



Fort Ord Reuse Authority

920 2nd Avenue, Suite A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

ADMINISTRATIVE COMMITTEE

8:15 A.M. WEDNESDAY, MAY 1, 2013

920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

AGENDA

1. **CALL TO ORDER AT 8:15 AM**
2. **PLEDGE OF ALLEGIANCE**
3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**
4. **PUBLIC COMMENT PERIOD:**
Members of the audience wishing to address the Fort Ord Reuse Authority (FORA) Administrative Committee 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 three minutes. Public comments on specific agenda items will be heard under that item.
5. **APPROVAL OF MEETING MINUTES**
 - a. April 17, 2013 Administrative Committee Minutes ACTION
6. **MAY 10, 2013 BOARD MEETING – AGENDA REVIEW** INFORMATION/ACTION
7. **OLD BUSINESS**
 - a. Capital Improvement Program Phase II Study INFORMATION/ACTION
 - i. Formula Calculation
 - ii. Sensitivity analyses
8. **NEW BUSINESS**
 - a. Resource Conservation and Recovery Act (RCRA)
Applicability to former Fort Ord INFORMATION
9. **ITEMS FROM MEMBERS**
10. **ADJOURNMENT**

NEXT MEETING: MAY 15, 2013

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ADMINISTRATIVE COMMITTEE MEETING

8:15 A.M. WEDNESDAY, APRIL 17, 2013

920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

MINUTES

1. CALL TO ORDER

Chair Dawson called the meeting to order at 8:20 a.m. The following were present, as indicated by signatures on the roll sheet:

Marti Noel, County of Monterey*
Elizabeth Caraker, City of Monterey*
Layne Long, City of Marina*
John Dunn, City of Seaside*
Daniel Dawson, City of DRO*
Anya Spear, CSUMB
Tim O'Halloran, City of Seaside
Dirk Medema, Monterey County PW
Patrick Breen, MCWD
Andy Sterbenz, MCWD
Christi Di Iorio, City of Marina
Theresa Szymanis, City of Marina

Lyle Shurtleff, BRAC
Mike Zeller, TAMC
Graham Bice, UCSC
Vicki Nakamura, MPC
Bob Schaffer
Crisand Giles, BIA Bay Area
Scott Hilk, MCP
Doug Yount, Free Agent
Brian Lee, MCWD
Debby Platt, City of Marina
Kathleen Lee, Supervisor Potter
Brian True, MCWD

FORA Staff:
Michael Houlemard
Steve Endsley
Jim Arnold
Jonathan Garcia
Crissy Maras

* Voting Members

2. PLEDGE OF ALLEGIANCE

John Dunn led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Co-Chair Houlemard discussed 1) the May 2-3, 2013 Fort Ord Prevailing Wage Conference, 2) initiative filed by Fort Ord Access Alliance, and 3) initiative potentially being filed by the United Veterans Council and Monterey County Business Council. FORA and County attorneys are researching the impacts these initiatives would have on the Base Reuse Plan. Recently hired city manager Layne Long from the City of Marina introduced himself to the group.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

a. April 3, 2013 Administrative Committee Minutes

b. April 3, 2013 Joint Administrative and CIP Committee Minutes

BIA Bay Area representative Crisand Giles requested that the minutes be revised to reflect discussion that had taken place at the joint meeting. She listed: 1) *The Committee discussed the implementation agreement and formulaic language, it states that the fee is to be calculated using the adopted/current CIP,* 2) *It was noted that there is a problem with collecting the CFD beyond FORA's effective sunset date. If a forecast does reference CFD collection beyond 2020, then tax increment and land sales revenues should also be included,* 3) *Where adoption of the new fee Spring 2014 or every two years is noted; please add that the fee can also be recalculated any time there is a material change to the CIP program,* and 4) *In the HCP section we discussed the timing of the HCP implementation, there may be no need to include a contingency moving forward as the program is scheduled to begin next year. Jonathan commented on the 2% HCP payout rate, expecting the change to be approximately \$7-8 Million higher than the 3.5% referenced by EPS.*

In response, Graham Bice asked that the minutes reflect that the Administrative Committee did not recommend the study be prepared using draft CIP forecasts. Additionally, Debby Platt asked that the minutes reflect that the Administrative Committee was complying with the FORA Board adopted policy when directing EPS to use the adopted CIP in preparing the study.

MOTION: Mr. Dunn moved, seconded by Mr. Bice, to approve the April 3, 2013 Administrative Committee meeting minutes, as presented, and to approve the April 3 Joint Administrative and CIP Committee meeting minutes with the inclusion of the additional language provided by Ms. Giles, Mr. Bice and Ms. Platt.

MOTION PASSED: Ayes: Caraker, Platt, Dunn, Dawson. Abstained: Noel

6. APRIL 12, 2013 BOARD MEETING/WORKSHOP FOLLOW-UP

Co-Chair Houlemard reported that the Board had acted to approve an agreement with the City of Seaside to transfer a portion of the veterans cemetery parcel to the State and that FORA is working to assemble the components required to allow transfer by August 15th. Additionally, at Sierra Club's request, their opposition to the jobs/housing balance in Chapter 8 of the FORA Master Resolution was taken off of the agenda; all other Master Resolution amendments were approved. A final version of Chapter 8 will be provided to the Sierra Club and the jurisdictions.

7. OLD BUSINESS

a. HCP Update

Senior Planner Jonathan Garcia provided a handout which included minutes of a meeting between FORA, its consultants, US Fish & Wildlife, CA Fish & Wildlife, UC Natural Reserve and UC. Two action items from that meeting are to certify UC as an endowment holder and establish a Joint Powers Authority. The JPA agreement will be recirculated for signatures by all parties. Free Agent Yount encouraged the Committee to allocate sufficient time to allow for each city council and the County Board of Supervisors to adopt a variety of documents establishing the JPA.

b. Capital Improvement Program Phase II Study

Assistant Executive Officer Steve Endsley reported that the Board had requested a sensitivity analysis at their recent meeting. Staff will direct EPS to perform a sensitivity analysis once errors in the report have been corrected. The corrected study will be distributed for the next Administrative Committee meeting. At the May Board meeting, staff will present the sensitivity analysis and alternatives based on the outcome of using the adopted policy and requests from Board members. Committee members were in general agreement that if the sensitivity analysis did not indicate a significant change, there was no need to amend current policy. They also noted that this year's CIP forecasts would be used to recalculate the fee in less than a year and, moving forward, every two years or at any material change.

8. NEW BUSINESS

a. Post-Reassessment Category III

Mr. Garcia reported that the FORA Board had assigned the Administrative Committee with reviewing Category III items which involves developing a work plan for a checklist that accompanies consistency determinations. Theresa Szymanis from the City of Marina expressed concern that there is a perception the City is responsible for obligations that are not required. She noted that the City's general plan was updated to include Base Reuse Plan objectives and that policies were developed through a public and CEQA process. Mr. Endsley responded that Associate Planner Darren McBain could meet with the jurisdictions individually to discuss concerns and that some of these issues might fall under Category II items which involves CEQA review.

9. ITEMS FROM MEMBERS

None.

10. ADJOURNMENT

Chair Dawson adjourned the Administrative Committee meeting at 9:48 a.m.

Minutes Prepared by:

Crissy Maras, Grants and Contracts/Records Coordinator

Approved by:

Michael A. Houlemard, Jr., Executive Officer

DRAFT

- START -

**DRAFT
BOARD PACKET**



Fort Ord Reuse Authority

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BOARD OF DIRECTORS SPECIAL MEETING Friday, May 10, 2013 at 2:00 p.m. 910 2nd Avenue, Marina, CA 93933 (Carpenter's Union Hall)

AGENDA

1. CALL TO ORDER AND ROLL CALL

2. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Four Cases
 - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Numbers: M114961, M116438, M119217
 - ii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566
- b. Public Employee Performance Evaluation – Executive Officer (Gov Code 54957)

3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

(open session will begin at the later of: a) 2:30 p.m. or b) immediately following closed session)

4. PLEDGE OF ALLEGIANCE

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

6. CONSENT AGENDA

ACTION

- a. Approval of the April 12, 2013 Board Meeting Minutes
- b. Approval of Monterey County Elections Department Contract
- c. Continuance of Current Marina Coast Water District Water and Wastewater Systems Rates, Fees and Charges

7. OLD BUSINESS

- a. Denise Duffy & Associates Contract Amendment #7 ACTION
- b. Base Reuse Plan Post-Reassessment Follow-up: "Category I" ACTION
- c. Capital Improvement Program Review – Phase II Study
 - i. Approve Draft Resolution to Implement Fee Adjustment ACTION

8. NEW BUSINESS

- a. FY 2013-14 Capital Improvement Program INFORMATION/ACTION
- b. FORA FY 2013-14 Preliminary Budget INFORMATION/ACTION
- c. Legislative Committee Report
 - i. Receive Report from the Legislative Committee INFORMATION
 - ii. Concur in Committee Recommended Positions on State Legislation ACTION
- d. Financing Agreement to Facilitate Dunes on Monterey Bay Theater Project
 - i. Consider Option #1 – Defer FORA Receipt of Land Sales Payments from Marina for The Promontory Project ACTION
 - ii. Consider Option #2 – Amend Marina, Marina Community Partners, LLC, and FORA Agreement to Advance Building Removal Credits ACTION

9. 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.

10. EXECUTIVE OFFICER’S REPORT

- a. Fort Ord Reuse Authority Master Resolution
- b. Outstanding Receivables
- c. Habitat Conservation Plan Update
- d. Travel Report
- e. Administrative Committee
- f. Finance Committee
- g. Post-Reassessment Advisory Committee
- h. Veterans Issues Advisory Committee
- i. Water and Wastewater Oversight Committee
- j. Public Correspondence to the Board

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11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT REGULAR BOARD MEETING: JUNE 21, 2013

Persons seeking disability related accommodations should contact FORA 24 hours prior to the meeting.
 This meeting is recorded by Access Monterey Peninsula (AMP) to be televised Sundays at 9:00 a.m./Sundays at 1:00 p.m. on Marina/Peninsula Chanel 25. The video and full Agenda packet are available online at www.fora.org.

Placeholder for Item 6b

*Approval of Monterey County Elections Department
Contract*

This item will be included in the final
Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Continuance of Current Marina Coast Water District Water and Wastewater Systems Rates, Fees and Charges	
Meeting Date:	May 10, 2013	ACTION
Agenda Number:	6c	

RECOMMENDATION:

Continue the current Marina Coast Water District (MCWD) water and wastewater rates, fees and charges until subsequent action is taken by the Fort Ord Reuse Authority (FORA) Board of Directors.

BACKGROUND:

The process for approving rates, fees and charges has been in place since MCWD took ownership of the former Fort Ord water and wastewater systems in 2001. The Water/ Wastewater Oversight Committee (WWOC), advisory to the Board, reviews information presented by MCWD and ultimately recommends the MCWD budget to the FORA Board for approval. The FORA Board typically approves the MCWD budget in the May/June timeframe, facilitating subsequent approval by the MCWD Board, and allowing MCWD to adopt the rates, fees and charges to be effective by July 1st each year. In some cases the FORA and MCWD actions have occurred at a joint meeting of the two agencies.

DISCUSSION:

MCWD has undertaken a rate study to determine if an increase to rates and charges were necessary to continue both normal operations and capital improvements. The anticipated timeline for completing the rate study does not allow FORA Board action on the FY 2013/14 MCWD budget until after the beginning of the new fiscal year (July 1st). Therefore MCWD staff requested, and WWOC and FORA staff recommend, that the FORA Board approve *continuing* the FY 2012/13 rates, fees and charges (FORA Board approved in September 2012) until the rate study and FY 2013/14 budget is complete, anticipated for presentation to the Board this September.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved FY 12-13 budget.

COORDINATION:

WWOC

Prepared by _____ Approved by _____
Crissy Maras Michael A. Houlemard, Jr.

Placeholder for Item 7a

Denise Duffy & Associates Contract Amendment #7

This item will be included as soon as materials are available.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: Base Reuse Plan Post-Reassessment Follow-Up: "Category I"

Meeting Date: May 10, 2013

Agenda Number: 7b

ACTION

RECOMMENDATION

- i. Direct staff to incorporate the Post-Reassessment Advisory Committee's (PRAC/"Committee") recommendations regarding Reassessment Report "Category I" text corrections into a future Base Reuse Plan compilation/publication, and
- ii. Receive a status report on the PRAC's review of Category I figure modifications.

BACKGROUND

The Reassessment Report's Category I topics/options section identified approximately 45 text corrections and various corrections to 40 different figures in the Base Reuse Plan (BRP). These corrections were intended to be of a "housekeeping," non-substantive nature, consisting of corrections of editorial errors, out-of-date references, and clarifications to instances of ambiguous wording in the BRP. The corrections would take effect as part of a future BRP republication (full scope, schedule, and budget to be determined, pending outcome of the policy workshops).

At the March 22 Board workshop (post-reassessment policy workshop #2), among other actions, the Board voted to support the Board chair's appointment of an advisory committee, consisting of seven Board members. The Committee would explore a range of considerations and form priority recommendations regarding Reassessment Report Category IV topics, with further review of Category I issues and concerns also included in its scope. The Committee held its first meeting on April 5. The Committee made substantial progress toward resolving outstanding concerns with the identified Category I BRP text edits and developing a systematic approach to the figure corrections identified in the Report. At the April 12 Board meeting, staff provided a status report on the Committee's work.

DISCUSSION

On April 19, the PRAC continued the April 5 discussion of Category I text and figure corrections. CONCUR, Inc. meeting facilitator Scott McCreary guided the discussion. The Committee reviewed a draft staff-prepared, tracked-changes summary of the April 5 review/discussion of text edits. After requesting minor revisions to be incorporated into the final version for future Board consideration, the Committee unanimously voted to endorse the summary document **(Attachment A)**.

The Committee completed its previous review of the Reassessment Report's comments on the 40 individual BRP figures, and developed a systematic approach for sorting and addressing future map/figure corrections. After deliberation, members unanimously agreed on the approach and its applicability to each figure. As of this writing, staff is preparing a summary of the Committee's review of the BRP figures, to be circulated to Committee members for confirmation prior to full Board consideration (Future Attachment B).

The Committee continued initial discussion of potential Category IV prioritization considerations and factors. Its next meeting is scheduled for Friday, May 10 (8:00 to 11:00 AM).

California Environmental Quality Act (CEQA) reference: Not a project. Board endorsement of the Committee's recommendations does not modify the BRP or result in any changes to the physical environment. Revised text and figures implementing the Committee's recommendations would eventually be developed and integrated into a future BRP republication (scope, schedule, and budget to be determined). Republication would undergo appropriate CEQA clearance prior to any discretionary approval.

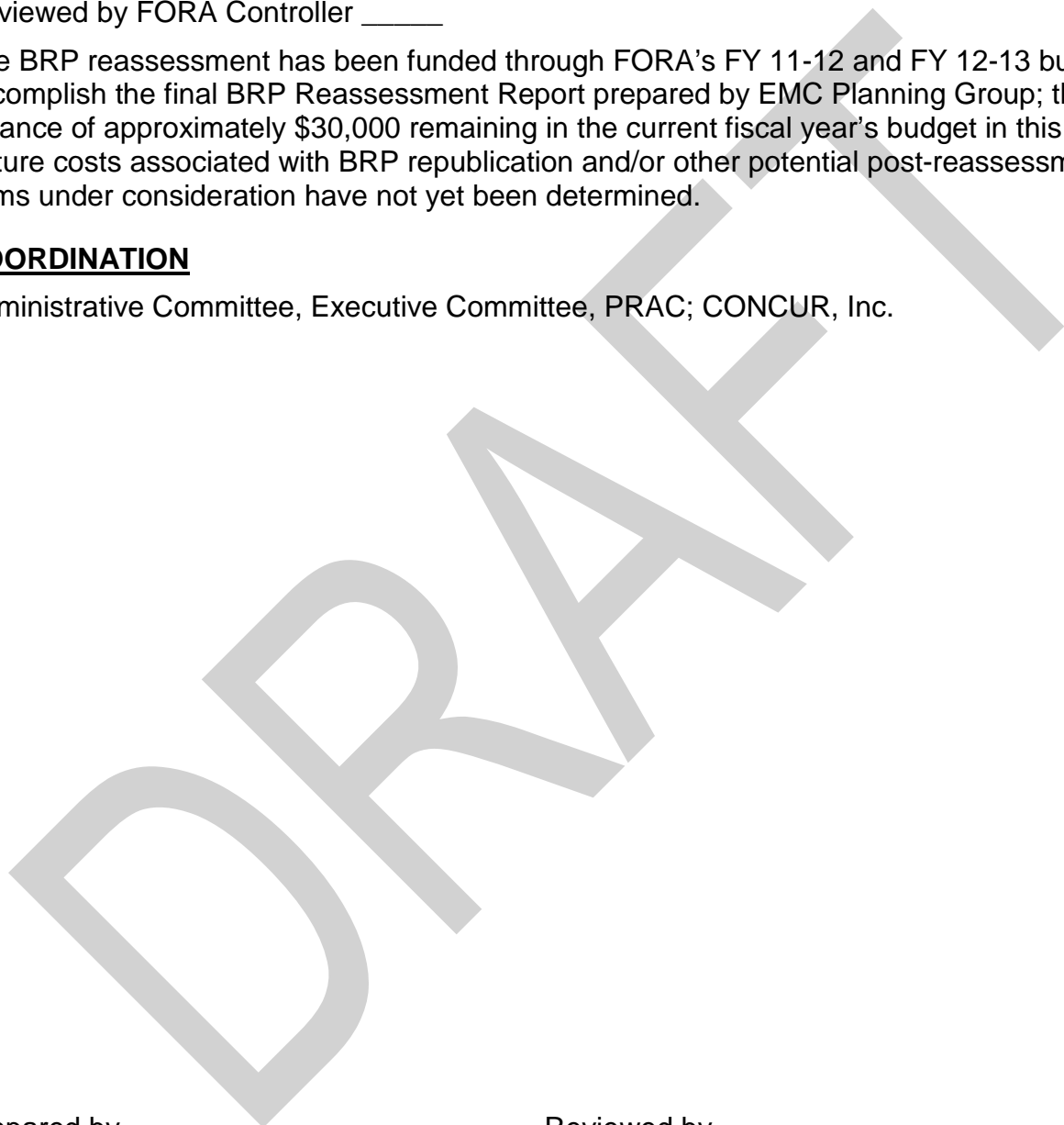
FISCAL IMPACT

Reviewed by FORA Controller _____

The BRP reassessment has been funded through FORA's FY 11-12 and FY 12-13 budgets to accomplish the final BRP Reassessment Report prepared by EMC Planning Group; there is a balance of approximately \$30,000 remaining in the current fiscal year's budget in this category. Future costs associated with BRP republication and/or other potential post-reassessment action items under consideration have not yet been determined.

COORDINATION

Administrative Committee, Executive Committee, PRAC; CONCUR, Inc.



Prepared by _____ Reviewed by _____

Darren McBain

Steve Endsley

Approved by _____

Michael A. Houlemard, Jr.

3.2 CATEGORY I – BRP CORRECTIONS AND UPDATES

Text Corrections

Most of the text corrections referenced in Table 5, Index of BRP Corrections and Updates, were identified in the Scoping Report. Others have been independently identified by FORA staff apart from the Scoping Report process. The corrections are largely associated with BRP policies, programs, or mitigation measures. The corrections are grouped by the BRP Element in which the subject text is found. In instances where the correction may not be obvious, an explanatory note is provided in *italics*. Some corrections are repeated two or three times, typically with different page references, one occurrence for each member jurisdiction to which the subject text applies. Text deletions are noted in ~~strikethrough~~ and text insertions are underlined.

Land Use Element

Volume II, Page 237

Program ~~E-1.2~~ E-1.3: The City of Marina shall designate convenience/specialty retail land use on its zoning map and provide standards for development within residential neighborhoods.

Volume II, Page 241

Program C-1.2: The City of Seaside shall zone and consider development of a golf course community in the New Golf Course Community District totaling 3,365 units. The ~~district~~ District includes the existing 297-unit Sun Bay apartment complex on Coe Road and 3,068 new housing units within the remainder of this District. The City of Seaside shall replace the remaining residential stock in the New Golf Course Community District with a range of market-responsive housing. Development of this area is contingent on the reconfiguration of the existing POM Annex so that the Army residential enclave is located totally to the east of ~~North-South Road~~ General Jim Moore Boulevard.

Program C-1.3: The City of Seaside shall assist the U.S. Army to reconfigure the POM Annex. The reconfigured POM Annex should include approximately 805 existing units on 344 acres east of General Jim Moore Boulevard and an additional 302 acres of surrounding, vacant land that is intended to be developed for housing to replace the existing POM Annex housing west of ~~North-South Road~~ General Jim Moore Boulevard.

Volume II, Page 255

APPENDICES

Program E-2.3: ~~The City~~ The City of Marina shall preserve sufficient land at the former Fort Ord for right-of-ways to serve long-range commercial build-outs.

Volume II, Page 265

Program B-2.4: In the Planned Development/Mixed Use District in the Existing City of Marina Neighborhoods Planning Area, intended for public facilities such as the future Marina Civic Center and related facilities, the City shall install an open space barrier along the border of adjacent Polygons 5a and 5b to prevent potential degradation of this undeveloped habitat. Both polygons provide corridor linkage from the maritime chaparral around the airfield to the habitats in the interior.

Comment [dm1]: On hold (identified as needing further clarification as to the reasons underlying the change). Examine further as part of a Category IV policy discussion.

Volume II, Page 266

Program C-1.3: The City of Marina shall designate land uses for the following park locations and acreages:

- Neighborhood Park in housing area (Polygon 4): 27 acres.
- Neighborhood Park with community recreation center (Polygon 2B): 10 acres.
- Community Park at existing equestrian center (Polygon 2G): 39.5 acres.
- ~~Community Park with equestrian trailhead (Polygon 17A): 46 acres.~~

Note: Polygon 17A is near the Youth Camp and is not within the City of Marina.

Volume II, Page 271

Program C-1.2: The County of Monterey shall designate land uses for the following park locations and acreages:

- Neighborhood Park in Eucalyptus Road Residential Planning Area (Polygon 19a): 10 acres.
- A minimum of 200 acres in permanent open space within the Eucalyptus Road residential planning area.
- Community Park with equestrian trailhead (Polygon 17A): 46 acres.

Note: See note above regarding City of Marina Program C-1.3.

Volume II, Page 276

Program A-1.1: The City of Seaside shall request to be included in the master planning efforts undertaken by the California State University and shall take an active role to ensure compatible land uses ~~use into~~ transitions between university lands and non-university lands.

Program B-1.1: The City of Seaside shall review all planning and design for Fort Ord land use and infrastructure improvements in the vicinity of schools and ensure appropriate compatibility including all safety standards for development near schools, as a condition of project approval.

Circulation Element

Volume II, Page 303

Program D-1.3: Each jurisdiction shall evaluate all new development proposals for the need to provide on-street parking as part of the overall ~~on-street~~ parking program.

Volume II, Page 312

Program ~~A-2.1~~ A-2.1: Each jurisdiction with lands at former Fort Ord shall develop transportation standards for implementation of the transportation system, including but not limited to, rights-of-way widths, roadway capacity needs, design speeds, safety requirements, etc. Pedestrian and bicycle access shall be considered for ~~all~~ incorporation into all roadway designs.

Recreation and Open Space Element

Volume II, Page 321

Recreation Policy A-1: The City of Marina shall work with the California State Park System to coordinate the development of Fort Ord ~~Beach~~ Dunes State Park.

Volume II, Page 321

Recreation Policy A-2: The City of Marina shall support the development of a regional Visitor Center/Historical Museum complex adjacent to the 8th Street entrance to Fort Ord ~~Beach~~ Dunes State Park which will serve as a an orientation center to communicate information about ~~all~~ the former Fort Ord recreation opportunities.

Comment [dm2]: Keep the word "all" in place

Volume II, Page 324

Recreation Policy G-1: The City of Marina shall use incentives to promote the development of an integrated, attractive park and open space system during the ~~development~~ planning of individual districts and ~~neighborhood's~~ neighborhoods within the former Fort Ord.

Comment [dm3]: Substitution of "planning" for "development" is agreeable. Further discussion of the subject matter (jurisdictions seeking early consideration of parks and open space) should be considered in the context of Cat. IV policy options.

APPENDICES

Recreation Policy A-1: The City of Seaside shall work with the California State Park System to coordinate the development of Fort Ord Beach Dunes State Park.

Volume II, Page 327

Recreation Policy G-1: The City of Seaside shall use incentives to promote the development of an integrated, attractive park and open space system during the development planning of individual districts and neighborhood's neighborhoods within the former Fort Ord.

Comment [dm4]: See comment 3, above

Volume II, Page 330

Recreation Policy G-1: Monterey County shall use incentives to promote the development of an integrated, attractive park and open space system during the development planning of individual districts and neighborhood's neighborhoods within the former Fort Ord.

Comment [dm5]: See comment 3, above

Conservation Element

Volume II, Page 337

Soils and Geology Policy A-4: The City shall continue to enforce the Uniform California Building Code to minimize erosion and slope instability.

Program A-6.1: The City shall prepare and make available a slope map to identify locations in the study area former Fort Ord where slopes poses severe constraints for particular land uses.

Volume II, Page 338

Program C-2.1: The City shall require that the recipients of land recipients of properties within the former Fort Ord implement the Fort Ord Habitat Management Plan.

Volume II, Page 339

Soils and Geology Policy A-4: The City shall continue to enforce the Uniform California Building Code to minimize erosion and slope instability problems.

Program A-6.1: The City shall prepare and make available a slope map to identify locations in the study area former Fort Ord where slopes poses severe constraints for particular land uses.

Program A-2.3: See description of this program above.

Volume II, Page 341

Soils and Geology Policy A-4: The County shall continue to enforce the Uniform California Building Code to minimize erosion and slope instability problems.

Program C-2.1: The City shall require that the ~~recipients of land~~ recipients of properties within the former Fort Ord implement the Fort Ord Habitat Management Plan.

Volume II, Page 342

Program A-2.3: See description of this program above.

Volume II, Page 343

Program C-2.1: The County shall require that the recipients of land recipients of properties within the former Fort Ord implement the Fort Ord Habitat Management Plan.

Volume II, Page 346

Hydrology and Water Quality Policy B-1: The City/County shall ensure additional water supply.

Volume II, Page 347

Program B-1.2: The City/County shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s).

Comment [dm6]: On hold; discuss possible language revisions in the context of Cal. TV policy options.

Program B-1.3: The City/County shall adopt and enforce a water conservation ordinance developed by the Marina Coast Water District.

Program B-1.4: The City/County shall continue to actively participate in and support the development of "reclaimed" water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord.

Program B-1.5: The City/County shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements, to collect surface rain water for in-tract irrigation and other non-portable use.

Comment [dm7]: delete

Program B-1.6: The City/County shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord.

Program B-1.7: The City/County, in order to promote FORA's DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from FORA's allocation and water from other available sources; 2) estimate of existing and projected jobs within its Fort Ord boundaries based on

APPENDICES

development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA's monitoring of water supply, use, quality, and yield.

Note: These programs were originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, they are being separated out to match the predominant BRP format.

Volume II, Page 348

Program C-1.2: The City shall comply with the current version of the General Industrial Storm Water Permit adopted by the SWRCB in November 1991 that requires all storm drain outfalls classified as industrial to apply for a permit for discharge.

Program C-2.1: The City/~~County~~ shall develop and make available a description of feasible and effective measures and site drainage designs that will be implemented in new development to minimize water quality impacts.

Note: This program was originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, it is being separated out to match the predominant BRP format.

Hydrology and Water Quality Policy C-3: The ~~MCWRA and the~~ City shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on Salinas Valley Basin Management Plan.

Volume II, Page 350

Program B-1.2: ~~See description of this program under Marina above.~~ The City shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s).

Program B-1.3: ~~See description of this program under Marina above.~~ The City shall adopt and enforce a water conservation ordinance developed by the Marina Coast Water District.

Program B-1.4: ~~See description of this program under Marina above.~~ The City shall continue to actively participate in and support the development of "reclaimed" water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord.

Program B-1.5: ~~See description of this program under Marina above.~~ The City shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements, to collect surface ~~rain~~ water for in-tract irrigation and other non-portable use.

Comment [dm8]: delete

~~Program B-1.6: See description of this program under Marina above. The City shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord.~~

~~Program B-1.7: See description of this program under Marina above. The City, in order to promote FORA's DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from FORA's allocation and water from other available sources; 2) estimate of existing and projected jobs within its Fort Ord boundaries based on development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA's monitoring of water supply, use, quality, and yield.~~

These separate programs are added for format consistency. See note above for Page 347.

Program C-1.2: The City shall comply with the current version of the General Industrial Storm Water Permit adopted by the SWRCB ~~in November 1991~~ that requires all storm drain outfalls classified as industrial to apply for a permit for discharge.

Volume II, Page 351

Hydrology and Water Quality Policy C-3: ~~The MCWRA and the~~ City shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on Salinas Valley Basin Management Plan.

Volume II, Page 352

~~Program C-6.1: See Program C-6.1 above. The City shall work closely with other Fort Ord jurisdictions and the CDPRA to develop and implement a plan for stormwater disposal that will allow for the removal of the ocean outfall structures and end the direct discharge of stormwater into the marine environment. The program must be consistent with State Park goals to maintain the open space character of the dunes, restore natural landforms, and restore habitat values.~~

This separate program is added for format consistency. See note above for Page 348.

Volume II, Page 353

~~Program B-1.2: See description of this program under Marina above. The County shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s).~~

Comment [dm9]: On hold; discuss possible language revisions in the context of Cat. IV policy options.

~~Program B-2.4: See description of this program under Marina above. The County shall continue to actively participate in and support the development of "reclaimed" water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord.~~

Comment [dm10]: Renumber programs B-2.4 through B-2.7 to group them under Policy B-1 (consistent with the way presented in the previous City of Marina section)

~~Program B-2.5: See description of this program under Marina above. The County shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements, to collect surface rain water for in-tract irrigation and other non-portable use.~~

Comment [dm11]: delete

~~Program B-2.6: See description of this program under Marina above. The County shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord.~~

~~Program B-2.7: See description of this program under Marina above. The County, in order to promote FORA's DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from FORA's allocation and water from other available sources; 2) estimate of existing and projected jobs within its Fort Ord boundaries based on development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA's monitoring of water supply, use, quality, and yield.~~

These separate programs are added for format consistency. See note above for Page 347.

Program C-1.2: The County shall comply with the current version of the General Industrial Storm Water Permit adopted by the SWRCB in November 1991 that requires all storm drain outfalls classified as industrial to apply for a permit for discharge.

Program C-1.5: The County shall adopt and enforce an a hazardous substance control ordinance that requires that hazardous substance control plans be prepared and implemented for construction activities involving the handling, storing, transport, or disposal of hazardous waste materials.

Volume II, Page 354

~~See Program C-6.1 above. Program C-6.1: The County shall work closely with other Fort Ord jurisdictions and the CDPR to develop and implement a plan for stormwater disposal that will allow for the removal of the ocean outfall structures and end the direct discharge of stormwater into the marine environment. The program must be consistent with State Park goals to maintain the open space character of the dunes, restore natural landforms, and restore habitat values.~~

Comment [dm12]: Already completed? As a Cat. IV item, consider addition of "crossing out" already achieved programs in a future BRP republication as a new Cat. IV topic.

This separate program is added for format consistency. See note above for Page 3489.

Comment [dm13]: Changed to 349.

Hydrology and Water Quality Policy C-3: The ~~MCWRA and the~~ County shall cooperate with MCWRA and MPWMD to mitigate further seawater intrusion based on Salinas Valley Basin Management Plan.

Volume II, Page 356

Objective A: Preserve and protect the sensitive species and habitats addressed in the Installation-Wide Habitat Management Plan (HMP) for Fort Ord in conformation with its resource conservation and habitat management requirements and with the guidance provided in the HMP Implementing/Management Agreement.

Volume II, Page 378

Program A-3.2: The County shall restrict uses in the natural lands, outside of campground facilities, to low-impact programs for youth, outdoor nature, education, resource management, and trails. The existing pond in the parcel Polygon 17b shall continue to be used for recreational fishing.

Program A-3.3: The County shall prepare, or cause to be prepared, a management plan for the parcel Polygon 17b that addresses special status species monitoring, controlled burning and firebreak construction/maintenance, vehicle access controls, erosion controls, and regular patrols to assure public use/unauthorized actions are not impacting the habitat. The County shall coordinate with the California Department of Forestry and CDFG to determine suitable habitat management practices for retaining and enhancing habitat values within the oak woodlands.

Note: Polygon 17b is referenced in the related policy.

Volume II, Page 381

Program A-7.1: The County shall consult with CSUMB during its Master Plan ~~Process~~ process regarding potential pedestrian, bicycle and vehicle access to adjacent habitat conservation and corridor areas from the campus. Methods for controlling this access should be developed by CSUMB with assistance from the County and UCNRS.

Biological Resources Policy A-8: The ~~County~~ City of Del Rey Oaks shall maintain the quality of the habitat in the Frog Pond Natural Area.

Note: The Frog Pond Natural Area was unincorporated County land when the BRP was adopted but has since been annexed to Del Rey Oaks.

Program A-8.1: The direct discharge of storm water or other drainage from new impervious surfaces created by development of the office park parcel into the ephemeral drainage in the natural area expansion parcel will be prohibited. No increase in the rate of flow of storm water

Comment [dm14]: Footnote with a brief discussion of the reason for the change (site's annexation into Del Rey Oaks) with dates identified.

APPENDICES

runoff beyond pre-development quantities shall be managed on-site through the use of basins, percolation wells, pits, infiltration galleries, or any other technical or engineering methods which are appropriate to accomplish these requirements. Indirect sub-surface discharge is acceptable. These storm water management requirements will be used for ~~development~~ development on Polygon 31b.

Program A-8.2: The ~~County~~ City of Del Rey Oaks shall require installation of appropriate firebreaks and barriers sufficient to prevent unauthorized vehicle access along the border of Polygons 31a and 31b. A fuel break maintaining the existing tree canopy (i.e. shaded fuel break) shall be located within a five acre primary buffer zone on the western edge of Polygon 31b. No building or roadway will be allowed in this buffer zone with the exception of picnic areas, trailheads, interpretive signs, drainage facilities, and park district parking. Firebreaks should be designed to protect structures in Polygon 31b from potential wildfires in Polygon 31a. Barriers should be designed to prohibit unauthorized access into Polygon 31a.

Note: Polygons 31a and 31b were unincorporated County land when the BRP was adopted but have since been annexed to Del Rey Oaks.

Comment [dm15]: Add: A portion of Polygon 31b is anticipated to be transferred to the City of Monterey.

Volume II, Page 383

Program C-2.2: The County shall apply certain restrictions for the preservation of oak and other protected trees in accordance with Chapter 16.60 of Title 16 of the Monterey County Code (Ordinance 3420).

Volume II, Page 398

Program B-2.3: The County of Monterey, ~~in association with Monterey Peninsula College~~ and all other proponents of new uses of historic structures in the East Garrison area, shall cooperate with the California State Historic Preservation Officer to develop a management strategy that recognizes the historic value of the East Garrison historic district, in accordance with the 1994 agreement developed by the U.S. Army, the Advisory Council on Historic Preservation and the California SHPO. The county will be responsible for initiating any further consultation with the SHPO needed to modify these covenants or conditions.

Note: Monterey Peninsula College no longer has land at East Garrison, where this program applies.

Comment [dm16]: Add the date that the change (land exchange involving MPC) became effective

Noise Element

Volume II, Page 414

Program ~~3-2.1~~ B-2.1: See description of Program A-1.1 above.

Program ~~3-2.2~~ B-2.2: See description of Program A-1.2 above.

Volume II, Page 416

Program ~~3-2-1~~ B-2.1: See description of Program A-1.1 above.

Program ~~3-2-2~~ B-2.2: See description of Program A-1.2 above.

Safety Element

Volume II, Page 427

Program A-2.3: The City shall continue to update and enforce the Uniform California Building Code to minimize seismic hazards impacts ~~from~~ resulting from earthquake induced effects such as ground shaking, ground rupture, liquefaction, and or ~~soils~~ soil problems.

Seismic and Geologic Hazards Policy A-3: The City shall designate areas with severe seismic hazard risk as open space or similar use if adequate measures cannot be taken to ensure the structural stability of ~~habituall~~ habitable buildings and ensure the public safety.

Volume II, Page 428

Program A-3.1: As appropriate, the City should amend its General Plan and zoning maps to designate areas with severe seismic hazard risk as open space if ~~not~~ no other measures are available to mitigate potential impacts.

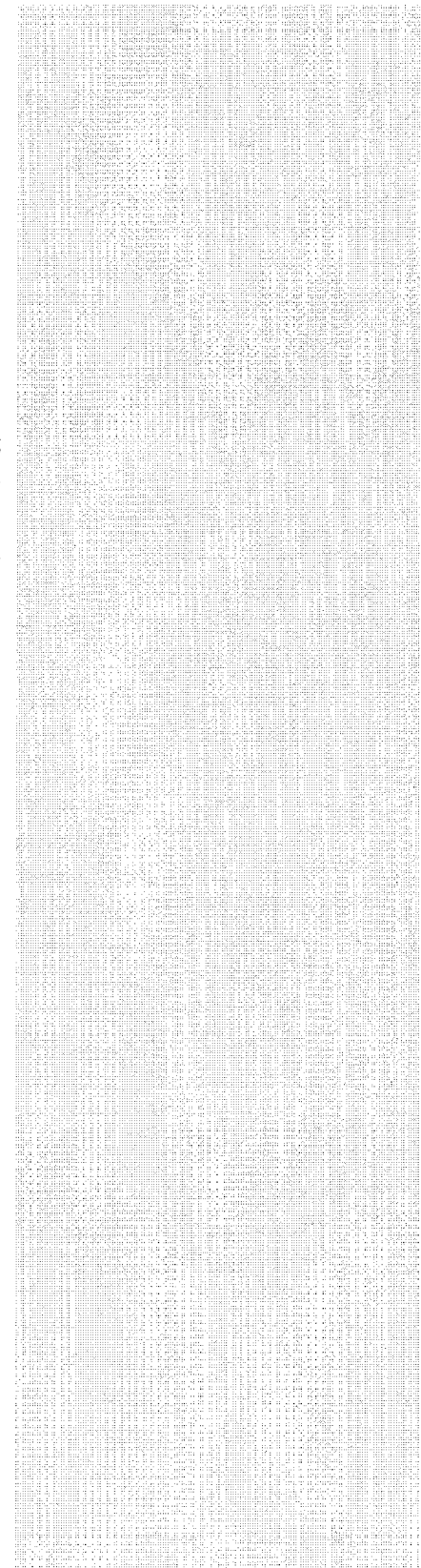
Program B-1.1: The City shall evaluate the ability of critical and sensitive buildings to maintain structural integrity as defined by the Uniform California Building Code (UBC) in the event of a 6.0 magnitude or greater earthquake. The Public Works Director shall inventory those existing facilities determined to be unable to maintain structural integrity, and make recommendations for modifications and a schedule for compliance with the UBC California Building Code. The City shall implement these recommendations in accordance with the schedule.

Volume II, Page 429

Program A-2.3: The City shall continue to update and enforce the Uniform California Building Code to minimize seismic hazards impacts ~~from~~ resulting from earthquake induced effects such as ground shaking, ground rupture, liquefaction, and or ~~soils~~ soil problems.

Seismic and Geologic Hazards Policy A-3: The City shall designate areas with severe seismic hazard risk as open space or similar use if adequate measures cannot be taken to ensure the structural stability of ~~habituall~~ habitable buildings and ensure the public safety.

Program A-3.1: As appropriate, the City should amend its General Plan and zoning maps to designate areas with severe seismic hazard risk as open space if ~~not~~ no other measures are available to mitigate potential impacts.



Volume II, Page 430

Program B-1.1: The City shall evaluate the ability of critical and sensitive buildings to maintain structural integrity as defined by the Uniform California Building Code (UBC) in the event of a 6.0 magnitude or greater earthquake. The Public Works Director shall inventory those existing facilities determined to be unable to maintain structural integrity, and make recommendations for modifications and a schedule for compliance with the UBC California Building Code. The City shall implement these recommendations in accordance with the schedule.

Seismic and Geologic Hazards Policy C-1: The City shall, in cooperation with other appropriate agencies, create a program of public education for earthquakes which includes guidelines for retrofitting of existing structures for earthquake protection, safety procedures during an earthquake, necessary survival material, community resources identification, and procedures after an earthquake. ~~Program C-1.1: The City shall prepare and/or make available at City hall libraries and other public places, information and educational materials regarding earthquake preparedness.~~

Program C-1.1: The City shall prepare and/or make available at City hall, libraries, and other public places, information and educational materials regarding earthquake preparedness.

Note: Correction to formatting error.

Volume II, Page 431

Program A-2.3: The County shall continue to update and enforce the Uniform California Building Code to minimize seismic hazards impacts from resulting from earthquake induced effects such as ground shaking, ground rupture, liquefaction, and or soils soil problems.

Seismic and Geologic Hazards Policy A-3: The County shall designate areas with severe seismic hazard risk as open space or similar use if adequate measures cannot be taken to ensure the structural stability of habitual habitable buildings and ensure the public safety.

Volume II, Page 432

Program B-1.1: The County shall evaluate the ability of critical and sensitive buildings to maintain structural integrity as defined by the Uniform California Building Code (UBC) in the event of a 6.0 magnitude or greater earthquake. The Public Works Director shall inventory those existing facilities determined to be unable to maintain structural integrity, and make recommendations for modifications and a schedule for compliance with the UBC California Building Code. The County shall implement these recommendations in accordance with the schedule.

Volume II, Page 436

Program A-2.1: The City shall incorporate the recommendations of the City Fire Department for all residential, commercial, industrial, and public works projects to be constructed in high fire hazard areas before a building permit can be issued. Such recommendations shall be in conformity with the current applicable ~~codes Uniform Building Code Fire Hazards Policies~~. These recommendations should include standards of road widths, road access, building materials, distances around structures, and other standards for compliance with the ~~UBC Fire Hazards Policies~~ California Building Code, California Fire Code, and Urban Wildland Intermix Code.

Volume IV, Page 4-66

Mitigation: Add a new program that shall require preparation of a Master Drainage Plan ~~should be developed~~ for the Fort Ord property 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, including detention/retention and enhanced percolation to the ground water. This plan shall be developed by FORA with funding for the plan to be obtained from future development. All Fort Ord property owners (federal, state, and local) shall participate in the funding of this plan. Reflecting the incremental nature of the funding source (i.e. development), the assessment of existing facilities shall be completed first and by the year 2001 and submitted to FORA. This shall be followed by recommendations for improvements and an implementation plan to be completed by 2003 and submitted to FORA.

Volume IV, Page 4-173

Mitigation: Because of the unique character of Fort Ord flora, the County shall use native plants from on-site stock ~~shall be used in~~ for all landscaping except turf areas. This is especially important with popular cultivars such as manzanita and ceonothus that could hybridize with the rare natives. All cultivars shall be obtained from stock originating on Fort Ord.

ADDITIONAL/ "POST-MEETING" CHANGES

Volume II, Page 226

~~Two references to "Table 3.2-2" (does not exist) should be Table 3.4-1, which begins on page 99 of the BRP.~~

Comment [dm17]: Identified by the District 4 office via email, 4/8/13

Volume II, Page 327

~~Reference to "within Marina's jurisdiction"—should read "within Seaside's jurisdiction."~~

Comment [dm18]: Identified by the District 4 office via email, 4/16/13

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: Capital Improvement Program Review – Phase II Study

Meeting Date: May 10, 2013

Agenda Number: 7c

INFORMATION/ACTION

RECOMMENDATION(S):

- i. Receive a report on the Fort Ord Reuse Authority (FORA) Fee Formula Calculation from Economic and Planning Systems (EPS) (**Attachment A**).
- ii. Adopt draft Resolution 13-XX to implement the FORA Community Facilities District (CFD) Special Tax and Base-wide Development Fee adjustment (**Attachment B**).

BACKGROUND/DISCUSSION:

FORA conducted an initial Capital Improvement Program (CIP) Review Study in FY 10-11, resulting in a Board-approved 27% fee reduction. The FORA Board then authorized a CIP Review – Phase II Study, and adopted a formula for calculating periodic CFD Special Tax and Base-wide Development Fee adjustments (resolution 12-5 [**Attachment C**]). In addition, Implementation Agreement Amendments were authorized between FORA and the five land use jurisdictions.

In September 2012, FORA and Marina signed the approved Implementation Agreement amendment. Seaside and FORA executed their version in April 2013. The other three land use jurisdictions have not yet provided signature copies of their amended Implementation Agreements to FORA. The amendment includes a provision that FORA conduct the base fee calculation within 90 days of signing the amendment. To prepare for this, EPS completed draft formula analyses and presented results to the FORA Administrative Committee on March 6, April 3, April 17, and May 1, 2013. On May 1, 2013, the FORA Administrative and Executive Committees reviewed the item.

As provided for in resolution 12-5, EPS's fee formula calculation (**Attachment A**) utilizes the approved FY 12-13 FORA CIP development projections as the basis for the fee calculation. The resolution and Implementation Agreement Amendments describe the formula for calculating the fee and reference "Current FORA CIP build-out assumptions" be used to calculate FORA Property Taxes (Section 2.1.2) and FORA CFD Special Tax and Development Fee (Section 2.1.4). The current FORA CIP is the FY 12-13 CIP approved by the Board on June 8, 2012.

Once the base calculation and fee are in effect, the resolution requires the formula to be recalculated within one year, followed by periodic review every 2 years, or when a material change in the CIP program occurs. The annual July 1st cost indexing provided for in the CFD enabling legislation will continue to take place. It is anticipated that future updates to the fee be done in conjunction with approval of the updated CIP in May-June of the fiscal year using the most up to date projections. The draft resolution (**Attachment B**) implements a fee adjustment consistent with the formula. EPS Managing Principal David Zehnder will make a presentation to the FORA Board on May 10, 2013 that provides an overview of the formula calculation.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved annual budget. EPS's costs for this item are included in the approved FY 12-13 budget, not to exceed \$87,500.

COORDINATION:

Administrative Committee, Executive Committee, EPS, Authority Counsel, Building Industry Association of the Bay Area, Development Planning & Financing Group, and development teams.

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Prepared by _____ Reviewed by _____
Jonathan Garcia Steve Endsley

Approved by _____
Michael A. Houlemard, Jr.

Placeholder for Attachment A to Item 7c

CIP Review – Phase II Study

This attachment will be distributed as soon as it is available.

Resolution 13-XX

Resolution of the Fort Ord Reuse)
 Authority Board adjusting the FORA)
 Community Facilities District Special)
 Tax Rates and the Basewide Development)
 Fee Schedule.)

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

- A. Government Code section 67679(e) authorizes the Fort Ord Reuse Authority (hereinafter referred to as "Authority") Board of Directors (hereinafter referred to as "Board") to levy development fees on a development project within the area of the base in compliance with Government Code section 66000, *et seq.* The section stipulates that "No local agency shall issue any building permit for any development within the area of the former Fort Ord until the Board has certified that all development fees have been paid."
- B. The Authority Board adopted Resolution 99-1 to establish Basewide Development Fees for all of the former Fort Ord area primarily to pay for basewide obligations intended to mitigate the costs associated with the impact of development of the Fort Ord territory. The basewide public facilities are identified in the Base Reuse Plan and the Public Facilities Improvement Plan and are annually approved by the Board as part of the Board's adopted Capital Improvement Plan (hereinafter referred to as "CIP"), in particular the transportation, habitat management and other impacts caused by development as identified in the Final Environmental Impact Report, adopted by this Board on June 13, 1997.
- C. On January 18, 2002, the Authority Board adopted Resolution No. 02-1 establishing the Fort Ord Reuse Authority Basewide Community Facilities District (hereinafter referred to as the "CFD") under State Law that approved a rate and method of apportionment of special taxes (the "RMA") and provided for the levy of special taxes (the "Special Taxes") on real property in selected areas of the former Fort Ord, and, on October 14, 2005, the Authority Board adopted Resolution No. 05-15, which effectively amended the RMA for the CFD in 2005 in order to provide a special tax structure that would encourage and benefit the development of affordable and workforce housing.
- D. The Board heard testimony from professional consultants, affected businesses, and community representatives and, on August 29, 2012, through adoption of resolution 12-5 and authorization to sign an Implementation Agreement Amendments with Fort Ord land use jurisdictions, the Board directed calculation

of a formula, which analyzes CIP contingent expenses and anticipated revenues to calibrate FORA's Development Fee Schedule and CFD Special Tax to the appropriate level. The formula calculation will be used as a basis for Board consideration of adjustments in the maximum Special Taxes for the CFD and the Fee Policy.

- E. As part of their CIP Review – Phase II Study contract work for the Authority, Economic and Planning Systems, Inc. (“EPS”) performed the Board-directed formula calculation (**Attachment A** to Item 7f, FORA Board meeting April 12, 2013), recommending an immediate proportional XX.X% reduction in FORA's Development Fee Schedule and CFD Special Tax. There is a reasonable relationship between the need for the public projects included in the CIP and the type of development project on which the development fee or Special Tax is imposed. There is also a reasonable relationship between the amount of the development fee or Special Tax and the cost of the public projects attributable to the development on which the fee or Special Tax is imposed and the Board has determined that the fee and Special Tax structure will continue to provide sufficient fees and Special Taxes to meet its State Law obligations and basewide expenses.
- F. The purpose of this Resolution is to amend Resolution 99-1 and to provide for levies of Special Taxes in the CFD at rates lower than the authorized maximum Special Tax rates in the RMA in order to lower the fees charged to, and the Special Taxes levied on, development occurring on the former Fort Ord, while maintaining the financial resources to meet the Authority's mitigation measure and basewide expense obligations and to sustain parity between the Special Taxes levied within the CFD and the fees charged in the non-CFD areas.
- G. Section 6.01.010 of the Authority Master Resolution provides that all fees, penalties, refunds, reimbursements and charges imposed by the Authority may be adopted by resolution and amended by the Board. In addition, the Authority has entered into separate Implementation Agreements with each of its member land use jurisdictions. Those Agreements require all development projects to pay their fair share of the Authority's costs to mitigate development impacts. The Authority Board has approved further agreements with individual jurisdictions and/or their developers to carry out the Implementation Agreements and the other authoritative documents cited in this Resolution.
- H. The Board's annually approved CIP lists each project for which the Fort Ord Reuse Authority CFD special taxes and Basewide Development Fees are to be used and accompanying text describing the need for the project.
- I. The Basewide Development Fees and Special Tax rates listed in **Table 1** reflect a proportional XX.X% reduction. There is a reasonable relationship between the need for the public projects included in the CIP and the type of development project on which the development fee or Special Tax is imposed. There is also a

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reasonable relationship between the amount of the development fee or Special Tax and the cost of the public projects attributable to the development on which the fee or Special Tax is imposed and the Board has determined that the fee and Special Tax structure will continue to provide sufficient fees and Special Taxes to meet its State Law obligations and basewide expenses.

- J. Government Code Section 66001 requires the Authority to do the following before adopting or amending a development impact fee:
1. Account for and expend the fees.
 2. For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:
 - i. Identify the purpose of the fee (as described in "E." above).
 - ii. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements listed in the CIP.
 - iii. Designate the approximate dates on which the funding necessary to complete the project is expected to be deposited into the appropriate account or fund serving the CIP.
- K. Any development impact fee so adopted shall be effective _____.

NOW THEREFORE the Board hereby resolves that:

1. The CFD Special Tax and the Basewide Development Fee is amended in the amounts listed for each type of development in the attached fee schedule (**Table 1**) and these fees will hereafter be levied as Special Taxes at the maximum Special Tax rates in the attached schedule (**Table 1**).
2. This Basewide Development fee schedule and CFD maximum Special Tax shall be fixed to the CFD maximum Special Tax rates and indexed in the same manner on July 1st of every year as evidenced in the attached **Table 1** – Taxable Property Classifications and Maximum Development Fee Rates.
3. The adjusted Development Fees and the revised maximum Special Tax rates shall become effective immediately.
4. Proceeds of Development Fees and Special Tax levies shall be appropriately segregated through use of generally accepted government fund accounting methods according to the Board's adopted Capital Improvement Program budget as provided for in section B and G of this resolution.

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

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Jerry Edelen, Chair

ATTEST:

Michael A. Houlemard, Jr., Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Fort Ord Reuse Authority hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 13-XX adopted

Michael A. Houlemard, Jr., Secretary

TABLE 1 – TAXABLE PROPERTY CLASSIFICATIONS AND
 MAXIMUM DEVELOPMENT FEE RATES
 (Figures as of _____)

PROPERTY CLASSIFICATION	Maximum Development Fee Rates (One-time Development Fee Payments)
Undeveloped Property	\$ - 0 -
Developed Property	
New Residential	\$ XX,XXX / Dwelling Unit
Existing Residential	\$ XX,XXX / Dwelling Unit
Office	\$ X,XXX / Acre
Industrial	\$ X,XXX / Acre
Retail	\$ XX,XXX / Acre
Hotel	\$ X,XXX / Room

On July 1, commencing July 1, 2013, the Maximum Development Fee Rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's Construction Cost Index applicable to the area in which the fee overlay is located (or, if such index is no longer published, a substantially equivalent index selected by the Development Fee Administrator)

TABLE 1 – TAXABLE PROPERTY CLASSIFICATIONS AND
MAXIMUM SPECIAL TAX RATES
(Figures as of _____)

PROPERTY CLASSIFICATION	Maximum Special Tax Rates (One-time Special Tax Payments)
Undeveloped Property	\$ - 0 -
Developed Property	
New Residential	\$ XX,XXX / Dwelling Unit
Existing Residential	\$ XX,XXX / Dwelling Unit
Office	\$ X,XXX / Acre
Industrial	\$ X,XXX / Acre
Retail	\$ XX,XXX / Acre
Hotel	\$ X,XXX / Room

On July 1, commencing July 1, 2013, the Maximum Special Tax Rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's Construction Cost Index applicable to the area in which the District is located (or, if such index is no longer published, a substantially equivalent index selected by the CFD Administrator)

Resolution 12-5

Resolution of the Fort Ord Reuse Authority (FORA) Board establishing a formula to determine FORA's annual basewide development fee schedule and Community Facilities District (CFD) Special Tax rates)
)
)
)
)
)
)

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

- A. FORA has adopted a Basewide Community Facilities District ("CFD" or "CFD Special Tax") to fund, together with other revenues, the FORA CIP. Section 7 (ii) of the Implementation Agreement provides that the FORA development fee and CFD Special Tax to fund CEQA Mitigation Measures ("FORA CIP") are limited to the difference between the revenues needed for such purposes and the revenues otherwise reasonably available to achieve those purposes; and
- B. FORA and its member Jurisdictions have twelve years of experience with the Basewide Development Fee Policy ("Policy") and CFD Special Tax; and
- C. FORA and the Army have executed an Environmental Services Cooperation Agreement ("ESCA") providing for FORA to manage base-wide environmental remediation (including ordnance removal) funded by the Army; and
- D. The Policy and CFD Special Tax provide resources to fund CEQA Mitigation Measures (FORA CIP) identified in the 1997 FORA Base Reuse Plan and CEQA Documents; and
- E. FORA and its member Jurisdictions agree that land sales and lease proceeds, FORA property tax revenues, grant funds and the Policy and CFD Special Tax continue to be the appropriate sources to fund CEQA Mitigation Measures and Board-determined base-wide obligations in FORA's CIP as identified in Section 1.1; and
- F. FORA recognizes the importance of calibrating the Policy and CFD Special Tax by incorporating all available resources to fund CEQA Mitigation Measures and Board-determined basewide obligations in FORA's CIP identified in Section 1.1; and
- G. FORA and its member Jurisdictions acknowledge the Policy and CFD Special Tax must be fair and equitable; and
- H. FORA has 1) achieved cost savings; 2) secured grants and other contributions to the base-wide mitigation measures from federal and state sources; and 3) loaned monies to fund required projects that have reduced or deferred the demand for the original Policy and CFD Special Taxes; and
- I. The Base Reuse Plan emphasized the importance of job-creation and build-out of a balanced mix of community uses including commercial, residential and public facilities to achieve a desired jobs-housing balance; and

- J. FORA and its member Jurisdictions seek refinement to the list of authorized facilities that must be funded by proceeds from land sales and lease proceeds, grants, FORA property tax revenues, the Policy and CFD Special Tax; and
- K. Stakeholders recognize, given inherent uncertainties prevalent in Base Reuse Projects, that appropriate and reasonable cost contingencies are necessary and fiscally responsible; and
- L. FORA and its member Jurisdictions acknowledge the importance of adopting a formula to establish the Policy and CFD Special Tax rates. These revenue sources will fund, or partially fund, the CIP Program. That formula must account for all potential revenue sources and costs; and
- M. FORA and its member Jurisdictions agree that such a formula would reduce uncertainty to developers, increase efficiency in the FORA CIP process, and provide flexibility for FORA's fee program.

NOW THEREFORE the Board hereby resolves as follows:

1. Adjustment to the Policy and CFD special taxes.

1.1 The list of authorized CIP improvements (subject to escalation of costs through the San Francisco Construction Cost Index reported in the Engineering News Record, unless otherwise noted) to be funded by the Policy and CFD Special Taxes, after first applying all available FORA property tax revenues, grant funds, and land sales and lease proceeds, shall be limited to the following CEQA Mitigation Measures and corresponding base-wide obligations in FORA's CIP:

1.1.1 Transportation/Transit improvements, including regional improvements, off-site improvements, on-site improvements, and transit capital improvements identified in the Transportation Agency of Monterey County ("TAMC") FORA Fee Reallocation Study, dated April 8, 2005, or as subsequently updated by TAMC consistent with the FORA Fee Reallocation Study, in an amount not to exceed \$112,698,595 (as escalated) unless the obligation is otherwise reduced by TAMC and FORA.

1.1.2 Water Augmentation, which includes FORA's CEQA obligation for the approved water augmentation project and FORA's voluntary contribution to help offset water capacity charge increases. FORA's CEQA obligation is subject to annual escalation, while the voluntary contribution is not.

1.1.3 Habitat Management endowment requirements anticipated in the future Fort Ord Habitat Conservation Plan excluding costs related to an open space management plan or costs related to a regional trails system program.

1.1.4 Fire Fighting equipment ("Rolling Stock") lease-purchase of four fire engines and one water tender.

1.1.5 Other Costs and Contingencies shall be evaluated on a periodic basis in the same manner as other CIP costs and revenues. Other Costs and Contingencies are currently limited to the following:

A contingency amount not to exceed 15% of the costs of Transportation/Transit improvements for MEC construction support, soil management plans, right of way acquisition, CEQA/CESA/NEPA mitigations, unknown subsurface conditions, self insurance retention amounts and transportation/transit improvement phasing.

Additional Utility and Storm Drainage Costs which provide for restoration of storm drainage sites in State Parks land and relocation of utilities.

Other Costs for PLL insurance costs.

CFD Administration Expenses (including staff and consultant costs).

1.2 FORA will periodically adopt a formula to monitor and update the Policy and CFD Special Tax, as follows

1.2.1 The Policy and CFD Special Tax were originally designed to fund specific CIP improvements serving the overall base and local jurisdictions based upon mitigation measures required by the California Environmental Quality Act (CEQA). These mitigation measures are described in the Base Reuse Plan Environmental Impact Report (EIR) as well as the 1998 Settlement Agreement with the Ventana Chapter of the Sierra Club. This Resolution does not limit FORA's right or duty, or that of its member jurisdictions to raise sufficient funds to construct those CEQA Mitigation Measures.

1.2.2 The FORA Board will consider adjustments to the Policy and CFD Special Tax after a comprehensive review of all potential costs and revenues. The process to consider such adjustments will be defined, predictable and transparent to all stakeholders. Adjustments to the Policy and CFD Special Tax will be approved only if they are demonstrated to be fiscally prudent and do not expose FORA or its member jurisdictions to unreasonable risk.

1.2.3 In accordance with the process set forth in part II of this resolution, commencing with Section 2.1, the FORA Board will update anticipated construction costs and revenues available to fund the facilities identified in section 1.1 above, which are eligible to be funded by the Policy and CFD Special Taxes, and corresponding adjustments to the Policy and CFD Special Taxes within 90 days of the effective date of FORA and its member Jurisdictions adopting Implementation Agreement Amendment #1, Spring 2014 as the second evaluation period, and thereafter every two years, or when an economic or other event causes a material change to a CIP cost or revenue assumption, in coordination with FORA CIP updates.

1.2.4 Adjustments to the Policy and CFD Special Tax shall be made upon receipt by the FORA Board of satisfactory, factual documentation describing the basis for the adjustment.

1.2.5 To expedite this review procedure, adjustments to the Policy and CFD Special Tax shall maintain the same relationship among land uses as the maximum annual special taxes originally documented in the CFD.

II. PROCESS

2.1 FORA shall review and update the CIP periodically to apply the formula described in this Resolution and proposed Implementation Agreement Amendment #1 and any resulting Policy and CFD Special Tax adjustments. That procedure must ensure that FORA's revenue sources, including the Policy and CFD Special Tax revenues, are adequate to carry out the Base Reuse Plan and complete required CEQA Mitigation Measures and Board-determined base-wide obligations in FORA's CIP identified in Section 1.1 above. The periodic process will include the following steps:

2.1.1 Determine total remaining CIP costs (including required contingencies) consistent with section 1.1 above.

2.1.2 Determine the source and amount of funds, including, without limitation: a) Fund balances; b) Grant money; c) CSU Mitigation fees; d) Loan proceeds; e) Land sales revenues/proceeds net of a required credit/offset equal to the amount of monies advanced to construct CIP improvements (this amount shall ultimately be reduced to zero once the full credit/offset has been recognized) in excess of remaining building removal program estimated costs, and lease revenues (not required for other obligations); and f) FORA property tax revenue as calculated below. The following assumptions and formula shall be used to calculate the FORA property tax revenues, if available:

Assumptions:

- a. Current FORA CIP build-out assumptions as shown to estimate CFD special tax revenue
- b. Current market data assumptions to estimate assessed values for each land use type.

Formula:

- a. Calculate the net present value (NPV) of 90% of the FORA property tax revenue stream for all new assessed value after July 1, 2012.
- b. The term on the FORA property tax stream shall be from the date of the current CIP (e.g., upcoming fiscal year) through the anticipated end date of FORA (or the proposed FORA extension end date if applicable).
- c. The NPV calculation shall assume a discount rate equal to the annual average Bond Buyer Revenue Bond Index plus 50 basis points using the prior fiscal year end date (e.g., use 2012 year to date annual average at the end of FY 2011-12 for the FY 2012-13 calculation) as published in The Bond Buyer.
- d. Allocate the NPV as calculated above to reduce/offset costs of CIP.
- e. Allocate 10% of the actual property tax revenues collected by FORA from all new assessed value after July 1, 2012 and generated from parcels in the Fort Ord area of the member jurisdiction to the City or County for economic development to support the reuse of Fort Ord land within the relevant City or County.

2.1.3 Subtract sources of funds available under Section 2.1.2 from CIP costs to determine net cost to be funded by the Policy and CFD Special Tax.

2.1.4 Calculate Policy and CFD Special Tax revenues using the prior year Policy and CFD Special Tax Rates and the same land use assumptions used to estimate FORA property tax revenues shown above in Section 2.1.2.

2.1.5 Compare 2.1.4 with 2.1.3 and determine the amount of adjustment, if any, to the Policy and CFD Special Tax rates. In no event shall the adjusted CFD Special Tax rates exceed the Maximum CFD Special Tax rates (as escalated annually per the special tax formula).

Upon motion by Councilmember Ford, seconded by Mayor Donahue, the foregoing Resolution was passed on this 29th day of August, 2012, by the following vote:

AYES: Beach, Edelen, Ford, Potter, Calcagno, Kampe, Donahue, Pendergrass,
Bachofner, Bloomer.
NOES: Parker, Brown
ABSTENTIONS:
ABSENT: Selfridge

I, Supervisor Dave Potter, Chair of the Board of Directors of the Fort Ord Reuse Authority in 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 8a, Page 3, of the Board meeting minutes of August 29, 2012 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED 9-14-12

BY Dave Potter
Dave Potter
Chair, Board of Directors
Fort Ord Reuse Authority

Placeholder for Item 8a

FY 2013/14 Capital Improvement Program

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

Placeholder for Item 8b

FORA FY 13-14 PRELIMINARY BUDGET

This item will be included in the final
Board packet.

Placeholder for Item 8c

Legislative Committee Report

This item will be included in the final
Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Financing Agreement to Facilitate Dunes on Monterey Bay Theater Project	
Meeting Date:	May 10, 2013	ACTION
Agenda Number:	8d	

RECOMMENDATION(S):

- i. Consider Option #1 – Authorize Executive Officer to enter into financing agreement with City of Marina (Marina) to defer Fort Ord Reuse Authority (FORA) receipt of land sales payments from Marina for The Promontory Project, consistent with term sheet (**Attachment A**).
- ii. Consider Option #2 – Authorize Executive Officer to enter into amendment #1 to Memorandum of Agreement among FORA, Marina, and Marina Community Partners, LLC, (MCP) Concerning Transfer and Development of University Villages Project to advance building removal credits to MCP ahead of future land transfers, consistent with term sheet (**Attachment B**).

BACKGROUND/DISCUSSION:

FORA staff recently met with Marina and MCP representatives concerning development of the planned movie theater adjacent to existing Dunes on Monterey Bay Shopping Center. The theater project developer has identified a funding gap to be met in order to proceed with their project in the near-term. Marina and MCP have each committed financial contributions to meeting the funding gap in excess of \$5 million because they recognize the economic development potential of the project going forward in the near future.

Marina and MCP representatives requested that FORA staff present options for FORA Board consideration that could reduce the funding gap. The requested amount from FORA is approximately \$300,000. During the meeting, Marina, MCP, and FORA representatives identified two options that would allow FORA to advance \$300,000.

Option #1 would create a financing agreement whereby FORA would defer receipt of \$300,000 in lands sales proceeds from The Promontory Project in Marina, which is anticipated to be sold within the next two to three months. FORA has not yet received a transaction worksheet from Marina for The Promontory Project proposed land sale. However, Marina staff expect that FORA's 50% share of the net sale proceeds would be greater than \$300,000.

Option #2 would amend the existing FORA, Marina, and MCP August 25, 2005 agreement to allow FORA to advance building removal credits to MCP for approximately \$300,000 in building removal performed in excess of FORA land sales credits. According to the 2005 agreement, MCP is to provide FORA with \$24 million in lands sales credits, which are to be paid in phases as Marina transfers 290 acres of Dunes on Monterey Project to MCP. Under the agreement, FORA provides MCP \$46 million in funds to meet FORA's building removal obligation within the Dunes on

Monterey Bay project area. Thus far, FORA has met its \$22 million cash obligation under the agreement and has applied its \$24 million in lands sales credits to meet the total \$46 million building removal obligation specified in the agreement. Of the \$24 million in land sales credits, FORA has applied approximately \$4.6 million to MCP's building removal work. MCP has actually completed more building removal work than the offsetting credits. The proposed amendment to the agreement would allow FORA to apply an additional \$300,000 credit to MCP for completion of building removal. FORA would recognize the credit as meeting the theater project's CFD special tax due to FORA, which is estimated at approximately \$300,000 under the current CFD special tax rates. The agreement would recognize that MCP would pay FORA \$300,000 in cash when the final transfer of land is made from Marina to MCP, currently anticipated in FY 16/17.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved annual budget. Both Options #1 and #2 would defer FORA receipt of land sales revenues by at least three years.

COORDINATION:

Administrative Committee, Executive Committee, Marina representatives, and MCP representatives.

Prepared by _____ Reviewed by _____
Jonathan Garcia Steve Endsley

Approved by _____
Michael A. Houlemard, Jr.

Placeholder for Attachment A to Item 8d

Financing Agreement to Facilitate Dunes on Monterey Bay Theater Project

This attachment will be distributed as
soon as it is available.

Placeholder for Attachment B to Item 8d

Financing Agreement to Facilitate Dunes on Monterey Bay Theater Project

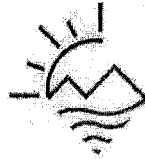
This attachment will be distributed as soon as it is available.

- END -

**DRAFT
BOARD PACKET**



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Leonard E. Robinson
Acting Director
8800 Cal Center Drive
Sacramento, California 95826



Edmund G. Brown Jr.
Governor

March 25, 2011

James P. Werkmeister, P.E.
Director of Land Development
Five Point Communities
25 Enterprise, Suite 400
Aliso Viejo, California 92656

Orange County Society of St. Vincent De Paul
8014 Marine Way
Irvine, California 92618
Attn: Mr. Joe Schoeningh

Community Action Partnership of Orange County
12640 Knott Avenue
Garden Grove, California 92841

Families Forward, LLC
9221 Irvine Boulevard
Irvine, California 92618

CLARIFICATION OF CORRECTIVE ACTION OBLIGATIONS FOR PROPERTY ASSOCIATED WITH FOST NO. 6, FORMER MCAS EL TORO, ORANGE COUNTY, CALIFORNIA

Dear Future Transferees:

The purpose of this letter is to clarify the Department of Toxic Substances Control (DTSC) position regarding the applicability of Resource Conservation and Recovery Act (RCRA) corrective action obligations at the former Marine Corps Air Station (MCAS) El Toro. Former MCAS El Toro is located in central Orange County, California and was operationally closed in July 1999. Through the Base Realignment and Closure process, the Department of the Navy (Navy) has transferred by deed certain MCAS El Toro real property. Other real property has been retained by the Navy, pending environmentally

Heritage Fields El Toro, LLC
Orange County Society of St. Vincent De Paul
Community Action Partnership of Orange County
Families Forward, LLC
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Page 2

suitable for transfer designation. The Navy currently proposes to transfer approximately 355 acres, portions of which will be transferred to Heritage Fields El Toro, LLC, Orange County Society of St. Vincent De Paul, Community Action Partnership of Orange County, and Families Forward, LLC, as described in its administrative Finding of Suitability to Transfer (FOST) No. 6 document. Upon conveyance, the obligations to perform "corrective action" (environmental cleanup) under RCRA, to address releases of hazardous constituents from Navy activities will not be the responsibility of subsequent property owners, except as otherwise qualified in this letter.

Former MCAS El Toro was a hazardous waste facility that previously operated under a RCRA Part B permit issued to the United States Marine Corps. That permit expired on August 18, 2003. As the owner and operator of a hazardous waste facility that had a RCRA Part B permit, the Navy was required to conduct "corrective action" (environmental cleanup) for all releases of hazardous constituents at the facility, which includes all contiguous property that was or is owned or operated by the federal government at MCAS El Toro. RCRA corrective action applies to a broad range of solid waste and associated hazardous constituent releases and is not limited to "hazardous substances," defined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). All spills of fuel, oil, and hazardous chemicals are subject to RCRA corrective action.

A Federal Facilities Agreement (FFA) for MCAS El Toro is in place, signed by the Navy, the United States Environmental Protection Agency, DTSC, and the Santa Ana Regional Water Quality Control Board (RWQCB) in 1990. Under the FFA, the Navy is responsible for conducting its cleanup in a manner that integrates the legal requirement of CERCLA, RCRA and other applicable state or federal laws.

Under Section 120(h)(3)(A) of CERCLA (42 U.S.C. § 9620(h)(3)(A)), the Navy may transfer ownership of portions of MCAS El Toro when it can make a covenant warranting that all necessary remedial action has been taken to protect human health and the environment and that any additional remedial action found to be necessary after the date of such transfer shall be conducted by the Navy. The law provides that such a covenant can be made when the construction and installation of an approved remedial design has been completed and the remedy has been demonstrated to be operating properly and successfully (OPS) (42 U.S.C. 9620(h)(3)(B)). The Navy may also transfer ownership of portions of MCAS El Toro, which were only impacted by petroleum or its derivatives, "as is" without a CERCLA covenant.

Heritage Fields El Toro, LLC
Orange County Society of St. Vincent De Paul
Community Action Partnership of Orange County
Families Forward, LLC
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Page 3

DTSC has reviewed the Navy's FOST No. 6 and concurs that the subject property is suitable for transfer. The deed(s) for transfer will include a covenant made pursuant to CERCLA 120(h)(3) for Carve-Outs (COs) I-D, II-B, II-K, II-N, II-O, III-B-1, III-B-2, III-E, and III-F. COs I-Q and I-R will be transferred "as is" without a CERCLA covenant. A portion of the Installation Restoration Program (IRP) Site 24 groundwater plume and/or the buffer zone underlies COs I-D, II-N, III-B-1, III-B-2, III-E, and III-F. All FFA signatories have concurred upon an OPS determination for IRP Site 24. The Navy will continue to be responsible for ensuring the successful completion of the groundwater remedy pursuant to the requirements of the FFA. Land use restrictions will be in place to limit exposure to hazardous substances and to ensure the remedial action remains effective until the remedial action objectives are met.

This letter constitutes DTSC's commitment that it will not name Heritage Fields El Toro, LLC, Orange County Society of St. Vincent De Paul, Community Action Partnership of Orange County, Families Forward, LLC, or their affiliated entities, or any other subsequent owner of the subject property (COs I-D, I-Q, I-R, II-B, II-K, II-N, II-O, III-B-1, III-B-2, III-E, and III-F) at MCAS El Toro as an owner or operator of the RCRA facility, or otherwise seek to impose obligations associated with the expired hazardous waste facilities permit, except as otherwise qualified in this letter.

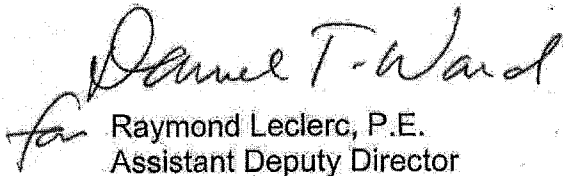
If previously unknown contamination resulting from Navy activities is found on the subject property, DTSC reserves its right to pursue the military or others it deems responsible parties to complete any removal, remedial or corrective action it deems necessary. DTSC would first look to the Navy to investigate and conduct any necessary remedial action consistent with the FFA and CERCLA Section 120(h) (42 U.S.C. § 9620(h)). In the event that previously unknown or new contamination is found on the subject property, DTSC will convene a meeting of all potentially responsible parties to attempt to work with these parties to ensure all necessary response actions are conducted. As a matter of general policy, DTSC would not pursue subsequent owners, lessees or tenants as long as: they do not exacerbate or contribute to any existing contamination; their operations would not result in health risks to persons on the site; they allow access for, and do not interfere with, removal, remediation, or corrective action activities deemed necessary by DTSC; and unauthorized disposal is not occurring on the site.

DTSC is pleased that it can assist in fostering the redevelopment and environmentally

Heritage Fields El Toro, LLC
Orange County Society of St. Vincent De Paul
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Page 4

safe reuse of this property at the former MCAS El Toro. Please contact me if you have further questions about this letter. Please contact Daniel Ward at (916) 255-3676 if you have questions regarding the investigation or cleanup conducted on the subject property.

Sincerely,



Raymond Leclerc, P.E.
Assistant Deputy Director
Brownfields and Environmental Restoration Program

cc: Gordon Hart
Paul, Hastings, Janofsky & Walker LLP
55 Second Street, 24th Floor
San Francisco, California 94105

Anthony Megliola
Navy BRAC Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

James Callian
BRAC Environmental Coordinator, MCAS El Toro
7040 Trabuco Road
Irvine, California 92618

Rex Callaway
Navy BRAC Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

cc: Continued on the next page.

Heritage Fields El Toro, LLC
Orange County Society of St. Vincent De Paul
Community Action Partnership of Orange County
Families Forward, LLC
March 25, 2011
Page 5

cc: Continued:

Mary Aycok
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code SFD-8-1
San Francisco, California 94105-3901

John Broderick
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, California 92501-3348

cc: (via e-mail)

Daniel Ward
Performance Manager
Brownfields and Environmental Restoration Program
8800 Cal Center
Sacramento, California 95826

Quang Than
Brownfields and Environmental Restoration Program
5796 Corporate Avenue
Cypress, California 90630

Jennifer Rich
Brownfields and Environmental Restoration Program
5796 Corporate Avenue
Cypress, California 90630

Erika Giorgi, Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
P. O. Box 806
Sacramento, California 95812



DEPARTMENT OF THE ARMY

FORT ORD OFFICE, ARMY BASE REALIGNMENT AND CLOSURE
P.O. BOX 5008, BUILDING #4463 GIGLING ROAD
MONTEREY, CALIFORNIA 93944-5008

REPLY TO
ATTENTION OF

June 27, 2012

Fort Ord BRAC Field Office

Roman Racca
Office of Military Facilities
Department of Toxic Substances Control
California Environmental Protection Agency
8800 CAL CENTER DR
SACRAMENTO CA 95826-3200

Dear Mr. Racca,

Pursuant to California Code of Regulations (CCR), Title 22 § 66270.42, the Department of the Army (Army) Fort Ord Base Realignment and Closure (BRAC) Field Office is requesting a Class 1 permit modification. This notice specifies the changes being made to the permit and explains why they are necessary.

Since Fort Ord closed in 1994, the Army has been performing environmental restoration in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and transferring excess property. The Army, U.S. Environmental Protection Agency (USEPA), Department of Toxic Substances Control (DTSC) and the Central Coast Regional Water Quality Control Board (RWQCB) (the Parties) signed a Federal Facility Agreement (FFA) governing the response actions on the facility. Section 17 of the FFA contains a Resource Conservation and Recovery Act (RCRA)-CERCLA integration clause, whereby the parties to the FFA agreed the activities covered by the FFA will achieve compliance with CERCLA and satisfy the applicable corrective action requirements of RCRA. Based on this, it is the intent of the Parties that remediation completed under CERCLA obviates the need for further corrective action under RCRA; any residual corrective action requirements that might have been asserted are terminated with respect to the new property owners and the facility boundaries must be revised accordingly.

Current and revised Former Fort Ord Facility Boundary Maps are enclosed. The maps reflect the new boundaries of the facility, removing from the facility certain transferred property described in:

- Finding of Suitability to Transfer (FOST), Track 0 Parcels, Former Fort Ord, California (FOST 6; Parcel L23.3.1 only);
- FOST, Track 0 and Track 0 Plug-In B Parcels (FOST 8; all parcels);
- FOST, Former Fort Ord, California, Track 0 Plug-In C, Track 1 and Track 1 Plug-In Parcels (FOST 9; all parcels);
- FOST, Former Fort Ord, California, Track 0 Plug-In Group D, Track 1 Plug-In East Garrison Areas 2 and 4 NE, and Track 1 Plug-In Groups 1 – 5 Parcels (FOST 10; all parcels);
- Finding of Suitability for Early Transfer (FOSET), Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume), (FOSET 5; Parker Flats Munitions Response Area Phase I property and County North Munitions Response Area property only).

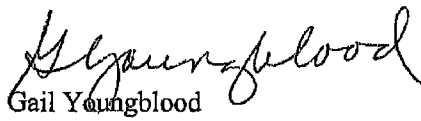
The DTSC was given an opportunity to review and comment on these documents and concurred with the suitability of the property for transfer. All of the parcels described in these documents have been transferred and are no longer owned by the Army. For the property described in the FOSTs, all remedial

actions necessary for protection of human health and the environment were completed or are operating properly and successfully. For the property described in the FOSET, all remedial actions necessary for protection of human health and the environment were completed in the Parker Flats Munitions Response Area Phase I property and the County North Munitions Response Area property, as summarized in letters sent to you dated August 8, 2011.

Additionally, pursuant to CCR, Title 22 § 66270.13, a topographic map depicting the facility and each of its hazardous waste transfer, treatment, storage, or disposal facilities with notations to their status is enclosed. There were four identified facilities, each of which has been certified as closed.

A copy of this correspondence is also being provided to other regulatory agencies listed on the document distribution lists. Please contact me at (831) 242-7918 if you have any questions regarding the information listed above. Reports sent for regulatory review are available online at <http://www.fortordcleanup.com/adminrec/arsearch.asp>.

Sincerely,

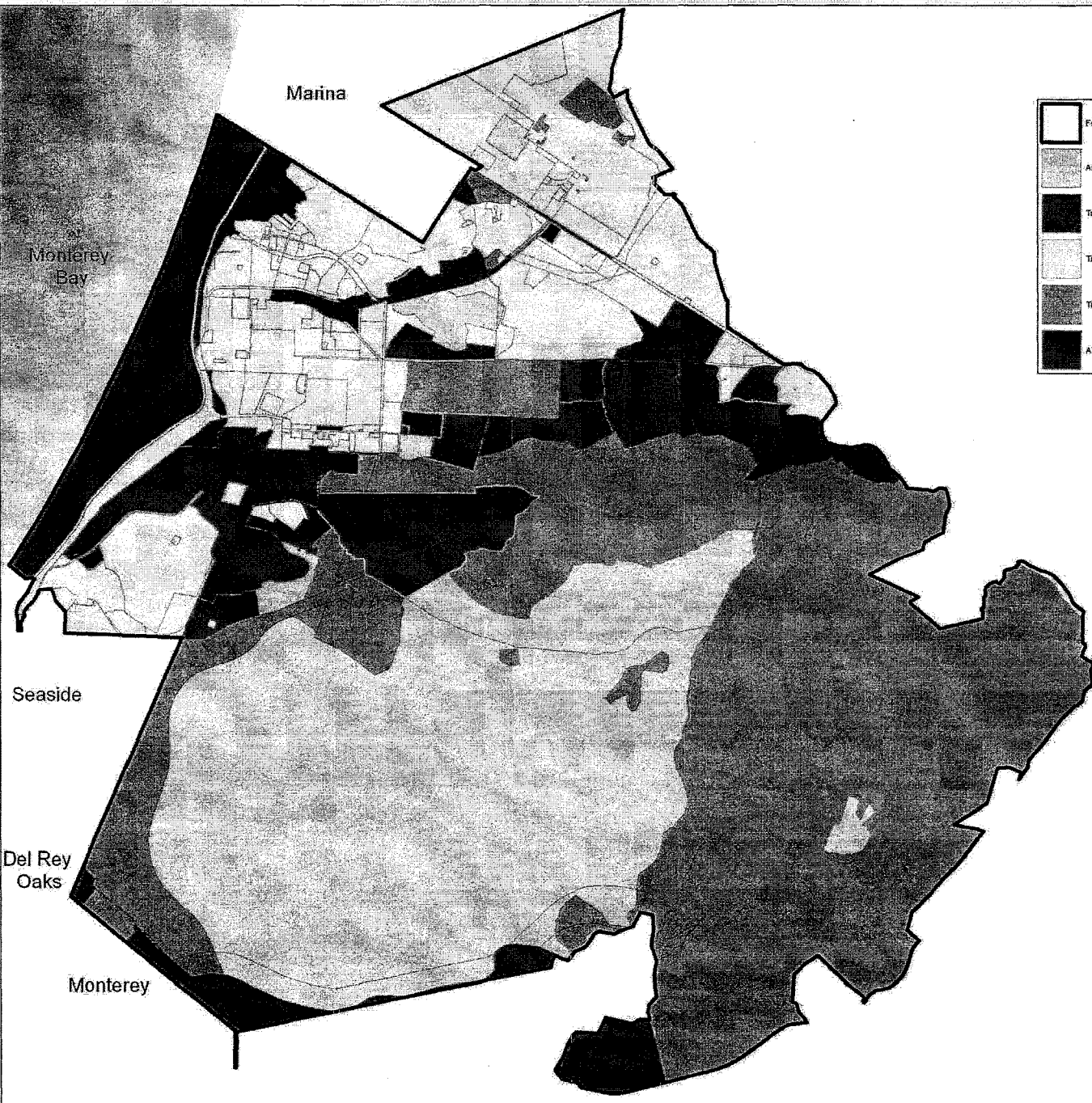


Gail Youngblood
BRAC Environmental Coordinator

Enclosures

1. Map – Current Facility Boundaries
2. Map – Revised Facility Boundaries
3. Topographic Map – Hazardous Waste Treatment, Storage, or Disposal Facilities

Former Fort Ord Current Facility Boundaries

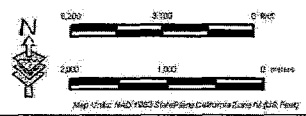


	Former Fort Ord Boundary (pre-1994)
	Army BRAC property not yet transferred - part of the RCRA permitted facility
	Transferred parcels - proposed for termination of RCRA Corrective Action
	Transferred parcels - Corrective Action Complete - not part of the RCRA permitted facility
	Transferred parcels - Corrective Action not complete - part of the RCRA permitted facility
	Army Retained - part of the RCRA permitted facility

Seaside

Del Rey Oaks

Monterey



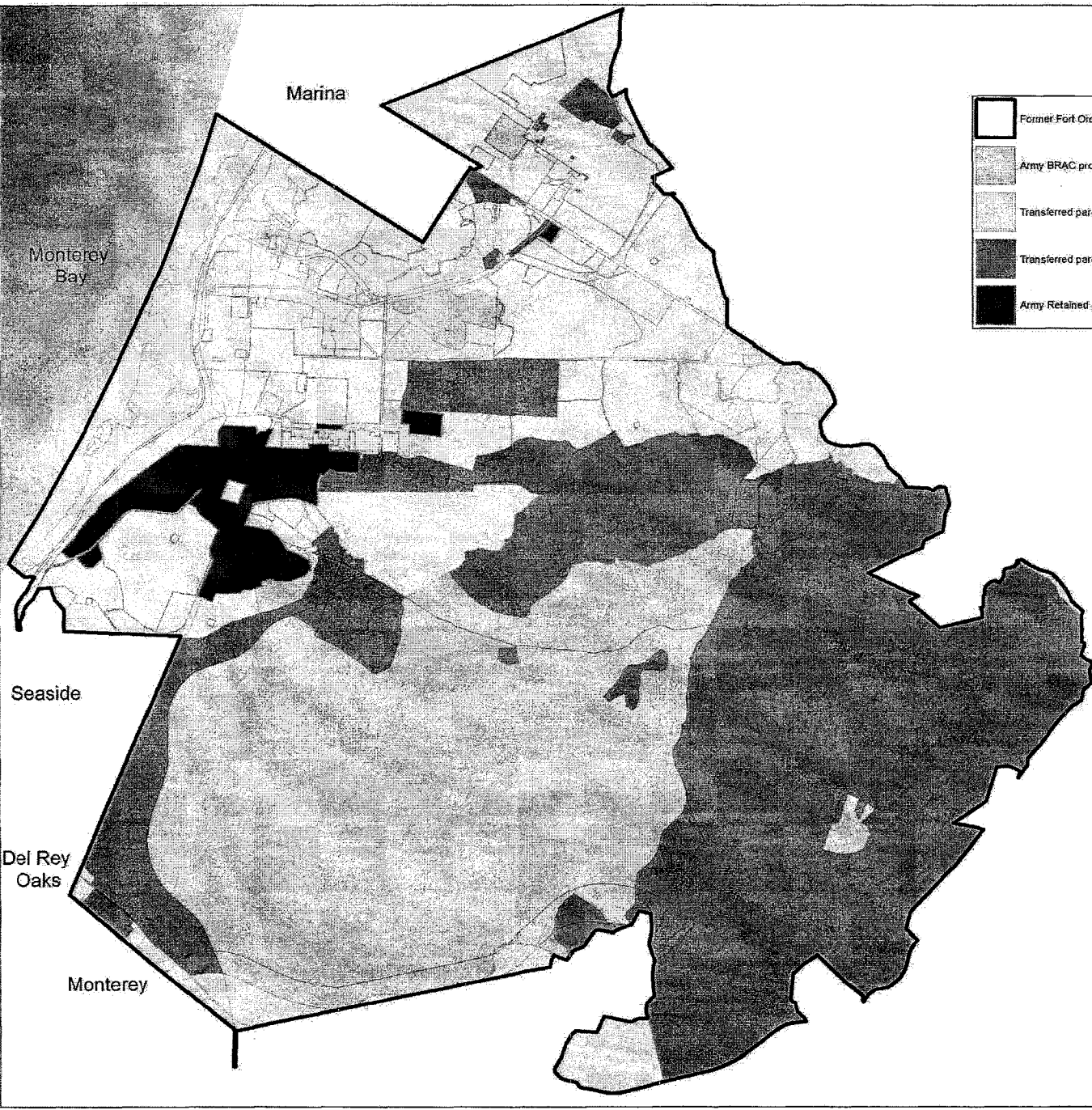
U.S. ARMY CORPS OF ENGINEERS



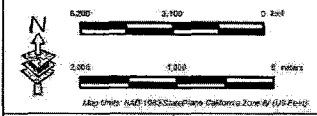
FORMER FORT ORD MONTEREY, CALIFORNIA

DATE PLOTTED	Thursday, May 24, 2011	ADDRESS ONLY	LEFAGE
DATE OF PHOTOGRAPHY		SCALE	1:73,000
DESIGNER	Clay A. Stetzel@usace.army.mil		
TITLE	RCRA Current (MAP) - AF A&S - 2010		

Former Fort Ord Revised Facility Boundaries





	Former Fort Ord Boundary (pre-1994)
	Army BRAC property not yet transferred - part of the RCRA permitted facility
	Transferred parcels - corrective action complete - not part of the RCRA permitted facility
	Transferred parcels - corrective action not complete - part of the RCRA permitted facility
	Army Retained - part of the RCRA permitted facility



FORMER FORT ORD MONTEREY, CALIFORNIA	
DATE: Tuesday, May 31, 2011	DATE OF WORK: ES&C
AREA: HYDROGRAPHIC	SCALE: 1:70,000
DRAWN BY: Gary A. Stebbins@gpac.army.mil	
FILE: RCRA Revised (MAP-B) A.steb.mxd	

Ord Military Community
(Former Fort Ord)
Topographic Map

-  Former Fort Ord Boundary (pre-1994)
-  Hazardous Waste Treatment, Storage, or Disposal Facilities

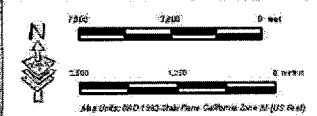
Treatment Unit:
Silver Recovery Unit
Process Code: T04
Unit closed, no longer
regulated under State law

Container Storage Area: DRMO
Process Code: S01
Clean Closure approved and
certified February 2001

Container Storage Area:
Building T-111
Process Code: S01
Clean Closure approved
and certified October 2003

Treatment Unit: Range 36A
OB/OD Area
Process Code T04
Closure Certification acknowledged
September 2007

United States Department of the Interior Geological Survey Maps,
7.5 Minute Series (topographic), California - Monterey Co.



**FORMER FORT ORD
MONTEREY, CALIFORNIA**

DATE: 11/16/09, May 20, 2011	WORKSHEET NO.: 15032
FILE NUMBER: 15032	SCALE: 1:50,000
PROJECT: Ord Military Community	
RCRA Revised (MAP-C) A, 5/20/11	