update of agreements proposed for reimbursing ESCA Program Manager Stan Cook's time to work with outside agencies during ground disturbing activities on the inland ranges and ESCA lands; Closed Session item Preston Park, mediation has been scheduled for August 2nd.

9. Items from Members – Graham Bice reported that the MBEST visioning process is wrapping up and a final report will be provided in August. Mr. Bice thanked the various stakeholders around the former Fort Ord for participating in this process over the last few months.

11. Adjournment - The meeting was adjourned at 9:11 AM.

Meeting minutes prepared by Crissy Maras, Administrative Coordinator

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Habitat Conservation Plan – status report	
Meeting Date:	August 12, 2011	INFORMATION
Agenda Number:	8c	

RECOMMENDATION(S):

Receive a status report regarding the Habitat Conservation Plan (“HCP”) and State of California 2081 Incidental Take Permit (“2081 permit”) preparation process.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (“FORA”), with the support of its member jurisdictions and consultant team, is on a path to receive approval of a completed basewide HCP and 2081 permit in 2013, concluding with the US Fish and Wildlife Service (“USFWS”) and California Department of Fish and Game (“CDFG”) issuing crucial federal and state permits.

ICF International (formerly Jones & Stokes), FORA's HCP consultant, completed a pre-public administrative draft HCP on December 4, 2009. FORA member jurisdictions completed a comment and review period, which ended February 26, 2010. At this time, USFWS has commented on all draft HCP sections, while CDFG has provided limited feedback.

On January 24, 2011, Chair/Supervisor Dave Potter, Executive Officer Michael A. Houlemard, Jr., Acting Assistant Executive Officer Steve Endsley, and Authority Counsel Jerry Bowden met with John Laird, the Natural Resources Secretary, in Sacramento. During the meeting, FORA legislative representatives described the year-long delay in CDFG's review of the draft HCP and requested immediate feedback and a commitment to meeting HCP approval schedule milestones. CDFG has been more engaged in the process since this time and reaffirmed their commitment to the process when milestones were missed this Spring.

FORA hosted an in-person coordination meeting on Tuesday June 21, 2011. The results of the meeting were generally positive. USFWS and CDFG provided feedback to Denise Duffy and Associates (“DD&A”) on the draft Environmental Impact Statement/Environment Impact Report (“EIS/EIR”) document. USFWS and CDFG agreed to an expanded habitat range assumption for the Monterey Ornate Shrew (“MOS”), provided the HCP cost assumptions were adjusted to include the costs of expanded baseline MOS surveys. The result of this decision is that the MOS can be included as a covered HCP species under the current Habitat Management Area reserve system, the last technical problem to be resolved. Next steps include ICF International's anticipated delivery of the 3rd Administrative Draft HCP September 1, 2011 and DD&A's completion of the Draft EIS/EIR document by October 2011, each for internal review.

The meeting included discussion of the HCP schedule, which showed issuance of USFWS and CDFG incidental take permits anticipated in August of 2013. The primary reasons for this delay in the HCP schedule are:

- 1) USFWS's request for several chapter reorganizations/revisions,
- 2) USFWS's request to submit a 3rd Administrative Draft HCP to USFWS and CDFG after review by FORA, FORA's member agencies, and BLM, and

3) USFWS and CDFG's delay or lack of comments on the 2nd Administrative Draft HCP – Dec. '09 (complete USFWS comments received on April 26, 2011 and limited CDFG comments received).

Due to the discussion, ICF International updated the schedule based on current feedback (see **Attachment A**). Some schedule milestones have statutory review requirements (set in law) that cannot be adjusted, such as NEPA and CEQA review periods. For several other milestones, FORA and its member agencies do not have direct control, such as USFWS and CDFG review periods. FORA and consultants will attempt to expedite the schedule for items under their direct control.

FISCAL IMPACT:

Reviewed by FORA Controller 

ICF International and Denise Duffy and Associates' (FORA's NEPA/CEQA consultant) contracts have been funded through FORA's annual budgets to accomplish HCP preparation.

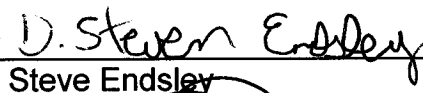
COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, HCP working group, FORA Jurisdictions, USFWS and CDFG personnel, ICF International, Denise Duffy and Associates, and various development teams.

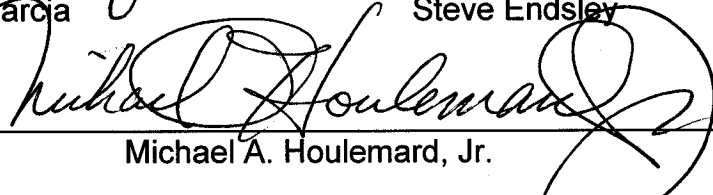
Prepared by


Jonathan Garcia

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT		
EXECUTIVE OFFICER'S REPORT		
Subject:	Marina Coast Water District Ord Community Budgets and Rates – FY 11/12 Q&A and process of approval	
Meeting Date:	August 12, 2011	INFORMATION
Agenda Number:	8d	

RECOMMENDATION:

1. Receive the background of Fort Ord Reuse Authority (“FORA”) Board approval of Marina Coast Water District (“MCWD”) Ord Community Budgets and Rates, and
2. Receive a list of questions and answers assembled over the two joint FORA and MCWD Board meetings.

DISCUSSION:

1. On February 13, 1998, the FORA Board adopted ordinance #98-01 approving an Agreement between MCWD and FORA for the operation of the water and wastewater collection systems on the former Fort Ord. The Agreement, entitled “Water/Wastewater Facilities Agreement”, establishes the roles and responsibilities of the two parties and additionally establishes a Water/Wastewater Oversight Committee (“WWOC”). The WWOC, *advisory to the FORA Board*, has specific responsibilities enumerated in Article 4.2 of the noted Agreement. Article 4.2 of the Agreement reads as follows:

4.2 FORA RESPONSIBILITIES

4.2.1 Committee Appointment. A Water/Wastewater Oversight Committee will be appointed by the FORA Board from appropriate agency staff members who will serve at the pleasure of the Board. The Committee will include representatives from the future land use jurisdictions and the two Universities (Cities of Marina, Seaside, Monterey, Del Rey Oaks, the County of Monterey, California State University Monterey Bay and University of California Monterey Bay Education Science and Technology Center), for a total of seven members.

4.2.2 Committee Role. The Committee shall be *advisory to the FORA Board* and shall have the following functions:

- 4.2.2.1 Receive recommendations regarding operation of the facilities.
- 4.2.2.2 Advise the FORA Board and staff on appropriate action regarding such recommendations.
- 4.2.2.3 Review and recommend on operating and capital improvement budgets.
- 4.2.2.4 Periodically review and recommend a master plan of public sewer and water facilities.
- 4.2.2.5 Make recommendations pursuant to Article 7 of this Agreement, including recommendations regarding allocation of costs over benefited properties.
- 4.2.2.6 Confirm adequacy of services provided.
- 4.2.2.7 Review the annual financial statement and MCWD audit to affirm that results achieved comport with expectations of FORA.
- 4.2.2.8 Evaluate annually MCWD performance in accordance with this Agreement.
- 4.2.2.9 Advise on short and long term financial planning and fiscal management.
- 4.2.2.10 Assure that the facilities are complimenting implementation of the reuse plan.

These responsibilities comprise the WWOC work program, approved by the Committee each July at their first quarterly meeting of the year. Under Article 4.2.2.3, the Committee meets several times beginning as early as January through as late as the April/May time frame to review the draft Ord Community Budgets and Rates. During this review, Committee representatives, made up of management staff from the aforementioned jurisdictions, work with

MCWD staff to conclude on the budgets and rates that are ultimately recommended to the FORA Board for approval.

In addition to working with the WWOC, MCWD staff works with FORA staff and developer representatives to ensure that the timing of their capital improvement projects sync with FORA's Capital Improvement Program ("CIP") and development forecasts.

This past year was no different. The WWOC met March 23rd and April 13th to comprehensively review the draft budgets and rates, including the proposed rate increase. On April 13th, after two meetings of in-depth review, questions and answers, and suggested modifications, the Committee unanimously recommended (with one abstention) the draft budgets and rates to the FORA Board for approval. This continues to be a routine procedure each year.

2. During the joint meetings of the FORA and MCWD Board of Directors (June and July 2011), the draft FY 2011/12 Ord Community Budgets and Rates were presented for approval. FORA Board members had numerous questions and were disinclined to approve the recommended 4.9% customer rate increase. Questions asked at the two meetings, and their corresponding answers, were compiled and are included as **Attachment A**. Additionally, at the July joint meeting, FORA Board members requested an audit of MCWD's proposed rate increase to assure that the increase was necessary and set at the proper amount.

FORA staff undertook this exercise by requesting proposals from skilled professionals and ultimately hiring Economic and Planning Systems ("EPS") to perform the audit. EPS is currently under contract with FORA performing the review of FORA's CIP therefore their scope of services was modified to include the rate audit. Results should be available for presentation to the Board in September.


FISCAL IMPACT:

Reviewed by FORA Controller 

At the continued FORA/MCWD July 8, 2011 Board meeting, the FORA Board authorized the audit/review cost not to exceed \$15,000 and to be paid 50/50 by FORA and MCWD (FORA's portion limited to \$7,500). This amount is included in the approved FY 11-12 budget.

COORDINATION:

MCWD, WWOC

Prepared by 
Crissy Maras

Reviewed by 
D. Steven Endsley

Approved by 
Michael A. Houlemard, Jr.

**ANSWERS TO QUESTIONS ON 2011/12 ORD COMPENSATION PLAN FROM
THE JOINT FORA/MCWD MEETING 06/10/2011**

1. *2nd Chair/Mayor Pro-Tem O'Connell asked if the District looked into a different sewer rate between residential and commercial so as to reduce the rate of residential.*

No. The current rate structure, recommended by the firm of Bartle & Wells from their 2008 rate study (the foundation of all rate increases since FY 2008/09), is based on 1 equivalent dwelling unit (EDU). Commercial customer rates are based on the number EDUs that are assigned to their business and residential customer rates are based on the number of EDUs assigned to residences. If for example a business is determined to have 42 EDU, their monthly bill would be $42 \times \$24.36 = \$1,023.12$. The residential charge is based on 1 EDU, as such their monthly charge would be \$24.36.

2. *Mayor McCloud asked if the District was concerned by the amount of ratepayer protests (about 25%) and if the District took on additional debt to cause such an increase in interest.*

Of the 553 protests that were reported at the June 10th meeting, 517 were from a single ratepayer, CSUMB. CSUMB letter counts as 517 protests based on the number of connections it has. There were 36 protests received from individual ratepayers. 1.3% of the ratepayers protested.

The reason for the increase in interest expense is that new debt has been placed in a debt instrument with an accelerated (10 yr) repayment schedule. As such, it substantially increased the interest budgeted for FY 2011/12. In June, 2010, the District exercised a long held option to purchase 224 Acres of Armstrong Ranch with a Promissory Note as part of the 1996 Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands. If the Promissory Note was paid by December 31, 2010, the District would be able to recoup the costs of the land purchase through annexation and/or capacity fees collected on the Development of Armstrong Ranch. In December 2010, the District refinanced the Promissory Note with refunding revenue bonds with the same repayment schedule as the Promissory Note - 10 years. The existing 2006 Bonds have a 30-year repayment schedule and FY 2011/12 is year 6 of 30. The 2010 refunding revenue bonds have a 10-year repayment schedule and FY 2011/12 is year 2 of 10.

3. *Mayor Edelen, City of Del Rey Oaks, asked what attributed to the increase of interest anticipated for FY 2011/12.*

See answer to Question 2.

KAMPE QUESTIONS EMAILED TO FORA

So here are the questions regarding the tables of numbers:

1. *What are the main cost drivers of the rate increase?*
 - a. *Expenses, e.g. energy, salaries*
 - b. *Capital/interest costs*
 - c. *Required or necessary improvements for health, safety or reliability*
 - d. *Unanticipated maintenance actions*
 - e. *Can we see a few summary year to year comparables in a simple table format, for significant cost factors?*

All of the above are potential cost drivers of a rate increase. The combined outstanding Debt for the Ord Community is more than \$30 million. The Ord community is a small rate base that must support a large water and sewer system. The annual Debt Service for FY 2011/12 is \$2.5 million. Below is a table of the budgeted annual Debt Service for Ord Community Cost Centers:

Cost Center	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Ord Water	692,880	793,933	1,017,034	1,828,100
Ord Sewer	365,640	413,285	433,814	730,590

2. *Salaries are obviously a hot topic. Probably needs some comment.*

Ord Water personnel costs increased by .2% and Ord Sewer personnel costs have decreased by 18.7% for an overall decrease of 3% or \$92,750. This was achieved by decreasing staff through attrition and current staff picking up the workload.

3. *What role does the 5-year plan play?*

The 5-year financial plan and rate study was used to determine the rates for the five years within the plan (FY 2008/09 – FY 2012/13). FY 2011/12 is year 4 of 5 of recommended rate increases. The plan assumes little to no growth during these years. Rates for the five years were established to meet the annual debt service, operating costs, fund a scaled-down CIP plan and to fund reserves.

4. *What adjustments are being made to adjust to circumstances, e.g. the slow build-out of former Fort Ord?*

The implemented 5-year financial plan assumes the current slow build-out environment at the former Fort Ord.

5. *What actions are being taken to mitigate cost increases*

The Board directed staff to make necessary cuts in order to reduce an originally recommended increase of 7.8% to less than 5%. Staff took measures to mitigate cost increases and reduce the planned increase by reducing staffing levels through attrition. In addition, O&M staff is doing more work in-house instead of using outside contractors and Engineering staff have reduced the use of consultants and doing more of the work in house as well.

6. *I think I heard that conservation measures are reducing water usage overall.*

a. *How much?*

Total water consumption in the District has gone down 4.6% (based on five year averages from 2001-2005 and 2006-2010) while the number of connections has gone up.

b. *What is the consequence for the base rate, all other things being equal?*

If “all other things being equal” includes the continued reduction of water usage, the base rate would need to increase in order to meet operational costs, debt service and capital needs.

Another industry, solid waste, serves as a good example for how good public behavior (recycling) can negatively impact the revenue stream for public agencies. As the revenue for landfills is based on the volume of refuse it receives, successful recycling efforts of the public have impacted landfill revenue streams. Rates reflect the operational costs of a landfill or water district, which in large part, are fixed.

c. *While the rate may go up, shouldn't the monthly bill for the average, more water-wise customer still go down?*

The average bill for the more water-wise customer may or may not go down depending on how much they can reduce water usage.

7. *How is overhead/common expense allocated to cost centers? (My experience in product and service pricing is that overhead allocation is a battle ground and has a significant effect on prices.) It's operating cost ratio – but I don't know what that means. What is in each cost center operating cost? I look at Exhibit W-1 and it's just hard to sort that out.*

There's a section for operation and maintenance, but are personnel assigned exclusively to the cost center for this line item? Or should I be looking at the Total Operating Expenses? But that clearly includes allocated expenses already.

Shared/Overhead Cost ratio is based on actual operating costs for each cost center from the previous audited fiscal year. The proposed FY 2011/12 expense allocation is based on the audited FY 2009/10 total operating expenses of the District. The cost allocation used in the proposed FY 2011/12 compensation plan is Marina Water (28%), Marina Sewer (7%), Ord Water (54%), and Ord Sewer (11%).

There are personnel costs and overhead/common expenses that are distributed among the cost centers using the cost allocation. These expenses include certain insurance and equipment lease payments, various administrative costs and supplies. There are also direct costs for each cost center as well as staff that are allocated to particular cost centers. The personnel and expenses listed in the Exhibits of the Compensation Plan therefore include the total of direct and allocated costs.

8. Comparison of cost center increases

- a. Would like to see a simple table comparing the 4 cost center selected rates and rate increases.*

Table 1 - Rate Increases (%)

Cost Center	Approved FY 2008/09	Approved FY 2009/10	Approved FY 2010/11	Proposed FY 2011/12
Marina Water	3.8%	7.8%	7.8%	4.9%
Marina Sewer	3.8%	7.8%	7.8%	4.9%
Ord Water	10%	10%	7.8%	4.9%
Ord Sewer	3.8%	7.8%	7.8%	4.9%

Table 2 - Rates

Cost Center	Approved FY 2008/09	Approved FY 2009/10	Approved FY 2010/11	Proposed FY 2011/12
Marina Water				
Base Rate (3/4" Meter)	\$14.72	\$15.87	\$17.11	\$17.95
Tier 1	\$1.79	\$1.93	\$2.08	\$2.18
Tier 2	\$2.18	\$2.35	\$2.53	\$2.66
Tier 3	\$3.98	\$4.29	\$4.62	\$4.85
Marina Sewer (per EDU)	\$7.14	\$7.70	\$8.30	\$8.71
Ord Water				
Base Rate (3/4" Meter)	\$13.75	\$15.13	\$16.31	\$17.11
Tier 1	\$1.87	\$2.06	\$2.22	\$2.33
Tier 2	\$2.63	\$2.89	\$3.12	\$3.27
Tier 3	\$3.39	\$3.73	\$4.02	\$4.22
Flat Rate	\$67.76	\$74.58	\$80.40	\$84.34
Surcharge	\$20.00	\$20.00	\$20.00	\$20.00
Ord Sewer (per EDU)	\$20.97	\$22.60	\$24.36	\$25.56
Surcharge	\$5.00	\$5.00	\$5.00	\$5.00

- b. Jim, your comment that the board reduced your recommended increases to a common 4.9% across all cost centers really caught my ear. I hope that's based on some tangible plan to control costs. And it still leaves me wondering if the cost center pricing is really properly represented.*

The rate study recommended a 7.8% rate increase to all cost centers in year 4. In earlier years of the study, the rates varied between Ord Water and the rest of the cost centers. The Board chose to decrease the rate increase of all cost centers to 4.9%.

- 9. *Tier structure, why is first break so high?*
 - a. The answer provided at our board meeting was bewildering. It was oriented around multiple users at a trailer park, and perhaps at some apartments. It seems to me that there must be some rate setting method to manage that.*
 - b. Fix the problem of multiple users on a meter! Special rate table, more meters? Can you create a special scale based on number of EDU's per meter?*
 - c. It just doesn't make sense to me to forgo the conservation incentives for the single meter per EDU users. That's the perspective of a CalAm customer with a CDO looming.*

The increasing tier rate structure used by the District and other local water districts, are in part placed to encourage water conservation. In these rate structures the water rates increase with progressive preset consumption "blocks". The MCWD tier rates were derived from recommendations from Bartle Wells Associates in its 2008 MCWD rate study report. This study included water conservation considerations in its analysis. The rate structure is similar to California Water Service, which draws its water from the same Salinas Valley aquifer.

SUPERVISOR PARKER'S QUESTIONS EMAILED TO FORA

- 1. *Ord Community Water Budget –*
 - a. What capital projects caused the interest rate to double?*

Interest rates did not double. Interest expense did increase 68%. New debt has been placed in a debt instrument with an accelerated (10 yr) payment schedule.

*Can the debt service be refinanced to ease the burden on current rate payers?
(Bill Kampe's questions)*

It is not feasible to refinance the debt at this time.

1. Interest rates on municipal bonds are currently higher than interest rates on existing debt.
2. It would not be cost-effective because there would be severe cost penalties for early call on the bonds.

b. How do the tier rates compare to Cal-Am's?

Cal-Am's tier structure is more aggressive towards water conservation.

By comparison, the Cal Am rate structure is more aggressive with more tiers and steeper rate structure. This is accompanied by a customization of rate schedules for different factors such as number of people in the household, lot size, etc. This rate structure is formulated for the water supply situation in the Cal Am area.

The MCWD rate structure is similar to California Water Service, which draws its water from the same Salinas Valley aquifer. MCWD and Cal Water rate schedules do not account for the number of people in the household or multiple users behind one meter.

What unit of water do the numbers on the chart represent in gallons? (Jane) There were numbers, like 400, 800, but it didn't say "gallons" or any other measurement.

The numbers represent cubic feet.

2. Ord Community Waste Water –

a. Why are the rates so high compared to surrounding communities?

The rates are higher compared to surrounding communities for a couple of reasons

1. The Ord customer base is very small compared to the large system that it must support.
2. The rates must provide for a portion of the pay down of the large debt service incurred for sewer restoration capital projects due to the poor condition of the system when it was turned over to the District.

b. Where did the dollar amounts for surrounding communities come from – the PCA rates for the cities are higher than what was on the chart – for example, it lists Monterey as paying \$5.18 per month, but Monterey residents pay much more than that to PCA, and there is no separate bill from the city of Monterey. Perhaps the comparison numbers don't include all the expenses? It may be that

Ord Community rates are not much different from other Peninsula communities, but the chart makes them look 5x as expensive.

The sewer bill to the City of Monterey residents (and some of the other cities with MRWPCA), have combined collection system and wastewater treatment bills. The referenced chart shows only the collection system costs for the Ord and surrounding communities.

**QUESTIONS SUBMITTED TO FORA BY PAULA PELOT, RATEPAYER
VIA MAYOR PRO-TEM O'CONNELL**

Proposed MCWD Rate Increases to the Ord Community and the MCWD Budget Presentation

1. *Since 2003, what is the percentage increase to Ord Community ratepayers?*

Since 2003, the percentage increase for water rates is 96% and 132% for wastewater rates.

2. *What accounts for the 68% increase in Interest Expense under the Administration/Management section of the Ord Community Water Systems Operations Proposed Budget? Was there additional indebtedness acquired (if so when/what) or did the terms for the existing indebtedness change resulting in this increase? Provide the detail of what comprises the interest expense line.*

The 68% increase in interest expense is primarily due to new debt which has been placed in a debt instrument with an accelerated (10 yr) payment schedule. Interest expense is comprised of (2006 Bond Interest - \$937,330; 2010 Bond Interest - \$174,420; Loans & Interest on Leased EQ - \$47,000.)

3. *What accounts for the 38% increase in Maintenance Expenses under the Operations and Maintenance section of the Ord Community Water Systems Operations Proposed Budget?*

The 38% increase in Maintenance Expense is due to O&M equipment (primarily valve replacement) - 52,300; O&M property (on aging facilities) - \$14,400; O&M fleet -\$10,000; O&M supplies (lubricants, safety, data).

4. *What accounts for the 71% increase in Lab Contract Services under the Laboratory section of the Ord Community Water Systems Operations Proposed Budget?*

Lab Contract Services increase is due to more anticipated tests to be run when two new wells go online in the proposed budget year. The increase is also for additional tests required under the District's permit.

5. *What accounts for the 81% increase in Interest Expense under the Administration/Management section of the Ord Community Wastewater Systems Operations Proposed Budget? Was there additional indebtedness acquired (if so when/what) or did the terms for the existing indebtedness change resulting in this increase? Provide the detail of what comprises the interest expense line.*

The 81% increase in interest expense is primarily due to new debt which has been placed in a debt instrument with an accelerated (10 yr) payment schedule. Interest expense is comprised of (2006 Bond Interest - \$406,000; 2010 Bond Interest - \$41,040; Loans & Interest on Leased EQ - \$15,800.)

6. *What accounts for the 85% increase in Maintenance Expenses under the Operations and Maintenance section of the Ord Community Wastewater Systems Operations Proposed Budget?*

The 85% increase in Maintenance Expense is due to O&M equipment for the sewer lift stations (2 stations in particular: Clark - \$15,000 and Giggling - \$30,000).

7. *What is the allocation of administrative overhead between the cost centers? Please provide the justification for the allocations. Has administrative staff increased since MCWD "acquired" the Ord Community as a service area? Has it been necessary to increase staff by full-time equivalents that justify the allocation of perhaps 50% to 60% of the entire MCWD administrative overhead to the Ord Community Cost Centers (in other words has the Administrative staff full time equivalents doubled?)*

Shared/Overhead Cost ratio is based on actual operating costs for each cost center. The proposed expense allocation is based on the FY 2009/10 total operating expenses of the District. The cost allocation used in the proposed FY 2011/12 compensation plan is Marina Water (28%), Marina Sewer (7%), Ord Water (54%), and Ord Sewer (11%). There are personnel costs and overhead/common expenses that are distributed among the cost centers using the cost allocation. These expenses include certain insurance and equipment lease payments, various administrative costs and supplies. There are also direct costs for each cost center as well as staff that are allocated to particular cost centers. The personnel and expenses listed in the Exhibits of the Compensation Plan therefore include the total of direct and allocated costs.

The administrative staff has not increased since MCWD "acquired" the Ord Community as a service area. As an example, in FY 1999, the administrative staff had 10 full time equivalents (FTE's) which is what the District maintains in the proposed 2011/12 budget. The District has been able to accommodate the increased workload through technology and ongoing review of work processes. However, the basis for cost distribution is not based on the number of FTE but on expenses. By MCWD taking on the Ord Community service area, each community receives the benefit of economy of scale. If Central Marina and Ord Community were individual districts, they would each have to staff their own administrative

staff. Further, while Ord Community's rate base is smaller than Central Marina's, the Ord service area and systems are much larger than Marina's. Water and wastewater systems of Central Marina consist of 91 miles of pipeline, 5 pressure zones, 4 well, 1 tank and 5 lift stations versus Ord Community's 257 miles of pipeline, 9 pressure zones, 5 well, 7 tanks and 16 lift stations. If the allocation were based on size of system and service area, the Ord Community's percentage would be more like 75% to 80%.

In re Exhibit W-3, MCWD Ord Community Water Systems Operations Revenue Projections:

- 8. *What accounts for the drop off of # of Metered Accounts from 2,988 in FY 10/11 to 2,808 in FY 11/12?***

The # of accounts in Compensation plan are budget estimates. They are based on existing meters plus the # of meters estimated to be added in that particular fiscal year. The additional metered accounts did not materialize in FY 10/11 therefore the FY 11/12 estimate was reduced to 2,808.

- 9. *The number of metered accounts in the Ord Community that was provided to me by MCWD relative to the Prop 218 process was 2,876. How do you account for the discrepancy with that in Exhibit W-3 (2,988), or 112 metered accounts. Over the years, and each time we move into one of these Prop 218 processes, Ord Community residents have not been able to obtain a fixed number from MCWD; it continually changes and this discrepancy exemplifies that condition.***

The discrepancy between the number of actual accounts at the time of the Prop 218 process (2,876) for FY 11/12 and the number of budgeted meters for FY 10/11 listed in Exhibit W-3 (2,988) is due to the fact that the anticipated increase in meters in FY 10/11 were not realized.

FORT ORD REUSE AUTHORITY BOARD REPORT	
EXECUTIVE OFFICER'S REPORT	
Subject:	Distribution of FY 2011/12 through 2021/22 Capital Improvement Program
Meeting Date:	August 12, 2011
Agenda Number:	8e
INFORMATION	

RECOMMENDATION:

Receive the Fort Ord Reuse Authority ("FORA") Board approved FY 2011/12 through 2021/22 Capital Improvement Program ("CIP").

DISCUSSION:

At the July 2011 FORA Board meeting, the Board approved the attached FY 2011/12 through 2021/22 CIP document. The document incorporates updates from former Fort Ord land use jurisdictions and member agencies to provide a comprehensive overview of development projections and upcoming infrastructure and habitat mitigation work to support reuse programs.

The document will be provided to all FORA member agencies and will be available in ".pdf" format on the FORA website at www.fora.org.


FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Administrative Committee, Finance Committee, Executive Committee, CIP Committee, FORA land use jurisdiction staff and development community representatives.

Prepared by 
Crissy Maras

Approved by 
Michael A. Houlemard, Jr.

Fort Ord Reuse Authority



**FY 2011/2012 through 2021/2022
Capital Improvement Program**

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I EXECUTIVE SUMMARY

1) Overview

This Fort Ord Reuse Authority ("FORA") Capital Improvement Program ("CIP") is responsive to capital improvement obligations defined under the Fort Ord Base Reuse Plan ("BRP") as adopted by the FORA Board in June 1997. The BRP carries a series of mitigative project obligations defined in Appendix B of that plan as the Public Facilities Implementation Plan ("PFIP"). The PFIP, which serves as the baseline CIP for the reuse plan, is re-visited annually by the FORA Board to assure that required projects are implemented in a timely way to meet development needs. The PFIP was developed as a capital improvement program spanning a twenty-year development horizon (1996-2015) and was based upon best at-the-time forecasts of expected development.

The current CIP document (FY 2011/12 – FY 2021/22) has been updated with the most current forecasts of development anticipated by the FORA land use jurisdictions. New forecasts are enumerated in the CIP Appendix B, Table 4. Based upon this updated information, capital project "placement in time" has been compared with last year's programming, with minor adjustments having been made. The reader's attention is directed to Tables 2 and 3, wherein obligatory CIP projects are currently forecast.

By State law, FORA is scheduled to sunset in 2014 (or when 80% of the BRP has been implemented, whichever occurs first), which will occur prior to the end of this CIP time horizon (FY 2011/12 – FY 2021/22). Therefore, the revenues and obligations herein will be allocated accordingly to jurisdictions under the Local Agency Formation Commission process for the dissolution of FORA.

2) Periodic CIP Review and Reprogramming

Due to the nature of development forecasting, it is certain that today's best forecasts of development timing and patterns will differ from reality. Recognizing this, the BRP requires the FORA Board to periodically review and revise its CIP to reflect development realities to assure that the adopted mitigation projects are implemented in the best possible sequence with development needs. A protocol for the review and reprogramming of the CIP was approved by the FORA Board on June 8, 2001. Appendix A, herein, defines the process whereby FORA and its Member Agencies comprehensively review development timing and patterns to assure proper implementation of the BRP mitigation projects. A March 8, 2010 revision incorporated additional protocol by which projects could be prioritized or placed in time. The Board is asked to approve this CIP (FY 2011/12 – FY 2021/22) as revised, via the review protocol. That approval will affirm project priorities of the CIP.

On May 13, 2011 the FORA Board approved a 27% Community Facilities District ("CFD") / Developer Fee reduction, which is reflected herein.

3) CIP Costs

The costs assigned to the various elements of the CIP were originally estimated in May 1995 and published in the draft 1996 BRP. This current CIP has inflated costs to January 2011, applying the Engineering News Record ("ENR") Construction Cost Index ("CCI") factor of inflation. This continues to be a routine procedure each year.

4) CIP Revenues

The primary sources of revenue anticipated to cover the costs of obligatory CIP projects are developer fees and land sale (and lease) proceeds. These primary sources can be augmented by tax increment revenue. The current FORA developer fee policy has been structured to accommodate CIP costs of Transportation/Transit projects, Habitat Management obligations, Water Augmentation, Storm Drainage System improvements and Fire Fighting Enhancement improvements. The developer fee policy adopted by the Board in 1999 was implemented by the formation of the FORA basewide Community Facilities District. The CFD is structured to allow annual inflation adjustments to account for

cost escalation, with an annual cap of 5%. Land sale (and lease) proceeds are earmarked to cover costs associated with the Building Removal Program.

Appendix B herein contains a tabulation of the proposed developments with their corresponding fee and land sale revenue forecasts. Obligatory capital project costs are balanced against the forecasted revenues as depicted in Table 3 of this document.

5) Projects Accomplished to Date

FORA has been actively implementing capital improvement projects since 1995. As of this writing, FORA has successfully advanced approximately \$70M in capital improvements, predominantly funded by grants received from the US Department of Commerce, Economic Development Administration ("EDA"), FORA CFD fees, loan proceeds, tax increment, and a FORA bond issue. \$63M was applied directly against FORA obligations and \$7M funded capital improvements instrumental to base reuse, such as improvements to the water and wastewater systems. In addition to the \$70M in capital improvements, close to \$6M has been expended against Habitat Management, Fire Fighting Enhancement and Water Augmentation obligations.

Section III herein provides additional detail regarding how a number of already-funded projects have been credited as offsets against the FORA basewide obligations. The major sources of revenue utilized to date include developer fees, land sales, grants, tax increment, and loan proceeds. As these revenues are collected and employed to offset obligations, use of these funds will continue to be enumerated in Tables 1 and 3.

II. OBLIGATORY PROGRAM OF PROJECTS – DESCRIPTION OF CIP ELEMENTS

As noted in the Executive Summary, the obligatory elements of the BRP CIP include Transportation/Transit, Water Augmentation, Storm Drainage, Habitat Management, Fire Fighting Enhancement and Building Removal. The first five elements noted are to be funded by developer fees. Land sale (and lease) proceeds are earmarked to fund the Building Removal Program. Summary descriptions of each element of the BRP CIP follow:

a) Transportation/Transit Elements

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

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

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



Eucalyptus Road – Phase II

Toward that goal, and following Board action directing staff to coordinate a work program with TAMC, FORA and TAMC entered into a cooperative agreement to move forward with the re-evaluation work. TAMC, working in concert with the Association of Monterey Bay Area Governments ("AMBAG"), has

since completed its work program with FORA. TAMC's recommendations are enumerated in the "FORA Fee Reallocation Study" dated April 8, 2005; the date the FORA Board of Directors approved the study for inclusion in the FORA CIP. The complete study can be found online at www.fora.org, under the Documents menu.

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

Transit

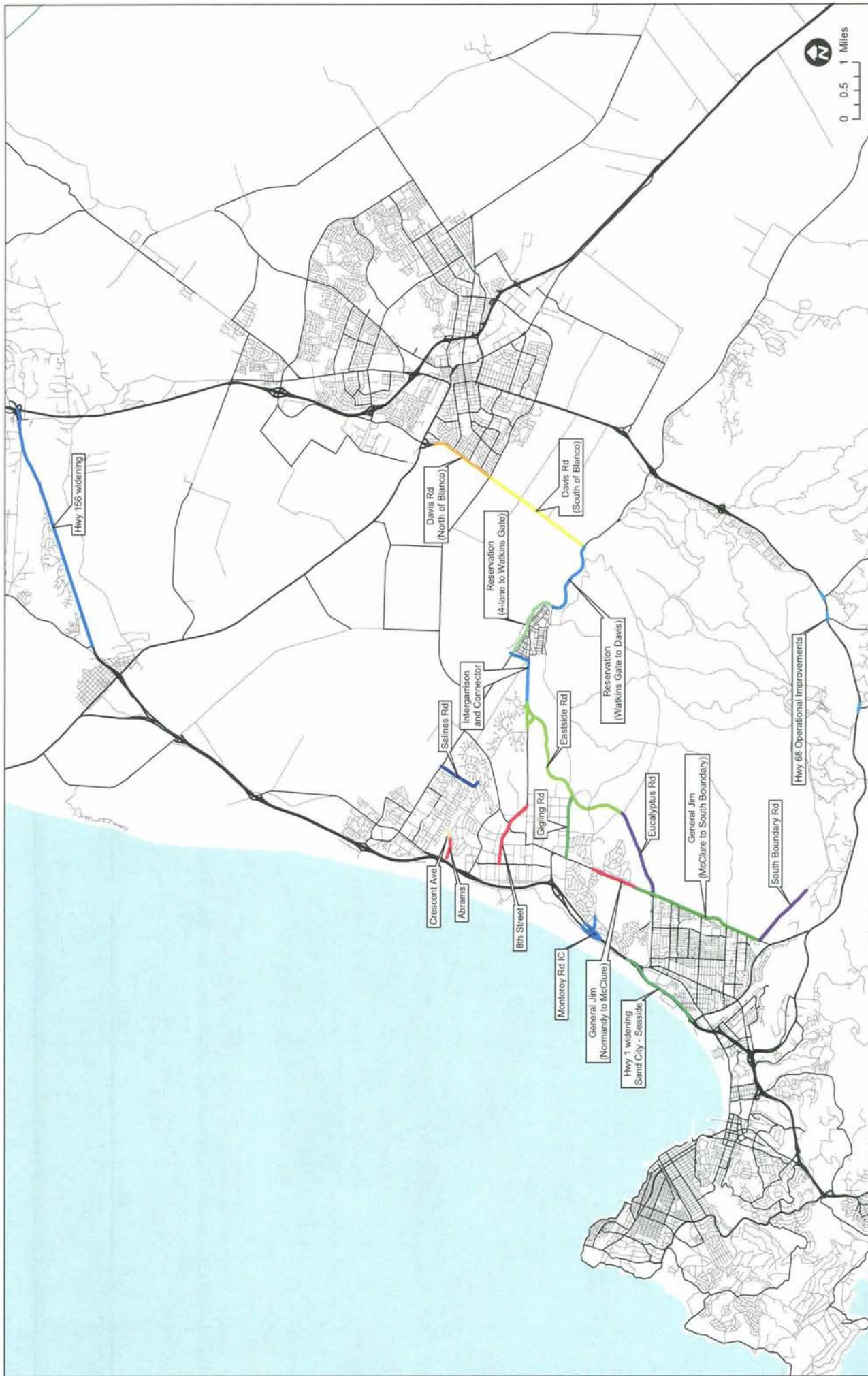
The transit obligations enumerated in Table 1 remain unchanged from the 1997 TAMC Study and adopted BRP. However, current long range planning by TAMC and Monterey-Salinas Transit ("MST") reflect an alternate route to the multi-modal corridor than denoted in the BRP. The BRP currently provides for a multi-modal corridor along the Imjin Parkway/Blanco Road corridor serving to and from the Salinas area to the TAMC/MST intermodal center planned in the Dunes on Monterey Bay area in the City of Marina portion of the former Fort Ord. Long range planning for transit service focuses on the alternative Intergarrison / Reservation / Davis Roads corridor to fulfill transit service needs between the Salinas area and the proposed intermodal center in the Dunes on Monterey Bay area.

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

Lead Agency Status

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

As of this writing, reimbursement agreements are in place with Monterey County and the City of Marina for several requisite transportation projects. Other like agreements may be structured as development projects are implemented and those agreements will be noted for the record herein.



b) Water Augmentation

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

FORA has worked with Marina Coast Water District ("MCWD") to implement an appropriate water augmentation program. Following a comprehensive two-year process of evaluating viable options for water augmentation, the MCWD Board of Directors certified, in October 2004, a program level Environmental Impact Report ("EIR") analyzing three potential augmentation projects. The projects included a desalination project, a recycled water project and a hybrid project (containing components of both recycled water and desalination water projects). The EIR is available for review on the Internet at www.mcwd.org (under the Engineering tab).

In June 2005, MCWD staff and consultants, working in concert with FORA staff and Administrative Committee, recommended the hybrid project to FORA and MCWD Boards of Directors. Additionally, FORA staff recommended increasing FORA-CIP water augmentation funding from the 2005 indexed \$20M value to approximately \$37M, removing \$17M from the MCWD capital improvement program to avert capital charge increases.

Several factors required reconsideration of the water augmentation program. Those factors included increased augmentation program project costs (as designs were refined); MCWD and the Monterey Regional Water Pollution Control Agency ("MRWPCA") negotiations regarding the recycled component of the project were not accomplished by summer 2008; and the significant economic downturn. These factors deferred the need for the augmentation program and provided an opportunity to consider the "Regional Plan" as the preferred project for the water augmentation program. This project appears to be better for the environment and considerably less expensive than other evaluated augmentation proposals. Appendix C herein provides a description of the Regional Plan from which the augmenting source of water for the former Fort Ord would be derived.

At the April 2008 FORA Board meeting, the Board endorsed the Regional Plan as the preferred plan to deliver the requisite 2,400 AFY of augmenting water to the 6,600 AFY groundwater entitlements. Since that time, the Regional Plan has been designated by the State Public Utilities Commission as the preferred environmental alternative and an agreement in principal to proceed entered into by Cal-Am, MCWD and MRWPCA. There are still permitting, financing and regulatory hurdles to clear before the project is realized.

c) Storm Drainage System Projects

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

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

"Program C-6.1: The City/County shall work closely with other Fort Ord jurisdictions and the (California Department of Parks and Recreation) to develop and implement a plan for storm water disposal that will allow for the removal of the ocean outfall structures and end the direct discharge of storm water into the marine environment. The program must be consistent with State Park goals to

maintain the open space character of the dunes, restore natural land forms and restore habitat values.

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



Storm drainage outfall removal – Before and After

d) Habitat Management Requirements

The BRP Appendix A, Volume 2 contains the Habitat Management Program ("HMP") Implementation Management Agreement. This Management Agreement defines the respective rights and obligations of FORA, its Member Agencies, California State University and the University of California with respect to implementation of the HMP. For the HMP to be implemented to allow FORA and its member agencies to meet the requirements of the Endangered Species Act, the California Endangered Species Act, and other statutes, the U.S. Fish and Wildlife Service ("USFWS") and the California Department of Fish and Game ("CDFG") must approve the Fort Ord Habitat Conservation Plan ("HCP") and its funding program.

Previously, FORA's Habitat Funding obligations under the HCP were believed to be \$1.5M upfront funding (comprised of \$1.3M in borrowed funds and \$200K in secured funds) for initial management, planning, capital costs and Habitat Conservation Plan preparation, and additionally, as development takes place and developer fees paid, FORA has earmarked \$1 out of every \$4 collected to build to a total endowment of principal funds necessary to produce an annual income sufficient to carry out required habitat management responsibilities in perpetuity. The original estimate was developed by an independent consultant retained by FORA and totaled \$6.3M.

The financing plan is predicated on an earnings rate assumption acceptable to USFWS and CDFG for endowments of this kind, and economies of scale provided by unified management of the Cooperative's (the future HCP Joint Powers Authority) habitat lands by qualified non-profit habitat managers. The Cooperative will secure the services of appropriately experienced habitat manager(s) via a formal selection process. FORA will not control expenditure of the annual line items, but merely fund the endowment, and the initial and capital costs, to the agreed upon levels.

Based upon recent conversations with the regulatory agencies, it has become apparent that the Habitat Management obligations will increase beyond the costs noted above. Therefore, this document contains a \pm \$36.5M line item of forecasted requisite expenditures. As part of the FY 2010-11 FORA CIP Review process conducted by Economic & Planning Systems, TAMC, and FORA and the FORA Board's April 8, 2011 direction, \$17.5 million has been held as a CIP contingency for additional habitat management costs should the assumed earnings rate for the \$36.5 million endowment be less than the current 4.5% assumption. USFWS and CDFG are the final arbiters as to what the final

endowment amount will be, with input from FORA and its contractors/consultants. It is expected that the final endowment amount will be agreed upon in the upcoming fiscal year as part of the Phase II CIP Review Study.

e) Fire Fighting Enhancement Requirements

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

This lease purchasing of equipment accommodates FORA's capital obligations under the BRP to enhance the fire fighting capabilities on the former Fort Ord in response to the proposed development. The lease payments began July 2004, and are projected to be paid through 2013/14. Once the lease payments, funded by developer fees, have been satisfied, FORA's obligation for fire fighting enhancement will have been fully met.



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

f) Building Removal Program

As a basewide obligation, the BRP includes the removal of building stock to make way for redevelopment in certain areas of the former Fort Ord. Building removal is funded from land sale revenue and/or credited against land sale valuation. Two Memorandums of Agreement ("MOA") have been finalized for these purposes, as described below:

In August 2005 FORA entered into an MOA with the City of Marina Redevelopment Agency and Marina Community Partners ("MCP"), assigning FORA \$46M in building removal costs within the Dunes on Monterey Bay project area and MCP the responsibility for the actual removal. FORA paid \$22M and MCP received credits of \$24M for building removal costs against FORA's portion of the land sale proceeds. Building removal will be completed as directed by the City of Marina and MCP to support future phases of development. In February 2006 FORA entered into an MOA with Monterey County, the Monterey County Redevelopment Agency and East Garrison Partners ("EGP"). In this MOA, EGP agreed to undertake FORA's responsibility for removal of certain buildings in the East Garrison specific plan area for which they received a credit of \$2.1M against FORA's portion of land sale proceeds. Building removal in the East Garrison project area is now complete. Since this agreement was made, the property was acquired by a new entity who is complying with the financial terms of the MOA.

In these agreements, the hierarchy of building reuse is observed – the FORA Board policy that prioritizes the most efficient reuse of obsolete buildings by focusing on renovation and reuse in place; relocation and renovation; deconstruction and reuse of building materials; and, mechanical demolition with aggressive recycling.

FORA's remaining building removal obligations include the former Fort Ord stockade within the City of Marina (\pm \$2.2M) and buildings in the City of Seaside's Surplus II area (\pm \$4M). FORA will continue to work closely with the Cities of Marina and Seaside as new specific plans are prepared for those areas. Revenue and expenditure details are included in Table 3 of this document.

g) Water and Wastewater Collection Systems

Following a competitive selection process in 1997, the FORA Board approved MCWD as the purveyor to own and operate water and wastewater collection systems on the former Fort Ord. By agreement with FORA, MCWD is tasked to assure that a Water and Wastewater Collection Systems Capital Improvement Program is in place and implemented to accommodate repair, replacement and expansion of the systems. To provide uninterrupted service to existing customers and to track with

system expansion to keep pace with proposed development, MCWD and FORA staff continue to coordinate system(s) needs with respect to anticipated development. MCWD is fully engaged in the FORA CIP process, and adjusts its program for the noted systems to be coincident with the FORA CIP.

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

h) Property Management and Caretaker Costs

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

However, the Board recommended that a "FORA Reimbursements" line item be added as a land sales obligation to cover basewide property management costs, should they be demonstrated. The rationale is that over the past 12 years, FORA used approximately \$12.2M from land sales proceeds to fund CIP projects. "FORA Reimbursements" added as a CIP cost item would allow repayment of the \$12.2M of land sales revenue to apply to jurisdictional property management/caretaker costs, should they be demonstrated. \$20,000 is currently shown as a property management/caretaker expense in FY 11/12 which is FORA's contribution to the Fort Ord Regional Habitat Area Master Plan effort. The remaining expenses in this category (FY 12/13 through FY 21/22) are planning numbers and are not based on identified costs.

III. FY 2011/2012 THROUGH 2021/22 CAPITAL IMPROVEMENT PROGRAM

a) Background Information/Summary Tables

Table 1 graphically depicts fiscal offsets of completed projects that have reduced the BRP obligations. Since 1995, FORA has advanced approximately \$70M in capital projects and BRP obligations. These projects have been predominantly funded by EDA grants, loan proceeds and developer fees. Developer fees should begin transitioning to the forefront as the primary funding source for FORA to continue meeting its mitigation obligations under the BRP. Table 1 includes fiscal offsets inclusive of not only completed projects, but also funded projects to-be-completed during the course of the next fiscal year. Table 1 footnotes detail the source of funds (e.g. grants, developer fees) secured to enable project implementation and offsetting of costs. As previously noted, the work concluded by TAMC and AMBAG resulted in modification of transportation obligations, for consistency with current transportation planning at the regional level.

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

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

CAPITAL IMPROVEMENT PROGRAM - OBLIGATORY PROJECT OFFSETS AND REMAINING OBLIGATIONS

TAMC Study 2005

Project #	Project Title	Project Limits	TAMC Reallocation Study 2005		FORA Offsets 2005-2011	FORA Remaining Obligation
			TOTAL COST	FORA PORTION		
Regional Improvements						
R3	Hwy 1-Seaside Sand City	Widen highway 1 from 4 lanes to 6 lanes from Fremont Avenue Interchange south to the Del Monte Interchange	45,000,000	15,282,245	-	20,205,756
R10	Hwy 1-Monterey Rd. Interchange	Construct new interchange at Monterey Road	19,100,000	2,496,648	-	3,300,999
R11	Hwy 156-Freeway Upgrade	Widen existing highway to 4 lanes and upgrade highway to freeway status with appropriate interchanges. Interchange modification as needed at US 156 and 101	197,000,000	7,092,169	-	9,377,068
R12	Hwy 68 Operational Improvements	Operational improvements at San Benancio, Laureles Grade and at Corral De Tierra including left turn lanes and improved signal timing	9,876,000	223,660	-	295,717
	Subtotal Regional		270,976,000	25,094,722		33,179,542
Off-Site Improvements						
1	Davis Rd n/o Blanco	Widen to 4 lanes from the SR 183 bridge to Blanco	3,151,000	506,958	-	670,285
2B	Davis Rd s/o Blanco	Widen to 4 lanes from Blanco to Reservation; Build 4 lane bridge over Salinas River	22,555,000	8,654,502	204,028	11,230,348
4D	Widen Reservation-4 lanes to WG	Widen to 4 lanes from existing 4 lane section East Garrison Gate to Watkins Gate	10,100,000	3,813,916	489,452	4,497,090
4E	Widen Reservation, WG to Davis	Widen to 4 lanes from Watkins Gate to Davis Rd	5,500,000	2,216,321	-	2,930,358
8	Crescent Ave extend to Abrams	Extend existing Crescent Court Southerly to join proposed Abrams Dr (FO2)	906,948	906,948	-	1,199,141
	Subtotal Off-Site		42,212,948	16,098,645	693,480	20,527,222
On-Site Improvements						
FO2	Abrams	Construct a new 2-lane arterial from intersection with 2nd Ave easterly to intersection with Crescent Court extension	759,569	759,569	-	1,004,281
FO5	8th Street	Upgrade/construct new 2-lane arterial from 2nd Ave to Intergarrison Rd	4,340,000	4,340,000	707,393	4,992,257
FO6	Intergarrison	Upgrade to a 4-lane arterial from Eastside Rd to Reservation	4,260,000	4,260,000	1,586,170	3,864,443
FO7	Gigling	Upgrade/Construct new 4-lane arterial from General Jim Moore Blvd easterly to Eastside Rd	5,722,640	5,722,640	368,880	7,144,045
FO9B (Ph-II)	GJM Blvd-Normandy to McClure	Widen from 2 to 4 lanes from Normandy Rd to McClure			6,386,304	-
FO9B (Ph-III) [1]	GJM Blvd-s/o McClure to s/o Coe	Widen from 2 to 4 lanes from McClure to Coe	24,065,000	24,065,000	4,016,175	-
FO9C	GJM Blvd-s/o Coe to S Boundary	Widen from 2 to 4 lanes from s/o Coe to South Boundary Rd			11,387,498	5,668,281
FO11	Salinas Ave	Construct new 2 lane arterial from Reservation Rd southerly to Abrams Dr	3,038,276	3,038,276	-	4,017,123
FO12	Eucalyptus Rd	Upgrade to 2 lane collector from General Jim Moore Blvd to Eastside Rd to Parker Flats cut-off	5,800,000	5,800,000	2,463,521	4,658,669
FO13B	Eastside Pkwy	Construct new 2 lane arterial from Eucalyptus Rd to Parker Flats cut-off to Schoonover Dr	12,536,370	12,536,370	209,000	16,364,963
FO14	S Boundary Road Upgrade	Upgrade to a 2 lane arterial, along existing alignment from General Jim Moore Blvd to York Rd	2,515,064	2,515,064	353,724	2,913,615
	Subtotal On-Site		63,036,919	63,036,919	27,478,665	50,617,677
	Transportation Totals		376,225,867	104,230,286	28,172,145	104,324,441
[1] Remaining construction may be phased in future CIP documents based on available funds and habitat/environmental clearance.						
Transit Capital Improvements						
T3	Transit Vehicle Purchase/Replace	15 busses	15,000,000	6,288,254	279,950	7,997,613
T22	Intermodal Centers	(PFIP T-31) includes 3 elements: 1. Intermodal Transportation Center @ 1st. Avenue South of 8th. Street 2. Park and Ride Facility @ 12th Street and Imjin, and 3. Park and Ride Facility @ 8th. Street and Gigling	3,800,000	4,786,673	-	6,328,805
	Transit Totals		18,800,000	11,084,926	279,950	14,326,418
	Transportation/Transit Totals		395,025,867	115,315,212	28,452,095	118,650,859
TAMC Study 1995						
Transportation/Transit						
					FORA Offsets 1995-2004	
					32,235,648	
					1,631,951	
					62,319,694	

TAMC Study 1995

Transportation/Transit

FORA offsets against obligations for transportation/transit network per 1995 TAMC Study from 1995-2004. Funded by EDA grant funds, state and local matching funds, revenue bond proceeds, development fees.

Storm Drainage System

Retain/Percolate stormwater, eliminate discharge of stormwater to Monterey Bay Sanctuary. Project completed/financial obligation met in 2004. Funded by EDA grant proceeds.

TOTAL CUMULATIVE OFFSETS AGAINST TRANSPORTATION/TRANSIT AND STORM DRAINAGE PROJECTS TO DATE

CAPITAL IMPROVEMENT PROGRAM - TRANSPORTATION NETWORK AND TRANSIT ELEMENTS

Regional Improvements														
Proj#	Description	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	TOTALS	Proj#
R3a	Hwy 1-Dei Monte-Fremont-MBL			2,886,537	2,886,537	2,886,537	2,886,537	2,886,537	2,886,537	2,886,536			20,205,758	R3
R10	Hwy 1-Monterey Rd. Interchange						825,250	825,250	825,250	825,249			3,300,999	R10
R11	Hwy 156-Freeway Upgrade		1,172,133	1,172,133	7,032,802								9,377,068	R11
R12	Hwy 68 Operational Improvements	295,717											295,717	R12
	Subtotal Regional	295,717	1,172,133	4,058,670	9,919,339	2,886,537	3,711,787	3,711,787	3,711,787	3,711,785	-	-	33,179,542	

Off-Site Improvements														
Proj#	Description	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	TOTALS	Proj#
1	Davis Rd north of Blanco		83,786	83,786	502,713								670,285	1
2B	Davis Rd south of Blanco	312,300	614,600	1,725,573	8,577,875								11,230,348	2B
4D	Widen Reservation-4 lanes to WG		562,136	562,136	3,372,818								4,497,090	4D
4E	Widen Reservation, WG to Davis		366,295	366,295	2,197,768								2,930,358	4E
8	Crescent Ave extend to Abrams	4,906	149,279	149,279	895,677								1,199,141	8
	Subtotal Off-Site	317,206	1,776,096	2,887,069	15,546,851	-	-	-	-	-	-	-	20,527,222	

Off-Site Improvements														
Proj#	Description	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	TOTALS	Proj#
FO2	Abrams	4,129	125,019	125,019	750,114								1,004,281	FO2
FO5	8th Street	20,450	2,485,904	2,485,903									4,992,257	FO5
FO6	Intergarrison	570,555	3,293,888										3,864,443	FO6
FO7	Gigling		1,020,577	3,061,734	3,061,734								7,144,045	FO7
FO9C	GJM Blvd	2,274,250	450,000	450,000	1,494,031	1,000,000							5,668,281	FO9C
FO11	Salinas Ave	16,467	1,000,164	1,000,164	2,000,328								4,017,123	FO11
FO12	Eucalyptus Rd	1,644,225				3,014,444							4,658,669	FO12
FO13B	Eastside Parkway	551,200	2,947,680	11,840,720	1,015,363								16,354,963	FO13B
FO14	South Boundary Road Upgrade	2,007,702	905,913										2,913,615	FO14
	Subtotal On-Site	7,088,978	12,229,145	18,963,540	8,321,570	4,014,444	-	-	-	-	-	-	50,617,677	
	Transportation Totals	7,701,901	15,177,374	25,909,279	33,787,760	6,900,981	3,711,787	3,711,787	3,711,787	3,711,785	-	-	104,324,441	

Transit Capital Improvements														
Proj#	Description	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	TOTALS	Proj#
T3	Transit Vehicle Purchase/Replace		999,702	999,702	999,702	999,702	999,702	999,702	999,702	999,699			7,997,613	T3
T22	Intermodal Centers		791,101	791,101	791,101	791,101	791,101	791,101	791,101	791,098			6,328,805	T22
	Subtotal Transit	-	1,790,803	1,790,803	1,790,803	1,790,803	1,790,803	1,790,803	1,790,803	1,790,797	-	-	14,326,418	
	Transportation and Transit GRAND TOTALS	7,701,901	16,968,177	27,700,082	35,578,563	8,691,784	5,502,590	5,502,590	5,502,590	5,502,582	-	-	118,650,859	

SUMMARY OF CAPITAL IMPROVEMENT PROGRAM 2011/12 - 2021/22

	2005-11 (1)	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2011-12 to 2021-22 Total
A. CIP PROJECTS FUNDED BY CFD DEVELOPMENT FEES													
Dedicated Revenues	16,067,954	5,054,000	23,365,000	39,357,000	48,557,000	47,106,000	39,082,000	10,866,000	6,179,000	3,876,000	15,278,000	25,000	238,755,000
Development Fees													
Other Revenues													
Tax Increment (2)	6,723,400												
Loan Proceeds (3)*	5,820,984	2,105,770											2,105,770
Federal Grants (4)	4,494,984	2,105,770											826,795
CSU Mitigation fees	1,500,000	500,000	326,795										
Miscellaneous Revenues (Rev Bonds, CFD credit, Interest) (11)**	2,839,941												
Total Revenues	37,447,263	9,765,540	23,691,795	39,357,000	48,557,000	47,106,000	39,082,000	10,866,000	6,179,000	3,876,000	15,278,000	25,000	243,793,335
Expenditures													
Projects													
Transportation/Transit	28,452,095	7,701,901	16,968,177	27,700,082	35,578,563	8,691,784	5,502,590	5,502,590	5,502,590	5,502,590	5,502,590		118,650,859
Water Augmentation (5)	561,780					22,412,912	22,149,971						44,562,883
Storm Drainage System (Completed by 2005) (6)	[Table 1]												
Habitat Management (7)	4,016,989	1,263,500	5,841,250	9,839,250	12,141,750	3,371,810							32,457,560
Fire Rolling Stock	812,000	116,000	116,000	116,000									348,000
Property Management/Caretaker Costs (8)		20,000	1,218,000	1,218,000	1,218,000	1,218,000	1,218,000	1,218,000	1,218,000	1,218,000	1,218,000	1,218,000	12,200,000
Total Expenditures	33,842,863	9,101,401	24,143,427	38,873,332	48,938,313	35,694,506	28,870,561	6,720,590	6,720,590	6,720,590	1,218,000	1,218,000	208,219,302
Net Annual Revenue	3,604,400	664,139	(451,632)	483,668	(371,313)	11,411,494	10,211,439	4,145,410	(541,590)	(2,844,582)	14,060,000	(1,193,000)	35,574,033
Beginning Fund Balance		(0)	582,139	130,507	614,175	242,862	11,654,356	21,865,795	26,011,205	25,469,615	22,625,033	36,685,033	117,500,000
Ending Fund Balance Before Other Costs and Reserves	3,604,400	664,139	130,507	614,175	242,862	11,654,356	21,865,795	26,011,205	25,469,615	22,625,033	36,685,033	35,492,033	35,574,033
Other Costs & Contingency (9)													
Additional Transportation Costs	3,014,400												11,574,033
Habitat Mgt. Contingency	590,000	82,000											17,500,000
Add. Util. & Storm Drainage													3,500,000
Other Costs													3,000,000
Total Other Costs & Contingency	3,604,400	82,000											35,574,033
Ending Fund Balance	(0)	582,139											
B. CIP PROJECTS FUNDED BY LAND SALE REVENUE													
Dedicated Revenues													
Land Sales (10)	14,846,546		5,340,000	3,135,000	8,952,000	17,207,000	207,000	372,000	207,000	207,000	207,000		35,627,000
Land Sale Credit (11)**	6,767,300		6,750,000		14,250,000								21,000,000
Other Revenues (12)	1,425,000												
Loan Proceeds (3)*	7,500,000												
Total Revenues	30,538,846		12,090,000	3,135,000	23,202,000	17,207,000	207,000	372,000	207,000	207,000	367,000		56,994,000
Expenditures													
Projects (13)													
Building Removal	29,167,300		10,750,000	2,200,000	12,659,700								25,609,700
Total Expenditures	29,167,300		10,750,000	2,200,000	12,659,700								25,609,700
Net Annual Revenue	1,371,546		1,340,000	935,000	10,542,300	17,207,000	207,000	372,000	207,000	207,000	367,000		31,384,300
Beginning Fund Balance		1,371,546	1,371,546	2,711,546	3,646,546	14,188,846	31,395,846	31,602,846	31,974,846	32,181,846	32,555,846	32,755,846	1,371,546
Ending Fund Balance	1,371,546	1,371,546	2,711,546	3,646,546	14,188,846	31,395,846	31,602,846	31,974,846	32,181,846	32,555,846	32,755,846	32,755,846	32,755,846

Table 3 CIP Summary Table Footnotes

- (1) This column summarizes CIP revenues and expenses from July 2005 through June 2011. These totals are not included in the 2011-12 to 2021-22 Totals.
- (2) "Tax Increment" revenue is designated for operations and as a back up to FORA CIP projects; to date, approximately \$6.7M was spent on ET/ESCA change orders and CIP road projects.
- (3) "Loan Proceeds": In FY 05-06 FORA obtained a line of credit ("LOC") to ensure CIP obligations could be met in a timely manner, despite cash flow fluctuations. The LOC draw downs were used to pay road design, construction and building removal invoices and were partially repaid by any available revenues committed to the CIP. In FY 09-10 FORA repaid the remaining \$9M LOC debt (\$1.5M in transportation and \$7.5M in building removal) through a loan secured by FORA's share of Preston Park. The loan also provided \$4.3M matching funds to US Department of Commerce EDA/American Recovery and Reinvestment Act ("ARRA") grant funds.
- (4) "Federal grants": In FY 09-10 FORA received two federal grants; one from the US Department of Commerce EDA through its ARRA grant program to accomplish a portion of CIP transportation; infrastructure; and one from the Department of Defense Office of Economic Adjustment to accomplish future California Central Coast Veterans Cemetery infrastructure planning.
- (5) "Water Augmentation" is FORA's financial obligation for the approved water augmentation project. The original CEQA obligation (\$23,469,361) is included in the total. The FORA Board approved an additional contribution (\$21,655,302) to keep MCWD capacity charges in check. Please refer to Section II b) Water Augmentation.
- (6) FORA's "Storm Water Drainage System" obligation has been retired. Through agreement with the California Department of Parks and Recreation, FORA is obligated to remove storm water disposal facilities west of Highway 1 following replacement of the outfall storm drains with on site storm water disposal. Funding for this work is shown under Other Costs & Contingencies.
- (7) "Habitat Management" amounts are estimates. Habitat management endowment final amount is subject to approval by US Fish and Wildlife Service and California Department of Fish & Game. Please refer to Section II d) Habitat Management Requirements.
- (8) "Property Management/Caretaker Costs" amounts after FY 11/12 are estimates. As a result of CIP Review policy decisions, \$12.2M in funding for these expenses is derived from CFD fee repayment of previous FORA borrowing. Please refer to Section II h) Property Maintenance and Caretaker Costs.
- (9) "Other Costs & Contingencies" are subject to cash flow and demonstrated need. Primarily, this item is not funded until distant "out-years" of the program. The FORA Board contribution toward the water augmentation program (in lieu of increased MCWD capacity charges) appears here as an "other cost" separate from the CEQA obligation toward potable water augmentation per the BRP/EIR.
"Additional Transportation Costs" are potential and unknown additional basewide expenditures not included in current project cost estimates for transportation projects (e.g. contract change orders to the ESCA, street landscaping, unknown site conditions, project changes, habitat/environmental mitigation, etc.)
"Habitat Management Contingency" provides interim funding for the University of California Fort Ord Natural Reserve management until adoption of the HCP and as a result of CIP Review policy decisions, includes sufficient funding for Habitat Conservation Plan endowments should a lower endowment payout rate be accepted by Regulatory Agencies.
"Additional Utility and Storm Drainage Costs" provides for restoration of storm drainage sites in State Parks land and relocation of utilities.
"Other Costs" provides for additional Pollution Legal Liability Insurance Coverage after 2014.
- (10) "Land Sales" revenues are regularly evaluated to apply any changes in local development fees, market realities, and other factors to adjust land prices in the region.
- (11) "CFD/Land Sales – Credit" is credit due specific developers who perform roadway improvements/building removal by agreement with FORA. The value of the work is subtracted from the developer's CFD fee/land sale proceeds due FORA. Regarding CFD fees, FORA entered into agreement with East Garrison Partners for a total credit of \$2,075,621; and regarding land sale proceeds, FORA entered into two such agreements with Marina

Community Partners (\$24M) and East Garrison Partners (\$2.1M) for a total land sale credit of \$26,177,000.

- (12) "Other Revenues" applied against building removal include Abrams B loan repayment of \$1,425,000.
- (13) "Projects" include building removal at 1) Dunes on Monterey Bay (\$46M), 2) Imjin Office (\$400K), 3) East Garrison (\$2.177M), 4) Stockade (\$2.2M), and 5) Surplus II (\$4M).

Appendix A

Protocol for Review/Reprogramming of FORA CIP (Revision #3, March 8, 2010)

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

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

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

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

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

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

APPENDIX B
Community Facilities District Revenue

Jurisdiction	2011-12 to 2021-22 Total	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
New Residential												
MAR	\$ 35,386,000	\$ 674,000	\$ 1,011,000	\$ 8,391,000	\$ 3,640,000	\$ 3,606,000	\$ 3,606,000	\$ 3,606,000	\$ 3,606,000	\$ 3,606,000	\$ 3,640,000	\$ -
MAR	\$ 5,043,000	-	-	-	-	-	4,881,000	162,000	-	-	-	-
MAR	\$ 41,688,000	1,618,000	7,920,000	8,661,000	9,706,000	7,717,000	5,425,000	640,000	-	-	-	-
MAR	\$ 6,740,000	-	-	-	3,370,000	3,370,000	-	-	-	-	-	-
MAR	\$ 830,000	-	253,000	253,000	253,000	71,000	-	-	-	-	-	-
CSU/MAR	\$ 11,121,000	-	1,348,000	1,348,000	1,348,000	1,348,000	-	-	-	-	-	-
UC/MCO	\$ 49,539,000	2,191,000	1,247,000	5,763,000	12,536,000	15,232,000	9,908,000	2,662,000	-	-	5,729,000	-
MCO	\$ -	-	-	-	-	-	-	-	-	-	-	-
MCO	\$ -	-	-	-	-	-	-	-	-	-	-	-
SEA	\$ 6,740,000	-	-	-	-	-	2,258,000	2,258,000	2,224,000	-	-	-
SEA	\$ -	-	-	-	-	-	-	-	-	-	-	-
SEA	\$ 4,225,000	34,000	67,000	236,000	337,000	337,000	3,168,000	-	-	-	-	-
SEA	\$ -	-	-	-	-	-	-	-	-	-	-	-
SEA	\$ 2,426,000	-	2,425,000	-	-	-	-	-	-	-	-	-
SEA	\$ 876,000	-	-	-	-	-	876,000	-	-	-	-	-
SEA	\$ 5,055,000	-	-	-	-	-	5,055,000	-	-	-	-	-
SEA	\$ 977,000	-	977,000	-	-	-	-	-	-	-	-	-
DRO	\$ 23,287,000	-	4,381,000	9,672,000	9,234,000	-	-	-	-	-	-	-
Various	\$ -	-	-	-	-	-	-	-	-	-	-	-
Existing/Replacement Residential												
MAR	\$ -	-	-	-	-	-	-	-	-	-	-	-
MAR	\$ 4,864,000	-	669,000	1,094,000	1,510,000	1,307,000	284,000	-	-	-	-	-
MAR	\$ 324,000	-	-	324,000	-	-	-	-	-	-	-	-
MAR	\$ -	-	-	-	-	-	-	-	-	-	-	-
MAR	\$ 82,000	82,000	-	-	-	-	-	-	-	-	-	-
SEA	\$ -	-	-	-	-	-	-	-	-	-	-	-
SEA	\$ 3,370,000	-	-	-	-	3,370,000	-	-	-	-	-	-
Office												
DRO	\$ 58,000	-	29,000	-	29,000	-	-	-	-	-	-	-
MRY	\$ 38,000	-	-	-	-	38,000	-	-	-	-	-	-
MCO	\$ -	-	-	-	-	-	-	-	-	-	-	-
MCO	\$ 14,000	-	-	7,000	7,000	-	-	-	-	-	-	-
MCO	\$ 18,000	6,000	6,000	6,000	6,000	-	-	-	-	-	-	-
MCO	\$ 185,000	-	-	-	37,000	37,000	37,000	37,000	37,000	-	-	-
MCO	\$ 9,000	-	-	2,000	3,000	3,000	1,000	-	-	-	-	-
MCO	\$ 12,000	12,000	-	-	-	-	-	-	-	-	-	-
MAR	\$ 3,000	-	-	3,000	-	-	-	-	-	-	-	-
MAR	\$ 59,000	13,000	9,000	9,000	12,000	-	5,000	-	-	-	-	-
MAR	\$ 5,000	-	-	-	-	-	-	-	-	-	-	-
MAR	\$ 12,000	-	-	-	6,000	6,000	-	-	-	-	-	-
SEA	\$ 8,000	-	-	-	-	-	8,000	-	-	-	-	-
SEA	\$ 17,000	-	17,000	-	-	-	-	-	-	-	-	-
SEA	\$ 1,000	-	-	-	-	-	-	-	-	-	-	-
SEA	\$ 72,000	-	-	-	72,000	-	-	-	-	-	-	-
SEA	\$ -	-	-	-	-	-	-	-	-	-	-	-
UC/MCO	\$ -	-	-	-	-	-	-	-	-	-	-	-
UC/MAR	\$ 164,000	12,000	16,000	16,000	16,000	16,000	-	-	-	-	88,000	-
UC/MAR	\$ -	-	-	-	-	-	-	-	-	-	-	-
Industrial												
MAR	\$ 149,000	-	8,000.00	8,000.00	8,000.00	15,000.00	15,000.00	19,000.00	19,000.00	19,000.00	19,000.00	19,000.00
MAR	\$ -	-	-	-	-	-	-	-	-	-	-	-

(1) Project proposed
 (2) Project approved by local jurisdiction
 (3) Project found consistent with Base Reuse Plan
 (4) Project completed

APPENDIX B Community Facilities District Revenue

Jurisdiction	2011-12 to 2021-22 Total	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
TAMC TOD (1)	8,000					4,000.00						
Dunes on Monterey Bay (3)	70,000		10,000	20,000	20,000	10,000.00	10,000					
Industrial - City Corp. Yard (1)	63,000					63,000						
Industrial - Public/Private (1)	63,000					63,000						
Monterey County Light Ind. (1)												
Horse Park (1)	35,000			13,000	13,000	9,000						
Landfill Industrial Park (1)	92,000		10,000	10,000	18,000	18,000	18,000	18,000				
MST Bus Maint & Opns Facility (1)	31,000											
Seaside Corp Yard Shop (1)	6,000			6,000								
UC Central N. & W. Campuses (1)	59,000		5,000	5,000	5,000	5,000					28,000	6,000
Retail												
Del Rey Oaks Retail (1)	167,000		167,000									
UC Central N. & W. Campuses (1)	1,008,000		106,000	106,000	106,000	106,000					584,000	
UC East Campus (1)	434,000					217,000						217,000
UC Eight Street (1)	3,279,000		328,000	328,000	328,000	328,000					1,967,000	
Monterey County Retail												
Landfill Commercial development (1)	837,000											
East Garrison I Retail (1)	334,000						167,000	293,000			167,000	
Ord Market (4)												
Horse Park (1)	3,512,000				836,000	836,000						
Main Gate Spa (1)	201,000											
Main Gate Large Format Retail (1)	732,000					732,000						
Main Gate In-Line Shops (1)	2,434,000					2,434,000						
Main Gate Department Store Anchor (1)	1,004,000					1,004,000						
Main Gate Restaurants (1)	510,000					510,000						
Main Gate Hotel Restaurant (1)	67,000						67,000					
Seaside Resort Golf Clubhouse (1)	136,000				136,000							
Dunes on Monterey Bay (3)	1,672,000		460,000	836,000								
TAMC TOD (1)	628,000				314,000	314,000						
Hotel (rooms) [5]												
Del Rey Oaks Hotel (1) (454 rm)	3,413,000		782,000	1,879,000	752,000							
Del Rey Oaks Timeshare (1) (66 rm)	722,000		361,000	361,000								
Horse Park (Parker Flat) Hotel (1) (200 rm)	1,503,000				1,503,000							
Dunes - Limited Service (3) (100 rm)	752,000		752,000									
Dunes - Full Service (3) (400 rm)	3,006,000					3,006,000						
Seaside Golf Course Hotel (3) (330 rm)	2,480,000				2,480,000							
Seaside Golf Course Timeshares (3) (170 rm)	1,278,000					902,000	376,000					
Main Gate Hotel (1) (250 rm)	1,879,000						1,879,000					
UC East Campus (1) (250 rm)	1,879,000										1,879,000	
UC Central N. & W. Campuses (1) (150 rm)	1,127,000											1,127,000
Total	\$ 238,818,000	\$ 5,054,000	\$ 23,365,000	\$ 39,357,000	\$ 48,567,000	\$ 47,106,000	\$ 39,082,000	\$ 10,865,000	\$ 6,179,000	\$ 3,876,000	\$ 15,278,000	\$ 25,000

Note: FORA Basewide Community Facilities District special tax rates are shown below, inflated to January 2002 based on rate and method of apportionment. Totals in table may not add due to rounding.

	Adopted 2002	Effective 7/1/10	Effective 7/1/11
New Residential (per du)	34,324	46,205	33,700
Existing Residential (per du)	10,320	13,892	10,132
Office & Industrial (per acre)	4,489	6,056	4,417
Retail (per acre)	92,768	124,885	91,086
Hotel (per room)	7,653	10,304	7,515

- (1) Project proposed
- (2) Project approved by local jurisdiction
- (3) Project found consistent with Base Reuse Plan
- (4) Project completed
- (5) Back up tables to this table 4 (Appendix B), including residential units and building squarefootages, can be requested at 831-883-3672
- (6) Please see description of Tiers 1, 2, & 3 at www.fora.org under section "FORA Documents," document titled "Developer Fee Schedule"

APPENDIX B
Land Sale Revenue

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
New Residential											
Marina Heights	N/A			3,650,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cypress Knolls	3,650,000										
Dunes on Monterey Bay	21,000,000		N/A	14,250,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A
UC 8th Street		6,750,000									
East Garrison I		N/A	N/A	N/A	16,000,000	N/A	N/A	N/A	N/A	N/A	N/A
Monterey Horse Park											
Monterey Horse Park SEA											
UC East Campus - SF											
UC East Campus - MF											
Seaside Highlands Homes											
Seaside Resort Housing											
Seaside Housing (Eastside)											
Seaside Affordable Housing Obligator											
Workforce Housing (Army to Build)											
Workforce Housing (Seaside)											
Del Rey Oaks		5,000,000			N/A	N/A	N/A	N/A	N/A	N/A	N/A
Other Residential											
Existing/Replacement Residential											
Preston Park											
Cypress Knolls											
Abrams B											
Shelter Outreach Plus											
Sunbay (former Thorson Park)											
Stillwell Kidney - WPH (Army to Build)											
Office											
Del Rey Oaks Office											
Monterey City Office											
Monterey County Office		133,000		133,000			165,000				
Horse Park											
Landfill Commercial Development											
Intergarrison Rd Office Park											
East Garrison I Office Development											
MST Bus Maint & Bus Opns Facility											
Dunes on Monterey Bay											
Airport Economic Development Area											
SVMHS Development											
Young Nak Church											
Seaside Office (Monterey Blues)											
Chartwell											
Monterey College of Law											
Monterey Peninsula Trade & Conf Cntr											
UC East Campus											
UC Central South Campus											
UC Central North & West Campuses											
Industrial											
Airport Economic Development Area											
Industrial - City Corp. Yard											
Industrial - City Corp. Yard				517,000							
Industrial - Public/Private				517,000							
Monterey County Light Ind.				207,000	207,000	207,000	207,000	207,000	207,000	367,000	
Horse Park											
Landfill Industrial Park											
Seaside Corp Yard Shop											
UC Central North & West Campuses											

APPENDIX B
Land Sale Revenue

Jurisdiction	2011-12 to 2021-22 Total										
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Retail											
Del Rey Oaks Retail	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
UC Central North & West Campuses	-	-	-	-	-	-	-	-	-	-	-
UC South Campus	-	-	-	-	-	-	-	-	-	-	-
UC East Campus	-	-	-	-	-	-	-	-	-	-	-
UC Eight Street	-	-	-	-	-	-	-	-	-	-	-
Monterey County Retail	-	-	-	1,000,000	1,000,000	-	-	-	-	-	-
Lancifil Commercial development	-	-	-	-	-	-	-	-	-	-	-
East Garrison I Retail	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ord Market	-	-	-	-	-	-	-	-	-	-	-
Horse Park	-	-	-	-	-	-	-	-	-	-	-
Main Gate	-	2,527,000	2,527,000	2,527,000	-	-	-	-	-	-	-
South of Lighthouse Dr (swap)	-	401,000	401,000	401,000	-	-	-	-	-	-	-
Dunes on Monterey Bay	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hotel (rooms)											
Del Rey Oaks Hotel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Del Rey Oaks Timeshare	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Horse Park (Parker Flat) Hotel	-	-	-	-	-	-	-	-	-	-	-
Dunes - Limited Service	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Dunes - Full Service	-	-	-	-	-	-	-	-	-	-	-
Seaside Golf Course Hotel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Seaside Golf Course Timeshares	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Main Gate Hotel	-	-	-	-	-	-	-	-	-	-	-
UC East Campus	-	-	-	-	-	-	-	-	-	-	-
UC Central North & West Campuses	-	-	-	-	-	-	-	-	-	-	-
Total	-	12,090,000	3,135,000	23,202,000	17,207,000	207,000	372,000	207,000	207,000	367,000	-

Note: FORA and local jurisdiction split land sales revenue 50/50 with FORA paying sales costs from its share. Actual land sales revenue may vary from that shown here and will be determined by appraisal at time of sale.

Sources: Economic & Planning Systems "Due Diligence" memorandum to FORA Board, July 21, 1999

Appendix C

Monterey Bay Regional Water Supply Program

Background

The Monterey Bay Regional Water Supply Project (Regional Project) is jointly proposed by the Marina Coast Water District (MCWD), the Monterey County Water Resources Agency (MCWRA), and the California American Water Company (CAW) to provide 13,100 AFY of replacement and new water supplies for the Monterey Peninsula and the former Fort Ord. The water supply is needed to replace existing supplies that are constrained by recent legal decisions affecting the Carmel River and Seaside Groundwater Basin water resources as well as to satisfy MCWD's obligations to provide a water supply adequate to meet the approved redevelopment of the former Fort Ord. The Regional Project would produce desalinated water, convey it to the existing CAW and MCWD distribution systems, and increase the system's use of storage capacity in the Seaside Groundwater Basin. The Regional Project is comprised of numerous projects and programs that, combined, meet the regional water supply needs. A Regional Project approach provides the opportunity for reducing costs, creating a broader base of benefits and beneficiaries, and provides a more environmentally sound, more reliable, and more sustainable water supply.

Project Benefits

- Maximizing sustainability
 - Potential for creating an environmental park in which facilities can be shared and power from the Monterey Regional Waste Management District's landfill can be used
 - Reducing carbon footprint
 - Reducing environmental impacts
 - Eliminating reliability upon outside sources of energy
 - Satisfying SWRCB Order 95-10 and avoiding a 50% reduction in available water supply
- Minimizing environmental impacts
 - Restoring sustainability of over drafted Seaside groundwater basin
 - Restoring flows in the Carmel River, improving and restoring habitat for threatened and endangered steelhead fish
 - Improving condition of seawater intruded Salinas Valley Groundwater Basin
 - Reducing discharges to the Monterey Bay National Marine Sanctuary
 - Creating an intrusion barrier in the Salinas Valley Groundwater Basin
- Maximizing reliability
- Potential for obtaining grant and State Revolving Fund Funding reducing the cost of water

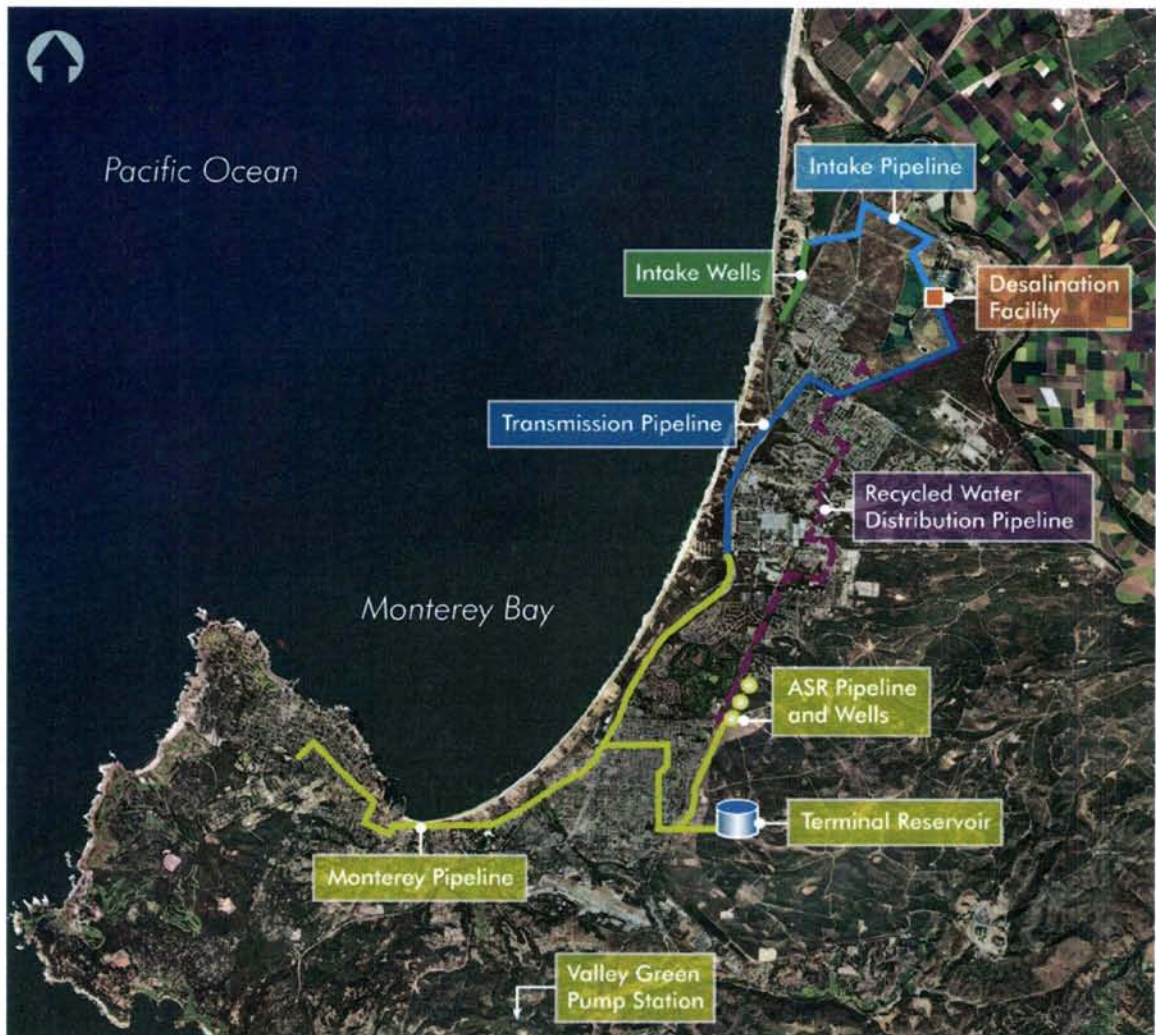
Definitions of Terms

1. **Acre-foot:** Equivalent to the volume of water required to cover 1 acre of land (43,560 square feet) to a depth of 1 foot. Equal to 325,851 gallons or 1,233 cubic meters.
2. **AFY:** Acre-feet per year
3. **Aquifer Storage and Recovery (ASR):** Process in which water is stored underground in a designated aquifer, to be extracted for future use.
4. **Desalination:** Water treatment process for the removal of salts from saline water to produce and provide potable water.
5. **mgd:** Million gallons per day
6. **Potable Water:** Water of a quality suitable for human consumption and which meets all applicable U.S. EPA and California Department of Public Health standards.
7. **Recycled Water or Reclaimed Water:** Wastewater treated to meet California Title 22 requirements. Depending on what level of treatment, recycled water can be used for various applications including irrigation to indirect potable reuse.

Components of the Regional Project

Component	Supply (AFY)	Description
Conservation		Water conservation efforts represent a potential demand reduction on the Monterey Peninsula. While it does not produce additional supply or yield, it is an important component of the analysis and was supported by public stakeholders.
Seaside Aquifer Storage and Recovery (ASR)	1,300	Consists of injecting excess winter flows from the Carmel River into the Seaside Groundwater Basin.
Sand City Desalination	300	This project is currently online.
Regional Urban Water Augmentation Project (RUWAP)	1,000	Recycled water will be produced at the Monterey Regional Water Pollution Control Agency (MRWPCA) and distributed to the MCWD. RUWAP has the capability of future expansion.
Regional Desalination Facility	10,500	Reverse osmosis treatment plant with a peak production rate of 10 million gallons per day (mgd). Source water anticipated to be a blend of ocean water and brackish water from wells located between Hwy 1 and the coastal dunes.
TOTAL	13,100	

Regional Project Overview Map



DEVELOPMENT FEE ALLOCATION AGAINST OBLIGATIONS OVER CIP HORIZON (11-12 - 21-22)

I. ALLOCATION OF CFD FEES AGAINST OBLIGATIONS

	\$	%	\$
Forecast Revenues from Developer Fees (DF)	238,755,000	Per Project	Per \$1
Cost Per Capital Projects:			
1 Transportation/Transit	118,650,859	49.70%	0.4970
2 Potable Water Augmentation	44,562,883	18.66%	0.1866
3 Storm Drainage System	-	0.00%	0.0000
4 Habitat Management (1)	32,457,560	13.59%	0.1359
5 Fire Rolling Stock	348,000	0.15%	0.0015
6 Property Management/Caretaker Costs	12,200,000	5.11%	0.0511
7 Other Costs & Contingency (less other revenues)	30,535,698	12.79%	0.1279
Totals	238,755,000	100.00%	1.0000

II. ALLOCATION TO TRANSPORTATION/TRANSIT

Transportation Costs - FORA Share		118,650,859		
Allocation of DF to Transportation		\$ 0.4970		
<u>Transportation Project Obligations</u>		<u>FORA Cost/Project</u>	<u>Allocation to Projects</u>	
		\$	%	\$
Regional Highway Projects				
R3	Highway 1-Seaside/Sand City	20,205,758	17.03%	0.0846
R10	Hwy 1- Monterey Road Interchange	3,300,999	2.78%	0.0138
R11	Hwy 156 - Freeway Upgrade	9,377,068	7.90%	0.0393
R12	Hwy 68 Operational Improvements	295,717	0.25%	0.0012
	Sub-total Regional	33,179,542	27.96%	0.1390
Off-Site Improvements				
1	Davis Rd n/o Blanco	670,285	0.56%	0.0028
2B	Davis Rd, s/o Blanco	11,230,348	9.47%	0.0470
4D	Widen Reservation, 4-lane to Watkins Gate	4,497,090	3.79%	0.0188
4E	Widen Reservation, Watkins Gt to Davis	2,930,358	2.47%	0.0123
8	Crescent St. extend to Abrams	1,199,141	1.01%	0.0050
	Sub-total Off-Site	20,527,222	17.30%	0.0860
On-Site Improvements				
FO2	Abrams (Crescent to 2nd Avenue connection)	1,004,281	0.85%	0.0042
FO5	8th. Street	4,992,257	4.21%	0.0209
FO6	Inter-Garrison	3,864,443	3.26%	0.0162
FO7	Gigling	7,144,045	6.02%	0.0299
FO9C	General Jim Moore Blvd	5,668,281	4.78%	0.0237
FO11	Salinas Avenue	4,017,123	3.39%	0.0168
FO12	Eucalyptus Road	4,658,669	3.93%	0.0195
FO13B	Eastside Pkwy	16,354,963	13.78%	0.0685
EO14	South Boundary Road upgrade	2,913,615	2.46%	0.0122
	Sub-total On-Site	50,617,677	42.66%	0.2120
	Total Transportation	104,324,441	87.93%	0.4370
Transit Capital Obligations				
T3	Transit Vehicle Purchase & Replacement	7,997,613	6.74%	0.0335
T22	Intermodal Centers	6,328,805	5.33%	0.0265
	Total Transit	14,326,418	12.07%	0.0600
	Grand Totals	118,650,859	100.00%	0.4970

Notes:

(1) 25% of each dollar collected is directly allocated to Habitat Mangement obligation. When this obligation is met, the % allocation to projects will change. Similarly, the allocation formula will change as other obligations are satisfied.

TABLE 5

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Executive Officer's Travel Report

Meeting Date: August 12, 2010

Agenda Number: 8f

INFORMATION

RECOMMENDATION(S):

Receive a report from Fort Ord Reuse Authority ("FORA") Executive Officer regarding meetings in Washington, DC with Congressman Farr, Patrick O'Brien Office of Economic Adjustment, and attendance at the Association of Defense Communities Annual Conference "Advancing Partnerships to Support Innovation, Efficiency, and Communities" in Norfolk, VA (July 17-20, 2011).

BACKGROUND/DISCUSSION:

The annual conference of the Association of Defense Communities ("ADC") brings together not only ADC members but also base reuse contractors and consultants, representatives from the military, state and federal regulators and officials, along with others connected to closed and redeveloping military installations. This year attendees could choose among a number of presentations focusing on Base Redevelopment – Land Use Controls, Cooperative Agreements, Environmental Management, Army BRAC Community Briefing, Legislative Update for Defense Communities, Energy Efficiency and Security Partnerships Between the Department of Defense and Local Communities, and the Office of Economic Adjustment Community Meeting. Special Forum sessions included a full track exploring energy issues for both active and closed installations and a full series on panel presentation on former installation reuse issues.

As ADC Past President, FORA Executive Officer Michael Houlemard was central to the planning and implementation of the conference. Mr. Houlemard and FORA Environmental Services Cooperative Agreement ("ESCA") Contractor Kristie Reimer participated on a panel discussing "Institutional Controls at BRAC Sites." Marina Strategic Development Center Director Doug Yount also attended the conference.

Mr. Houlemard extended his travel in order to meet with Washington, DC officials to discuss the following:

1. Review of the UC Visioning process/status
2. Water Resources for Defense Language Institute
3. Office of Economic Adjustment funding for Cemetery/Building Removal
4. Request for additional funding for Water Resources
5. Fort Ord Lands Designation

FISCAL IMPACT:

Reviewed by FORA Contoller 

All travel expenses were covered by the approved FORA budget, according to the FORA travel policy.

COORDINATION:

Executive Committee and various ADC members.

Prepared by  Approved by 

Daylene Alliman

Michael A. Houlemard, Jr.