

# CHAPTER 1.0

## INTRODUCTION

1.1	SCOPING REPORT CONTEXT AND PURPOSE .....	I-1
	BACKGROUND, PURPOSE, AND FOCUS OF THE SCOPING REPORT .....	I-1
	SUMMARY OF REASSESSMENT PROCESS .....	I-2
	REASSESSMENT DOCUMENT DIRECTION .....	I-2
1.2	BACKGROUND .....	I-5
	EARLY PLANNING FOR REUSE OF FORT ORD .....	I-5
	FORA ESTABLISHMENT .....	I-5
	MASTER RESOLUTION AND BRP .....	I-6
	BRP GOALS .....	I-7
	FORA’S ROLES AND RESPONSIBILITIES .....	I-8
1.3	REASSESSMENT REQUIREMENTS .....	I-11
1.4	SCOPING REPORT CONTENTS .....	I-13
	CHAPTER 1.0 INTRODUCTION .....	I-13
	CHAPTER 2.0 MARKET STUDY EXECUTIVE SUMMARY .....	I-13
	CHAPTER 3.0 COMMUNITY PARTICIPATION AND PUBLIC INFORMATION .....	I-13
	CHAPTER 4.0 REUSE PLAN IMPLEMENTATION STATUS .....	I-13
	CHAPTER 5.0 DOCUMENTATION .....	I-13
	APPENDICES .....	I-13
	BACKGROUND DOCUMENT COMPILATION .....	I-13
1.5	TERMINOLOGY .....	I-13

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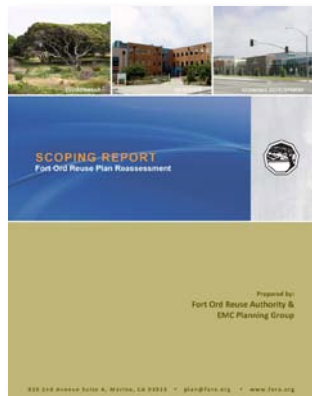
## Chapter 1.0

# INTRODUCTION

## 1.1 Scoping Report Context and Purpose

### *Background, Purpose, and Focus of the Scoping Report*

This document, the Fort Ord Reuse Plan Reassessment Scoping Report (Scoping Report) provides a factual review of investigations into the status of the Fort Ord Reuse Plan (BRP), and efforts under the BRP to convert the former Fort Ord Army Base (Fort Ord) from military uses to primarily civilian uses. Former Fort Ord is located in Monterey County and served as a military base from 1917 to 1994. Figure 1, [Aerial Photograph of the Former Fort Ord](#), shows the 1994 boundaries of the base on an aerial photograph. The requirement for a reassessment of the BRP results from a Sierra Club lawsuit filed in 1997 against the Fort Ord Reuse Authority (FORA). The settlement agreement for this lawsuit is documented as Chapter 8 of the FORA Master



Resolution. The Master Resolution was originally adopted on March 14, 1997 and serves as FORA's bylaws. Chapter 8 was added to the Master Resolution as part of the Sierra Club lawsuit settlement, and was adopted by the FORA Board on November 20, 1998. A copy of the Master Resolution is provided in Appendix A.

Chapter 8 of the Master Resolution reflects the requirement for BRP reassessment with the following language:

...shall perform a full reassessment, review, and consideration of the Reuse Plan and all mandatory elements as specified in the Authority Act prior to the allocation of an augmented water supply, or prior to the issuance of a building permit for the 6001st new residential dwelling unit (providing a total population of 35,000 persons) on the Fort Ord territory or by January 1, 2013, whichever event occurs first...

Because the water supply and building permit thresholds have not been reached, FORA is preparing a reassessment at this time based on the specified deadline of January 2013.

The BRP reassessment process includes the preparation of three documents: the Scoping Report, the *Fort Ord Reuse Plan Reassessment Market and Economic Analysis* (Market Report) and the *Fort Ord Reuse Plan Reassessment Final Report* (Reassessment Document). The Scoping Report is the first of these three documents. The Scoping Report presents the findings of public input and independent investigation into a number of aspects of BRP implementation. The contents are described more specifically in Section 1.4 Scoping Report Contents, below.

### Summary of Reassessment Process

The reassessment process takes place in two steps, an information gathering step and a step that provides options for consideration by the FORA Board of Directors. The reassessment process is summarized in [Table 1 Reassessment Process](#). If the FORA Board determines that changes should be made to the BRP, that process would occur as a separate, follow-on action after completion of the reassessment process.

### Reassessment Document Direction

The Scoping Report does not make recommendations, but provides background information that the FORA Board of Directors will consider when it provides direction for the content of the Reassessment Document. It is anticipated that the Reassessment Document will provide a set of options for the FORA Board of Directors to consider subsequent to completion of the reassessment process. As envisioned, pending FORA Board of Directors' direction, the Reassessment Document will include:

- 1) recommendations for routine changes and corrections to bring the BRP fully up to date with decisions and determinations that have already occurred, such as correction of typographical errors or revision of the BRP Land Use Concept map to reflect changes resulting from completed consistency determinations;
- 2) “optional” changes based on past decisions/determinations, changes in circumstances, to clarify existing policy direction, or add new programs in conformance with regional plans; and

**Table 1 Reassessment Process**

Informational Step	Timing
Initial Public Workshops/Input	May - June 2012
Scoping Report	August 2012
Market Report	August 2012
Public Input on Scoping and Market Reports	August 2012
Board vote to Accept Scoping Report	September 2012
Board Direction for Reassessment Document	September 2012
Options for Consideration Step	
Reassessment Document	October 2012
Public Input on Reassessment Document	October 2012
Board Consideration of Reassessment Document	November 2012
Deadline for Board vote to Accept Reassessment Document	December 2012

*Source:* EMC Planning Group and FORA 2012



**Legend**

- Fort Ord Boundary
- CSUMB Campus Boundary
- Municipal Boundaries

**Map Description**

2010 aerial photograph of Fort Ord

Source: FORA 2012, U.S. Army Corps of Engineers GIS Database 2012

Figure 1

**Aerial Photograph of the Former Fort Ord**

Fort Ord Reuse Plan Reassessment Scoping Report



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- 3) potential substantive changes to the BRP (for example, changes to the amount or mix of development allowed) that would require additional consideration by the FORA Board of Directors, as well as environmental clearance and substantial public review, prior to implementation.

The FORA Board of Directors may also choose to provide direction for completion of specific tasks related to the Reassessment Document, or to provide direction to focus on selected issues.

## 1.2 Background

### Early Planning for Reuse of Fort Ord

The Fort Ord Community Task Force was appointed by Congressman Leon Panetta in February 1990 to study the potential impacts of the closure of Fort Ord. In April 1990, the Secretary of Defense announced the planned closure of Fort Ord. The Fort Ord Community Task Force, acting as a citizen’s advisory committee, issued a strategy report in June 1992. In October 1992 the Fort Ord Reuse Group was formed by local governments to begin the planning of base closure and reuse. The Fort Ord Reuse Group included involvement from Marina, Seaside, Del Rey Oaks, Monterey, Sand City, California State Universities, and University of California. The Initial Base Reuse Plan was prepared in March 1993 and approved by the member cities in April 1993. Following completion of the U.S. Army’s environmental impact statement, a revised reuse plan was prepared in October 1993. Based on the passage of SB 899 and SB 1600 in 1994, FORA was created in May 1994 as successor to the Fort Ord Reuse Group.

### FORA Establishment

FORA was established by the State Legislature with signage of the Fort Ord Reuse Authority Act (Authority Act) (SB 899) by Governor Pete Wilson



on May 10, 1994. The Authority act is chaptered as California Government Code sections 67650 through 67700. A copy of the Authority Act is provided in Appendix B. SB 1600 amended several sections of the Authority Act and added Sections 67575.5, 67575.9, and 67686 to the Government Code. This legislation also amended and added sections of the Health and Safety Code concerning former Fort Ord redevelopment. Governor Pete Wilson signed SB 1600 into law on September 29, 1994.

Authority Act section 67651 states the goals of the act:

The Legislature hereby declares the following goals to be the policy of the State of California:

- (a) To facilitate the transfer and reuse of the real and other property comprising the military reservation known as Fort Ord with all practical speed.
- (b) To minimize the disruption caused by the base’s closure on the civilian economy and the people of the Monterey Bay area.
- (c) To provide for the reuse and development of the base area in ways that enhance the economy and quality of life of the Monterey Bay community.
- (d) To maintain and protect the unique environmental resources of the area.

Authority Act section 67658 states the purpose of FORA:

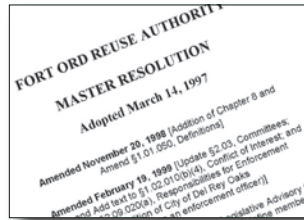
The authority’s purpose is to plan for, finance, and manage the transition of the property known as Fort Ord from military to civilian use.

The Authority Act includes a sunset clause under which FORA dissolves at the end of 2014.

## Master Resolution and BRP

Two of the first actions taken by the FORA Board of Directors were adoption of the Master Resolution and adoption of the BRP.

As mentioned above, the Master Resolution is an extension to the Authority Act and serves as the bylaws for FORA. The Master Resolution consists of eight chapters:



- Chapter 1: General Provisions (includes description of authority, territory, definitions, and enforcement);
- Chapter 2: Authority Offices and General Regulations (includes description of membership, directors, officers, committees, and meetings);
- Chapter 3: Procurement Code (includes provisions for purchasing goods and services);
- Chapter 4: Disposal of Authority Property (this chapter is reserved for future adoption);
- Chapter 5: Finances and Claims (includes procedures for processing claims against FORA);
- Chapter 6: Authority Fee Regulations (includes provisions for adopting fees);
- Chapter 7: Public Works ((this chapter is reserved for future adoption); and
- Chapter 8: Base Reuse Planning and Consistency Determinations (includes consistency standards and procedures for the staff and Board

of Directors to make determinations of consistency; and guidelines for implementation of the California Environmental Quality Act).

The BRP is the guiding policy document for reuse and redevelopment of former Fort Ord. The BRP was adopted on June 13, 1997 and envisions a 40 to 60 year timeframe for redevelopment of former Fort Ord, depending on the land use type and future market conditions. A revised version of the BRP was published in digital format in September 2001, incorporating various corrections and errata. The 2001 version was provided on compact disc and is the version available on the FORA website. The BRP consists of four volumes; the Scoping Report focuses on the first two volumes, which contain policy direction. Following is a brief description of each volume of the BRP:

- Volume I: Context and Framework (includes the socioeconomic setting; market opportunities; reuse considerations; community design vision; land use, circulation, open space, conservation, and recreation concepts; planning area descriptions; and implementation and development and resource management plans);
- Volume II: Reuse Plan Elements (includes the Land Use; Circulation; Recreation and Open Space; Conservation, Noise; and Safety elements, providing the goals, objectives, policies and programs of the BRP);
- Volume III: Appendices (includes the 2/21/1996 Draft Habitat Management Plan Implementing/Management Agreement and Business and Operations Plan); and
- Volume IV: Final Environmental Impact Report (includes the certified environmental impact report, public comments, and responses to comments).



## BRP Goals

The Authority Act provided several overall goals for base reuse, as outlined above in the discussion of the Authority Act. Additionally, each element of the BRP presents a focused goal for that element:



**Land Use Element.** Promote the highest and best use of land through orderly, well-planned, and balanced development to ensure educational and economic opportunities as well as environmental protection.

**Circulation Element.** Create and maintain a balanced transportation system, including pedestrian ways, bikeways, transit, and streets, to provide for the safe and efficient movement of people and goods to and throughout the former Fort Ord.

**Recreation and Open Space Element.** Establish a unified open space system which preserves and enhances the health of the natural environment while contributing to the revitalization of the former Fort Ord by providing a wide range of accessible recreational experiences for residents and visitors alike.

**Conservation Element.** Promote the protection, maintenance and use of natural resources, with special emphasis on scarce resources and those that require special control and management.

**Noise Element.** To protect people who live, work, and recreate in and around the former Fort Ord from the harmful effects of exposure to excessive noise; to provide

noise environments that enhance and are compatible with existing and planned uses; and to protect the economic base of the former Fort Ord by preventing encroachment of incompatible land uses within areas affected by existing or planned noise-producing uses.

**Safety Element.** To prevent or minimize loss of human life and personal injury, damage to property, and economic and social disruption potentially resulting from potential seismic occurrences and geologic hazards.

The Authority Act also describes FORA's Capital Improvement Program as a required element of the BRP.

As stated in the introduction to the BRP's Land Use Element (BRP page 214), and echoed in the Land Use Element goal, the global goal guiding all planning and land use decisions is summarized in the three "E's": Education, Environment, and Economy.

The BRP also establishes six design principles that guide the plan:

1. Create a unique identity for the community around the educational communities.
2. Reinforce the natural landscape setting consistent with Peninsula character.
3. Establish a mixed use development pattern with villages as focal points.
4. Establish diverse neighborhoods as the building blocks of the community.
5. Encourage sustainable practices and environmental conservation.
6. Adopt regional urban design guidelines.



## FORA's Roles and Responsibilities

FORA is organized as a corporation of the State of California. FORA is comprised of a Board of Directors and a staff that includes an Executive Director.

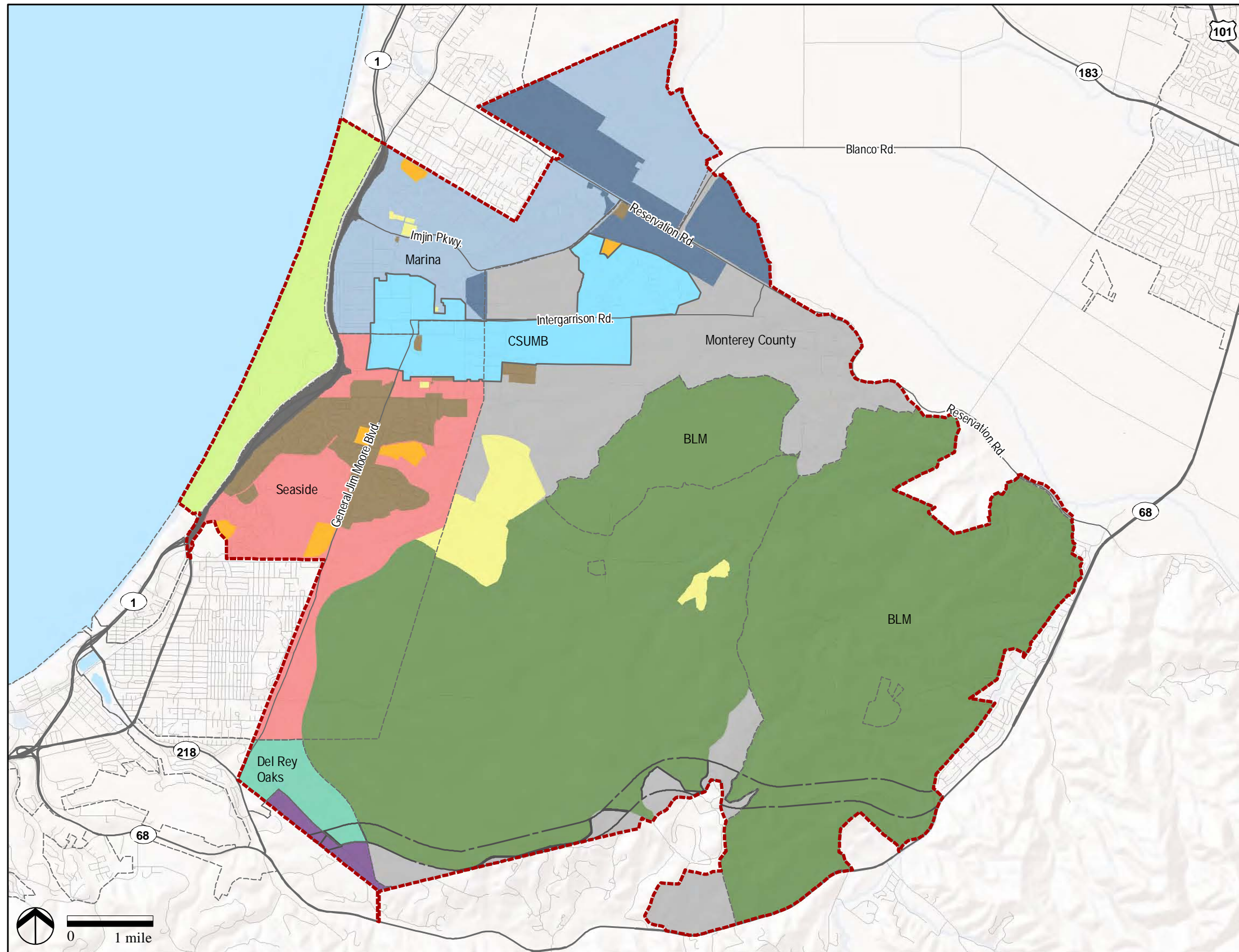
The FORA Board of Directors is comprised of 13 voting directors consisting of three members of the Monterey County Board of Supervisors, two city council members from each of the cities of Marina and Seaside, and one city council member from each of the cities of Carmel-by-the-Sea, Del Rey Oaks, Sand City, Monterey, Pacific Grove, and Salinas. Additional ex-officio members of the Board of Directors are identified in the Authority Act, and represent other agencies with an interest in former Fort Ord, schools, and legislators. 11 Ex-officio members participate on the Board of Directors, but do not have a vote. Members of the Board of Directors serve without compensation. Several committees are established by the Master Resolution to provide guidance to the Board of Directors, including the Administrative Committee, Executive Committee, and Finance Committee.

Staff is responsible for administrative, legal, planning, public works, and other implementing duties. The Executive Officer position is established by the Master Resolution and is the administrative head of the FORA staff. The Executive Officer serves at the pleasure of the Board of Directors and has authority for management of operations, hiring personnel, budget oversight, and contract execution.

FORA is the agency tasked with planning and public works oversight in the reuse and redevelopment of former Fort Ord. FORA's authority and responsibilities fall into several categories: establishment of the BRP including land use and circulation concepts and oversight of land use; oversight and coordination of clean-up operations; collection of fees; obtaining of grants; and funding of base-wide and regional operations and improvements; intermediary in land transfers; and habitat management.

In terms of land use and development, FORA's land use role is limited to overall guidance and planning (the BRP) and determinations of city and county plan or project consistency with the BRP. FORA does not directly control land use approvals. Land use approval authority is reserved by the following jurisdictions with territory within former Fort Ord: County of Monterey, City of Marina, City of Seaside, City of Monterey, City of Del Rey Oaks, University of California, California State University, Monterey Peninsula College, Monterey Peninsula Unified School District, State Department of Parks and Recreation, State Department of Transportation, Bureau of Land Management, and U.S. Army. The state and federal jurisdictions are completely independent of FORA land use oversight. FORA may serve as a lead agency or responsible agency for purposes of review under the California Environmental Quality Act.

FORA is the intermediary in the transfer of much of the land from the U.S. Army. When the U.S. Army and federal or state regulatory agencies have determined that a parcel of land is clear of hazardous materials after site investigations and/or active remediation, the land is transferred to FORA, which then has authority to transfer the land to the land use jurisdiction in charge of the territory (County of Monterey and Cities of Marina, Seaside, Del Rey



### Legend

- Fort Ord Boundary
- State Route 68 Bypass Reservation

### Land Use Authority (see note 1)

- BLM U.S. Department of the Interior (52.67%)
- City of Marina (10.86%)
- Monterey County (10.17%)
- City of Seaside (5.28%)
- CSUMB (4.99%)
- U.C. MBEST (3.90%)
- California Department Parks & Recreation (3.52%)
- U.S. Army Retained (3.18%)
- Monterey Peninsula College (2.01%)
- City of Del Rey Oaks (1.30%)
- Caltrans Road Reservation (1.01%)
- MPUSD (0.51%)
- City of Monterey (0.49%)

### Map Description

This map identifies the location and size of jurisdictional governed areas within Fort Ord.

### Notes

1. Represents jurisdictions with authority over land use and entitlement approvals, and the percentage of land within Fort Ord governed by each.

Source: Fort Ord Reuse Authority 2012, U.S. Army Corps of Engineers GIS Database 2012, ESRI 2009



Figure 2  
**Authority for Land Use Approvals**  
 Fort Ord Reuse Plan Reassessment Scoping Report

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**Table 2 Authority for Land Use Approvals**

Authority	Acreage	Percentage
BLM U.S. Department of Interior	14,657.80	52.67%
Marina	3,022.10	10.86%
Monterey County	2,830.60	10.17%
Seaside	1,470.46	5.28%
CSUMB	1,387.87	4.99%
UC MBEST	1,087.05	3.90%
California Dept. Parks & Recreation	979.47	3.52%
U.S. Army (Retained)	885.78	3.18%
Monterey Peninsula College	560.33	2.01%
Del Rey Oaks	362.13	1.30%
Caltrans Road Reservation	306.58	1.10%
MPUSD	142.02	0.51%
Monterey	135.20	0.49%
<b>Total</b>	<b>27,827.39</b>	

Source: FORA 2012

Oaks, and Monterey) or its designee. Conveyances from the U.S. Army fall into three major categories: U.S. Army to another Federal Agency (Fed to Fed), Public Benefit Conveyances (PBCs), and Economic Development Conveyances (EDCs). Fed to Fed transfers will comprise more than 50 percent of the former base, including the Fort Ord National Monument managed by BLM. PBCs are made to government agencies or non-profit organizations with a public purpose. EDCs allow FORA, UCSC, and CSUMB to receive land to further their educational or economic missions.

Table 2, [Authority for Land Use Approvals](#), lists the jurisdictions with land use approval authority within the former Fort Ord. Figure 2, [Authority for Land Use Approvals](#), illustrates the land controlled by each of these jurisdictions.

### 1.3 Reassessment Requirements

References to the review or reassessment of the BRP are found in the Authority Act and the Master Resolution. The Authority Act makes two references to review and revision of the BRP, but does not mandate any such review. Authority Act Section 67675 (a) states:

The board shall prepare, adopt, review, revise from time to time, and maintain a plan for the future use and development of the territory occupied by Fort Ord as of January 1, 1993. The adopted plan shall be the official local plan for the reuse of the base for all public purposes, including all discussions with the Army and other fed-

eral agencies, and for purposes of planning, design, and funding by all state agencies.

This section of the Authority Act is mirrored in Master Resolution Section 8.01.010 (a).

Authority Act Section 67675 (f) states:

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

- (1) Monterey Bay regional plans.
- (2) County and city plans and proposed projects covering the territory occupied by Fort Ord or otherwise likely to be affected by the future uses of the base.
- (3) Other public and nongovernmental entity plans and proposed projects affecting the planning and development of the territory occupied by Fort Ord.

The mandate for a reassessment of the BRP is found in Master Resolution Section 8.01.010 (h), which states:

The Reuse Plan shall be reviewed periodically at the discretion of the Authority Board. The Authority Board shall perform a full reassessment, review, and consideration of the Reuse Plan and all mandatory elements as specified in the Authority Act prior to the allocation of an augmented water supply, or prior to the issuance of a building permit for the 6001st new residential dwelling unit (providing a total population of 35,000 persons) on the Fort Ord territory or by January 1, 2013, whichever event occurs first. No more than 6000 new dwelling units shall be permitted on the Fort Ord territory until such reassessment, review, and consideration of the Reuse Plan has been prepared, reviewed, and adopted pursuant to the provisions of the Authority Act, the Master Resolution, and all applicable environmental laws. No development shall be approved by FORA or any land use agency or local agency after the time specified in this subsection unless and until the water supplies, wastewater disposal, road capacity, and the infrastructure to supply these resources to serve such development have been identified, evaluated, assessed, and a plan for mitigation has been adopted as required by CEQA, the Authority Act, the Master Resolution, and all applicable environmental laws.

The other triggering events having not yet occurred, the BRP is undergoing reassessment as a result of the January 1, 2013 deadline.

## 1.4 Scoping Report Contents

The Scoping Report is divided into several sections, providing various types of information on the investigation undertaken. These sections are described below.

### Chapter 1.0 Introduction

This section provides basic background information and a report overview.

### Chapter 2.0 Market Study Executive Summary

Presents the executive summary of the Market Study prepared for the reassessment. The full study is provided in Appendix E.

### Chapter 3.0 Community Participation and Public Information

This section provides an overview of the public outreach effort, and summarizes the comments received during the initial public comment period, which ended on June 15, 2012. Actual recorded comments from five public workshops, as well as written comments received by June 15, 2012 are included in the appendices.

### Chapter 4.0 Reuse Plan Implementation Status

This section presents information on attainment of base reuse plan objectives, implementation of mitigation measures, consistency with local and regional plans, and reviews re-development progress since adoption of the base reuse plan. Completed actions are reviewed in terms of how they affect the reuse plan.

## Chapter 5.0 Documentation

This section provides a list of sources reviewed and a list of report preparers.

### Appendices

The Appendices include a variety of background and supporting information relevant to the Scoping Report and the reassessment process.

### Background Document Compilation

Selected documents that provide useful background information have been compiled on a reference disc for ease of access.

## 1.5 Terminology

The following acronyms and shortened titles are used throughout the Summary Report:

Authority Act	Fort Ord Reuse Authority Act
BRAC	Base Realignment and Closure
BRP	Fort Ord Base Reuse Plan
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“Superfund”)
CDFG	California Department of Fish and Game
CSUMB	California State University Monterey Bay
DTSC	California Department of Toxic Substances Control
EDC	Economic Development Conveyance

ESCA	Environmental Services Cooperative Agreement
FORA	Fort Ord Reuse Authority
FORHA	Fort Ord Recreation Habitat Area
Fort Ord	Fort Ord Army Base
HCP	Habitat Conservation Plan
HMP	Habitat Management Plan
Market Report	Fort Ord Reuse Plan Reassessment Market and Economic Analysis
PBC	Public Benefit Conveyance
Reassessment Document	Fort Ord Reuse Plan Reassessment Final Report
Scoping Report	Fort Ord Reuse Plan Reassessment Scoping Report
UCMBEST	University of California Monterey Bay Education, Science, and Technology Center
USFWS	U.S. Fish and Wildlife Service