



Fort Ord Reuse Authority

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

BOARD OF DIRECTORS MEETING
Friday, November 16, 2012 at 3:00 p.m.
910 2nd Avenue, Marina, CA 93933 (Carpenter's Union Hall)

AGENDA

1. **CALL TO ORDER AND ROLL CALL** (Carpenters Union Hall)
2. **CLOSED SESSION** (FORA Conference Room)
Public Comment – Closed Session Items
 - 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 Number: M116438
 - ii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M114961
 - iii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M119217
 - iv. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566
 - b. Conference with Legal Counsel – Anticipated Litigation, Gov Code 54956.9(b) – Two Cases
3. **ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION** (Carpenters Union Hall)
Open session will begin at 3:30 p.m. or immediately following closed session.
4. **PLEDGE OF ALLEGIANCE**
5. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**
6. **PUBLIC COMMENT PERIOD**
Members of the audience wishing to address the Fort Ord Reuse Authority (“FORA”) Board on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period. Public comments are limited to a maximum of three minutes. Public comments on specific agenda items will be heard under Board consideration of that item.
7. **CONSENT AGENDA**
 - a. Approval of the October 12, 2012 Board Meeting Minutes ACTION
 - b. Approval of the October 30, 2012 Board Meeting Minutes ACTION
 - c. Authorize Extension of the Capital Improvement Program On-Call Professional Services Agreement ACTION
8. **OLD BUSINESS**
 - a. Environmental Services Cooperative Agreement Status Report INFORMATION
 - b. Preston Park Fiscal Year (“FY”) 2012/13 Capital Expenditure Budget-Continued ACTION
 - c. Base Reuse Plan Reassessment – Receive Final Reassessment Document ACTION
 - d. Veterans Cemetery Parcel Land Use Designations ACTION
 - e. Adjustment to FY 2012/13 Budget – Legal Expenses ACTION

9. NEW BUSINESS

- a. 2013 FORA Legislative Agenda

ACTION

10. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables
- b. Legislative Committee
- c. Administrative Committee
- d. CIP Status Report
- e. Public Correspondence to the Board
- f. Habitat Conservation Plan Update

INFORMATION
INFORMATION
INFORMATION
INFORMATION
INFORMATION
INFORMATION

11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT REGULAR MEETING: DECEMBER 14, 2012

Persons seeking disability related modifications/accommodations should contact FORA a minimum of 24 hours prior to the meeting.

This meeting is being recorded by Access Monterey Peninsula (AMP) and will be televised Sundays at 9:00 a.m. on Marina/Peninsula Chanel 25 and Mondays at 1:00 p.m. on Monterey Channel 25. The video and full Agenda packet are available on FORA's website at www.fora.org.



Fort Ord Reuse Authority

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

Item 7a

FORA Board Meeting, 11/16/2012

**RETURN TO
AGENDA**

Minutes

Friday, October 12, 2012

Meeting of the Fort Ord Reuse Authority Board of Directors
910 2nd Ave, Marina (Carpenter's Union Hall)

DRAFT

1. CALL TO ORDER AND ROLL CALL

Vice-Chair Edelen called the meeting to order at 3:00 p.m. (Chair Potter Absent)

Voting Members Present: (*alternates)

Vice-Chair/Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Mayor ProTem O'Connell (City of Marina)
Councilmember Brown (City of Marina)
Mayor Della Sala (City of Monterey)*
Supervisor Parker (County of Monterey)

Supervisor Calcagno (County of Monterey)
Supervisor Salinas (County of Monterey)*
Councilmember Kampe (City of Pacific Grove)
Mayor Pendergrass (City of Sand City)

Voting Members Absent:

Chair/Supervisor Potter (County of Monterey)
Councilmember Selfridge (City of Monterey)
Councilmember Oglesby (City of Seaside)

Mayor Donahue (City of Salinas)
Mayor Bachofner (City of Seaside)

2. CLOSED SESSION (FORA Conference Room)

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 Number: M116438
- ii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M114961
- iii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M119217
- iv. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566

b. Conference with Legal Counsel – Anticipated Litigation, Gov Code 54956.9(b) – One Case

Vice-Chair Edelen asked for public comments regarding closed session items. None were received and the Board adjourned to closed session at 3:01 p.m. Mayor Bachofner and Councilmember Oglesby joined the meeting during closed session.

3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION (Carpenters Union Hall)

The Board reconvened into open session at 4:02 pm. Jim Heisinger, Special Authority Counsel, announced that the Board provided direction to Legal Counsel. Vice-Chair Edelen requested a second roll call be performed.

Voting Members Present (*alternates)

Vice-Chair/Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Mayor ProTem O'Connell (City of Marina)
Councilmember Brown (City of Marina)
Mayor Della Sala (City of Monterey)*
Supervisor Parker (County of Monterey)
Councilmember Kampe (City of Pacific Grove)
Supervisor Salinas (County of Monterey)*

Supervisor Calcagno (County of Monterey)
Mayor Donahue (City of Salinas) @ 4:10 p.m.
Mayor Pendergrass (City of Sand City)
Councilmember Oglesby (City of Seaside)
Mayor Bachofner (City of Seaside)

Voting Members Absent:

Chair/Supervisor Potter (County of Monterey)
Councilmember Selfridge (City of Monterey)

Ex Officio Members Present:

Alec Arago (17th Congressional District)
Assemblymember Monning (27th State Assembly District)
Graham Bice (UCSC)
Justin Wellner (CSUMB)
Howard Gustafson (MCWD)

Vicki Nakamura (MPC)
Dan Albert, Jr. (MPUSD)
Debbie Hale (TAMC)
COL Clark (US Army)
Bill Collins (Fort Ord BRAC Office)

4. PLEDGE OF ALLEGIANCE

Mr. Heisinger led the Pledge of Allegiance.

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Vice-Chair Edelen discussed recent vandalism to the Carpenters Union Hall facilities and the ESCA property and announced the availability of an overhead projector for public use at the meeting. Vice-Chair Edelen stated that the public comment period would be moved to the end of the agenda.

a. Legislative Report - Assemblymember Bill Monning

Assemblymember Monning discussed AB 1614 and AB 1842, which were signed into law by Governor Jerry Brown on September 30, 2012.

b. September 20, 2012 Letter to Marina Coast Water District Regarding Budget Reductions

There was no discussion of this item.

c. July 13, 2012 Letter from United Veteran's Council Requesting Representation on the FORA Board

Vice-Chair Edelen stated that staff would prepare a report regarding the item for the November Board meeting.

6. CONSENT AGENDA

a. Approval of Board Meeting Minutes

- i. August 29, 2012 FORA Board Meeting**
- ii. September 14, 2012 FORA Board Meeting**

b. Payment of Utilities Costs for General Jim Moore Boulevard

Supervisor Parker requested that page 16 of the August 29, 2012 Board meeting minutes be amended to reflect that Mayor Bachofner's motion for reconsideration occurred prior to Chair Potter's adjournment of the meeting. Mayor Bachofner agreed.

MOTION: Mayor Burnett moved, seconded by Mayor Bachofner, and the motion passed to approve the consent agenda, as amended. Abstentions: Mayor Della Sala, Mayor Pro-Tem O'Connell, and Supervisor Salinas.

7. OLD BUSINESS

Vice-Chair Edelen announced that the Board would hear the following items out of order.

c. Veterans Cemetery Parcel Land Use Designations (2nd Vote)

ORIGINAL MOTION FOR 2ND VOTE: direct staff to provide the Board additional information, including a draft resolution, regarding a fourth option that would allow designation of the veteran's cemetery parcel independent of the endowment parcel.

2nd VOTE (FAILED): Ayes: Supervisor Parker. Noes: Vice-Chair Edelen, Mayor Burnett, Mayor Pro-Tem O'Connell, Councilmember Brown, Mayor Della Sala, Supervisor Calcagno, Supervisor Salinas, Councilmember Kampe, Mayor Donahue, Mayor Pendergrass, Mayor Bachofner, Councilmember Oglesby.

MOTION: Councilmember Oglesby moved, seconded by Supervisor Salinas, and the motion passed unanimously to agendaize Option 2 from the September 14, 2012 Board report, directing EMC Planning Group to include BRP Land Use Concept map and text amendments affecting the Veterans cemetery

Parcel as a consideration in the BRP Reassessment Report as a potential action item for consideration in January 2013, for consideration at the November Board meeting,

MOTION: Mayor Pro-Tem O'Connell moved, seconded by Councilmember Kampe, and the motion passed unanimously to continue the meeting past 5:30 p.m.

a. Preston Park Fiscal Year ("FY") 2012/13 Budget

MOTION: Mayor Pro-Tem O'Connell moved, seconded by Councilmember Brow, and the motion passed unanimously to continue the item to the November Board meeting.

b. Base Reuse Plan Reassessment

i. Overview and Update on Reassessment Process

Senior Planner Jonathan Garcia provided an overview of the Base Reuse Plan (BRP) Reassessment process. Michael Groves, President of EMC Planning Group, presented the Reassessment schedule and discussed the categories to be included in the draft Reassessment Report.

ii. Receipt of Final Scoping Report

MOTION: Supervisor Parker moved, seconded by Councilmember Oglesby, and the motion passed unanimously to receive the Final BRP Reassessment Scoping Report.

d. Request from Mayor Bachofner for Reconsideration of Item 8a on the August 29, 2012 FORA Board Agenda

Mayor Bachofner discussed the motivation behind his request for reconsideration of the item and agreed to withdraw his request in lieu of future Board consideration of amendments to the resolution adopted under Item 8.a.i. at the August 29, 2012 Board meeting. Supervisor Parker agreed to provide suggested amendments to FORA staff for future Board consideration.

8. PUBLIC COMMENT PERIOD

The Board received comments from members of the public on items not on the agenda.

9. EXECUTIVE OFFICER'S REPORT

a. Outstanding Receivables

b. Administrative Committee

c. Public Correspondence to the Board

There was no discussion of this item.

10. ITEMS FROM MEMBERS

Bill Collins, BRAC, announced that the Army had completed their third five-year review, as a requirement of the superfund cleanup. He stated that more information was available on their website.

11. ADJOURNMENT – *In memory of Carl Niizawa*

Vice Chair Edelen adjourned the meeting at 6:52 p.m. in memory of MCWD colleague Carl Niizawa.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by: _____
Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

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Item 7b

FORA Board Meeting, 11/16/2012

**RETURN TO
AGENDA**

Minutes

Tuesday, October 30, 2012

Meeting of the Fort Ord Reuse Authority Board of Directors
910 2nd Ave, Marina (Carpenter's Union Hall)

DRAFT

1. CALL TO ORDER AND ROLL CALL

Vice-Chair Edelen called the meeting to order at 6:35 p.m. (Chair Potter absent).

Voting Members Present:

Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Mayor Pendergrass (City of Sand City)
Councilmember Selfridge (City of Monterey)

Supervisor Parker (County of Monterey)
Mayor Bachofner (City of Seaside)
Councilmember Oglesby (City of Seaside)

Absent:

Chair/Supervisor Potter (County of Monterey)
Supervisor Calcagno (County of Monterey)
Mayor ProTem O'Connell (City of Marina)
Councilmember Brown (City of Marina)

Councilmember Kampe (City of Pacific Grove)
Mayor Donahue (City of Salinas)

Ex Officio Members Present:

Nicole Charles (27th State Assembly District)
Graham Bice (University of California)
Justin Wellner (CSU Monterey Bay)

Vicki Nakamura (MPC)
Todd Muck (TAMC)
Gail Youngblood (Fort Ord BRAC Office)

2. PLEDGE OF ALLEGIANCE

Vice-Chair Edelen led the Pledge of Allegiance.

3. PUBLIC WORKSHOP

a. Base Reuse Plan Reassessment Draft Reassessment Document

Michael Groves, EMC Planning, discussed the purpose of the Public Workshop and reviewed the timeline for the Base Reuse Plan Reassessment.

Tom Moore presented Sierra Club Ventana Chapter recommendations to the Board.

Candace Ingram, The Ingram Group, inquired (in Spanish) whether anyone required English translation. She received no response, stated the meeting would be conducted in English and reviewed public comment procedure/ purpose of the Public Workshop.

Members of the public commented on a variety of draft Reassessment Report topics and Board members inquired about the document/related issues, to which staff responded.

4. PUBLIC COMMENT PERIOD - The Board heard comments on items not on the agenda.

5. ITEMS FROM MEMBERS - None

6. ADJOURNMENT - Vice Chair Edelen adjourned the meeting at 7:55 p.m.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT
CONSENT AGENDA

Subject:	Authorize Extension of the Capital Improvement Program On-Call Professional Services Agreement	
Meeting Date:	November 16, 2012	ACTION
Agenda Number:	7c	

RECOMMENDATION:

Authorize extension of the Agreement for Professional Services with Creegan + D'Angelo, Inc. (C+D) for continued implementation of requisite work under the Fort Ord Reuse Authority (FORA) Capital Improvement Program (CIP).

BACKGROUND/DISCUSSION:

At its meeting of November 8, 2002, the FORA Board authorized the execution of a Master Agreement for Professional Services with C+D that allowed FORA to negotiate Service Work Orders (SWOs) to continue implementation of the Base Reuse Plan CIP. The Agreement between FORA and the C+D team accommodated a five (5) year term, renewable at the end of that term at FORA's discretion. In October 2007, the FORA Board extended the Agreement for an additional five years, through November 2012.

Under SWOs currently in place, C+D has begun preliminary work on all of FORA's remaining transportation construction project obligations. This would make it both cost and time effective to extend the Agreement with C+D so they can accomplish the necessary professional services for these remaining projects. FORA staff therefore recommends the Board authorize extending the Agreement for an additional five (5) year term.

FISCAL IMPACT:

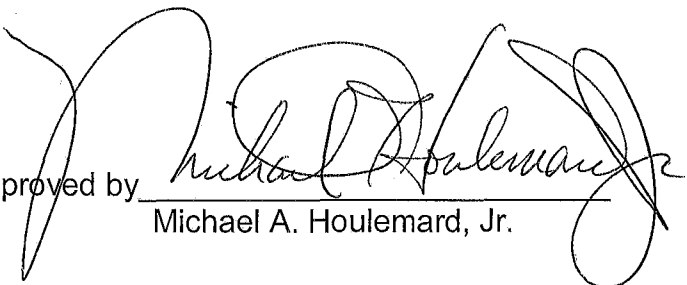
Reviewed by FORA Controller 

None at this time. The Agreement as written provides for the negotiation of SWOs and Agreement amendments as funding (e.g. development fees, grants) becomes available. Agreement amendments, following staff negotiations for professional services, will be forwarded to the FORA Board of Directors for review and approval.

COORDINATION:

Administrative Committee, Executive Committee

Prepared by 
Crissy Maras

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT
OLD BUSINESS

Subject:	Environmental Services Cooperative Agreement Status Report	
Meeting Date:	November 16, 2012	INFORMATION
Agenda Number:	8a	

RECOMMENDATION(S):

Receive a report from FORA Staff and Special Counsel regarding the background and status of the FORA munitions and explosives of concern removal work under the Environmental Services Cooperative Agreement with the U.S. Army.

BACKGROUND:

In Spring 2005, the U.S. Army ("Army") and FORA entered negotiations to craft the terms and conditions of an Army-funded Environmental Services Cooperative Agreement ("ESCA") for the removal of remnant munitions and explosives of concern and risk on select former Fort Ord property. A component of that transaction included the deferred covenant transfer of 3,340 acres of former Fort Ord Economic Development Conveyance parcels prior to regulatory environmental sign-off. In early 2007, the Army awarded FORA approximately \$98 million to perform munitions cleanup on the ESCA parcels. FORA also entered into an Administrative Order on Consent ("AOC") with U.S. Environmental Protection Agency ("EPA") and California Department of Toxic Substance Control ("DTSC"), defining conditions under which FORA undertakes responsibility for the Army remediation of these ESCA parcels.

In order to complete the AOC and ESCA defined work, FORA entered into a Remediation Services Agreement ("RSA") with LFR Inc. (now "ARCADIS") to provide Munitions and Explosives of Concern ("MEC") remediation services and executed a Cost-Cap (and other risk coverage) insurance policy for this remediation work through American International Insurance Group ("AIG"). In August 2008, the Governor of California concurred in the transfer of the ESCA parcels under a Finding of Suitability for Early Transfer and the ESCA property was transferred to FORA ownership on May 8, 2009.

The ESCA work program has been underway approaching 6 years. Current ESCA field work is focused in the Parker Flats, Interim Action Ranges and Future East Garrison areas of the former Fort Ord.

DISCUSSION:

Based on requests by FORA Board members and community members, FORA Special Counsel Barry Steinberg has been asked to provide a contextual review and update on the various ESCA documents and the obligations of the various parties to those agreements. This power point presentation will be provided at the November 16, 2012 FORA Board meeting.

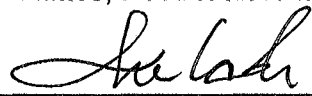
FISCAL IMPACT:

Reviewed by FORA Controller 

The funds for this review and report are included in the existing FORA ESCA funds.

COORDINATION:

Executive Committee; FORA Authority Counsel; ARCADIS; U.S. Army; EPA; and DTSC

Prepared by 
Stan Cook

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Preston Park Fiscal Year ("FY") 2012/13 Capital Expenditure Budget-Continued	
Meeting Date:	November 16, 2012	ACTION
Agenda Number:	8b	

RECOMMENDATION(S):

Approve FY 2012/13 Preston Park Housing Operating and Capital Expenditure Budgets to include funds for Capital Improvements and a 3% rent increase.

BACKGROUND/DISCUSSION:

The issues posed by this item are whether to approve 1) the Preston Park Budget in the form recommended by staff, and 2) a three percent rent increase.

At the July 13, 2012 Fort Ord Reuse Authority ("FORA") Board meeting the Preston Park FY 2012/2013 Operating Budget was approved with the instruction to return the consideration of Capital Improvement Program and a rent increase for the August 10, 2012 meeting with responses to tenant claims and reporting issues. At the August 10, 2012 meeting the item was pulled to address a request by a FORA Board member that all Board members be given a complete copy of the Preston Park Marketing Survey and Operating Budget. In prior reports the items were summary pages of the full reports because they are forty and 140 pages in length. At the October 12, 2012 FORA Board meeting Marina Mayor Pro Tem O'Connell requested that the item be pulled because he did not receive a response to his questions raised on September 14 just before the Board meeting that day. It has been determined that there was a misunderstanding and that staff had responded to Marina's questions. This staff report summarizes those responses once again. Staff has also given further answers to Mayor Pro Tem O'Connell and the relevant documents are posted online at http://fora.org/fora_downloads.htm.

The staff has reviewed the Preston Park FY 2012/13 Operating Budget and Capital Improvement Program (CIP) Assessment and is prepared to recommend approval of the Capital Expenditure Budget and a rent increase, to restore the Capital Reserve. It is necessary to restore the Reserve Account because it will be almost fully expended performing the necessary Health and Safety capital projects recommended in this report:

To address the need for capital projects, the Board has three options:

Option A

- **Approve the Operating and Capital Expenditure Program budgets (Attachment A)** reflecting a 3% rent increase and approving capital improvement expenditures replacing roofs, changing out doors and windows, and installing upgraded safety lighting. The rental increase requested assures that revenues keep pace with budgeted expenses and replenishes the Replacement Reserve.

Option B

- **Approve the Capital Expenditure Program and not approve a rent increase.**

Option C

- **Continue existing FORA Board budget adoption of no rent increase and no Capital Improvement Program expenditures.**

Staff recommends **Option A** for three reasons;

- 1) An increase in accord with the adopted formula keeps revenues/expenses in balance;
- 2) Capital Improvement Program expenditures will deplete reserves leaving no cushion for future capital needs (The top priority items are consistent with the end of the useful life on the original roofs, fixing the problems of energy use and security with the replacement of doors, windows and safety lighting.); and
- 3) Option A complies with FORA's long standing policy is to keep rents consistent with the market. Failing to adopt this recommendation would hold rents significantly behind market rents (*no rent increases have occurred since 7/1/10*).

The overall budget sustains the formulas for setting annual market rents approved by the Board in June 2010. The adopted formulae are: 1) **Move-ins** - establishing market rents on an on-going basis according to a market survey, and 2) **Existing tenants** - increase rent once a year by the lesser of 3% or the Consumer Price Index.

Issue raised by Mayor Pro-Tem O'Connell at 11/7/2012 Executive Committee Meeting

- **City of Marina** contends that it owns a 50% interest in the Preston Park Capital Reserves and therefore should be allowed to approve expenditures made from the Preston Park Capital Reserves.
- **FORA Counsel** disagrees and indicated that FORA is the owner of Preston Park and revenue from the property rents will be shared after deducting this and other required expenses.

Follow-up Issues from June 8, 2012 Board Meeting

- **Resident Complaints** - Several Preston Park residents stated that they were threatened, intimidated, and or treated disrespectfully when they expressed concerns about conditions at the Preston Park Apartments. FORA and Alliance staff have contacted the speakers and were informed that the incidents happened after attendance at a Marina City Council meeting and that they were unable to identify the persons involved. The complaining parties do not allege that the responsible party is affiliated with FORA, Marina, or Alliance. FORA staff will continue to investigate this complaint.

Follow-up issues from August 10, 2012 Board Meeting

- **Mayor Pro Tem O'Connell's Concerns received August 9, 2012** re: FORA AGENDA ITEM 7c (Preston Park Fiscal Year 2012/13 CIP and Rates)

Alliance Responses- 08/20/2012

1. **Water Heaters:** They have not been strapped in compliance with the law. I have been informed that completion of the double straps will be done no later than 8/17/12.

Alliance Response: *Water heaters have never been double strapped confirming the statement above, this project was completed August 20, 2012.*

2. **Market Survey:** The Market Survey is not attached to the staff report and to date has never been submitted to the board for review. Attachment C is nothing more than an

itemization as to the Preston Park residences. I have personally asked for the market survey and was promised the same. It has not been provided.

*During the Marina City Council session on Abrams Park (also managed by Alliance) the survey was provided and it showed that the monthly rent on several of the comparative apartment complexes had decreased from the previous year.

Alliance Response: A full printable version of the market survey, part of which is Attachment B, had been made available to FORA. The summary page was printed and included in all the FORA Board Reports. It is also available as part of the financial operating package submitted to FORA monthly. Sent to Mayor Pro Tem O'Connell on October 2, 2012 by Robert Norris.

a. The claim of 16% below market rate for in-place residents at PP is simply not supported by any documents submitted to date to the board.

Alliance Response: FORA has been provided with the full budget package, which provides detailed information to include the average gain to lease for each new move-in (market rents). When the budget was prepared, market rate unit rents averaged 16% below market rents. Full report sent to Mayor Pro Tem O'Connell on August 16 and 17, 2012.

3. **Inconsistencies** between Alliance letters and the budget summary continue.

*FORA staff is requested to provide the board members with a copy of the 7/20/12 from Alliance to FORA's executive officer with this attachment.

a. On May 20, 2012, June 1, and June 20, 2012 Alliance sent letters to the FORA executive officer. In each letter the total amount salary, payroll taxes and payroll burden/benefits equals \$398,736.00 for projected 2012 and \$421,627.00 for proposed 2013.

Alliance Response: August 30, 2012 Letter to Mr. Houlemard responds to most recent concerns. **(Attachment B)**

b. **The budget summary page**, Attachment A, page 1 to this agenda shows: \$410,059.00 for 2012 and \$434,036.00 for 2013. An unexplained difference of:
2012 more than \$11,000.00
2013 more than \$12,000.00

Alliance has had months to explain the discrepancy and has failed to do so.

Alliance Response: As explained in previous Board meetings, prior versions of the budget memo provided variance explanations for subcategories within the payroll line item which had notable variances. There appeared to be confusion for some Board members, as only subcategories with notable variances were listed – and if added together – they did not match the total payroll number found on the main budget sheet used in the FORA board package as not all subcategories were listed. In order to ease the concerns, the primary (rolled up) payroll number was used in the memo, and explanations were also rolled up. The previous methodology of reporting used had been at the request of the City of Marina Asset Management team during subsequent years.

PRESTON PARK PAYROLL BREAKDOWN BY CLASSIFICATION

PAYROLL	Proposed 2013	Projected 2012	Variance	Variance%
Administrative Salaries	\$125,919	\$114,708	(\$11,211)	-9.8%
Maintenance Salaries	\$194,682	\$178,128	(\$16,554)	-9.3%
Bonus	\$11,788	\$10,654	(\$1,134)	-10.6%
Payroll Taxes	\$33,576	\$26,228	(\$7,347)	-28.0%
Payroll Benefits and Burden	\$67,450	\$60,658	(\$6,764)	-11.1%
Non-Staff Labor	\$0	\$18,987	\$18,987	100%
New Hire Expense	\$621	\$667	\$46	7.0%
Total Payroll	\$434,036	\$410,059	(\$23,977)	-5.8%

4. **Bullet point 5** on page 2 of this staff report states an “amenity charge” as the reason for the difference. What is the amenity charge?

Alliance Response: *The amenity charge is \$25 for units which have a premium end unit location. Amenity premiums can also be assigned for above average unit finishes.*

5. Also in that bullet point it states “The actual rent for in-place residents is **\$1,146.00-\$1,555.00**.”

- a. This is not a true statement. Attachment B of this agenda item shows a low of \$1,455.00 not \$1,146.00

Alliance Response: *Attachment B is a Market Survey indicating market rents for New Residents only. The market survey is not a tool or a report to measure in place rents, which is the \$1,146 referenced above.*

- b. Also the letter of 6/20/12 shows a range of **\$1,455.00-1,890.00** for in-place 3 bedroom units, but Attachment B shows a range of **\$1,830.00-\$1,855.00**.

Alliance Response: *There are three apartment homes in Preston Park which have amenities superior to a typical home. As they are not vacant, they are not included in the Market Survey. One of those upgraded apartments is a three bedroom home rented at \$1890 per month. It is included in the memo as the highest rent. To alleviate confusion, we have amended the memo to allow for this top end rent for the three bedroom units.*

6. **Alliance’s verbal response** to these concerns should not be accepted. A written explanation given in advance of the next board meeting is necessary so that the board can make a competent, informed and proper decision.

Alliance Response: Please see the comments above.

7. Alliance is playing fast and loose with numbers and has to be held accountable.

Alliance Response: *Information provided to the board is given in good faith. FORA staff provided the summary copies as attachments because of the size of the documents (40 and 140 forty pages). Alliance endeavors to provide timely and reliable information, and has been and will continue to be available to answer questions, provide clarification and make requested changes.*

8. An updated letter to the Executive Officer has to be provided with accurate information.

Alliance Response: *Note August 30 Letter.*

9. The actual survey of March 2012 has to be provided to the Executive Officer.

Alliance Response: *As stated above, a market survey has been provided to FORA and is available for review.*

10. Each of those documents must be provided to the FORA Board prior to a decision being made by the board.

Alliance Response: *All documents as requested have been provided to Mayor Pro-Tem O'Connell and posted on the FORA Website.*

➤ **Mayor Pro Tem O'Connell's Concerns received September 14, 2012 re: FORA AGENDA ITEM 7c (Preston Park Fiscal Year 2012/13 CIP and Rates)**

1. **Attach. A**, first page to Item 7c, under REVENUE states that the "increased rent for in place tenants" cannot exceed the market rate rents charged to move-in tenants.

a. Page 3 of the letter shows a high for move-in rate for 3 bedroom of \$1,890.00. Page 2 shows a rent increase to in place that will be a high of \$1,947.00.

b. Page 3 shows a high for 2 bedroom of \$1,555.00 for in-coming tenants and page 2 shows a high of \$1,602.00 for in place.

IT SEEMS THAT THE RATE INCREASES FOR IN-PLACE IS TOO HIGH BECAUSE IT EXCEEDS THE LIMITATION STATED ABOVE.

Alliance Response: *The current move-in rates have increased since the budget was first introduced for approval in August. New move-in rates are at or above the rates reflected for the in-place residents. This is reflected in the most current budget letter of September 28, 2012.*

2. Do any of the comp. apt. complexes in the survey have affordable housing? If so, which ones?

Alliance Response: *Yes, Sunbay Suites offers affordable housing. The properties management has stated that they offer between 30 and 35 affordable units.*

3. What is the % of PP that is affordable housing?

Alliance Response: *51 units are set aside for affordable housing (BMR units) which represents 14% of the community.*

4. What is the % of PP that is Section 8?

Alliance Response: *40 units currently hold Section 8 Vouchers which represents 11% of the community.*

5. Section 8 is market rate units that are subsidized correct?

Alliance Response: *Correct, this is a voucher based program.*

6. In calculating the Aver. PSF rate did you include the affordable housing units?

Alliance Response: *Affordable units are not included on the market survey. The market survey measures market rate units only.*

a. If YES, what is the average per square foot rate without the affordable housing being included?

b. If NO, why does the summary page reference all 352 units?

Alliance Response: *The market survey is used to measure market rents only, however, we do not have the ability to manually adjust the total unit count to allow for bmr units that may exist; therefore the total counts for the various unit types are used so that the properties total unit count is accurate.*

c. How many of the units are occupied by Alliance staff at reduced or no rent per month?

Alliance Response: *Two fully compensated employee units exist at Preston Park.*

1. Were those included in determining any of the amounts stated in the market survey or the letter of 8/30/12 (Attachment A to item 7c)

Alliance Response: *They are included in the total unit count, and the value is at the full market rate.*

7. Page 1 of the letter dated 8/30/12 states current market rate in Marina for a two bedroom is \$1,100.00 to \$1,423.00 per month.

a. Are utilities included in these rents? Your letter says no, but I want to confirm this.

Alliance Response: *As a point of clarification, the letter says it does not "consider utilities" versus include utilities. Note the area rentals have variant utility coverage. Some multi-family housing communities include trash and water, while none include electricity and gas. The shadow market rentals rarely include any utility services.*

b. Are these 2 bedroom one bath units?

Alliance Response: *This statement covers all units with 2 bedrooms and is not specific to the number of bathrooms in the home.*

c. The market survey of 8/2/12 shows Preston Park as follows:

1. 2X1 \$1,455.00

2. 2X1.5 \$1,505-\$1,530

3. And Preston Park rents do NOT include the additional utility/water rates/fees, correct?

Alliance Response: *The rents in Preston Park do not include any utility costs.*

FISCAL IMPACT:

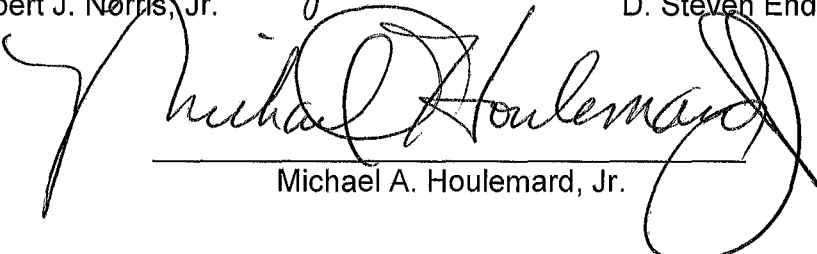
Reviewed by FORA Controller 

All three options provide FORA adequate revenue to cover the Preston Park loan debt service.

COORDINATION:

FORA Staff, Alliance Staff, Administrative Committee, Executive Committee.

Prepared by  Reviewed by 
Robert J. Norris, Jr. D. Steven Endsley


Michael A. Houlemard, Jr.

Capital Improvement Plan (CIP)

DRAFT

PRESTON PARK - REVISED PHYSICAL NEEDS ASSESSMENT (9 Year Look Forward - Alliance Residential Recommendation)

Updated: 5/10/2012

1410													
Resident Business Center	FF&E	\$	12,000										
Fence Slat Replacement	Replacement	\$	71,064										
Site Lighting Repair / Replacement / Install	*Exterior site upgrades	\$	265,848										
Roof	*Replacement	\$	1,311,893										
Exterior Paint	*Full Paint	\$	398,008										
Building Exterior	*Dryof Repairs	\$	2,000	\$	2,000	\$	2,000	\$	2,000	\$	2,000	\$	2,000
Carbon Monoxide Detectors		\$	33,060										
Exterior Unit Doors and Windows	*Replacement	\$	1,557,000										
Playgrounds	*Replacement			\$	125,000								
Landscape/Irrigation	*Replacement / Upgrades			\$	204,884								
Leasing Office / Signage	*Upgrades			\$	107,600								
1415													
New Office Computers	Replace existing old computers	\$	2,600										
1416													
One Maintenance Truck	Needed for hauling etc...	\$	14,000							\$	15,000	\$	15,000
1420													
Seal Coat Streets		\$	155,787							\$	155,787		
1425													
Dishwasher	replacement (assume 10 year life)	\$	10,200	\$	10,200	\$	10,200	\$	10,200	\$	10,200	\$	10,200
Refrigerators	replacement (assume 15 year life)	\$	14,400	\$	12,650	\$	12,650	\$	12,650	\$	12,650	\$	12,650
Range	replacement (assume 15 year life)	\$	18,524	\$	11,500	\$	11,500	\$	11,500	\$	11,500	\$	11,500
Garbage Disposal	replacement (assume 10 year life)	\$	2,345	\$	2,345	\$	2,345	\$	2,345	\$	2,345	\$	2,345
Hot Water Heaters	replacement (assume 15 year life)	\$	16,200	\$	17,250	\$	17,250	\$	17,250	\$	17,250	\$	17,250
Carpet	replacement (assume 5 year life)	\$	38,400	\$	113,600	\$	113,600	\$	113,600	\$	113,600	\$	113,600
Vinyl	replacement (assume 10 year life)	\$	66,300	\$	19,250	\$	19,250	\$	19,250	\$	19,250	\$	19,250
HVAC Furnace	replacement (assume 20 year life)	\$	26,400	\$	15,300	\$	15,300	\$	15,300	\$	15,300	\$	15,300
1430													
Applicable Construction Management Expenses	Miscellaneous (see * items)	\$	211,965	\$	18,748	\$	7,500	\$	-	\$	2,500	\$	285,700
Annual Reserve Expenses (uninflated)													
		\$	4,223,995	\$	535,907	\$	336,595	\$	204,095	\$	219,095	\$	367,482
Inflation Factor													
			0.00%		2.50%		2.50%		2.50%		2.50%		2.50%
Annual Reserve Expenses (inflated)													
		\$	4,223,995	\$	548,690	\$	345,010	\$	209,197	\$	224,572	\$	376,669
Reserve Withholdings per Year													
		\$	734,976	\$	734,976	\$	283,200	\$	283,200	\$	283,200	\$	283,200
Reserve Fund BEFORE Expense													
		\$	4,667,035	\$	1,198,016	\$	932,526	\$	870,717	\$	944,719	\$	1,008,347
Reserve Fund AFTER Expense													
		\$	463,040	\$	649,326	\$	587,517	\$	661,519	\$	720,147	\$	626,678

Attachment A to Item 8b
FORA Board Meeting, 11/16/2012

WITHOUT INCREASE



**PRESTON PARK
2013 STANDARD BUDGET
CONSOLIDATION & SIGN-OFF**

Description	2013 Total	2012 Projected	Variance	Variance %
Physical Occupancy	98.01 %	99.01 %		
Economic Occupancy	99.77 %	96.70 %		
Gross Market Potential	\$5,312,868	\$5,388,452	(\$73,584)	-1.4%
Market Gain/Loss to Lease	\$156,002	(\$67,610)	\$243,611	278.1%
Affordable Housing	\$0	\$0	\$0	0.0%
Non-Revenue Apartments	(\$61,524)	(\$37,260)	(\$24,264)	-65.1%
Rental Concessions	\$0	\$0	\$0	0.0%
Delinquent Rent	\$0	\$0	\$0	0.0%
Vacancy Loss	(\$105,654)	(\$52,696)	(\$52,957)	-100.5%
Prepaid/Previous Paid Rent	\$0	\$0	\$0	0.0%
Other Months' Rent/Delinquency Recovery	\$0	\$493	(\$493)	-100.0%
Bad Debt Expense	(\$916)	(\$583)	(\$332)	-57.0%
Other Resident Income	\$36,244	\$36,094	\$150	0.4%
Miscellaneous Income	\$7,632	\$6,909	\$723	10.5%
Corp Apartment Income	\$0	\$0	\$0	0.0%
Retail Income	\$0	\$0	\$0	0.0%
TOTAL INCOME	\$5,344,653	\$5,251,798	\$92,854	1.8%
PAYROLL	\$434,036	\$410,059	(\$23,977)	-5.8%
LANDSCAPING	\$70,700	\$70,865	\$165	0.2%
UTILITIES	\$96,660	\$93,075	(\$3,585)	-3.9%
REDECORATING	\$81,744	\$82,160	\$416	0.5%
MAINTENANCE	\$62,332	\$81,542	(\$790)	-1.0%
MARKETING	\$13,047	\$7,883	(\$5,164)	-65.5%
ADMINISTRATIVE	\$57,606	\$57,189	(\$417)	-0.7%
RETAIL EXPENSE	\$0	\$0	\$0	0.0%
PROFESSIONAL SERVICES	\$141,616	\$130,924	(\$10,692)	-8.2%
INSURANCE	\$185,020	\$174,426	(\$10,594)	-6.1%
AD-VALOREM TAXES	\$103,104	\$101,727	(\$1,377)	-1.4%
NON ROUTINE MAINTENANCE	\$14,000	\$17,623	\$3,623	20.6%
TOTAL OPERATING EXP	\$1,279,865	\$1,227,473	(\$52,392)	-4.3%
NET OPERATING INCOME	\$4,064,788	\$4,024,326	\$40,462	1.0%
DEBT SERVICE	\$0	\$0	\$0	0.0%
DEPRECIATION	\$173,088	\$215,698	\$42,610	19.8%
AMORTIZATION	\$0	\$0	\$0	0.0%
PARTNERSHIP	\$8,000	\$6,150	(\$1,850)	-30.1%
EXTRAORDINARY COST	\$0	\$0	\$0	0.0%
NET INCOME	\$3,883,700	\$3,802,478	\$81,222	2.1%
CAPITAL EXPENDITURES	\$4,223,995	\$191,785	(\$4,032,210)	-2102.5%
MORTGAGE PRINCIPAL	\$0	\$0	\$0	0.0%
TAX ESCROW	\$0	\$0	\$0	0.0%
INSURANCE ESCROW	\$0	\$0	\$0	0.0%
INTEREST ESCROW	\$0	\$0	\$0	0.0%
REPLACEMENT RESERVE	\$734,976	\$734,976	\$0	0.0%
REPLACEMENT RESERVE REIMBURSEM	(\$4,223,995)	(\$203,682)	\$4,020,313	1973.8%
WIP	\$0	\$0	\$0	0.0%
OWNER DISTRIBUTIONS	\$3,321,812	\$3,295,097	(\$26,715)	-0.8%
DEPRECIATION AND AMORTIZATION	(\$173,088)	(\$215,698)	(\$42,610)	-19.8%
NET CASH FLOW	(\$0)	\$0	(\$0)	-192.5%

Approvals

Owner _____ Date _____

Asset Manager _____ Date _____

COO _____ Date _____

VP _____ Date _____

Regional Manager _____ Date _____

Business Manager _____ Date _____

Alliance Residential, LLC makes no guarantee, warranty or representation whatsoever in connection with the accuracy of this Operating Budget as it is intended as a good faith estimate only.

w/o

WITH 3% RENT INCREASE



**PRESTON PARK
2013 STANDARD BUDGET
CONSOLIDATION & SIGN-OFF**

Description	2013 Total	2012 Projected	Variance	Variance %
Physical Occupancy	98.01 %	99.01 %		
Economic Occupancy	99.03 %	96.70 %		
Gross Market Potential	\$5,376,900	\$5,386,452	(\$9,552)	-0.2%
Market Gain/Loss to Lease	\$118,104	(\$87,610)	\$205,714	234.8%
Affordable Housing	\$0	\$0	\$0	0.0%
Non-Revenue Apartments	(\$62,448)	(\$37,260)	(\$25,188)	-57.6%
Rental Concessions	\$0	\$0	\$0	0.0%
Delinquent Rent	\$0	\$0	\$0	0.0%
Vacancy Loss	(\$106,927)	(\$52,696)	(\$54,230)	-102.9%
Prepaid/Previous Paid Rent	\$0	\$0	\$0	0.0%
Other Months' Rent/Delinquency Recovery	\$0	\$493	(\$493)	-100.0%
Bad Debt Expense	(\$920)	(\$583)	(\$336)	-57.7%
Other Resident Income	\$36,244	\$36,094	\$150	0.4%
Miscellaneous Income	\$7,632	\$6,909	\$723	10.5%
Corp Apartment Income	\$0	\$0	\$0	0.0%
Retail Income	\$0	\$0	\$0	0.0%
TOTAL INCOME	\$5,368,586	\$5,251,798	\$116,787	2.2%
PAYROLL	\$434,036	\$410,059	(\$23,977)	-5.8%
LANDSCAPING	\$70,700	\$70,865	\$165	0.2%
UTILITIES	\$96,660	\$93,075	(\$3,585)	-3.9%
REDECORATING	\$61,744	\$62,160	\$416	0.5%
MAINTENANCE	\$62,332	\$61,542	(\$790)	-1.0%
MARKETING	\$13,047	\$7,888	(\$5,164)	-65.5%
ADMINISTRATIVE	\$57,606	\$57,189	(\$417)	-0.7%
RETAIL EXPENSE	\$0	\$0	\$0	0.0%
PROFESSIONAL SERVICES	\$142,215	\$130,924	(\$11,290)	-8.6%
INSURANCE	\$185,020	\$174,426	(\$10,594)	-6.1%
AD-VALOREM TAXES	\$103,104	\$101,727	(\$1,377)	-1.4%
NON ROUTINE MAINTENANCE	\$14,000	\$17,623	\$3,623	20.6%
TOTAL OPERATING EXP	\$1,280,463	\$1,227,473	(\$52,990)	-4.3%
NET OPERATING INCOME	\$4,088,123	\$4,024,326	\$63,797	1.6%
DEBT SERVICE	\$0	\$0	\$0	0.0%
DEPRECIATION	\$173,088	\$215,698	\$42,610	19.8%
AMORTIZATION	\$0	\$0	\$0	0.0%
PARTNERSHIP	\$8,000	\$6,150	(\$1,850)	-30.1%
EXTRAORDINARY COST	\$0	\$0	\$0	0.0%
NET INCOME	\$3,907,035	\$3,802,478	\$104,557	2.7%
CAPITAL EXPENDITURES	\$4,223,995	\$191,785	(\$4,032,210)	-2102.5%
MORTGAGE PRINCIPAL	\$0	\$0	\$0	0.0%
TAX ESCROW	\$0	\$0	\$0	0.0%
INSURANCE ESCROW	\$0	\$0	\$0	0.0%
INTEREST ESCROW	\$0	\$0	\$0	0.0%
REPLACEMENT RESERVE	\$734,976	\$734,976	\$0	0.0%
REPLACEMENT RESERVE REIMBURSEM	(\$4,223,995)	(\$203,662)	\$4,020,313	1973.8%
WIP	\$0	\$0	\$0	0.0%
OWNER DISTRIBUTIONS	\$3,345,147	\$3,295,097	(\$50,050)	-1.5%
DEPRECIATION AND AMORTIZATION	(\$173,088)	(\$215,698)	(\$42,610)	-19.8%
NET CASH FLOW	(\$0)	\$0	(\$0)	-260.7%

Approvals

Owner	Date
Asset Manager	Date
COO	Date
VP	Date
Regional Manager	Date
Business Manager	Date

Alliance Residential, LLC makes no guarantee, warranty or representation whatsoever in connection with the accuracy of this Operating Budget as it is intended as a good faith estimate only.

W 3%

August 30, 2012

Mr. Michael Houlemard, Jr.
Fort Ord Reuse Authority
920 Second Avenue Suite A
Marina, California 93933

Re: Preston Park 2012-2013 Proposed Budget

Dear Mr. Houlemard:

Pursuant to the terms outlined in the Management Agreement between the Fort Ord Reuse Authority and Alliance Communities, Inc and in accordance to the management agreement, please find enclosed the proposed Fiscal Year (FY) 2012 - 2013 budget for Preston Park. We will solicit input from Fort Ord Reuse Authority staff and residents. Residents will be notified in writing one week before the draft budget will be available at the management office and that we will be conducting a meeting to review and discuss the budget.

Revenues

The primary source of revenue is rents, Section 8 voucher payments from the Housing Authority of the County of Monterey and associated charges to residents such as late fees.

The proposed budget reflects projected revenues according to the formulas. The market rent for new move-ins is calculated by comparable market rent levels in the competitive market throughout the year.

The formula states that the annual increase in market rents for in-place tenants shall be capped at the lesser of three percent (3%) or the Department of Labor's Consumer Price Index for San Francisco-Oakland-San Jose, All Items, for All Urban Consumers (referred to as CPI-U) Average percentage for the previous calendar year to be applied to the next fiscal year, provided that the increased rent for in-place tenants does not exceed the market rent charged to move-in tenants. Last year a proposed increase of 1.8% was approved by Board for the 2011/2012 FY, then rescinded. The current budget reflects the maximum rent increase of three percent (3%), which represents the only increase given to in-place residents over the past 24 months.

Current Market Rent Conditions

The average two bedroom apartment in Marina rents for between \$1,100 and \$1,423 per month, which does not consider utilities. Please refer to the explanation below for further detail. Additionally, the comparables as outlined in the market survey of March 2012 (posted on FORA website) are significantly smaller in square footage than units at Preston Park.

As a point of measurement, the competitive set as represented in the market study provided as part of the budget package, reflect an average effective rent per square foot range of \$1.29 - \$1.61 psf. Preston Park's market rent average is \$1.17. If a \$100 per month allowance is added for water, trash and sewer expenses, this increases the rent per square foot average at Preston Park to \$1.24, which is still no less than \$.05 less than the lowest rent in the market place and up to \$.37 psf less than the competitive properties with the highest effective rent per square foot in the market place.

In addition to the two-bedroom floorplans, Preston Park offers unique three bedroom town home floor plans, each with front and back yards, ample storage and garages, unlike comparative apartments in the surrounding area.

Preston Park residents are responsible for paying their own utilities; such as gas, water, electricity, sewer and trash. The market rate rent is adjusted to compensate for the cost of water use, utility costs and garbage not paid by residents at other communities in the area. Therefore, the budget assumes adjustments in rental rates in order to compensate such costs.

Utility costs for 2011 - 2012 as published by the Housing Authority of the County of Monterey (HACM) are as follows:

	<u>Two Bedroom</u>	<u>Three Bedroom</u>
Water	\$19	\$20
Sewer	\$13	\$13
Garbage	\$17	\$19
Heating	\$9	\$10
Wtr Htg Gas	\$15	\$16
Cooking-Gas	\$8	\$9
Electric-other	\$17	\$18
Total	\$98	\$105

These rates are used to measure Preston Park's competitiveness in the market place once utility expenses, typically provided by other competitive properties, are taken into account against the rental rate. Please refer to the measurement above.

Market Rents – In Place Residents

At this time, the proposed 2012/2013 budget assumes a 3% increase for in place residents, which is in line with the approved rent formula, which is the lesser of three percent (3%) or the Department of Labor's Consumer Price Index for San Francisco-Oakland-San Jose, All Items, for All Urban Consumers (referred to as CPI-U) Average percentage for the previous calendar year will be applied. This year, the year over year CPI increase described above was 3%. The rents proposed in the budget under the assumption of three percent increase are as follows (Application of rent formula below):

In-Place Market Rate Rents			
Unit Size	Current Rent Range FY11/12	Proposed FY12/13 Rent	Change 8/1/12
Two Bedroom	\$1,146 - \$1,530	\$1,180 - \$1,602	\$34 - \$47
Three Bedroom	\$1,455 - \$1,890	\$1,499 - \$1,947	\$44 - \$57

As shown on the attached Market Survey of March 2012, the proposed in-place market rents are within range of comparable units in the Marina/Seaside rental market.

The rent increases above reflects a 3% increase which translates to between \$34 and \$57 respectively. Where an in place resident falls in that rent increase range will depend on their tenure at the property and move-in date. Please note, as no rent increase was given during the 2011/2012 fiscal year, the 3% increase proposed represents the first increase in rent in the last 24 months.

Should FORA elect to forego the proposed 2012/2013 rent increase which is represented in the budget provided; the potential net income will be reduced by \$34,246 for the 2012/2013 fiscal year. This amount is representative of 8 months of impacted revenue, as increases were scheduled for December 1, 2012.

Market Rents – Incoming Residents

The market rents for new move-ins are fluid throughout the year and change with the market conditions. Today, market rents for new move-ins are as follows:

Unit Size	Current Rent Range for Incoming Market Rate Residents
Two Bedroom	\$1,530- \$1,605
Three Bedroom	\$1,880- \$2,000

*Incoming rates are subject to change on an ongoing basis. The budget assumes 3% increase in market rents for incoming residents, which is not reflected in the table above as these rates represent the current asking rents.

Affordable Rental Rates

Affordable rental rates are derived from median income schedules published by governmental agencies. Rental rates at Preston Park are based upon 50% and 60% of the median income for Monterey County. The U.S. Department of Housing and Urban Development calculates the maximum household income by family size in Monterey County, generally once a year. The rental rates are based upon families at 50% and 60% of the Monterey County median income for 2012 and allowances for the cost of utilities (as published by MCHA) are as noted on page 3 of this letter.

New rates for 2012 were published in January 2012 by HUD.

2011/2012 Rent	Two Bedroom	Three Bedroom
50% (very low)	\$656	\$731
60% (low)	\$807	\$900

Maximum Household Income Limits for 2012.

Income Category	Two Person	Three Person	Four Person	Five Person	Six Person	Seven Person	Eight Person
50%	\$27,700	\$31,150	\$34,600	\$37,400	\$40,150	\$42,950	\$45,700
60%	\$33,240	\$37,380	\$41,520	\$44,880	\$48,180	\$51,540	\$54,840

Rental Increase Implementation & Lease Signing

Upon Fort Ord Reuse Authority approval of the budget, rental increase notices will be mailed out on or before September 30, 2012; the new rental rates will become effective on November 1, 2012. Rents for in-place residents at market or affordable are increased once per year. New residents will be required to sign lease terms of month to month or six months, but can be converted to a month-to-month lease upon expiration, per the December 28, 2011 Council directive. Current residents are also welcome to sign lease terms beyond their current month-to-month agreement.

Occupancy

The budget assumes an average occupancy rate of 97.7% for the fiscal year. The proposed occupancy rate factor allows enough time to prepare units immediately after a resident vacates the community, as well as sufficient time to place qualified applicants. Based on the local and surrounding counties, the occupancy rate is well within the acceptable range. When a unit is vacated, Alliance strives to fill the vacant unit within 5 to 10 business days, working from the waiting list if applicable. The average economic vacancy loss during the 2011/2012 fiscal year was only 1.9%, approximately 1% more than the properties physical vacancy. This indicates that the average unit vacated was turned and reoccupied within one week from the previous resident's date of move-out.

The following highlights those categories of expenses with significant changes from the FY 2011-12 budget.

<u>Expenses</u> Account	Proposed 2013	Projected 2012	Variance	%	Comments
PAYROLL	\$434,036	\$410,059	(\$23,977)	-5.8%	Increase due to annual salary increases (5.8%) as well as the State of California's approval of a Workers' comp increase of 38%.
UTILITIES	\$96,660	\$93,075	(\$3,585)	-3.9%	Increase assumes a 3% rate increase obtained by utility companies.
MARKETING	\$13,047	\$7,883	(\$5,164)	-65.5%	Increase due to the addition of Property Solutions, a comprehensive on line system which combines the properties branded webpage with a rich Resident Portal, lead management system, marketing control program, and telephone training portal.
PROFESSIONAL SERVICES	\$142,819	\$130,924	(\$11,570)	-8.8%	Alliance management fee remains 2.5% per contract, but increased rent revenue would result in increase in management fees paid

to Alliance. Variance

primarily driven by allowance for bi-annual audit.

INSURANCE	\$185,020	\$174,426	(\$10,594)	-6.1%	Based on renewed insurance contract bound in December 2011.
AD-VALOREM TAXES	\$103,104	\$101,727	(\$1,377)	-1.4%	Increase based on estimated taxes per Accounting assumptions.
NON ROUTINE MAINTENANCE	\$14,000	\$17,623	\$3,623	20.6%	Reduced number of anticipated door replacements in 2013 as is presently budgeted as a planned capital replacement item.

- Note:** During the July FORA board meeting, the board took initial steps to approve the proposed budget without a rent increase to in place residents. An amended budget is available for the Board to review, which reflects the data under this scenario. Should the board elect not to implement the proposed 2012-2013 rent increase; the Preston Park Gross Market Potential will decrease by \$85656 for the year. This decision has the potential to not only eliminate funds to assist in improving the condition of the structure, but may also negatively impact the potential value of the asset during a sale process. The impacted rental revenue (annualized during year 1 would be \$92,866.80) equates to \$1.54 millions dollars in value based on a 6% cap rate (\$92,866 (added NOI / 6% (cap rate) = \$1,547,780 in potential value). Please also note, that should the Board elect not to implement the rent increase, based on the adopted rental rate formula, this income will also not be recaptured or realized in future years. And so the impacted revenue loss will compound year over year.

Capital Reserves Fund

In accordance with the 2011 reevaluation of the Replacement Reserves Study conducted in April 2008, Alliance recommends a reserve withholding of at least \$2,076 per unit during the 2012/2103 fiscal period. This withholding would ensure that the asset holds adequate reserves to perform necessary replacements and repairs to protect the useful life of the buildings.

Capital Improvement Program

The 10-Year CIP was updated with the review of the property's as built plans that were transferred from the offices of Mid-Peninsula Housing Coalition in November of 2010.

Forrest White, Director of Asset Engineering and Robert Gochee, Asset Engineering Project Manager at Alliance Residential are the managers of capital improvement projects at Preston Park.

- Please refer to attached Capital Improvement Plan (CIP) budget for details. Recommended expenditures have been listed in priority order with relevant benefits and costs identified.

Accomplishments

It has been a pleasure working with residents and the Fort Ord Reuse Authority over the past year. With the support of residents a number of positive changes have occurred within Preston Park.

Some of Alliance’s accomplishments include:

- 1) Common Area Maintenance: Pet Waste Stations were installed at each playground and bus stop
- 2) Communication Tools: A monthly newsletter is personally delivered to every home once a month. Residents are encouraged to contribute to the newsletter. The newsletter provides information on community related events, good housekeeping rules for the community and safety tips.
- 3) Marina Police Department Coordination: Management staff and the Marina Police Department work closely in efforts to clean up the property, including vehicle abatement, parking on the grass, double parking, vehicles with expired tags, and abandoned vehicles.
- 4) Long Term Residents: We continuously strive to upgrade the units of our long term residents by painting, upgrading appliances, and replacing flooring.
- 5) 2011/2012 Capital Improvement Program: We are optimistic that the FORA Board will promptly execute the capital project management agreement approved in February which will enable the following enhancements at the property:
 - i. Roof Repairs
 - ii. Exterior Painting Project
 - iii. Lighting Upgrades
 - iv. Exterior Doors and Windows
- 6) Resident Events: Preston Park Management was pleased to host the following Resident events during the 2011/2012 fiscal year:
 - i. Back to School Supply Giveaway
 - ii. Halloween Trick or Treat Activity
 - iii. December “Wrap It Up” Party
 - iv. Movie and Popcorn Pass Give Aways
 - v. Leap Year Celebration
 - vi. SpEGGtacular Earth day Event
- 7) Service Request Responsiveness: The Preston Park Management Team strives to provide Residents with the best and highest service possible. In 2011/2012 more than 1,790 service requests have been processed to date. The average completion time for standard work order requests has been 2 business days or less.

Summary of PrestonPark FY2012/2013 Budget

	<u>2012/13 Budget</u>	<u>2011/12 Projected</u>	<u>Variance</u>
Total Income	\$5,379,777	\$5,251,798	\$140,951
Total Expense	\$1,280,743	\$1,227,473	(\$53,270)
Net Income	\$3,917,946	\$3,802,478	\$115,468

We will continue to look for new ways to improve our services over the coming year and remain committed to meeting the objectives set by the Fort Ord Reuse Authority.

Please feel free to contact me should you have additional questions or concerns at (408) 396-8341. I look forward to receiving approval of the final budget prior to September 30, 2012, in order to implement rental increases by December 1, 2012.

Regards,

Corinne Carmody
Regional Manager

Cc: Jonathan Garcia, FORA
Ivana Bednarik, FOR A
Robert Norris, FORA
Jim Krohn, Chief Financial Officer, Alliance Communities, Inc.
Annette Thurman, Vice President of Operations, Alliance Communities, Inc.

2012/2013 Budget and Market Survey posted on FORA Website

FORT ORD REUSE AUTHORITY BOARD REPORT
OLD BUSINESS

Subject:	Base Reuse Plan Reassessment Report – Receive Final Reassessment Document	
Meeting Date:	November 16, 2012	ACTION
Agenda Number:	8c	

RECOMMENDATION

Formally receive the final Reassessment Report, as revised to reflect comments received on the draft.

BACKGROUND

On October 12, 2012, the FORA Board and the public received a detailed overview of the components of the Reassessment Report. The draft Reassessment Report was completed and made available for public review and comment beginning on October 17. The draft report was posted on FORA's web site (www.fora.org/resources.htm), CD copies were distributed to FORA member agencies via their Administrative Committee representatives, and printed copies were hand-delivered for review at three public libraries (in Marina, Seaside, and Monterey). A printed copy was made available for review at the FORA office, as well as CD copies for distribution to members of the public at no cost. Staff mailed printed copies of the draft report to all Board members on October 18.

On October 30, the Board held a community workshop (special Board meeting) focused on receiving public comments regarding the draft Reassessment Report. Approximately 40 members of the public attended the workshop. Representatives from EMC Planning Group and the Ventana Chapter of the Sierra Club made presentations on the reassessment process and next steps. At the workshop and in previous venues, staff requested that all comments on the draft report be submitted by 5:00 PM on Wed., November 7 in order that they be incorporated into the packet distribution for the November 16 Board meeting, as an appendix to the final report.

DISCUSSION

Reassessment Report contents: he Reassessment Report informs future programmatic, policy, or course-adjustment actions the Board may wish to undertake. The final Reassessment Report completes the Base Reuse Plan reassessment process. The final report includes components 1-5, below. Subsequent to the Board's final action to receive the report, the report will be "republished" to integrate these items under one cover, which will then be permanently archived and made available on FORA's web site.

1. Draft report circulated on October 17, 2012 (see above),
2. "Errata" of corrections, clarifications, and additions to the draft (**Attachment A, pending**. *The errata section is in production and will be forwarded to the Board and posted on FORA's web site as early as possible during the week of August 12*),
3. Comments received on the draft (**Attachment B**),
4. Scoping Report formally received by the Board by unanimous vote on October 12, 2012¹ (available on FORA's web site, www.fora.org/resources.htm); and
5. Evaluation of jurisdictional fiscal considerations² (**Attachment C**).

¹ The Scoping Report incorporates the Market Study prepared by Economic and Planning Systems (EPS). Subsequent to the October 12, 2012 Board meeting, EMC Planning Group has republished the Scoping Report to integrate the draft report and the revised addendum (errata and comments) that the Board previously received as separate documents. Supplemental discussion was also added, primarily in the areas of jurisdictional water allocation/usage and building removal costs, in response to comments raised by Board members at the October 12 meeting.

² This evaluation, prepared by EPS, was requested as part of the Board's approval of the amended reassessment contract in July 2012 and is related to the Market Study (Appendix E of the Scoping Report).

Building on the information gathered in the Scoping Report phase, the Reassessment Report identifies a "menu" of policy options and potential Base Reuse Plan modifications for the FORA Board's consideration. The report groups its main findings into five categories:

- I. Modifications and Corrections (i.e., typos, outdated references in the BRP, minor clarifications),
- II. Prior Board Actions and Regional Plan Consistency,
- III. Implementation of Policies and Programs,
- IV. Policy and Program Modifications, and
- V. FORA Procedures and Operations.

The five categories are briefly described on page 1-7 of the report, and explored in depth in Chapter 3. For each category, the report identifies and discusses one or more specific topics regarding potential future BRP modifications. The topics were derived from public input and a detailed review of the BRP during the scoping phase of the reassessment process. Summary tables near the beginning of each category (I-V) present an overview of the topics. The discussion section for each topic is intended to provide the Board and the public with a concise overview of the issues. The discussion is not intended to be exhaustive, but rather to provide context for a potential BRP modification issue that has been raised during the reassessment process.

For each overall category (I, III), or for individual topic areas within categories (II, IV, and V), one or more potential options for future Board action are identified. The options lists are intended to be representative of the information gathered through the scoping process but are not necessarily exhaustive of all potential options. Additional options could be identified by the Board or others prior to completion of the reassessment process, and/or during Board consideration of potential BRP modifications in 2013 and beyond.

Receipt of Reassessment Report: For purposes of formally receiving the final Reassessment Report, the primary consideration is whether the report adequately presents a comprehensive "menu" of policy topics reflecting the reassessment process to date and providing a framework for robust future discussion of potential BRP modifications. Terms of the 1998 settlement agreement with the Sierra Club require the Board to complete the reassessment process by taking a final action on receiving the report by January 1, 2013. The process of considering modifications to the BRP could begin immediately after that action has been taken. Future consideration of actions resulting from the reassessment will likely be a multiyear process and will include ongoing opportunities for public discussion of the merits of potential courses of action regarding the policy topics identified during the reassessment process and discussed in the report.

Completion of reassessment process: The FORA Master Resolution (8.01.01(h), **Attachment D**) establishes that "[t]he Reuse Plan will be reviewed periodically at the discretion of the Authority Board. The Authority Board will perform a full reassessment, review, and consideration of the Reuse Plan and all mandatory elements as specified in the Authority Act..." Based on this wording, the reassessment process would need to:

- A. Be "full," which could be interpreted to require a substantial, thorough effort with public participation. The reassessment process has included five community workshops, two special Board meeting workshops, and numerous meetings with stakeholders and other interested parties. The reassessment has been an information and/or action item on every regular Board meeting agenda in 2012.
- B. Include a "review," interpreted to consist of an analysis of the BRP based on current circumstances and understandings. Chapter 4 of the Scoping Report presented a 273-page review of the current status of BRP implementation.
- C. Include a "reassessment," interpreted to consist of an evaluation of the ways in which the BRP could be updated or changed. Chapter 3 of the draft Reassessment Report is a thorough discussion of policy topics and options for the Board's future consideration, derived from the scoping phase of the process.

- D. Be "considered" by the Board. The draft Reassessment Report was circulated on October 17, discussed in an October 30 Board workshop, and is now being presented in final form to the Board for consideration.
- E. Address all of the mandatory elements specified in the Authority Act. The reassessment documentation includes discussion of all five mandatory elements (land use, transportation, conservation, and recreation plans, and capital improvement program [CIP]) as well as other optional elements (e.g., noise, safety). Chapter 4 of the Scoping Report gives a detailed status report on the non-CIP elements. The CIP is referenced throughout the document but is not the focus of the reassessment. The CIP undergoes a dedicated annual review via a separate process.

Next steps: Establishing near-term and longer-term programs for prioritizing post-reassessment action items will be a key task in early 2013. For example, the Board could provide early direction to implement or take action on specific potential options for BRP modifications that do not appear to require significant staff resources or Board deliberation. Board direction on other potential options that address more complex topics will likely involve more time for prioritization and development of a work plan. The Board may also wish to explore which action items could be grouped together based on being subject to similar levels of California Environmental Quality Act (CEQA) clearance. A Board study session or retreat may be a desirable next step toward structuring the approach to post-reassessment action items.

Additional notes

- *Sierra Club Ventana Chapter's letter dated October 30, 2012:* The Sierra Club was a party to the lawsuit and 1998 settlement agreement requiring reassessment of the BRP, and has remained actively involved in the process. Their comment letter on the draft Reassessment Report takes issue with current FORA procedures related to the consistency determination process, and recommends two additional policies for inclusion in the report. The letter was emailed to Board members and additional copies were made available at the October 30 Board workshop. FORA staff will formally respond to the Sierra Club's letter under a separate cover. Please refer to the outline of preliminary responses to the issues raised in the letter (**Attachment E**). It should be noted that the FORA Act (California Government Code Section 67650-67700) defines FORA's consistency determination roles and responsibilities. Any Board action must be consistent with these provisions of State law.
- *Phased Development:* At the October 30 workshop, a question was raised regarding the possibility of introducing phasing of future development into the BRP, as a topic for future Board consideration. FORA legal counsel is preparing a memo addressing this subject.
- *Final/Republished Scoping Report:* Staff distributed CD copies of the final, republished Scoping Report, which integrates the draft and the revised addendum, to Board members at the October 30 workshop. Subsequently, several incorrect water allocation and usage data points were identified in Table 18 on page 4-231 of the final report. The corrected table (**Attachment F**) will be substituted into the final report.
- *CEQA:* As noted on page 1-4 of the report, the report is an informational summary of the process of assessing the BRP. The reassessment process and report do not result in any changes to the physical environment. Receipt of the report has no binding effect on the Board to commit to any particular "post-reassessment" course of action. The Board's receipt of the report is exempt from CEQA under Section 15262 of the CEQA Guidelines (**Attachment G**). Various policy options that the Board may wish to consider implementing in 2013 and beyond will be subject to the appropriate level of CEQA clearance at such time as they are undertaken.
- *Subconsultant budget reallocation:* In accordance with a memo from EMC Planning Group to FORA, approximately \$20,600 in previously anticipated subconsultant costs within the total contract amount of \$506,570 (as amended through July 11, 2012) will be reallocated from EMC subconsultants' budgets to EMC's budget. The reallocation is primarily based on EMC performing certain tasks (particularly preparation of digital mapping) that they had originally planned to delegate to subconsultant Arcadis, as well as incurring other costs such as professional transcription services and production of printed materials.

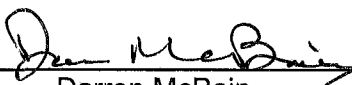
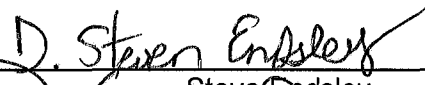
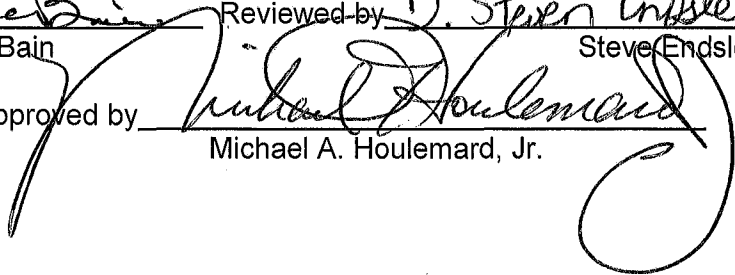
FISCAL IMPACT

Reviewed by FORA Controller 

Staff/consultant time and costs associated with producing the Reassessment Report were included in the FY11-12 and FY12-13 budgets for the Base Reuse Plan reassessment process. The budget reallocation noted above between reassessment lead consultants EMC and their subconsultants does not impact the contract's tasks or deliverables, and the overall contract amount is unchanged.

COORDINATION

Administrative Committee, Executive Committee.

Prepared by  Darren McBain Reviewed by  Steve Endsley
Approved by  Michael A. Houlemard, Jr.

Placeholder for Item 8c

Attachment A

“Errata” of minor corrections, clarifications, and additions to the draft

This item listed above will be forwarded to the Board and posted on FORA’s web site as soon as possible during the week of Nov. 12.

Index of comments received on the draft Reassessment Report as of November 7
(in the order received)

1. Joanne Ratcliffe
2. City of Monterey (Oct. 23)
3. Monterey County Farm Bureau
4. Sierra Club Ventana Chapter
5. Karin Locke
6. Sid Williams, United Veterans Council of Monterey County
7. Fort Ord Environmental Justice Network
8. Bob Schaffer
9. Greg Nakanishi
10. Suzanne Worcester
11. CSUMB
12. City of Monterey (Nov. 7)
13. Transportation Agency for Monterey County (TAMC)
14. Michael Weaver, Highway 68 Coalition
15. City of Seaside
16. LandWatch Monterey County

Darren McBain

From: joanneratcliffe [jwandle@sbcglobal.net]
Sent: Tuesday, October 23, 2012 11:04 AM
To: Darren McBain; landwatch@mclw.org
Subject: Fort Ord Reuse Plan

I have read the draft plan to be presented to the meeting of October 30, 2012. In regard to water, it seems to be extremely similar to the plans I remember from when I was a member of RAP ((Research Activity Panel). At that time there was an allocation of about 6,000 afy of water for Fort Ord expansion and development. Today the allocation is 6,600 afy allocated to Fort Ord for development. There is no mention of the new planned/hoped for development of a Race Track (Monterey Downs). There are encumbrances of 785 afy plus 530 afy for line loss which have been added to the total afy.

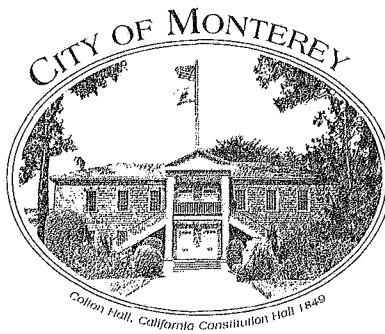
Does water allocation mean that there is an estimated amount of water available to Fort Ord, an amount which can be counted on? If so, is it 5,295 afy? Or is it 6,600 afy?

Are we making plans for Fort Ord on the existence of water available or is it "paper water" again? Or are we betting on desal?

There are so many "if's" in the plan, and they are the same "if's" I remember from my tenure at RAP.

Water is the one element that no one can really prove. Development depends on knowing the amount of water we really have. What is it?

Joanne Ratcliffe, jwandle@sbcglobal.net



October 23, 2012

Mayor:
CHUCK DELLA SALA

Councilmembers:
LIBBY DOWNEY
JEFF HAERMAN
NANCY SELFRIDGE
FRANK SOLLECITO

City Manager:
FRED MEURER

Darren McBain
Project Manager
Fort Ord Reuse Authority
920 Second Avenue, Suite A
Marina, CA 93933

Via Fax: 831-883-3675

RE: Base Reuse Plan Reassessment

Dear Mr. McBain,

Thank you for the opportunity to provide early input in the reassessment process. The purpose of reassessing the Base Reuse Plan (BRP) is to determine whether redevelopment of the base to date is meeting the goals of the BRP, which are Economic Development, Education, and Environmental Protection.

The City Council of the City of Monterey held public meetings on August 7, September 18, and September 26, 2012 to discuss issues relating to the BRP Reassessment and buildout of the former Fort Ord. Based on the discussion, the City Council adopted a resolution providing the following policy direction on the BRP Reassessment issues:

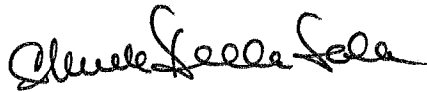
- The City Council supports analyzing the impacts to funding for infrastructure and the Habitat Conservation Plan if the full build-out potential of the BRP were reduced to remain consistent with available water supply;
- The City Council supports focusing near-term development within the Army Urbanized Footprint, but also recognizes the need to generate jobs that are lacking in our regional economy;
- The City's property is located on undisturbed land and is one of the few sites on former Fort Ord designated for middle-income job growth, and therefore the City Council also supports development of the City's property over the near-term;
- The City Council agrees with the Market Study recommendation of a multi-pronged approach to achieve job growth that will stabilize the region's economy and offer more diversity; opening access to disadvantaged and underserved populations that have suffered since base closure and during the recent recession;
- The City Council supports labor force growth through some initial acceptance of a "jobs follow housing" model, which relates to the fact that the middle class, which has been declining in the region, needs to be bolstered to arrive at a fully functioning economy that will attract larger employers;

As mentioned in the City's two previous letters on the BRP Reassessment, with respect to the City of Monterey's property specifically, our staff is looking forward to working with FORA staff during the reassessment process to make minor adjustments to the Caltrans

and Fort Ord Expressway rights-of-way to make them concurrent with parcel boundaries and consistent with proposed land uses.

We look forward to continuing our participation throughout the BRP reassessment process. If you have specific questions regarding our comments, please contact Elizabeth Caraker, Principal Planner at 646-1739.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Della Sala". The signature is written in a cursive, flowing style.

Chuck Della Sala,
Mayor

c: City Council



October 30, 2012

Fort Ord Reuse Authority
Att: Board Members
920 Second Ave., Ste. A
Marina, CA 93933

RE: Comments on Draft Fort Ord Base Reuse Plan Assessment Report

Dear FORA Board Members:

Monterey County Farm Bureau represents family farmers and ranchers in the interest of protecting and promoting agriculture throughout our County. We strive to improve the ability of those engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of our local resources.

The original Fort Ord Base Reuse Plan was negotiated, through broad community involvement and with many compromises, to provide a framework for all interests throughout our diverse County. Fort Ord Reuse is not just a coastal zone process, but a cornerstone for both inland and coastal interests to create something lasting for all our communities. So far, the efforts have resulted in 70% of the base now preserved as a National Monument, along with the inception of Cal State Monterey Bay as the beginnings of a world-class university in our County.

As the FORA Board reassesses the Base Reuse Plan, it is important to maintain the original intent of the plan, which was to provide 70% of the base as open space for parklands and recreational use, and the remaining 30% to be utilized by CSUMB and other development; this is intended to restore a large portion of the jobs and economy that was lost when the military base closed. While we are many years down the road from the closure, the local economy of the Monterey Peninsula cities, nor Salinas, still has not seen any improvement from base reuse.

It is most important that Monterey County continue to develop new jobs for the future; we have a tourism industry that has not fully recovered from the past years' economic depression. We cannot, as a community, give up on the original reuse plan that provides for development to drive economic stability for our region. The failure to create new jobs in these past years cannot be used as an excuse to add more land to the 70% already designated as open space.

The FORA Reuse Plan must continue to reflect all community interests, not just those with the loudest voices. The success of our entire County depends on all facets of the community promoting a successful economy, not just in the Salinas Valley.

We urge your support for the Fort Ord Base Reuse Plan that continues to work towards economic development on the remaining 30% of base land.

Sincerely,

A handwritten signature in black ink, appearing to read 'Norman C. Groot', is written over a horizontal line.

Norman C. Groot
Executive Director



SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

October 30, 2012

email to board@fora.org

Board of Directors
Fort Ord Reuse Authority
920 Second Avenue
Marina, CA 93933

Dear FORA Board of Directors:

Sierra Club's responses to the Draft Reassessment Report will be presented at this evening's FORA Board meeting in our Power Point presentation, comparing the FORA Board to a group of chefs who can choose to create either mediocre fast food or masterful cuisine that would result in an ideal Fort Ord by 2020.

As will be discussed in our presentation, Sierra Club takes strong exception to the assumption in the Draft Reassessment Report regarding Category III that the FORA Board can choose to either implement the existing Base Reuse Plan policies and programs, or not. FORA's 1998 settlement agreement with the Sierra Club requires that a notice be recorded on the deeds for all property in the Fort Ord territory. This notice informs all current and future owners that development of such property shall be limited by the policies and programs of the Base Reuse Plan (Sierra Club-FORA 1998 Settlement Agreement §8.01.010(j)). FORA is legally obligated to honor these deed notifications by refusing to grant any future request for a consistency determination with the Base Reuse Plan for either a legislative action or development entitlement, until the jurisdiction making the request has implemented all applicable Base Reuse Plan policies and programs.¹

Sierra Club also requests that two new policies be added in Category IV. The first is for a policy that builds on the Market Study recommendations at pages 3-10 and 3-11 of the Scoping Report for attracting "creative type" jobs to Fort Ord, possibly from Silicon Valley companies which want to open new campuses for technology R&D, or employers offering other "creative type" jobs. As our Power Point presentation illustrates, another closed Army Base, the Presidio in San Francisco, attracted Lucas Studies which, on a single day this month, offered 91 job openings ranging in salaries from \$30,000 to \$110,000 and up. Those are the types of jobs that Sierra Club wants FORA to attract to Fort Ord.

Our other recommendation is for a new policy to prevent reoccurrence of what has happened to date when development projects are approved and then little or no work proceeds on them for years. The land at East Garrison was cleared but then remained barren for six years

¹ To illustrate the type of implementation that FORA and the jurisdictions must take before FORA can make any additional consistency determinations, we have attached an addendum based on the example involving Monterey County, describing actions it must take before FORA can consider its request to determine that the 2010 Monterey County General Plan is consistent with the Base Reuse Plan.


before construction began. The Dunes Project still has not removed the unsightly dilapidated barracks that it is obligated to remove. The Marina Heights site comprises an eyesore of denuded earth with no construction occurring on it.

Sierra Club understands that the jurisdictions control the terms of the development agreements, and that State law limits the jurisdictions' ability to terminate subdivision maps and development agreements (see the description on page 3-93 of the Reassessment Report). We also understand that the described previous delays were allowed pursuant to *force majeure* clauses in the Disposition and Development redevelopment agency agreements. However, we are unaware of any law that would prohibit the jurisdictions from requiring that land not be cleared until construction is ready to begin. Thus, Sierra Club requests the FORA Board to adopt a policy and programs that will require jurisdictions to prevent such delays from reoccurring. If such delays are allowed to continue, it seems unlikely that the appearance of the former Fort Ord would attract employers who could offer "creative type" jobs.

Additionally, Sierra Club requests that the FORA Board address our updated six requests from August 31, 2012 as follows:

1. **Build on blight first.** We request that the FORA Board adopt one or more of the five new options listed on page 3-79 of the Reassessment Report.
2. **Reexamine financing of blight removal.** We request that the FORA Board adopt one or more of the four new options listed on page 3-89 of the Reassessment Report.
3. **Develop a vigorous marketing plan.** We request that the FORA Board adopt one or more of the three new options listed on pages 3-87 and one or more of the four new options listed on page 3-102 of the Reassessment Report; additionally, we also request that an option regarding *vigorous* implementation be added to the options listed.
4. **Rectify the jobs/housing analysis.** We request that the FORA Board adopt the second or third option listed on page 3-94.
5. **Address CSUMB's concerns about incompatible land uses.** We request that the FORA Board adopt one or more of the four new options listed on page 3-81.
6. **Respond to Sierra Club's questions contained in Section 7 of our August 31 analysis.** We request that the Final Reassessment Report respond to the questions contained in section 7 of our August 31, 2012 letter.

Sincerely yours,



Thomas P. Moore, Ph.D., Chair
Sierra Club FORA Subcommittee

Addendum: Using the Example of the 2010 Monterey County General Plan

To illustrate what Base Reuse Plan policies and programs must be implemented before a consistency determination can be made, we use the example of Monterey County General Plan. According to the Draft Reassessment Report, Monterey County has not implemented the following Base Reuse Plan policies and programs. Until they are implemented, any development approved by Monterey County on Fort Ord lands would not be limited by such policies and programs. This would violate the terms of the deed notification required by Section 8.01.020(j) of the 1998 FORA-Sierra Club settlement agreement.

Land Use Policies:

- Program A-1.2: Adopt appropriate infill residential zoning for CSUMB to expand its housing stock (see Reassessment Report pg 3-42).
- Program B-2.1: Amend the County's zoning ordinance in regard to land use on the former Fort Ord other than zoning within the East Garrison Specific Plan (see Reassessment Report pg. 3-42).
- Program C-1.1: Amend the Greater Monterey Peninsula Area Plan to zone and consider development of a significant new residential area in the County Eucalyptus Planning Area at the perimeter of the BLM land (see Reassessment Report pg. 3-43).
- Twenty-one other land use programs pertaining to residential, commercial, recreation/open space, and institutional land uses listed in the Draft Reassessment Report on pages 3-43 to 3-51.

Circulation Policies:

- Program B-1.2: Adopt truck routes (see Reassessment Report pg. 3-51).
- Program C-1: Classify roadways and provide design details (pg. 3-51).
- Program C-1.2: Preserve sufficient right-of-way for anticipated future travel demands based on build out of the FORA Reuse Plan outside the East Garrison Specific Plan (see Reassessment Report pg. 3-51).
- Program A-1.2: Develop programs to fund and construct bus facilities, including shelters and turnouts (see Reassessment Report pg. 3-52).

Recreation and Open Space Policies:

- Policy C-1: Establish an oak tree protection program to ensure conservation of existing coastal live oak woodlands in large corridors within comprehensive open space systems (see Reassessment Report pg. 3-53).
- Policy G-2: Adopt a program to encourage private park development (see Reassessment Report pg. 3-54).
- Policy G-3: Adopt landscape standards to guide development of streetscapes, parking lots, government facilities, institutional grounds, and other public and semi-public settings with the former Fort Ord (see Reassessment Report pg. 3-54).
- Policy G-4: Coordinate the development of park and recreation facilities with neighboring jurisdictions (see Reassessment Report pg. 3-54).

Conservation Policies:

- Policy A-1: Finalize and adopt implementation plan for Polygon 11a (East Garrison North, which is outside the area included in the East Garrison Specific Plan) to include maintenance of areas with disturbed sandy soils to support sand gilia and Monterey spineflower, and maintain north-south trending linear habitat such as dirt roads or firebreaks to retain and improve the area's function as a corridor for sand gilia dispersal, as required by County's Section 2081 incidental take permit issued by CDFG for the East Garrison Specific Plan pertaining to Polygon 11a (see Reassessment Plan pg. 3-55).
- Twenty-three other conservation programs pertaining to protection of biological resources listed in the Draft Reassessment Plan on pages 3-55 to 3-63.

Noise Policies:

- Program A-1.1: The County's General Plan Table S-2 shows that the County's noise criteria must be lowered 5 to 10 dBA for residential and schools categories of land use (see Fort Ord Reuse Plan Table 4.5-3 and Reassessment Report pg. 3-63).
- Three other noise programs pertaining to establishing a set of guidelines for controlling noise at the former Fort Ord which is consistent with Base Reuse Plan noise guidelines.

Safety -- Seismic and Geological Hazards Policies:

- Program A-1.2: Adopt a fault zone setback requirement for projects within the former Fort Ord (see Reassessment Report pg. 3-65).
- Program C-1.3: Prepare inventories and operations plans for critical facilities (see Reassessment Report pg. 3-66).

Hydrology/Water Quality Policies:

- Adopt a program in collaboration with Marina and Seaside requiring each to adopt and enforce a storm water detention plan and implementation measures to be considered in all new development for the purpose of increasing groundwater recharge and thereby reducing further seawater intrusion.

Note: FORA has not yet developed plans required by the Base Reuse Plan such as a Master Drainage Plan and design guidelines which the County will be required to adhere to (see Reassessment Report pg. 3-41). Furthermore, FORA hasn't implemented the CEQA mitigation measures described on pages 3-66 to 3-67 of the Draft Reassessment Report. Thus, Monterey County cannot adopt any required policies or programs that rely on these base wide FORA policies, programs or CEQA mitigation measures that have not yet been implemented by FORA.



FORT ORD REUSE AUTHORITY

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

FORT ORD REUSE PLAN REASSESSMENT COMMENT FORM DRAFT FORT ORD BASE REUSE REASSESSMENT REPORT

FORA welcomes public input on the Draft Fort Ord Base Reuse Reassessment Report, as it relates to the 1997 Fort Ord Base Reuse Plan reassessment process. The draft report is the third of three reports which are part of the reassessment process. The other two are the Market Study and Scoping Report, both of which were released in August 2012. The 1997 Base Reuse Plan was created as a 40- to 60-year plan. The overall goal of the reassessment process is to explore whether policies, programs and procedures to implement the Base Reuse Plan should be updated to better address current conditions and meet the community's future needs. The Draft Reassessment Report was prepared and released on October 17, 2012. It includes a range of subject and topic areas with options that the FORA Board of Directors may wish to consider for future modification of the Base Reuse Plan. It is expected that the FORA Board will receive the Draft Reassessment Report in November 2012 and begin deliberating on possible modifications in 2013.

The Scoping Report was prepared to provide information about the current status of Base Reuse Plan implementation. The Market Study addresses current and projected future economic conditions. The subjects, topics, and potential options for Base Reuse Plan modification included in the Draft Reassessment Report are based on information contained in the Scoping Report, the Market Study, and additional public input received during the reassessment process to date.

The Scoping Report, Market Study, and Draft Reassessment Report are available on the FORA website at www.fora.org. Copies of the reports are available on computer disk and in the main libraries in Marina, Seaside and Monterey as well as at the FORA office at 920 2nd Avenue, Suite A in Marina off Imjin Parkway.

Comments submitted by 5:00 PM on November 7, 2012 will be included in the FORA Board packet for the November 16, 2012 FORA Board meeting, at which the FORA Board is anticipated to receive the Draft Reassessment Report. Comments received after this deadline will be accepted, but may not be included in the Board packet for the FORA Board meeting on November 16. Comments can also be presented on November 16 at the FORA Board meeting.

Commenter Name: KARIN LOCKE

Address (Optional): _____

Email (Optional): WISTERIA6MA@COMCAST.NET

FORA cannot directly respond to each and every comment that is submitted; however, all comments will be reviewed.

Comments can be submitted to FORA by email: plan@fora.org; FAX: 831-883-3675; or mail to: FORA, 920 2nd Avenue, Suite A, Marina CA 93933. For more information about FORA or the Base Reuse Plan, visit the FORA website at www.fora.org or contact Darren McBain at FORA, (831) 883-3672.

Space for written comments is provided on the reverse side.



PLEASE SUBMIT COMMENTS BY 5:00 PM NOVEMBER 7, 2012

COMMENTS

Concern about FT. ORD & Dunes State Park General Plan - No CA Coastal Commission Plan - Seems a huge oversight at this late date.

Hydrology issues and cumulative development

Aquifers: AETPCTCL - lower 180/400, upper 180, CO2 TCE
A Aquifer, CO2 TCE upper 180 Aquifer and future

Monterey Downs large/medium facility - ^{water issues} - ^{are not}

CA FO's - Congressional Research paper from ^{clear}

2/2010 cited massive fish kills from manure pollutants - Environmental and Air Emissions degrade the water quality and health - Pathogens in manure will leach into groundwater.

- Maintain

- No mention of use of Foralands for future
CCA's - green energy

- Developers Should be better managed. - limited cost.

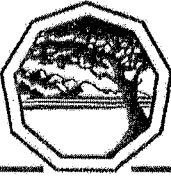
- Greenhouse gas increase by animals should be monitored

- Look regionally in water issues - Stormwater, Desalination
Carmel River issues, Saltwater intrusion - in MoCo.

If additional space is needed, please attach additional sheets.

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Si tiene preguntas o necesita informacion o traduccion en espanol, favor de llamar a Jonathan Garcia o Darren McBain al 831-883-3672.



FORT ORD REUSE AUTHORITY

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

DMJ
JSE
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FORT ORD REUSE PLAN REASSESSMENT COMMENT FORM DRAFT FORT ORD BASE REUSE REASSESSMENT REPORT

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Commenter Name: Sid Williams

Address (Optional): see attached

Email (Optional): see attached

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Space for written comments is provided on the reverse side.



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COMMENTS TO THE PUBLIC DRAFT

REASSESSMENT REPORT

Fort Ord Reuse Plan Reassessment

Submitted By: Sid Williams, Secretary United Veterans Council of Monterey County

147 Dolphin Circle

Marina, CA 93933

esm_ret@comcast.net

Preface: When considering the various Subject and Topic Areas within the reassessment report it is very important to consider the relationships between and among them as they relate to each particular project or proposal. As an example, the Veterans Cemetery is one Subject in the Report and it has three topic areas. However, there are many other parts of the Reuse Plan that impact the cemetery. Traffic, Water, Economic Redevelopment, Urban Blight by inference, and Procedures that may or may not impact on the sovereignty of the various land use jurisdictions that comprise the lands under FORA's purview just to name a few. The specific comments below speak to some of those inter relationships. When the final document is produced for discussion by the Board I would hope that it will be considered in this light and not just as a series of individual Subjects, Topics, Policies or Procedures. These comments represent the view of the United Veterans Council of Monterey County which is an umbrella organization that, through its members, represents over 28,000 veterans and their families from throughout the county. Nearly all persons who speak for the Veterans Cemetery before the FORA Board and its committees are represented by the United Veterans Council.

1. Page 3-69 Table 12: Land Use/General: When reassessing the Base Reuse Plan please consider that the reuse of the former Ft. Ord is basically prescribed in three categories: 1. Environmental Protection 2. Education and 3. Economic Redevelopment. Lands for Environmental Protection and Education have already been set aside and in large part redeveloped. The Economic Redevelopment was to be contained within 3,340 acres out of the entire 28,000 acres of the former Ft. Ord. The site for the Veterans Cemetery and Monterey Downs are part of those 3,340 acres. The vast majority of the "blighted" lands are already being redeveloped or are under agreements or negotiation for redevelopment. Therefore, the reassessment should confirm that the remaining lands set aside as Economic Development Conveyances be used for that purpose rather than to increase the lands set aside for Educational or Environmental uses.
2. Pages 3-72: Veterans Cemetery Site: Concerning the construction of the Veterans Cemetery in Parker Flats: Parker Flats Road is the boundary between the Cemetery Parcel itself and the "endowment parcel" for the cemetery. When the cemetery is constructed there is a Federal Grant which will bring Parker Flats Road into compliance with current road requirements for width, shouldering etc. The grant will cover the portion required by the cemetery construction which is half the road width. If the "endowment parcel" is not dedicated and prepared appropriately for redevelopment it cannot be sold and therefore there will be no developer to pay for the other half of Parker Flats Road. The cost of one half of the road is estimated to be \$4,000,000. This cost would most likely kill the cemetery project. The reassessment should address this issue to ensure that the "endowment parcel" is dedicated to residential land use and residential environmental mitigation standards. (See attached map)

3. Page 3-73-74: Synopsis of Public Comments: Separate the cemetery project from Monterey Downs: While Monterey Downs specifically is not required for the development of the cemetery project they are the project which is currently under an Exclusive Negotiating Agreement with the City of Seaside for the area in question including the cemetery project. The purchase and development of the "endowment parcel" by Monterey Downs (or another developer should they not get their permits) is essential for the cemetery project. Not only is the money received from the sale of the land to go for the maintenance endowment required by the State of California before submitting the application for the construction of the cemetery to the VA, but the EIR for the cemetery is being conducted and paid for by the Monterey Downs project as well. Additionally, at least two other significant issues to the cemetery project are cited at comments 2 and 5 in this document. For all of these reasons and more it is essential that the "endowment parcel" be appropriately designated and mitigated to support the cemetery project. If not Monterey Downs, then a subsequent developer will be required. We cannot build the cemetery without the sale of that land and all that the sale encompasses.

4. Page 3-81-82: Issues related to gambling: The introduction of a Race Track for horse racing should be considered in the light of the legal and controlled status of race track gambling in California law, not just because some people don't like it. Gambling is already available at many locations on the Monterey Peninsula via Lottery, Card Rooms, the off track betting at the Monterey Fair Grounds and other locations. The addition of the race track will be under the provisions of California law and controlled by the California Horse Racing Board. Within those provisions it should be permitted.

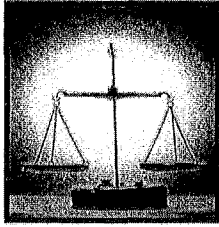
5. Pages 3-94-96: Re-evaluation of Transportation Demand...: The East Side Parkway is designated to bring traffic through the former Ft. Ord along the east side of the lands set aside for redevelopment. This is important to provide another corridor for traffic from the Salinas Valley to the Monterey Peninsula. The current regional road network from the Salinas Valley is in the best of times acceptable and at times of peak traffic totally insufficient. Another roadway through the former Ft. Ord is foreseen as a way to improve that situation. In addition, the East Side Parkway will provide the only reasonable access to the Veterans Cemetery site. All other roads that lead to the cemetery would require either circuitous routes or routes that would bring all funeral processions and visitors through government housing areas, neither of which is a desirable situation. (See attached map)

6. Pages 3-99-3-100: Re-evaluation of the Salinas Valley Ground Water Basin: When considering the various aspects of water availability you certainly must review the status of the Salinas Valley Aquifer as the source of water for the former Ft. Ord. However, concerning the relationships with other Subjects as mentioned above, this review must also include a close look at the historic use when the post was fully staffed, the amount of that historic use currently being used and the breakdown of the allocations of that historic use that the designated land use jurisdictions were given and would need for redevelopment to replace the hole in the economy when the post closed. Every Subject relates in some way to every other Subject.
7. Page 3-108: Under Veterans Cemetery Location: Where the reference to a site selection committee is noted the following historical facts may be important for consideration by the board and therefore should be included: A site selection committee composed of members of the United Veterans Council of Monterey County, the County Military and Veterans Affairs Office, selected several sites for consideration. They were all rejected by the City of Seaside, the City of Marina, CSUMB or the State Parks Department. All of these sites were on blighted or semi-blighted areas, which speaks to the often heard comment that the cemetery is great but should be built on already blighted lands. Only after this exhaustive process was completed was the site at Parker Flats selected and approved by the City of Seaside and was agreed to by FORA, Seaside and Monterey County and memorialized by MOU.
8. Page 3-109: Under Potential Options: Given the MOU's, monies expended, previous agreements dating to 1996 and 1997 all of which agree that the currently assumed location will be the site for the Veterans Cemetery; there is no need nor option to move the site at this point. The first bullet under potential options is the only viable option. The Master Plan for this site has already been developed. The EIR for Monterey Downs, which includes all of the Veterans Cemetery parcel and its adjuncts (Endowment Parcel, Habitat Dedication) has already begun. The FORA Board has already directed staff to come to the November 2012 meeting with an agenda item so designating the site of the cemetery at the historically accepted location. California State Assemblyman Monning and an assistant for US Congressman Farr both stated and reaffirmed at a recent FORA Board meeting that the agreements and arrangements with the Federal Government Veterans Affairs Department and the State of California concerning the construction of the Veterans Cemetery are predicated on the currently accepted site as the location for the cemetery. That cannot be changed.

9. Page 3-109: Under Synopsis of Public Comments:
 - a. Public comments concerning location of the cemetery within the boundaries of the National Monument are specious. The point of the Monument is to leave it protected forever with no development within its boundaries.
 - b. Public comments concerning locating the cemetery to East Garrison are naïve at best. Those lands are already under development under a County agreement with a developer who has made no provision for the cemetery in the approved plans.
 - c. Public comments about the location of the cemetery near the proposed race track or the MPC lands are not valid in that the project site for the race track is quite a way from the cemetery and MPC will not have uses that by their nature contradict neighboring a cemetery. An example of neighborhoods in the vicinity of a Veterans Cemetery is the Punch Bowl in the middle of developed lands in Honolulu.
10. Pages 3-109-110: Under Veterans Cemetery Land Use Designation: It should be noticed that the City of Seaside has taken action by their affirmation of the current site as what they desire for the cemetery and plans to modify their General Plan and supporting documents to support that decision. Because of the actions mentioned in the report and in comment 2 above, there should be no modification of the cemetery site, but rather modification of the maps and documentation in FORA documents to support the land use desired by the appropriate land use jurisdictions (City of Seaside, Monterey County) and the FORA Board directions to staff in the 1990's.
11. Pages 3-110-111: Policy Regarding the Veterans Cemetery: Potential Options: There should be a policy adopted to memorialize the intent of FORA to place the cemetery in its current accepted location and to provide a framework to assist the City of Seaside, Monterey County and LAFCO in their land use decisions concerning this project. Policies to regulate the development of the cemetery would be inappropriate for FORA and would be better left to the land use jurisdiction. The reassessment should provide all underlying land use jurisdictions with a specific guide to enable their Land Use documents and plans to be consistent with the FORA documents.



Photo No. 6 Fac Project by d.d.



Fort Ord Environmental Justice Network, Inc.

LeVonne Stone, Executive Director

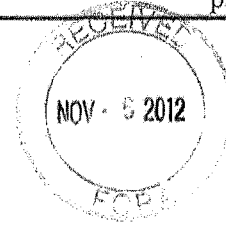
P.O. Box 361 Marina, CA 93933

(831) 582-0803 • Email: ejustice@mbay.net • Website: www.foejn.org

November 03, 2012

page 1 of 3

Fort Ord Reuse Authority
Board of Directors
Second Ave. – Fort Ord
Marina, CA. 93933



DM
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To: FOR A Board Members:

The Fort Ord Environmental Justice Network has spoken to the local impacted residents experiencing ever increasing home and rental increasing, with little attention to affordability. The job market is such that there are very few livable wage jobs with benefits and cost of living raises. While renting and homeownership remain out of reach for low-income families, and median income families. Disenfranchised, local residents are being pushed out of the area, while land values have skyrocketed. There are over 900 homes in the Salinas, also homes in the Marina area that are not accessible to local residents, or that have been foreclosed. This problem has existed since the closure of Fort Ord, 1994. The FOEJN has tried to work with the FOR A board and local jurisdictions to renovate existing housing at Fort Ord, and Pastor Stone wanted to start a Rescue Mission for families. These projects would have given relief to those who experienced the lost of jobs, housing and the break-up of families.

Issues and Observations:

- *The implantation Plan does not strike a balance between affordable housing, livable wage jobs to keep up with the continuing rising cost of the economy, and small business development for the impacted, disenfranchised community members who lost their livelihood during the closure of Fort Ord.*
- *This new Plan should include policy to include Environmental Justice language to lessen the abhorrent increase in the ranks of the lower class and the decrease of the middle class on the Monterey Peninsula. This language should come directly from SB12898.*
- *In implementing programs, one of the first good will gestures should be returning building 2903 back to The Fort Ord Environmental Justice Network (rent free) to continue to support the needs of the impacted disadvantaged communities, (before we were evicted by FORA). Health impacts to impacted community members have not been addressed. This center would also be a resource center for those impacted by Environmental hazards. Many citizens and residents have little or no health insurance to mitigate the ingestion of contaminated smoke, exposure to lead, Carbon Techtracloriide and other toxins.*
- *The plan is devoid of a believable commitment to impacted low-income involvement in the decision making process.*

Nurturing a strong and expanding base of small businesses that provide jobs to local residents build most thriving communities. The foundation for such success occurs when there is the development of partnerships between public and private entities that promote and attract sustainable economic and community development. It is unfortunate that the implementation plan does not address this important subject.

5

The Fort Ord Implementation plan devotes insufficient attention to balancing the three interrelated components of community viability: Affordable housing, small business development and most importantly, meaningful job creation. Any community that places a greater emphasis on one area to the detriment of the others results in courting disaster.

Viewed as a stool, with "Healthy Community" being the seat and job creation, affordable housing, and small business development as the three legs, one can envision how each component indirectly influences the other. Too much emphasis on one leg causes the stool to tip precariously leading to instability.

Can anyone forcefully argue that supporting affordable housing alone is sufficient to ensure a healthy community? Hardly. When housing is "affordable" but small business development and meaningful job creation is neglected, neighborhoods can rapidly become exclusionary. This is especially true when you are in a community subject to the influences of gentrification.

While it is commendable that the plan devotes significant energy to promoting affordable housing, "affordable" must be viewed from the proper perspective of income. Let's face it, when the median price of a home in our area is nearly \$700,000 and the median household income is in the neighborhood of \$40,000, "affordable" is a relative term indeed! Let's not fool ourselves; without a true commitment to job creation paying livable wages the community will gradually lose its character and turn into something akin to a community that has undergone ethnic cleansing.

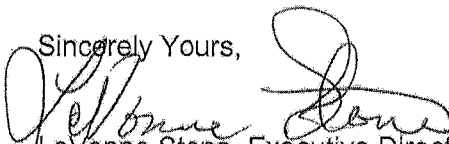
If we use the aforementioned income and home price figures to compute the affordability index, it becomes clear that first time buyers and the majority of our life-long residents cannot realize benefits derived through home ownership.

Now, we are left to shift downward on the economic scale to very low, low, and moderate income families to determine their fate.

The lower economic classes might reasonably have a realistic opportunity to remain on the peninsula if, and only if, meaningful jobs providing income beyond the minimum wage existed. Of course a vibrant and growing business community should provide these mythical jobs. Sales and Use tax statistics for Marina and Seaside are flat for the past five years leading to the inescapable conclusion that a commitment to business development is negligible at best under the plan.

What we are witnessing is a community in transition from being ethnically diverse with the majority of the residents living in their own homes before Ft. Ord closed, to one where opportunities for owning a piece of the "American Dream" exists only for the privileged few. Further, more evidence exists supporting the notion that you will discover a community make up consisting almost entirely of upper class residents or absentee landlords surrounded by an under class workforce required to support their every whim.

Sincerely Yours,



LeVonne Stone, Executive Director
Fort Ord Environmental Justice Network



Ada Hynes, Secretary
Fort Ord Environmental Justice Network



“COMMUNITY VOICES”

Balancing People with the Care of the environment

WINTER 2010 • VOLUME 1- ISSUE 1 • WWW.FOEJN.ORG

Director’s Corner

We want to encourage our constituents to support our fundraising efforts for our new newsletter “COMMUNITY VOICES” ,in order to get it out to hundreds of residents and citizens on the Peninsula. You will find that the information is educational, even life-saving. The “Fort Ord Environmental Justice Network will continue to work to encourage decision makers on the Monterey Peninsula to show more concern about creating a healthy environmental for all of the residents, low-income, disenfranchised or other wise. The most important long-term goal of FOEJN is the creation of an Environmental Justice Health and Economic Center. Please consider giving to this worthwhile cause. If you have ideas for fundraising that you feel would help. Please contact our office at (831) 582-0803. For those of you who can, please consider becoming a donated member of FOEJN. See our membership forms on the back page of this issue. Also, we are especially concerned about the number of asthmas and respiratory illnesses affecting our children and the elderly. Please help us to move our “Stop the Burn” Campaign forward. We can make this center a reality at Fort Ord and become a model for other communities. Stay informed Please DONATE!

- COMMUNITY VOICES** will keep you updated and informed
- Prescribed burning at a Military facility releases toxic chemicals into the air that lodge particulate matter from the smoke into your lungs. Some of the toxins include Dioxin,, chemicals that start the burn and poison Oak. These toxins can cause Asthmas, nose and lung infections and other serious illnesses.
 - Windy conditions helps and cause smoke to travel in any direction it wants to. Prescribed burns can jump fire lines even when tons of fire retardant (a chemical) is also included in the smoke.
 - Many residents who have been impacted by the smoke from the burns have complained of severe reactions and illnesses to the smoke. Because we are not screaming loud enough we are being ignored..
 - Speak to Air District, Environmental Protection Agency, Dept. Toxic Substances Control, Bureau of Land Management, Fish and Wild Life. It’s Time for Change,

Fort Ord Environmental Justice Network
P.O. Box 361 . Marina. CA. 93933
831-582-0803



LeVonne Stone-Co-Founder & Executive Director
Pastor Donald C. Stone
Co-Founder & Vice-President



The purpose of Fort Ord Environmental Justice Network (FOEJN) is to serve the public as an independent source of verification of cleanup operations of hazardous waste at the former Fort Ord. We also act as a voice and source of unity for those effected by the Superfund cleanup & re-use process. We intercede wherever the release of toxins and other hazardous substances impact communities on the entire central coast. We take concerns from impacted community members to regulators at the Federal, State & local level. health affects, and economic recovery of the surrounding communities. A large part of our activities involve the contracting of environmental scientists & health experts to re-search the impacts of toxins in our air, water, and soil.. Our monitoring helps to alert regulators & local officials of impacted residents concerns that would otherwise go unheard. In essence we are a second set of eyes advocating on the behalf of impacted residents & citizens on the Peninsula.



My trip to Washington D.C. /House of Representative



Meeting with EPA & Env. Justice Director in Washington

What it Means to Live near a Toxic Waste Site

Fort Ord is a Superfund Site on the EPA's National Priorities List

Environmental Research is continually uncovering more proof that living near landfills, Superfund sites and National Priorities List sites which are infested with toxins, are strongly associated with many adverse health issues of those living in near by communities. In California, studies have shown that mothers living in the same census tract as the location of an NPL site bore children with 1.5 to 5 times higher risk of birth defects than those that did not live in close proximity to hazardous waste. Not only this, but education and income leveled also play apart in this situation. The same study from California indicated that 42% of the neighborhoods studied, qualified as "less educated" under the Census Bureau definition. This means that 34% or more of adults 18 and older did not graduate.

Symptoms of Toxic Waste

Studies have also shown that many reports of headaches, fatigue, and sleepiness from residents living near hazardous waste sites, are symptoms that may be the result of toxic chemical exposure and/or emotional distress due to such living conditions. Other symptoms of these toxins that you should be aware of are depression, liver damage, central nervous system disorders, vomiting, skin irritation, birth defects, cancers etc. You may ask, "What does this have to do with me?" Well, if you reside in the cities located in and around Monterey County you are continually being exposed to harmful contaminants that are a danger to not only your health, but to the health of your loved ones. What makes these toxins even more dangerous is the fact that they are unseen, and seep into your homes unknowingly through the air that you breath, water you drink, and lead and other toxins in the soil.

Who is most Vulnerable?

It is undeniable that those of us living near these sites are constantly being exposed, but there are others who are even more at risk of severe health affects. Our children, the elderly and those with previously diagnosed conditions are most at risk. According to the 2008 estimations, 17.8% of Monterey County's population falls in a vulnerable age category (0-5 years or 65 and older). Also individuals who are considered homeless and low income are at risk due to the fact that they are there are many who live in communities that are located directly adjacent to these sites.

Let Your Voice Be Heard

Many ask what they can do in order to protect themselves and others. The best method is to let your voice be heard. Voice your concerns to local government, senators, and state representatives. Bring attention to your community and let those who are contaminating our environment know that we will no longer accept this behavior. I encourage you not to read this and turn a deaf ear. It is your responsibility, as well as ours. Together with **FOEJN**, you can help to keep our communities, and our world safe. Be a voice for a healthy community & nation, now and in the future.

What is Environmental Justice?

The Environmental Protection Agency (EPA) defines environmental justice, as fair treatment and meaningful involvement of all people--regardless of race, color, national origin or income--with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. *Fair treatment* means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, or commercial operations, or the execution of federal, state, local, and tribal programs and policies. *Meaningful involvement* means that potentially affected community residents have an appropriate opportunity to participate in decision-making about a proposed activity that will affect their environment and/or health. <http://www.epa.gov/region04/ej/>

Environmental Justice & Health : Environmental health comprises those aspects of human health, including quality of life, that are determined by physical, chemical, biologic, social, and psychosocial factors in the environment. World Health Organization (WHO). The central problem in environmental health is what we perceive as the effect of various environmental exposures, such as toxic chemicals, air pollution, and biological agents on the human body. Thirteen million deaths annually are due to preventable environmental causes. Proper environmental management is the key to avoiding a quarter of all preventable illnesses that are directly caused by environmental factors; any external factor that adversely affects your health.

Any external factor that adversely affects your health

Air pollution: indoor/ outdoor	Water pollution	Soil pollution
Proximity to hazardous chemicals	Workplace hazards	Stress/Physical Activity
Lead	Noise	Crime



Voices In the Environment
U.S Environmental Protection Agency Administrator, Lisa P. Jackson in Washington, D.C.

Administrator Lisa P. Jackson leads EPA's efforts to protect the health and environment for all Americans. She and a staff of more than 17,000 professionals are working across the nation to usher in a green economy, address health threats from toxins and pollution, and renew public trust in EPA's work.

Chemtrails on The Rise

By Roxan Gonzalez

So the question that needs to be asked is what is being sprayed into our skies, and why? It is known amongst certain groups of people, that chemtrails consist mainly of Barium Salts and Aluminum. This cocktail appears as a white spray (similar to a contrail, but lingers in the sky) and once dispersed can easily be mistaken for high altitude clouds.



On the topic of Barium Salts, it is known that it is toxic to humans. Not only does it disrupt digestive tract function, but it affects the immune system. The immune system destroys pathogens by producing T-Cells. Barium is known to bind to T-Cell receptors and effectively deactivate them. Small amounts of water-soluble barium may cause a person to experience breathing difficulties, increased blood pressures, heart rhythm changes, stomach irritation, muscle weakness, changes in nerve reflexes, swelling of brains and liver, kidney and heart damage. The uptake of very large amounts of barium that are water-soluble may cause paralyses and in some cases even death. Is it just a coincidence that we are being assaulted on a daily basis with Barium? Probably not.

With all of the clues available is it possible to conceive that after unsuspecting citizens have consumed excess amounts of Barium which has made its way from the clouds into the sewer systems and back into drinking water, that we are caught in a globalist conspiracy to lower our immune systems for the coming "second wave" of the so called swine flu? Will there be a synchronized aerosol release of weapon zed influenza on the masses, or will there be live virus (in addition to deadly amounts of Saqualene) inside the H1N1 vaccine, or both? It's evident from all of the mainstream propaganda about swine flu these days that we are being pre-



Parent Corner

ADHD (Attention Deficit and Hyperactivity Disorder)

By Kacey DuBose

Among so many other things in this day and age the diagnosis "ADHD" has become more and more prevalent especially within the pediatric field. For many the option of medication may seem like the only direction to take, but there is good news. In recent years studies have proven that simply controlling your child's diet can drastically change the symptoms of ADHD. These symptoms can range from hyperactivity and inattentiveness to not being able to complete projects/homework and being impulsive (not thinking about the consequences of their actions).

During my own research online I have read many articles stating that all foods containing artificial colors, additives, sugar, and that may be processed should completely be eliminated or drastically reduced from your child's diet.

Removing these items and replacing them with foods that are more nutritional is a great start towards seeing a drastic change in the unwanted behavior of ADHD. I would like to encourage all individuals who may be parenting a child who has been diagnosed with ADHD to instead of medicating your child, seek out more information about diet and nutrition, and take action in your kitchen!

One supplement that is proven to work effectively against ADHD is Omega3 fatty acids. These fatty acids are found in plants and sea organisms. Studies have revealed that these fatty acids are "major components of brain cells and thus crucial for proper nervous system function". Omega3's can be found in many foods like tuna, walnuts, several types of fish (trout, herring, salmon, perch etc.), shrimp, oyster soup, and much more. Changing a child's diet or anyone's diet for that matter is hard work, but we all know that the satisfaction of reaping the results of our labor is immeasurable. To view more information on Omega3 fatty acids and to retrieve a list of 300 different foods containing Omega3 visit <http://www.dietaryfiberfood.com/fats/omega-3-fatty-acids-dha-food-sources.php>.





LeVonne Stone, Meetings in Wasjing, D.C. with other Environmental Justice Activist,



10/02/2006



10/02/2006

Fort Ord Environmental Justice Network Staff

LeVonne Stone
Co- Founder &
Executive Director

Pastor Donald Stone
Co-Founder & Vice President

Ada Hynes
Board Secretary

Rodell Oakley
Treasurer

Dr. Denae King
Consultant

Kacey DuBose
Community Outreach Coordinator

Roxan Gonzalez
Administrative Asst.

Teralynn
Student Intern

One of Fort Ord Environmental Justice Network's orientation sessions at Fort Ord Law School Facility for *Fort Ord Superfund Job Training*



Darren McBain

From: Bob Schaffer [rks@redshift.com]
Sent: Tuesday, November 06, 2012 2:47 PM
To: Darren McBain
Subject: BRP Reassessment Comments

If there is going to be a successful redevelopment of the former Ft Ord, and economic revitalization of the three county region, the BRP Reassessment must consider:

- The long term marketplace. The fact that there are a many entitled lots, unsold homes and vacant industrial and commercial space is irrelevant. We must prepare for the future. As we all know the market will determine the proper products and pricing. It is the developers' job to commission the studies and make the choices.
- Streamlining entitlements process at all levels of jurisdiction is also imperative. Of equal importance is fees reduction and minimization of public benefit improvement burdens. These costs unfairly penalize new residents and businesses.
- Which comes first: Houses or Jobs? Again the marketplace and the developers will sort this out.
- The importance of regional roadway plan. These are the priorities (in no particular order):
 - 8th St corridor
 - Eastside Parkway
 - South Boundary Road
- Ecotourism. A thorough, impartial economic analysis must be done to determine accurate costs and benefits of the National Monument. Will it bring in the revenues that other major attractions such as Laguna Seca, the golf courses, the car events and Monterey Downs will?
- Reordering "Three E's" to Economy, Education, Environment
- Economic development will not occur unless the water supply problem is solved. More emphasis must be placed on RUWAP, the MCWD Desal plant, Clark Colony water and the regional desal plant.
- The Sierra Club has it all wrong:
 - FORA Board and Staff are not the master chefs.
 - FORA is a restaurant association; it promotes the interests of its members.
 - The master chefs are the developers; they study the market; they invest the money; they take the financial risks; they produce the product.
 - It is FORA's job and the jurisdictions job to facilitate this process.
- Green Building. Encourage only those techniques that are economically feasible and that the market will accept and pay for.
- Open Space Is not one of the region's most valuable asset; development land is. Maintenance costs and opportunity costs must be analyzed to accurately determine the value and benefits.

Bob Schaffer
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Darren McBain

From: greg nakanishi [gregnaka51@yahoo.com]
Sent: Wednesday, November 07, 2012 9:30 AM
To: Darren McBain
Cc: Candy Ingram; Janet Parks; James Bogan; Jack Stewart
Subject: DRAFT BRP Document

I appreciate and would offer these comments regarding the section highlighting the Veterans Cemetery. I strongly believe the FORA Board should designate the property currently identified as "VC" for the Veterans Cemetery, so that it cannot be moved in the future. It is clear from previous MOU's, that this property was and has been fully intended to be developed for the Cemetery, and were it not for bureaucratic property designations, this wouldn't and shouldn't even be considered an issue. Bill Monning and a representative of Sam Farr recently told a group that the current land designation is critical if we want a Veterans Cemetery in our area...it cannot be moved! For the BRP to even open the discussion of moving the cemetery to another location would at a minimum delay the project for many more years, and could possibly kill the project completely! Please do not open any discussion about moving the cemetery to another location. Just fix the property designations and put this issue to rest!

With regard to establishing a FORA policy regarding the Veterans Cemetery, I think it is a good idea. The Cemetery is a community resource, much like CSUMB is. There is no economic benefit to be gained, however, it strengthens our community in so many ways. I believe FORA should establish a policy to advocate for building and funding the cemetery and create policies and practices that facilitate it's development. A policy of advocacy and leadership in establishing the cemetery would go a long way to helping it become a reality, versus a simple property gatekeeper policy. This Cemetery will have economic benefit to our community, create jobs, honor our military heritage and most importantly honor those who have served our country and protected our freedom.

The Veterans Cemetery Foundation, the fundraising arm for the Cemetery, recently lost a board member who has worked for years to see the cemetery built. This is another veteran who has died without seeing his dream of a cemetery come to life...no final resting place, no place of honor, in our community. This sad tale is happening every day. Let's designate the property and begin taking a leadership role in getting this Cemetery built!!!

November 7, 2012

To: FORA Board and Staff
From: Suzanne Worcester, Ph.D.
RE: Comments on FORA Draft Reassessment Report

The Scoping Report, Draft Reassessment Report and public comments to date on this FORA reassessment process have provided several key mandates for the FORA board and staff moving forward.

1. **Blight.** The Market Study for the Scoping Report supports what a supermajority of the community has been saying in their comments to FORA: build on blight first (p. 3-6). The lack of removal of blighted areas in the western areas of the former base has driven away economic opportunity in our community. (By "blight" I mean areas covered in dilapidated buildings or where buildings have been removed yet remain undeveloped.) As the regional planning agency, these documents and public comments have given FORA a clear mandate to keep development focused on this primary mission. Developments that do not focus on this primary goal should be discouraged.
2. **Housing and Commercial Development.** The Market Study has determined that the amount of housing and commercial development already approved on Fort Ord exceeds the expected supply for the next 20 years (Scoping Report, p. 3-3). The focus of future planning and development efforts should definitely not be on providing additional housing on Fort Ord. This is a clear mandate for future planning.
3. **Roadways.** The Market Study and Draft Reassessment Report have emphasized that building out already existing road improvements on Fort Ord should be the focus for the next 20 years (p. 3-6). Large investments in non-existent roads (such as the Eastside Parkway) are not warranted by economic conditions (both based on available funding and need for future developments that were envisioned by them in the past). The completion of Imjin Parkway all the way from Highway 1 to Reservation Rd would instead represent the future focus of FORA based on the findings of these studies.
4. **Fort Ord National Monument.** The FORA reports and a substantial amount of public feedback concur that the National Monument is the new driving force for development plans (Scoping Report, p.3-6). The FONM provides the opportunity to make an entrance to Fort Ord on the west end that is both for the Monument and as a memorial to the soldiers and military history of this place. Besides CSUMB, the large base of recreationists that use the open space on Fort Ord is the largest economic opportunity that has occurred on Fort Ord over the past decade. Education and recreational use have driven changes on Fort Ord over the past 15 years. There is strong community drive (both locally and regionally) for this and it provides a new economic development opportunity that FORA can use as a mandate to capitalize on in its reassessment.
5. **Transparent and Open Government.** The high level of public feedback in recent years is based upon renewed concern that changes to the 1997 BRP

were done without public knowledge. Indeed lack of publicly available maps and documents about previous land swaps and changes (as well lack of transparency as to why some were conducted or why they are not being followed to date) has substantially reduced the public's trust that FORA acts in the public's interest. The public clearly cares strongly about the future of Fort Ord and expects a transparent and open government regarding all changes, lands swaps, etc. that occur in the BRP. Given the large number of public records requests and concerns about how public funds are being spent, the Final Base Reassessment Plan needs to include specific requirements for public involvement for all changes, and specific requirements to how all documents and maps will be archived and made publicly available in the future. As an example, the time for public comment on this Base Reuse Plan Reassessment is significantly shorter than is expected by CEQA or other California mandated laws for open participation by the public. FORA as a public agency has been mandated by the overwhelming public response to follow expected norms for public input that provide enough time and available documentation for the public to be meaningfully involved.

6. **Sierra Club.** The Sierra Club has put forward a very strong mandate as how to move forward that includes much of the public feedback in this process. Their guidelines should be used by the FORA staff and board to guide the future direction of base reuse.



Office of the President
100 Campus Center
Seaside, CA 93955-8001
831-582-3532
Fax 831-582-3540

November 7, 2012

Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93923

Re: Comments on the Public Draft Reassessment Report for the Fort Ord Base Reuse Plan.

Dear FORA Board of Directors,

Thank you for the opportunity to submit comments on the Public Draft Reassessment Report for the Fort Ord Reuse Plan. Cal State Monterey Bay is generally pleased with the overall draft report and the potential policy options and modifications presented for future consideration by the Board. The attached appendix provides specific comments and additional policy suggestions to be included in the final draft of the report.

The University especially appreciates that the draft addresses topic areas the campus raised in our June 12 letter, such as policy on land use compatibility adjacent to campus, the prioritization of blight removal funding, capitalization on existing infrastructure as it relates to the Capital Improvement Program and policy on through traffic at Cal State Monterey Bay. The University looks forward to participating in the selection and prioritization of these new policies that will improve the quality of the BRP and aid in its continued and expedited implementation.

Furthermore, the University recognizes that the process of selection, prioritization and further discussion of the items identified in this Reassessment Report will require a considerable amount of resources, expertise and attention. As noted in my presentation to the FORA Board on September 14, Cal State Monterey Bay stands ready to be a collaborative partner with FORA by helping to serve as a facilitator and convener for the regional good. The University would welcome assisting in this role as it relates to flushing out the next steps of the Reassessment of the Base Reuse Plan.

Please feel free to contact Justin Wellner, Director of Governmental and External Relations, if you have any further questions.

Sincerely,

Eduardo M. Ochoa, Ph.D.
Interim President

Appendix: Cal State Monterey Bay Comments on Public Draft Reassessment Report

Mixed-Use Development and Alternative Transportation

Cal State Monterey Bay would like to see additional policies that support lightrail and increased mixed-use development along the planned rail line and throughout Fort Ord consistent with Residential Land Use Policy E-1: "The [jurisdiction] shall make land use decisions that support transportation alternatives to the automobile and encourage mixed-use projects and highest-density residential projects along major transit lines and around stations (pg 3-43)." We also ask that there be an option to update the traffic study to a level that allows for including lightrail as discussed in the Re-evaluation of Transportation Demands and Improvement Needs section (pg 3-94-95).

Public Comment

Under each topic area, there is a synopsis of public comments. None of the public comments reference who provided these ideas, suggestions, recommendations, etc. The Campus is discussed throughout these public comments. Not identifying who made these remarks, suggests these ideas are endorsed by or is a position of the University, even though in some cases the Campus did not make them. We strongly encourage identifying who made these public comments in the final draft.

Land Use Compatibility

Under the Policy section on Land Use Compatibility Adjacent to the CSUMB Campus the draft report fails to acknowledge the following components of the Base Reuse Plan: the community development strategy of the Business and Operations Plan, Design Principle 1, Design Principle 3, Development Pattern, and Commercial Land Use Objectives. These policies enable the Campus to be the centerpiece of Fort Ord redevelopment as identified in the Base Reuse Plan. They also describe the importance of the local jurisdictions (Marina, Seaside, and Monterey County) supporting, building around and integrating development with the University. Cal State Monterey Bay recommends that this critical piece of information be added to this section of the report.

The Middle Class

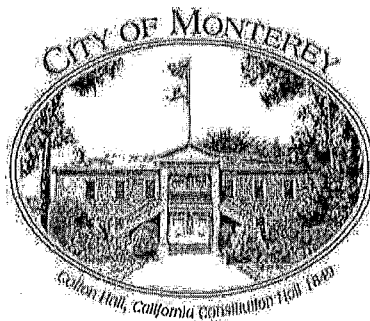
The Report should also provide housing and employment policies that support attracting and retaining the middle and creative classes as outlined in the Market Study. The Study states that the middle class "...needs to be bolstered to arrive at a fully functioning economy that will attract large employers (Market Study, p3-9)." And that emerging trends in residential preferences are shifting to "more efficient units and dynamic, multi-use locations, emphasizing orientation, appropriate size, and synergy with other uses and transit (Market Study, p3-4). Policies should also emphasize meeting these consumer preferences in an integrated Fort Ord-wide manner and not just by jurisdiction or individual development.

Updated Figures

It is difficult to evaluate the land use and circulation changes called out in the Reassessment Report with out the appropriate updated figures. It is important to update all relevant figures to the currently approved state and include older maps to demonstrate these changes. Figures should be continuously updated and made available to allow the public to follow the base reuse process

Campus Circulation

The campus continues to reevaluate its street network in order to prioritize the safety and access of pedestrians and cyclists over single occupant vehicles. We anticipate future refinement of our circulation plan in order to meet these current Master Plan goals and working with local jurisdictions to reduce the potential for regional vehicle-pedestrian and cyclist conflicts on an around our campus.



November 7, 2012

Darren McBain, Project Manager
Fort Ord Reuse Authority
920 Second Avenue, Suite A
Marina, CA 93933

RE: Base Reuse Plan Reassessment

Dear Mr. McBain,

Staff reviewed the Public Draft Reassessment Report dated October 16, 2012. The City's two comment letters on the Scoping Report included a request to work with FORA staff during the reassessment process to make minor adjustments to the Caltrans and Fort Ord Expressway alignments to make them concurrent with parcel boundaries and consistent with proposed land uses. The City's request for these minor adjustments still stands. However, additional review of references to these two transportation corridors is required to ensure consistency throughout the Base Reuse Plan, as noted below.

The draft report recommends edits to Figures 3.5-1 and 4.2-2 (Proposed 2015 Transportation Network) to remove the Highway 68 Bypass. However, recommended edits to figures 4.4-1, 4.6-1, 4.6-2, and 4.6-3 included adding reference to the Highway 68 Bypass. Page 115 of the Base Reuse Plan states that for the 2015 network, "it is assumed that the Highway 68 By-Pass freeway will be built." Please edit the Base Reuse Plan to convey a consistent message regarding the Highway 68 Bypass.

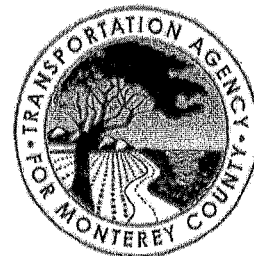
Similarly, corrections to the Base Reuse Plan references to the Fort Ord Expressway are necessary to achieve consistency. Specifically, references to the Fort Ord Expressway on pages 119 and 142 are inconsistent, in that page 119 states that the Reuse Plan does not include the Fort Ord Expressway and that proposed land use and transportation plans are intended to eliminate the need for this high-cost facility. However, a discussion on page 142 regarding the Eucalyptus Road Trail states that the location of the trail will be "within the planned Fort Ord Expressway easement."

Thank you for the tremendous work accomplished in a short time frame for this important phase in the Base Reuse Plan implementation. Please give me a call at 646-1739 should you need any further clarification on the City's concerns expressed herein.

Sincerely,

Elizabeth Caraker, Principal Planner

c: Monterey City Council Members



November 7, 2012

Michael Houlemard, Executive Officer
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

**SUBJECT: Comments on the Fort Ord Reuse Authority Base Reuse Plan
Reassessment Report**

Michael
Dear Mr. Houlemard:

The Transportation Agency for Monterey County is the Regional Transportation Planning and Congestion Management Agency for Monterey County. During the preparation of the 1997 Base Reuse Plan, the Transportation Agency undertook a regional study to assess Fort Ord development impact on the study area transportation network. As a follow-up to this effort, the Transportation Agency also contracted with the Association of Monterey Bay Area Governments to complete a 2005 FORA Fee Reallocation Study, which is the basis of funding for the Fort Ord Reuse Authority's Capital Improvement Program.

The proposed Base Reuse Plan reassessment is being undertaken to account for changes in development conditions, reviewing land use relative to the 1997 baseline, and maintaining consistency with local and regional plans. The goal is to provide the Fort Ord Reuse Authority Board with possible options for the future modification of the Reuse Plan.

The Reassessment Report provides topics and related potential options for modifications to the Base Reuse Plan; the Transportation Agency offers the following comments:

General Comments

1. Regional Priorities

- The Transportation Agency supports and considers payment of the Fort Ord Reuse Authority's development impact fee as sufficient mitigation of cumulative impacts to regional highways. Revenues collected from the Fort Ord Reuse Authority's development impact fee should be prioritized for regional transportation mitigations to facilitate securing out of county matching funds.

Category 2 - Board Actions & Regional Plan Consistency

2. Modify Circulation Related Maps and Text in the BRP and Modify Capital Improvement Program

- The Transportation Agency recommends that the Base Reuse Plan circulation network maps and text be updated for consistency with currently proposed location of the multi-modal corridor.

3. BRP Modifications Regarding Consistency with Regional and Local Plans

- The Scoping Document and Reassessment Report both discuss the consistency of circulation policies between the Base Reuse Plan and the Regional Transportation Plan. The Transportation Agency is in the process of updating the Regional Transportation Plan and recommends that our agencies continue to coordinate to ensure that policies for regional travel, bicycle and pedestrian, and alternative modes of transportation are being advanced consistently throughout the County.

Category 3 - Implementation of Policies and Programs

4. Streets and Roads Program B-1.2 and C-1.5

- The Transportation Agency will continue to collaborate with the Fort Ord Reuse Authority and member agencies to identify and designate local truck routes, as well as designating roadways in commercial zones as truck routes, for access to regional roads and highways.

5. Residential Land Use Policy E-1 and E-3

- Standard bicycle and pedestrian facilities should be included on all roadway improvements and new roads, consistent with the Transportation Agency General Bikeways Plan for Monterey County.
- A premium should be placed on safe and accessible pedestrian access to development sites from intersections and crosswalks, sidewalks, and bicycle facilities. New pedestrian facilities should be required to be designed with American Disability Act-compliant sidewalks that connect to external facilities and provide access to transit stops. This should include providing connections to existing facilities where there are gaps in coverage, such as for 2nd Avenue.
- Our agency supports the concentration of new development along major transportation corridors and near incorporated cities to make transit services more feasible. The Transportation Agency worked closely with the jurisdictions to establish infill areas in the Regional Development Impact Fee program and supports land use decisions that encourages mixed-use projects and promotes transportation alternatives.

6. Commercial Land Use Policy D-1 and E-2

- As with our support for residential land use policies that encourage the use of alternative modes of transportation, the Transportation Agency also supports a mix of residential and commercial uses, as well as specific transit-oriented developments, to decrease travel distances and help increase transit ridership.
- In addition, The Transportation Agency recommends a policy for commercial developments to install public bicycle racks and lockers. Adequate lighting at these locations to improve safety and visibility should be provided by the development.

7. Transit Policy A-1.2

- The Transportation Agency supports jurisdictions and development applicants working early in the development process with Monterey-Salinas Transit to ensure that transit access and facilities are properly planned and provided. New development should also be required to utilize Monterey-Salinas Transit's *Designing for Transit Guideline Manual* as a resource for accommodating transit service at new development sites.

8. Pedestrian and Bicycles Policy A-1

- Our agency supports proper striping requirements at all pedestrian crosswalks to clearly identify areas of pedestrian travel and ensure safe transitions for vehicles and pedestrians. Consideration should also be given to supporting the inclusion of intelligent crosswalks, which provide flashing notification lights when a pedestrian enters the crosswalk to increase visibility and alert drivers of their presence.

Category 4 – Policy and Program Modifications

9. Refinement of Integrated Mixed Use Development Concepts

- The Transportation Agency supports increased outreach to mixed use project builders to ensure the reuse of existing buildings on the former Fort Ord and encourage development in the Base Reuse Plans Planned Development Mixed Use areas.

10. Climate Action and Greenhouse Gas Reduction

- The Transportation Agency supports creating incentives for developments that reduce vehicle miles traveled and associated greenhouse gas emissions. Senate Bill 375 requires the Metropolitan Planning Organization to develop a Sustainable Communities Strategies as a comprehensive approach to addressing greenhouse gas emissions at a regional level by linking land use and transportation planning decisions. Our agency encourages the jurisdictions and

development applicants to coordinate with the Association of Monterey Bay Area Governments in the development of the region's Sustainable Communities Strategy and for developments within the Base Reuse Plan area to be consistent with the plan once it is completed.

11. Promotion of Economic Development through Outdoor Recreational Tourism / Ecotourism

- With the amount of dedicated open space available on the former Fort Ord, adequate trail access for new and existing trails should be identified and maintained. This includes parking and facilities for vehicles, as well as safe bicycle and pedestrian access to clearly defined trailheads. Funding should be dedicated to provide for adequate improvements to access routes, signage, staging areas, and trailheads.

12. Re-evaluation of Transportation Demands and Improvement Needs

- Since the initial Base Reuse Plan was completed, there have been several iterations of the Association of Monterey Bay Area Governments Regional Travel Demand Forecast model to account for changes in land use, population, and employment. As part of the Base Reuse Plan reassessment, updates to land use designations and General Plans will also likely have effects on transportation circulation in the study area. Coupled with a slower pace of development, these changes would in turn require an analysis of the projects and mitigations contained in the Capital Improvement Program as well as the development impact fees. The Transportation Agency recommends that as part of the plan reassessment, that an updated transportation analysis also be conducted to ensure that the proper level of mitigations are contained in the Capital Improvement Program to sufficiently address the current and expected levels of development as determined by the reassessment. The Transportation Agency is willing to consider updating the travel forecast analysis in conjunction with the next Capital Improvement Plan update.
- The Transportation Agency recommends that the Base Reuse Plan reassessment incorporate the recent Multi-modal Corridor into the Fort Ord Reuse Authority's Capital Improvement Program.

13. Capitalize on Existing Infrastructure - Consider Costs / Benefits / Efficiencies of Capital Improvement Program

- The Transportation Agency supports policies that prioritize transportation projects that utilize existing and already improved rights-of-way and recommends directing prioritization towards regional transportation improvement projects.

November 7, 2012

- The Transportation Agency also recommends that the reassessment analyze the appropriateness of utilizing roundabouts for all applicable road and street intersections that are planned for construction.

Thank you for the opportunity to comment on the reassessment process. If you have any questions, please contact Michael Zeller of my staff at 831-775-0903.

Sincerely,



Debra L. Hale
Executive Director

CC: Brandy Rider, California Department of Transportation (Caltrans) District 5
Paul Greenway, Monterey County Department of Public Works
Carl Sedoryk, Monterey-Salinas Transit
Maura Twomey, Association of Monterey Bay Area Governments
Richard Stedman, Monterey Bay Unified Air Pollution Control District

Darren McBain

From: Michael Weaver [michaelweaver@mac.com]
Sent: Wednesday, November 07, 2012 4:27 PM
To: Darren McBain
Subject: FORA - Comments about the Draft Reassessment Report
Attachments: SR68DraftComments.doc; ATT00001.txt

Fort Ord Reuse Authority
Re: Draft Reassessment Report

November 7, 2012

Dear FORA Board,

After reviewing the Draft Reassessment Report we find it to be deficient in:

- 1) Serious consideration as to the depths which unexploded ordnance can be encountered. Surface sweeps and explorations of generally, 1.5 to 3 ft., are insufficient to protect human life in the various development schemes on former Army Training Range land.
- 2) No consideration is given to residual chemical contamination leftover from Army training activities. This can have long lasting effects when humans come into physical contact with it or breath it during construction activities. Secondly, no consideration is given to the likelihood that at least some of this residual chemical contamination can migrate downwards into the underlying ground water aquifers.
- 3) The transportation plans regarding roads both internal and external are a moving target of change and funding. Please include the attached recent comment letter from the Highway 68 Coalition to CalTrans and TAMC, mostly about the road on the southern perimeter of former Fort Ord, that being State Highway 68.

Highway 68 Coalition
c/o 52 Corral de Tierra
Salinas, CA 93908
Phone: (831) 484-6659

Cal Trans, District 5
50 Higuera St
San Luis Obispo, CA 93401
c/o Brandy Rider
Senior Transportation Planner

Transportation Agency for Monterey County
55-B Plaza Circle
Salinas, CA 93901
c/o Debbie Hale, Executive Director

Re: Draft Transportation Concept Report

State Route 68

District 5 (2012)

http://www.dot.ca.gov/dist05/planning/sys_plan_docs/tcr_factsheet_combo/TCR_68_draft062012.pdf

October 12, 2012

Dear Ms. Rider and Ms. Hale,

The Highway 68 Coalition has had the opportunity to review the referenced Draft document and it is our understanding that the TAMC Board may also be reviewing this, perhaps as a Board Agenda item sometime in October, 2012. We request a written reply to the concerns, suggestions, and questions that follow.

Please note that we could not find this document linked on the TAMC website. Also, the October Agenda is not posted on the TAMC Website yet. Please do advise us immediately as to any and all meetings the TAMC Board or any TAMC Committees may have regarding this document, proposed changes to the document, proposed adoption of parts of, or the entirety of the document. Please let us know when the Draft Final is prepared.

Overall, we found this Draft Report had a lot of good information and we commend the authors for assembling it. However, it is a Draft, and we also found the report lacking in some very significant information and historical facts. The formatting needs to be changed to introduce the Scenic Highway designation earlier in the document. The historical section needs to reveal just what the controversy or controversies were between

the County and the City of Monterey regarding Plan Line alignments. Also, some of the key underlying assumptions of this report are either not clear, or suspect.

Regarding assumptions made, for example, it seems there is an assumption of making four-lanes on a portion of SR 68 between Toro Park Estates westbound to Corral de Tierra. This is predicated on the assumed County approval and developer build out of three significant traffic-generating projects.

1) Corral de Tierra Shopping Center, 2) Harper Canyon LLC, Encina Hills, 3) Ferrini Ranch.

Why is this not disclosed in this Draft document? Don't you think it should be? If not, why not? The funding mechanism for the four lanes is based on the assumed approval and build out of these three projects, and the traffic fees they might generate. Isn't this important information to disclose? If not, why not?

Another assumption not disclosed in this Draft document is that four traffic lanes west to Corral de Tierra would significantly improve the traffic level of service. A County transportation planner told us that when heading westbound on Highway 68, after Corral de Tierra, traffic volume just falls off.

There just isn't as much traffic after Corral de Tierra, we were told, and it seems to be a significant amount leaving SR 68 at San Benancio and Corral de Tierra. However, we have never seen data that backs up this assumption. Months? Days? Times of day? When and how much just falls off?

Further, it wasn't too many years ago that housing subdivisions were being approved near Highway 68 because the justification was that houses along Highway 68 do not generate much traffic. Indeed, county departments claimed, it is the through traffic that is the major cause of the congestion on SR 68. Percentages were used beginning with 65% "through traffic". This number crept to 70% of the traffic on Highway 68 being through traffic. At one time this number went as high as 80% of the traffic on Highway 68 is through traffic.

After the 80% number, this justification seemed to have stopped being used by advocates for the approval of more housing subdivisions near Highway 68. However, whether it is 65%, 70%, 75%, or 80%, how is it that now we are being told that heading westbound, after Corral de Tierra, most traffic just drops off?

Again, where is the data? This is important, don't you agree? If not, why not?

Where is it mentioned in this Draft, that the former Fort Ord Reuse Plan is currently being reassessed? Might this not account for significant amounts of traffic pattern changes and traffic volume changes?

The descriptive "History of SR68" is deficient for some of the following reasons:

1) There needs to be discussion of Monterey County's failures, regarding following up on Conditions of Project Approval and Mitigation Monitoring compliance, specifically

regarding SR68, as exemplified by the Save Our Peninsula v. County of Monterey in year 2000 and the resulting settlement (aka Leeper lawsuit).

Several approved projects adjacent to SR68 were to be studied in conjunction with this lawsuit settlement. These included Markham Ranch, Pattee Ranch, Bishop Ranch (now Pasadera), and Las Palmas. The largest project was the Las Palmas Subdivision. It was a phased development. It was purposely phased so the development would not get ahead of the mitigations. The main traffic mitigation was to be the Corral de Tierra Bypass. However, all 1,031 houses were built, through approximately nine phases, without this mitigation ever being built.

Isn't this important historical information that should be included? If not, why not? Why is there no analysis of this and the resulting additional impacts this caused on existing SR68?

2) Why isn't the Fort Ord Reuse Authority, Year 2005 Reallocation of funds given full analysis as to its affect on existing SR68? Developer Impact Fees were reallocated from offsite traffic areas that would be affected by increased traffic and congestion, and instead reallocated onsite within former Fort Ord. Also, the major traffic mitigation measure for the approval of the 1997 Fort Ord Reuse Plan was the South-West Alternative, (aka, The Fort Ord Bypass). This Bypass mitigation was shelved as being unaffordable in 2005, but without modifying and downsizing the adopted 1997 Fort Ord Reuse Plan. Isn't this important historical information that should be included? If not, why not? Why is there no analysis of the resulting impacts to existing SR68 because of this? Why is there no analysis of future impacts to existing SR68 because of this? Why is there no analysis of effects on former Fort Ord because of this?

We do understand that, at least partly in lieu of, the Fort Ord Bypass being shelved, FOR A agreed to send the County of Monterey approximately \$260,000 for "improvements" to SR 68. The last time we checked, this had never been sent to Monterey County by FOR A. This is additional historical information that should be included. Don't you agree?

3) The Fort Ord Bypass Official Plan Lines were modified slightly at the western end to accommodate the Stone Creek Shopping Center at the intersection of SR 68 and SR 218. This was done at the request of Del Rey Oaks. These Highway 68 Official Plan Lines currently pass through the 360-acre parcel of former Fort Ord that Del Rey Oaks annexed to Del Rey Oaks. This annexation effectively doubled the physical size of Del Rey Oaks. These Highway 68 Bypass Official Plan Lines will need to be accounted for in any future development plans Del Rey Oaks has for that 360-acres. This is important information that needs to be disclosed in this Draft. Don't you agree? Do the Official Plan Lines also pass through the City of Monterey portion of former Fort Ord?

4) There is failure to disclose and discuss the Corral de Tierra Bypass Official Plan Lines, that were adopted by the Monterey County Planning Commission, the Monterey County Board of Supervisors, and recorded in Monterey County by the Director of Public Works in 1977.

(Paragraph 3 - A proposed Bypass is mentioned through former Fort Ord, but the Corral de Tierra Bypass, which has different Official Plan Lines, is not mentioned.)

This planned building of the Corral de Tierra Bypass was used as the traffic mitigation measure for the 1960 Toro Area Plan, and later, the Cypress Community Church at Corral de Tierra. The Official Plan Lines were slightly altered for this church approval. County taxpayer funds were spent purchasing part of these Official Plans Lines on that church property.

A dedication of property for the Corral de Tierra Bypass Plan Lines was also used as a traffic mitigation measure for the approval of the Ken and Patty Slama Subdivision across from San Benancio Road.

The approvals of the Corral de Tierra Villas subdivision and the Corral de Tierra Meadows subdivision assumed the building of the Corral de Tierra Bypass.

The Weaver Minor Subdivision dedicated a one-foot non-access strip along the frontage of Highway 68 near Corral de Tierra, as well as approximately 50% of the entire property dedicated to County Scenic Easement.

The approval of the Markham Ranch Subdivision assumed the future building of the Corral de Tierra Bypass.

Isn't this important historical information that should be included in this Draft? If not why not?

The following page numbers contain items and issues where we find the presentation to be incomplete and in some cases faulty in this Draft document:

* **Page 10**, 1st paragraph, and re: Regional Development Impact Fee is inadequate. There is no comparison to Regional Development Impact Fees in other counties in California. Further, this Draft document has a Fee Project List identifying and assuming Commuter Capacity Enhancements and Four-Laning west to Corral de Tierra, without revealing to the reader that:

- 1) Preliminary designs are still being worked on.
- 2) Much environmental analysis has not been done.

* **Page 18** - 2.1.2 Route Background

Fails to mention SR 68 being adopted as a State Scenic Highway by Lady Bird Johnson and former California State Senator Fred Farr.

It fails to describe Monterey County certifying the 1974 Laguna Seca Final Environmental Impact Report for the new Laguna Seca County Park (and racetrack).

The significant growth in both the number and sizes of events allowed at this Laguna Seca County Park has created many traffic issues for SR 68. Isn't this important background information? If not, why not? Why is there no analysis of the impacts to existing SR68 because of this?

*** Page 19**

The year 2005 Fort Ord Reuse Authority Fee Reassessment fails to make clear that impact fees would largely be spent on-site, leaving off-site mitigations unfunded, with basically no funding mechanism for them, except a couple attempts at a countywide sales tax increase. (County sales tax measures A and Z). Why is there no analysis of this? This is important, don't you agree?

However: "Figure 2.2 Easement" on page 19 does reveal the Adopted County Official Plan Lines for the Corral de Tierra Bypass. The lines are depicted in blue but there is no historical narrative, verbal description, or analysis given regarding this. Instead the reader can be confused with language about another, different, and separate Plan Lines known as the Fort Ord Bypass aka The South-West Alternative, or in this Draft referred to as a "potential SR68 transportation corridor".

Don't you agree sufficient description should be given to both Bypasses? It is important that the reader be informed that both Bypasses had stated purposes of routing traffic around County side roads and residential areas. Through traffic would not encounter stop signs or signal lights on a State Highway. Side road motorists would enter or exit at either end of the Bypass. The existing segment of SR 68 would remain as a frontage road. Will this and other information be included in a recirculated Draft? We request this.

Why aren't these plans with analysis included in this Draft document?

This Draft also does not inform the reader that environmental analysis had begun on both the South West Alternative as well as Four-Laning Hwy 68, but this initial analysis was halted after the Loma Prieta Earthquake.

Isn't this important information? Doesn't this need analysis? If not, why not?

*** Page 35** references an MOU between the Bureau of Land Management on former Fort Ord and CalTrans but fails to provide the reader with the language and details of that MOU. Where is it?

Isn't this important? Why is it not included?

Shouldn't this Draft document also disclose that portions of former Fort Ord BLM lands have been declared a National Monument?

The President's Proclamation of this National Monument in year 2012 called for a comprehensive traffic plan for the National Monument. It is anticipated this National Monument will generate additional traffic. SR 68 is the southern boundary of part of this National Monument.

The National Monument Traffic Plan has not been started, and yet a piece meal project has been approved by BLM Management, funded with taxpayer dollars, and is currently being built with access and egress on State Highway 68. It is called Badger Hills.

Was the public lied to about a comprehensive National Monument Traffic Plan? Who goofed? A portion of this piece meal Badger Hills project goes through the Official Plan Lines of both the Corral de Tierra Bypass, as well as the Official Plan Lines of the Fort Ord Bypass. This should be disclosed in this Draft document, don't you agree? If not, why not?

*** Page 39**

Regarding: Negative traffic growth on SR68. It is not analyzed as being partially due to commuters who are now using Imjin Road through former Fort Ord, to access both the Peninsula on one end and the City of Salinas on the other end.

As approved and entitled developments proceed with being built on former Fort Ord and the resulting traffic congestion builds, there will very likely be a shifting back of some of this commute traffic onto SR68.

This should be disclosed and analyzed in this document. Don't you agree?

*** Page 40**

Regarding AMBAG population forecast data:

How accurate has it been in the past? Where is the data? Did it account for the nationwide recession? Previous rosy predictions from AMBAG of population growth in Monterey County and thus the need for significant amounts of new housing were wrong. Monterey County was one of the hardest hit for housing foreclosures. Isn't this important information? Shouldn't this be included and analyzed in the Draft? If not, why not? Additionally, Monterey County is one of the worst rated counties in California in terms of the quality of its existing roadways. The roads are literally falling apart. Existing county roadway infrastructure has not been maintained, in some cases not at all, for years. Some of these county roads connect to SR68. Shouldn't this information be included in this Draft document? If not, why not?

*** Page 52**

References roadway improvements (segments), as Figure 3-11. However, Figure 3-11 shows Segment 1 of SR 68.

References the road near Corral de Tierra an 8-lane "Expressway"

The road is supposed to be an expressway? Then it stops being an expressway here? Please explain. Where did this come from?

*** Page 60**

Re: Route concept - 4-lane OR Bypass with access control...

Is the access control thought to be limited to access only at either end of the Bypass? Please fully explain access control.

*** Page 61**

Table 3-23 has two options, however there is no Corral de Tierra Bypass listed as either an option or alternative? Why isn't this included?

Page 7

*** Page 81**

One of the traffic mitigation measures for the approval of the Las Palmas Subdivision was to be an onsite Park & Ride lot. There was to be a ride-share coordinator, and residents were all to be notified of the availability of sharing rides locally. Designated property was set aside for it. However, this mitigation measure was never implemented by either the developer or Monterey County. This Draft document doesn't even mention the Park & Ride lot at Las Palmas. Why not?

*** Page 85**

Re: Route Concept - Strategies to Achieve Route Concept
Please include the following information:

A Highway 68 Bypass was first envisioned as the Corral de Tierra Bypass on the 1960 Toro Area Plan as a way for through traffic on SR68 to go around the San Benancio and Corral de Tierra areas. Existing SR68 near these areas would remain as a frontage road.

The AMBAG model capacity assumptions are questionable.

The adopted 2010 Monterey County General Plan currently has several lawsuits against it.

Thank you for the opportunity to comment on this Draft Transportation Concept Report for SR 68. Please do put us on the contact list for any and all future information regarding this report.

Sincerely,
Mike Weaver
Chair, The Highway 68 Coalition
(8310-484-6659)

c.c.
Aileen Loe
Autumn Woolworth
John Olejnik
Michael Stamp
Molly Erickson



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November 7, 2012

Ft. Ord Reuse Authority (FORA) Board
920 2nd Avenue, Suite A
Marina CA 93933

RE: Public Draft Reassessment Report Comments

Dear FORA Chair & Board of Directors,

Thank you for the opportunity to comment on the Base Reuse Plan Reassessment Report. The City of Seaside has been an active participant in the development and implementation of the original Base Reuse Plan and looks forward to working collaboratively with the FORA Board to complete the mandated reassessment process. It is our desire that the reassessment further strengthen the goals of the original Reuse Plan of Education, Environment, and Economy. The City has made significant progress in achieving the goals of education and environment with the development of several educational institutions, the establishment of the Fort Ord National Monument and the designation of the Central Coast Veterans Cemetery. The City needs to now concentrate on the Economic aspect of the original goals and implement economic development projects that will enable the city to finally overcome the dire economic effects of the closure of Fort Ord and provide much needed services to our community.

The City has limited developable land within the former Fort Ord. Much of the land within the city's municipal boundary is under the ownership and control of other entities such as the US Army, The Bureau of Land Management, California State University Monterey Bay, Monterey Peninsula College, and other public and private institutions. Of the approximately 4,000 acres of former Fort Ord within the City of Seaside's city limit, only 15% of the acreage is considered developable; while over 40% is considered open space and public right of ways and the remainder has been transferred to non-profit organizations, public institutions and educational institutions; or has been retained as federal lands. The negative impacts of the base closure were severely experienced in Seaside. With the recent economic downturn and the dissolution of the Redevelopment Agency, it is even more imperative that the economic assets are protected and development accomplished through careful planning. These economic opportunities are to provide the city the ability to create well-paying jobs for our residents and to bring in municipal revenues to provide much needed city services for the community.

As we all know, the Fort Ord Reuse Authority (FORA) was created by State legislation to oversee the civilian reuse and redevelopment of the former Fort Ord military base in 1994. It is FORA's responsibility to complete the planning, financing, and implementation of reuse as described in the 1997 adopted FORA Base Reuse Plan. FORA implements this legislatively mandated mission by overseeing replacement land use; assuring compliance with adopted measures; removing physical barriers to reuse; financing and constructing major components of the required infrastructure and base-wide demands; and protecting identified environmental reserves. It is under state law authority that FORA exercises it's planning, financing, and monitoring responsibilities to meet these objectives in the best interest of the community. Recent

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RE: Seaside City Council Reassessment Comment Letter

State legislation has extended FORA existence for an additional six years and will therefore sunset in 2020.

The reassessment process has identified options considering the implementation of new policies and programs. The City of Seaside strongly recommends the FORA Board direct its energy to complete FORA's purpose and mission in the short timeframe provided before considering additional major modifications or new tasks which expand the existing BRP. The City has identified the following critical tasks from the Base Reuse Plan (BRP) that require immediate attention. They are not listed in priority order.

- Completion and Approval of the Habitat Management Plan
- Completion of all the required Mitigation Measures of the BRP as listed in FORA's Capital Improvement Program (CIP) such as the Transportation Network Projects, Water Augmentation Program and the Demolition of Buildings
- Completion of the Cleanup Activities (also known as ESCA) and demolition of existing buildings/structures to enable the transfer of land to the local jurisdictions
- Assurance of adequate water supply/allocations and sewer capacity/allocations to meet full build-out per the BRP

In addition, it is recommended that the FORA Board immediately prepare a FORA Phase Out Plan and a dissolution plan pursuant to state law for the smooth transition of any outstanding responsibilities and tasks that affect all jurisdictions and are regional in nature.

The public draft of the Reassessment Report has been reviewed and this letter with the attachment serves as our formal response and recommendations on the potential options outlined in the report. The attachment has been formatted and categorized in a similar manner with the organization of the reassessment document to ensure that each item of concern is clearly identified. Although the attachment is a thorough review and response of the reassessment document, listed below are issues and comments that the City Council wishes to emphasize. This is to specifically highlight Seaside's needs to ensure we provide economic opportunity and stability to our community.

The Base Reuse Plan should reflect and be consistent with the city's General Plan.

The city's General Plan is to guide the physical development of the community and serves as the blueprint for future growth and development. The Base Reuse Plan should reflect and be consistent with the city's General Plan. The General Plan is the primary document the City uses to regulate land use. Therefore, the reassessment of the BRP should attest and confirm that the City of Seaside retains its right to develop consistent with its adopted General Plan as it may be modified from time to time. With this regard, we are requesting the reassessment take into account actions the City Council has taken and has provided direction to staff regarding policies and land use. One such action is the direction for staff to prepare a General Plan Amendment which includes incorporating the approved conceptual "Seaside East Master Plan" and the re-

RE: Seaside City Council Reassessment Comment Letter

designation of land use for Parcel E15.2 which is South of Lightfighter Drive and bounded by State Highway 1. Furthermore, it is also the intent of the city to proceed with annexing portions of County lands and will be applying for a Sphere of Influence with LAFCO for these lands in conjunction with the General Plan Amendment. These proposed changes particularly with regards to land use should be discussed, acknowledged and incorporated in the reassessment process.

Certain options outlined are unacceptable to the City of Seaside.

- The Prioritization of Development within Army Urbanized Areas (p.3-79) proposing policies to direct jurisdictions to develop within urbanized areas before or instead of development on undeveloped lands.
- The Policy on Land Use Compatibility Adjacent to CSUMB Campus (p.3-81) establishing policies that define land use types and design qualities/guidelines.
- The Policy on Land Use adjacent to the National Monument (p.3-102) proposing building restrictions on development within a given distance from the National Monument. In its support of the proposed National Monument (i.e. prior to designation), the FORA Board specifically mentioned that development rights adjacent to the National Monument should not be limited.

The City of Seaside strongly objects to these proposed options. The adoption of these options may lead to inconsistency with the city's approved General Plan. These options further erode land use sovereignty of local jurisdictions and are contrary to the "Local Home Rule" concept which was such an important part of the conceptualization of the Base Reuse Plan deliberation.

Job Creation. The City of Seaside supports the Reassessment Report's recommended options that address job creation in the following sections.

- Reversal of the loss of Middle Class Job and Housing Opportunities (p3-83) by conducting further study of economic and market factors and doing an outreach to developers.
- Constraints and Uncertainties for Development on Fort Ord (p3-83) by reviewing BRP Policies/Programs and operating procedures for potential constraints, and adopting policies or procedures that eliminate or reduce constraints. In addition, consideration of additional rounds of fee restructuring or possible scenarios for development entitlement streamlining should be completed.
- Promotion of Economic Development through Outdoor Recreation Tourism/Ecotourism (p3-84) by coordinating with or participating in existing efforts such as Competitive Cluster tourism program. In addition, preparation of a study of potential marketing opportunities related to ecotourism and a study of potential physical improvements to promote ecotourism should be conducted.
- Capitalization on Existing Regional Strengths to Promote Expansion of Office and Research Sectors. (p3-85) by preparing a study of potential marketing opportunities for

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promotion of office and research land uses, focusing on the components necessary to create a business cluster at the former Fort Ord; establishing a liaison with educational institutions to promote the creation of research and development jobs; and coordinating with or participating in existing efforts such as competitive clusters education and research or creative and technology programs.

The Reassessment Report should include the importance of the City of Seaside 2010 Seaside East Conceptual Master Plan's emphasis on shifting current residential land use designations to employment generating commercial/light industrial/R&D land uses along General Jim Boulevard south of Coe Avenue. In addition the Reassessment Report should also identify the area in the City of Seaside known as "Surplus II" which is adjacent to California State University Monterey Bay (CSUMB) for potential Office/R&D development.

These specific recommendations which include strategies for public/private collaboration are necessary to increase the skill level of the local labor force and to provide local employment opportunities for the existing higher skilled labor pool. With today's economic downturn and the dissolution of redevelopment, it is even more imperative that the economic assets are protected and development accomplished through careful planning. These economic opportunities are to provide the city the ability to create well-paying jobs for our residents and to bring in municipal revenues to provide much needed city services for the community.

Adequate funding sources for Capital Improvement Projects (CIP) are necessary given loss of tax increment and these should be identified, evaluated and recommended. The Reassessment Report should include additional alternative funding source recommendations and implementation strategies that will enable FORA to fulfill its CIP obligations. The Reassessment Report does not address this issue. Furthermore the consideration of Capitalization on Existing Infrastructure-Consider cost/benefit/efficiencies of Capital Improvement Program (p3-96) would be contrary to the required mitigations based on the BRP. The City of Seaside strongly recommends that FORA does not establish a policy to prioritize reuse of existing infrastructure. Prioritization should continue under current protocols. The City recognizes and concurs with the current process of Value Engineering projects based on several factors including reuse of existing infrastructure where it is practical to do so.

Sufficient water allocations needed to implement the BRP and enable future development to occur should be identified and limitations on water usage should be lifted. While the Reassessment Report discussed the water supply and a water augmentation program no discussion has been made regarding water allocation and specific recommendations regarding lifting limitations to allow development to occur. Future implementation of the BRP cannot occur without adequate water resources. The projection of water allocation needed to implement the BRP and water strategies for the provision of adequate water for development to occur must be addressed in the Reassessment Report. The section in the Reassessment report, Re-Evaluation of the Salinas Valley Groundwater Basin Water Supply (p3-99), provides an option to conduct

RE: Seaside City Council Reassessment Comment Letter

an updated study of existing and future water demands on the former Fort Ord. The City of Seaside supports this option and strongly recommends under the section of Prioritization of Water Augmentation (p3-100) that FORA reallocate in the CIP a prioritization of the water augmentation program.

Location and Land Use of Central Coast Veteran's Cemetery. The Reassessment Report included options discussing location, land use designation and policy/program with regards to the Veterans Cemetery. The City of Seaside strongly recommends the Veterans Cemetery Locations (p3-108) remain unchanged in the BRP land use concept with regard to the site for the Veterans Cemetery. The Veterans Cemetery Land Use Designation (p3-109) and the Policy Regarding the Veterans Cemetery (p3-110) should be made consistent in FORA land use designations and policies and/or programs should be adopted to recognize previous legislative and master planning efforts to establish the Veterans Cemetery. This recommendation has been provided to the FORA Board by an adopted Resolution (No. 2012-57) by the City Council.

FORA obligations for removal of barracks and hammerheads; proper reimbursement of caretaker costs; and issues regarding maintenance of public rights of way owned by the Army. The Reassessment Report provides for this issue under Prioritize of Funding for and Removal of Blight (p3-88). The City of Seaside recommends that FORA restructure the fee program and/or funding arrangement to designate additional funds for building demolition and to apply for grant funding where feasible to remove blighted buildings. This task should be one of FORA's highest priorities. Given the safety issue, visual blight and increased developer risk related to these abandoned buildings, it is critical that FORA fulfill this obligation. With the loss of Redevelopment Funds, caretaker costs should be the responsibility of FORA until such time that the property is sold or developed. The Reassessment Report brings forth the issue regarding Caretaker Costs (p3-123). The City of Seaside requests that the FORA Board develop a mechanism and funding to cover the jurisdictional expense of caretaker costs in maintaining the property prior to development occurring. There is a crucial need of the city in regards to funding caretaker costs with the loss of redevelopment financing the city does not have options available to fund these expenses. In addition, the transfer of EDA improvements to the cities requires maintenance of the facilities although some of those rights of ways are still owned by the Army. This requirement should be removed or the cities be compensated for the work done.

FORA Board Composition, Representation and Voting Process (p3-111). The City of Seaside has reviewed the options proposed for the Board's composition, representation and voting process. It is the Council's recommendation for the Board to consider a new option regarding the composition of the FORA Board:

Modify the membership of the FORA Board to be limited only to local government authority with land use jurisdiction in the former Ft. Ord. The cities of Del Rey Oaks, Marina, Monterey, Seaside, and the County of Monterey as exclusive members of the Board of Directors as these agencies have the local government and land use powers to oversee these lands.

FORA Board
November 7, 2012
Page 6 of 6

RE: Seaside City Council Reassessment Comment Letter

Secondly, the City Council recommends that the voting process be modified to eliminate the need for a unanimous vote of the FORA Board on the first reading to approve FORA Board actions. This option would make the decision making process more efficient and timely. It adheres to the majority vote principal which guides the preponderance of local government voting procedures.

The Reassessment Report should ensure the full implementation of the ultimate purpose of the Base Reuse Plan. This purpose is to utilize the land and resources of the former Fort Ord lands to further the educational, environmental and economics objectives agreed upon through the public participation process initiated at the time of the Base closure. We will continue to support further refinements and implementation of the BRP. However, we continue to have grave concerns that the achievement of the economic goals may be hindered by some of the options to be considered by the FORA Board outlined in the Reassessment Report. We need the help of FORA and its implementation of the BRP to give the economic portion of the Plan the same commitment and enthusiasm the other major elements of the Plan have previously received. The City of Seaside strongly recommends the FORA Board direct its energy to complete FORA's purpose and mission in the short timeframe provided before considering additional major modifications or new tasks which expand the existing BRP.

We appreciate the opportunity to provide you with our comments and concerns and thank you for your consideration.

Sincerely,



Felix H. Bachofner
Mayor, City of Seaside

The public draft of the Reassessment Report has been reviewed and this attachment to the Letter dated November 7, 2012 signed by Mayor Bachofner serves as our formal response and recommendations on the potential options outlined in the report. The comments below are categorized in a similar manner with the organization of the reassessment document. The City of Seaside's recommendations and comments follow after the topic heading and are *italicized*.

3.2 Category I

The City of Seaside supports the recommended BRP Modifications and Corrections identified as Category I changes in the reassessment report with the exception of the following. The reassessment should consider correcting the following sections in the BRP to reflect the current status.

Land Use Element Volume II, page 241 (p3-2)

Program C-1.2

The area identified as the New Golf Course Community District has been retained by the U.S. Army as part of its POM Annex. A portion of the existing housing units along Monterey Road has been reconstructed under partnership with Clark Reality. The rezoning of this area cannot occur as long as the U.S Army retains ownership of the property. This program should be removed from the FORA Plan.

Program C-1.3

The U.S Army has proceeded with the redevelopment of the POM Annex by replacing its older housing units west of General Jim Moore Boulevard with new housing units. The U.S. Army has entered into agreement with Clark Reality for the management and eventual transfer of these housing units to their ownership in the future. The development of a plan to account for the removal of the former U.S Army housing units would no longer apply and should be removed from the FORA Plan.

3.3 Category II

Land Use Map Modifications Based on Prior FORA Board Consistency Determinations (p.3-21)

*The City of Seaside recommends the following option:
After receiving a revised map from FORA staff, adopt a resolution formally modifying the BRP Land Use Concept consistent with the General Plans and specific plans for which the FORA Board has made prior consistency determinations.*

3.4 Category III- Implementation of Policies and Programs (p.3-32)

Incomplete Programs and Policies (p3-32)

The City of Seaside is in general concurrence with the identified incomplete programs and policies. The City is currently in the process of making land use amendments in association with the Monterey Downs Project and has identified other general plan amendments which were included in the Seaside East Conceptual Master Plan. The City reserves the right to make future modifications to land use as deemed necessary.

Potential Options (for FORA Board actions to Facilitate Member jurisdictions implementation of policies and programs) (p3-32)

*The City of Seaside recommends the following option:
Current jurisdictional process for implementation of policies and programs remain unchanged.*

Table 11 Policies, Programs, and Mitigations Measures for Which Implementation is Incomplete (p3-33 thru 40)

*Corrections should be made as follows on the table:
(Page 3-33 Row 6) under the City of Marina should say Marina not Seaside.*

Table 11 Statements such as manage, encourage and coordinate. How was the determination made as to whether or not this item(s) incomplete?

Residential Land Use Program D-1.3 (p3-35)

The City has not initiated the development of special design standards for the areas along Main Gate and Highway 1 corridors. The south village area is located within CSUMB upon which the City does not have any land use authority. The area near Main Gate would be subject to the design standards set forth in accordance with the Specific Plan that has been adopted for the "Main Gate" project. The area adjacent to Highway 1 would be subject to the design standards set forth in the Highway 1 Design standards that have been adopted by FORA.

**Commercial Land Use Policy D-1
Program D-1.2 (p.3-46)**

The City of Seaside recognizes that the Land Use Plan has identified the location of two specialty convenience retail sites within the following areas:

- *University Village*
- *New Golf Course Community*

The location of a specialty convenience retail site within the "New Golf Course Community" would not be applicable as this area is under the control of the U.S Army. This has been retained as part of its long-term plan for the development and reuse of the POM annex. The development of a specialty convenience retail site would be allowed as part of the mixed use commercial standards which have been adopted for the area listed as University Village. It should be noted that the reassessment report does not take into consideration the community commercial land use designation that has been applied to the site referred to as the "Shoppette" located on the west side of Monterey Road at the terminous of Coe Avenue. This site is actively being considered for the development of a neighborhood serving retail center that would service the Seaside Highlands, Sunbay Apartments, and Bayview Mobile Home residential communities and the U.S Army POM Annex community to the east and north.

Institutional Land Use Policy A-1
Program A-1.2, (p 3-49)

Should be County not City of Seaside

Program A-1.4 Coordination with CSUMB regarding The Projects at Main Gate Specific Plan (p 3-50)

The Reassessment Report states that coordination of the Specific Plan preparation process with the City of Marina and CSUMB was not documented in the Plan, but that significant comment letters were received from both parties.

First, it should be noted that comment letters and Response to Comments is the formal process for documenting public input and participation under the California Environmental Quality Act (CEQA)'s required environmental review process.

In addition, multiple meetings were held with CSUMB both before and after the draft Specific Plan was released for public comment. Topics of discussion focused on visual impacts from the proposed hotel, site access off 2nd Avenue and landscaping design. As a result of these meetings, CSUMB's input had direct influence on the design of access to the proposed project off 2nd Avenue as well as changes made to landscaping design at the corner of Lightfighter Drive and 2nd Avenue.

Consultant notes from January 2006 document conversations between Seaside and Marina the potential of a joint fire department and/or substation on the Site.

Noise: Program A-1.1 Compatibility Criteria for Exterior Community Noise (p. 3-63)

The Reassessment Report states that noise criteria in the City of Seaside General Plan are 5 to 10 dBA higher than levels given in the Fort Ord Base Reuse Plan for the three land use categories of residential, schools, and industrial.

While Seaside's thresholds exceed the BRP limits in these three categories of land use, it should be noted that the FORA Board deemed Seaside's 2004 General Plan as consistent with the BRP. Additionally, the noise standards represent maximum standards from which the City would not be precluded from requiring a lower threshold to adequately mitigate any identified potentially significant noise impacts.

3.5 Category IV

The City of Seaside recognizes the importance of being a steward to the environment and has been at the forefront of developing procedures and policies to promote green building practices and reduce greenhouse gas emissions and promote sustainable development that complements the natural landscape. The City has incorporated Green Building policies and adhere to regional plans for Climate Action and Greenhouse Gas Reduction.

Promotion of Green Building (p.3-76)

The City recommends that the BRP does not add any new or modify existing policies or programs related to green building.

Climate Action and Greenhouse Gas Reduction (p.3-77)

The City recommends that the BRP does not add any new or modify existing policies or programs related to Climate Action and Greenhouse Gas Reduction.

Policy on Development/Habitat Interface (p.3-78)

*The City of Seaside recommends the following option:
Require compliance with the existing HMP and/or the draft HCP standards.*

Prioritization of Development within Army Urbanized Areas (p.3-79)

*The City of Seaside recommends the following option:
Maintain the BRP Land Use Concept map as it currently exists and do not adopt policies prioritizing development in the urbanized area.*

Policy on Land Use Compatibility Adjacent to CSUMB Campus (p.3-81)

*The City of Seaside recommends the following option:
Do not add new policies concerning land use near CSUMB*

Issues related to Gambling (p.3-82)

The City of Seaside recommends the following options:

- *Do not modify BRP policies on gambling.*
- *Direct FORA's legal counsel to report to the FORA Board regarding the extent and limitations of local government control over gambling.*

Reversal of the loss of Middle Class Job and Housing Opportunities (p3-83)

The City of Seaside recommends the following options:

- *Conduct further study of economic and market factors*
- *Conduct outreach to developers*

Constraints and Uncertainties for Development on Fort Ord (p3-83)

The City of Seaside recommends the following options:

- *Review BRP Policies/Programs and operating procedures for potential constraints, and adopt policies or procedures that eliminate or reduce constraints.*
- *Consider additional rounds of fee restructuring or possible scenarios for development entitlement streamlining*

Promotion of Economic Development through Outdoor Recreation Tourism/Ecotourism (p3-84)

The City of Seaside recommends the following options:

- *Coordinate with or participate in existing efforts such as Competitive Cluster tourism program.*
- *Prepare a study of potential marketing opportunities related to ecotourism.*
- *Prepare a study of potential physical improvements to promote ecotourism.*

Capitalization on Existing Regional Strengths to Promote Expansion of Office and Research Sectors. (p3-85)

The City of Seaside recommends the following options:

- *Prepare a study of potential marketing opportunities for promotion of office and research land uses, focusing on the components necessary to create a business cluster at the former Fort Ord.*
- *Establish a liaison with educational institutions to promote the creation of research and development jobs.*
- *Coordinate with or participate in existing efforts such as competitive clusters education and research or creative and technology programs.*

Establishment and Marketing of a Brand for Fort Ord (p3-87)

The City of Seaside recommends the following options:

- *Prepare a study of key target areas and adopt a marketing program.*

Prioritize of Funding for and Removal of Blight (p3-88)

The City of Seaside recommends the following options:

- *Restructure the fee program and/or funding arrangement to designate additional funds to building demolition.*
- *Apply for grant funding where feasible to remove blighted buildings.*

Evaluation of Base Cleanup Efforts and Methods (p3-89)

*The City of Seaside recommends the following option:
Do not request modifications to the clean up program.*

Prioritization of Design Guidelines (p3-91)

*The City of Seaside recommends the following option:
Do not direct staff to proceed with design guidelines*

The City through the Specific Plan Process and entitlement process will establish design protocols for development within the former Fort Ord in a similar manner to the design approval for other developments within the City of Seaside.

Effects of Changes in Population (p3-92)

*The City of Seaside recommends the following option:
Do not address modifications to the BRP population projections*

Policy Regarding Existing Residential Entitlement Inventory (p3-92)

*The City of Seaside recommends the following option:
Allow the existing regulatory framework and market forces to guide residential unit absorption or to create new lots and units.*

The City will adhere to state law/city ordinance as far as setting aside adequate housing inventory for disadvantaged individual but feels strongly that market forces and development agreements will establish appropriate home values and ultimately the number of units.

Cost of Housing and Targeting Middle Income Housing Types (p3-93)

*The City of Seaside recommends the following option:
Allow the existing regulatory framework and market forces to drive housing product and cost.*

Re-Evaluation of Transportation Demands and Improvement Needs (p3-94)

*The City of Seaside recommends the following option:
Coordinate with TAMC to prepare a traffic needs assessment update.*

Capitalization on Existing Infrastructure-Consider cost/benefit/efficiencies of Capital Improvement Program (p3-96)

*The City of Seaside recommends the following option:
Do not establish a policy to prioritize reuse of existing infrastructure – prioritization would continue under current protocols. The City recognizes and concurs with the current process of Value Engineering projects based on several factors including reuse of existing infrastructure where it is practical to do so.*

Policy on Through Traffic at CSUMB (p3-97)

*The City of Seaside recommends the following option:
Do not modify the Capital Improvement Program's transportation element*

Re-Evaluation of the Salinas Valley Groundwater Basin Water Supply (p3-99)

*The City of Seaside recommends the following option:
Conduct an updated study of existing and future water demands on the former Fort Ord.*

The City is cognizant of the current limitations of the water supply to serve developments on the former Fort Ord and urges the FORA Board to proactively seek augmentation to the water supply serving the area and prioritize development of such a water supply in the Capital Improvement Program.

Prioritization of Water Augmentation (p3-100)

*The City of Seaside recommends the following option:
Reallocate CIP to prioritize the water augmentation program*

Prioritization of Water Conservation (p3-101)

The City of Seaside recommends the following options:

- Create a model water conservation Ordinance for adoption by jurisdictions.*
- Encourage Educational institutions to adopt equally stringent water conservation rules and practices.*

Potential for the National Monument and Tourism to be a Catalyst to Economic Growth in the Region (p3-101)

The City of Seaside recommends the following options:

- *Prepare a study of potential marketing opportunities related to the National Monument*
- *Prepare a study of potential physical improvements to promote use of the National Monument.*
- *Establish a liaison with the National Monument, Tourism boards, and chamber of commerce to promote the national monument.*

Policy on Land Use adjacent to the National Monument (p3-102)

The City of Seaside recommends the following option:

Leave the BRP policies unmodified address compatibility issues at the time of project approval.

Integrated Fort Ord Trail Plan (p3-104)

The City of Seaside recommends the following option:

Coordinate with the jurisdictions with trails depicted on the BRP maps to develop a comprehensive trail plan for the former Fort Ord includes linkages to the National Monument.

Establish a Fort Ord National Monument – Fort Ord Dunes State Park Trail Connection (p3-105)

The City of Seaside recommends the following option:

- *Coordinate with the jurisdictions with trails depicted on the BRP maps to develop a comprehensive trails plan for the former Fort Ord.*
- *Coordinate with State Parks, seaside, Marina, County, CSUMB and BLM to establish plan line reservations for National Monument to beach trails.*
- *Access points and trailhead Development for the Fort Ord National Monument*
- *Coordinate with local jurisdictions and BLM to develop a comprehensive access plan which includes promotion of access to the National Monument and staging areas and trailhead improvements.*
- *Allocate funding for improvements to access routes signage, staging areas, and trailheads.*

Veterans Cemetery Locations (p3-108)

The City of Seaside recommends the following option:

Leave the BRP land use concept unchanged with regard to the site for the Veterans Cemetery.

Veterans Cemetery Land Use Designation (p3-109)

*The City of Seaside recommends the following option:
Adopt suitable land use designations for the Veterans Cemetery*

Policy Regarding the Veterans Cemetery (p3-110)

*The City of Seaside recommends the following option:
Adopt policies and/or programs to recognize previous legislative and master planning efforts to establish the Veterans Cemetery.*

FORA Board Composition, Representation and Voting Process (p3-111)

*The City of Seaside recommends the following option:
Modify the voting process to eliminate the need for a unanimous vote of the FORA Board on the first reading to approve FORA board actions.*

*The City of Seaside recommends a new option regarding the composition of the FORA Board:
Modify the membership of the FORA Board to be limited only to local government authority with land use jurisdiction in the former Ft. Ord. The cities of Del Rey Oaks, Marina, Monterey, Seaside, and the County of Monterey as exclusive members of the Board of Directors as these agencies have the local government and land use powers to oversee these lands.*

Oversight of the Land Use/development Implementation Decisions of local Jurisdictions (p3-113)

The City of Seaside recommends the following options:

- *Modification of the FORA Board's current scope of discretion and review of member jurisdictions land use or development implementation agreements would not be undertaken,*
- *Regularly track and report on the status of the BRP Policy and Program Implementation*
- *Direct FORA staff to develop a process and mechanism for regularly reviewing and reporting on the status of the BRP policy and program implementation and possibly reporting results in FORA's annual report to the public.*

Clarify The Methodology For Making Consistency Determinations And Track And Report The Results Of Consistency Determinations. (p3-115)

*The City of Seaside recommends the following option:
Take no action to further clarify or report on the methodology for making consistency determinations.*

Provide Regular Updates on Modifications to the BRP Land Use Concept Map (p3-116)

*The City of Seaside recommends the following option:
Identify and implement a mechanism to provide regular updates to the land use map*

Regularly Monitor, Update and Report on Status of BRP Build Out Constraint Variables and other Measures of BRP Implementation Progress. (p3-117)

*The City of Seaside recommends the following option:
Institute a data monitoring and reporting program for:*

- *Tracking water allocation to each member jurisdiction and amount of water used/unused by each, actual water use for approved reuse projects, and projected water demand of proposed projects and activities against the 6,600 acre-feet cap. This task could also involve regular reporting on progress/issues with water augmentation efforts needed to assure water supply for full BRP build out;*
- *Tracking built, approved but un-built, and proposed housing unit numbers against the housing unit cap;*
- *Tracking and reporting new population growth within the BRP boundary against the population cap; and/or*
- *Monitoring and reporting additional development metrics such as employment generation, job-to-housing balance, land sale revenues or other sources of funding available or projected to be available annually or otherwise, progress/milestones in completing the Habitat Conservation Plan, etc., that can be used to better understand the status/progress of base reuse and BRP implementation.*

Improve Access To And Disclosure of FORA Board Decisions And Fundamental Data Regarding The Status Of Base Reuse (p3-118)

The City of Seaside recommends the following options:

- *Establish mechanisms/tools to enhance accessibility and availability of data on the status of BRP implementation. Tools/mechanisms could include, but may not be limited to:*
 - *posting regularly updated information on the FORA website using a dedicated link;*
 - *including data in FORA Board staff reports where one or more items on the agenda have potential to affect the status of BRP implementation information, especially consistency analyses or other topics with potential to affect land use; and/or*
 - *expanding/enhancing the content of FORA's annual reports to include BRP*
- *implementation status data as well as additional content regarding issues and*
- *information on implementation status.*

Periodic Reassessment of the BRP (p3-119)

The City of Seaside recommends the following options:

- *Include a requirement for reassessment of the BRP at the time FORA prepares its State Law required plan for dissolution in 2010.*
- *Prepare a FORA Phase Out Plan*
- *Prepare a dissolution plan by 2018 pursuant to state law*
- *Address Infrastructure Maintenance Issues*
- *Conduct a general review of local and basewide infrastructure and facility maintenance responsibilities and cost allocations to promote equitable assignment of maintenance.*

Caretaker Costs (p3-123)

The City of Seaside requests that the FORA Board develop a mechanism and funding to cover the jurisdictional cost of caretaker costs in maintaining the property prior to development occurring. There is a crucial need of the City in regards to funding caretaker costs with the loss of redevelopment financing the City does not have options available to fund these expenses.



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November 7, 2012

FORA Board of Directors
920 2nd Ave., Suite A
Marina, CA 93933
831-883-3672

SUBJECT: FORT ORD REUSE PLAN REASSESSMENT

Dear Chair Potter and Board Members:

LandWatch has reviewed the referenced report and has the following comments:

1. The report is long and complex. It describes many options for future consideration by the Board of Directors. Given the complexity of the report, LandWatch recommends that the Board conduct study sessions on each of the Categories or a combination of Categories so that the Board and the public have opportunities to consider and recommend options.
2. Category 1 items which attempt to address typographical errors, minor clarifications and map changes require additional review. For example, some map changes appear to make substantive changes which may require environmental review.
3. Category II items related to the land use concept map modifications based on other actions require a more complex series of decisions.
 - The decision related to the land use swap for Parker Flats/East Garrison should be subject of future public hearings.
 - The BRP circulation network maps and text should be modified.
 - The BRP should be modified to be consistent with regional and local plans with staff preparing policy and program options and the Board enacting new policies/and or programs to achieve consistency.
4. Category III addresses policies, programs and mitigation measures to implement the BRP. The failure of FORA and the cities of Marina, Seaside and Del Rey Oaks and the County of Monterey to fully implement the BRP during the 15 years since the plan was adopted is shocking. Chapter 3 describes 153 policies, programs and mitigation measures that participating jurisdictions have failed to implement. We recommend that the plan be

fully implemented before any new development projects are approved by local jurisdictions. Additionally, we are troubled by FORA's previous consistency findings based on an incomplete plan, and we recommend that all consistency findings be postponed until the plan is fully implemented.

Two policies were excluded in Category III and placed in Category IV related to policy and program modifications. The following policies should be included in Category III related to policies and program to implement the BRP.

Policy C-3.1: The City/County shall continue work with the MCWRA and MPWMD to estimate the current safe yields within the context of the Salinas Valley Basin Management Plan for those portions of the former Fort Ord overlying the Salinas Valley and Seaside groundwater basins, to determine available water supplies.

Program C-3.2: The City/County shall work with the MCWRA and MPWMD appropriate agencies to determine the extent of seawater intrusion into the Salinas Valley and Seaside groundwater basins in the context of the Salinas Valley Basin Management Plan and shall participate in developing and implementing measures to prevent further intrusion.

5. Category IV addresses updating the BRP. We support an update to the BRP with a focus on removal of urban blight and development within the existing urban footprint and programs and land use changes to address opportunities afforded by the designation of the Fort Ord National Monument. Focusing on these updates would be compatible with on-going efforts to implement the 1997 BRP.
6. Category V addresses FORA procedures and operations. Of the identified items, FORA has a legal obligation to assure implementation of the BRP since most of the policies and programs are mitigation measures included in the Final EIR. Thus we recommend that FORA track and report on the status of BRP policy and program implementation. Other priorities for LandWatch include clarifying consistency determination methodology, increased transparency related to FORA Board decisions and preparation of a phase-out plan which is required by legislations.

Thank you for your consideration.

Sincerely,



Amy L. White
Executive Director

MEMORANDUM

To: Fort Ord Reuse Authority

From: David Zehnder, Jamie Gomes, and Ellen Martin

Subject: Overview of Fiscal, Financial, and Economic Implications of Fort Ord Land Use Policy Options; EPS #122003

Date: November 8, 2012

The Economics of Land Use



The Fort Ord Reuse Authority (FORA) is reassessing the Base Reuse Plan (BRP) for the Former Fort Ord Military Base. As part of the reassessment process, Economic & Planning Systems, Inc. (EPS), completed a Market and Economic Assessment evaluating the sources of demand for new land uses on the former Fort Ord and assessing elements of the BRP paradigm that impact the reuse program.

Through the reassessment process, a variety of policy options for adjusting or calibrating the BRP have arisen as a result of both the Scoping and Reassessment Reports, including the Market and Economic Analysis, and stakeholder comments and input received. As the FORA Board considers potential changes to the BRP, major considerations include the fiscal and financial implications associated with the various policy options and alternative reuse plan approaches.

The loss of redevelopment funding mechanisms elevates fiscal concerns for local jurisdictions. Any gap funding agreement that a local jurisdiction enters into with a developer could affect City General Fund receipts; it is important for local jurisdictions to be judicious in this regard.

The purpose of this memorandum, therefore, is to identify broad topics relating to potential land use and related policy changes that may have notable fiscal and financial implications, of which, the FORA Board should take note. The intent of this memorandum is not to provide an exhaustive inventory of the fiscal- and financial-related impacts of every potential change to the BRP; rather, it is to offer a high-level review of key issues and policy alternatives, identifying those considerations that may warrant more in-depth analysis and deliberation. It is important to note that fiscal, economic development, and financial implications may vary by local jurisdiction.

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The remainder of this memorandum identifies several key policy alternatives that are likely to have significant fiscal and financial implications. Identified policy topics should not necessarily be construed as recommendations made on the part of the BRP Reassessment team; rather, they reflect major topics of public dialogue that may merit additional FORA Board consideration. The key issues are summarized in a matrix attached to this memorandum, which details the major advantages in terms of fiscal, economic, and financial impact, as well as major disadvantages and issues requiring further study (see pages 7 through 10). Each topic is discussed at a summary level below.

1. Focus new development activity on blighted areas within the Army Urbanized Footprint through financial, regulatory, and other incentives. Consider greater concentration of mixed use products and ensure compatibility with CSUMB (Market and Economic Analysis: p. 5 point #7; p. 11 bullet #4; p. 12 bullet #2; p. 14 point #4, p. 15 point #7).

The existing BRP provides a diversity of land use and economic opportunities designed to disperse economic recovery across all jurisdictions that were deleteriously impacted by the closure of Fort Ord. Variations in development activity and market circumstances will result in some temporal variations in terms of the types of uses (e.g., residential versus commercial development) and the location in which those uses develop. Certain areas are expected to develop more quickly than others, particularly as existing development activity catalyzes neighboring development. This effect is reinforced if important land use synergies between new and proposed development are leveraged.

Given this circumstance, significant potential exists for market forces and community stakeholder requests to be aligned. Several Fort Ord stakeholders expressed concerns that the reuse program should focus first on reusing existing "blighted" areas of the former Fort Ord. In addition, CSUMB and other stakeholders stressed that land uses adjacent to the CSUMB campus should be compatible with and complementary to the college campus. Relatedly, the Market Analysis discusses emerging consumer preferences for mixed use products, marrying employment-generating uses and residential products in a "village" setting, offering walkable, mixed use communities.

As the FORA Board considers changes to the BRP, they may want to consider land use alternatives that combine these elements and create additional opportunities for higher density, mixed use products in the most central Fort Ord locations and near CSUMB. Mechanisms could include density bonuses, a transfer of development rights from other (willing) locations, or other financial and regulatory incentives that would permit and encourage this type of development. Specific locations for this type of development would be the subject of additional study.

Incentivizing development that responds to market preferences, is otherwise well positioned in the marketplace, and improves the appearance and aesthetics (removes/replaces blight) potentially would improve the market viability of Fort Ord development and hasten the achievement of associated economic development and public revenues. Should the FORA Board wish to pursue related policy changes, significant additional market, financial, and feasibility analysis should be undertaken to delineate the viability of land use policy alternatives from a variety of perspectives.

1A. Establish strategy to accelerate/advance building demolition and removal (p. 7 point #19; p. 15, point #7).

Related to Topic #1, the FORA Board may consider other avenues to improving the aesthetics of the former Fort Ord to hasten the absorption of new uses. Acceleration of building removal efforts would have clear advantages in terms of improving the appearance of the former Fort Ord, as well as removing safety hazards. Fort Ord could be made more attractive by reducing the requisite private-sector investment and providing "shovel-ready" development sites. Any actions that improve the attractiveness of Fort Ord for private investment will hasten the realization of new development and the associated generation of public revenues such as property tax increment, business-to-business sales taxes, and other sales and use taxes.

The primary challenges associated with accelerating the removal of derelict buildings is FORA's historic reliance on land sale revenues as the funding source for building removal. Land sale revenues are an inherently uncertain source of funding, as the land value is contingent on the financial feasibility of Fort Ord development. No alternative funding source has been identified to date. Should the FORA Board wish to pursue this policy alternative, additional analysis should address the sensitivity of residual land values to determine the extent to which an accelerated building removal program could increase private development activity. Subsequently, if deemed appropriate, a detailed funding analysis and strategy would be necessary to determine available public and private funding sources. Finally, a detailed phasing program should be established to ensure that any building removal program proceeds in a logical fashion, focusing efforts on key areas in the sequence in which development activity is anticipated to proceed.

2. Consider alternative locations to capture more high-tech and research and development uses (p. 7 point #14; p.12 bullet #1, pp. 12 & 13 Option for Policy Response #1).

Economic development is a primary objective of the BRP. Generating replacement economic activity and employment opportunities was one of the major objectives of the BRP, and attraction of middle-income employment opportunities (such as those discussed in this section) is necessary to increase overall economic vitality and improve the employment prospects for all income segments.

The University of California Monterey Bay Center for Education, Science, and Technology (UC MBEST) was intended to provide a major infusion of employment opportunities in scientific and technology research and development (R&D), filling a major gap in professional employment opportunities in the region. UC MBEST is anticipated to remain a major generator of technology-driven employment through the attraction of university-related and other academia-industry consortia amenable to the UC MBEST use restrictions and ground lease structure. The FORA Board may, however, consider allowing additional R&D and high-tech uses at alternative Fort Ord locations. There are a variety of other high-tech and R&D users to whom the ground lease structure offered by UC MBEST is not desirable. Alternative locations for these uses that are more connected to residential uses, as well as retail and other amenities, may be more attractive to private employers relying on the mid-tier labor force.

Provided the market can support additional commercial uses, commercial development tends to generate fiscal benefits for local jurisdictions, generally producing more public revenues than public service costs required to serve the project. R&D and high-tech users can generate significant levels of business to business sales tax revenue. Long term fiscal sustainability could also be indirectly bolstered by improvements to the jobs-housing balance, attraction of a more robust middle-class, and increased demand for new housing and retail. To the extent that these uses are provided in a walkable, "village" environment (see Topic #1), FORA could leverage evolving consumer preferences to improve Fort Ord's competitive position in the market and fiscal outcomes for jurisdictions.

3. Focus residential development housing efforts on adding affordable/workforce housing at price points near \$325,000 (p. 5 point #4; p. 6 points 9 through 12).

Attracting new employers offering professional, skilled occupations (such as those referenced under Topic #2) fills a major gap in the region's economic spectrum and is inextricably linked to the desirability of the local labor force for those employers. Of course, the presence of viable employment opportunities is a key element to attracting that same labor force. This dynamic illustrates the need for simultaneous efforts to attract employers and a "mid-tier," skilled labor force.

The mid-tier labor force and its associated employers are considered an integral component of improving the overall economic vitality of the region. Issues related to economic bifurcation result in economic stagnation and few employment opportunities for lower income and disadvantaged communities. A more diversified employment base will generate a higher level of overall economic activity through consumer spending, creating demand for retail and other service sector jobs, thereby creating additional employment opportunities for all segments of the labor force.

A key component of attracting the desired "mid-tier" labor force (i.e. workers that have attained associates and bachelors degrees) is housing affordability. Housing products priced at \$325,000 would be affordable to a dual income household with an average salary of roughly \$50,000 for each wage earner. A single income household would have to garner significantly higher earnings to achieve the same price point, suggesting that housing priced near \$325,000 would appeal to a broad segment of the mid-level labor market.

While residential housing at this price point is typically fiscally neutral, it does contribute fewer public revenues than commercial development, as public service costs for residential uses are higher. However, provision of such housing opportunities is an important contributor to long term fiscal sustainability through improvements to economic vitality and attraction of job generating uses. If such residential products are provided in close proximity to employment opportunities and retail amenities, fiscal benefits could be derived from economies in the provision of public safety, road maintenance and other services.

Pursuit of this policy alternative should consider the financial feasibility of residential development at these mid level price points, and consider the degree to which financial incentives may be necessary to catalyze new development.

4. Maximize potential impact of the Fort Ord National Monument Designation through a strategic programming, marketing and branding effort (p. 7 point #18, pp. 12 & 13 Option for Policy Response #1 sub-bullet #2).

The recent designation of the Fort Ord National Monument has been routinely cited as a major economic development opportunity. Realization of these economic development benefits, however, will be contingent upon an intensive site programming effort designed to create a unique identity, attract new users, and capitalize on the National Monument designation. The benefits yielded will depend on the level of investment and a thoughtful, cohesive set of amenities meeting the needs of a variety of users (e.g pedestrians; road and mountain bicyclists; equestrian users; etc). A cohesive set of amenities will attract a significant level of visitor activity. Linkages to other tourist attractions such as retail shopping and restaurants, the proposed Veteran's Cemetery and/or other historical/ military attractions would enhance the scale of potential tourist and associated economic activity.

Increased tourist activity could inject significant levels of economic activity into the region, boosting employment opportunities and generating public revenues such as transient occupancy tax (TOT or hotel tax) and sales tax revenue. If effectively implemented, the National Monument designation could increase Fort Ord's ability to capture regional retail uses, generating even greater levels of sales and use tax revenue. In addition, the site could add amenity value to local housing products, helping to improve the viability of residential development. However, it should be noted that employment opportunities associated with tourist activity include lower income, service sector jobs. Consequently, economic development activities should not rely solely upon the National Monument, particularly if at the expense of other initiatives.

A FORA initiative to maximize the potential impact of the Fort Ord National Monument should commence with an intensive master/ business planning effort considering the level of desired programming; costs of various programming alternatives; associated economic development benefits of said alternatives; and potential capital and operations funding sources.

5. Monitor the overall scale of Fort Ord reuse plan in response to lower growth expectations (p. 4 point #2; p. 8 point #20; p. 15 point #9).

The market and economic analysis identified that the currently programmed Fort Ord uses will take approximately 40 years to absorb based on current population and employment projections. The Association of Monterey Bay Area Governments (AMBAG) is currently revising the projected growth levels. Updated projections at the regional level have been published that suggest that the projected levels of population and employment growth for the former Fort Ord and surrounding areas will be revised downward. Some stakeholders and policymakers have suggested that the FORA Board consider calibrating the planned uses on the former Fort Ord to the growth expectations over the next 20 years.

It is critical to note that the AMBAG growth forecasts (which are now being updated by AMBAG) used in the Market and Economic Analysis reflect the anticipated growth expectations over the next 20 years. Lower growth expectations over the near term results in a longer absorption of new Fort Ord uses, but is not intended to suggest that a market for these uses does not exist over a longer planning horizon.

The fiscal impact of scaling down planned Fort Ord land uses will largely depend on the ultimate mix of land uses, market position, and associated timing of absorption. Generally, a lower level of development could reduce public service and capital facility costs, but the realization of any fiscal benefits would hinge on an appropriate balance of residential and commercial uses that is competitively positioned in the marketplace.

Potential reductions in capital facilities costs would depend on threshold triggers for capital improvements to determine if lower levels of growth would still trigger demand for certain facilities, in which case capital funding needs may remain the same, but the funding base for those facilities would be reduced. Further study by FORA, in conjunction with AMBAG and TAMC, would be necessary to fully evaluate the implications of scaled back development alternatives on capital facility requirements and associated Fort Ord funding obligations.

Another key consideration is the degree to which existing vested development rights would consume available land supply should FORA reduce the number of allowable units or square feet of commercial development. If already vested development utilizes a significant proportion of land use capacity under a scaled back development alternative, FORA's ability to pursue alternative policy options such as those laid out earlier in this memorandum could be constrained.¹

6. Develop incentive programs to encourage FORA jurisdictions to provide "beneficial" projects (e.g. green, clean, affordable or other desirable attributes not met by the market) (p. 5 point #7; p. 14 point #5).

FORA's limited land use authority somewhat constrains its ability to demand that new development projects fulfill certain criteria deemed a desirable element of the BRP. FORA could, however, institute a financial incentive program that encourages developers and local jurisdictions to provide "beneficial" projects that further BRP goals and objectives.

Next steps would include identification of incentive program elements (i.e. desirable project criteria) as well as the mechanism(s) to incent desirable development projects. One potential approach could be the allocation of additional property tax increment to local jurisdictions—other incentives should also be identified and evaluated. Ultimately, the fiscal and financial impacts of such a program would depend upon the nature of the incentive program.

The matrix included on the following pages offers additional analytical detail regarding each of the policy options discussed in summary above. Please note that the intent of this document is to identify policy options for further consideration and evaluation. EPS looks forward to further discussions with the Fort Ord Reuse Authority regarding the enclosed document, and would be happy to answer any questions that arise upon your review.

¹ Note that EPS is not suggesting any changes to or relocation of existing entitled development.

Figure 1
Fort Ord Base Reuse Plan Reassessment
Major Fiscal and Financial Issues and Implications of Key Land Use Policy Decisions

Policy Option	Fiscal/ Financial Implications		Key Questions & Options
	Pros	Cons/ Issues	
1. Focus new development activity on blighted areas within the Army Urbanized Footprint through financial, regulatory and other incentives. Consider greater concentration of mixed use products and ensure compatibility with CSUMB.	Responsive to emerging consumer preferences, possibly increasing the market viability of Fort Ord development.	If growth voluntarily shifted from outlying area through a transfer of development right or other approach, potential lack of participation in economic recovery by residents of those areas.	<p>Detailed evaluation of market demand and financial feasibility of specific mixed use development prototypes. Market analysis should consider both the ultimate scale (amount) of supportable development as well as the likely timing of market absorption.</p> <p>Quantify net fiscal impact based on anticipated revenues generated (informed by projected market absorption) versus annual public service costs.</p> <p>Evaluate implications on BRP goal to equitably distribute economic recovery.</p> <p>Evaluate merits of density bonus as displacement of projects likely not practical, feasible, or politically acceptable.</p> <p>Evaluation of land use synergies with existing and future CSUMB development.</p> <p>Identify and evaluate any contamination or other subsurface site development issues pertaining to identified infill sites.</p> <p>Identify and evaluate the availability of seed funding, grants, or other financing mechanisms related to subsurface site development issues.</p>
	Higher value development at premium locations and responsive to consumer preferences has potential to generate greater levels of public revenue (property, sales, hotel taxes, etc.) more quickly.	Uncertain/ risky prospects for new product.	
	Potential to access new capital funding sources (e.g. replacement redevelopment funding such as last year's proposed Senate Bill 1156).	Building removal funding contingent upon land sale revenues, which are inherently uncertain.	
	Short term potential for reduced capital expenditures and associated maintenance of infrastructure necessary to serve new Fort Ord development.	Potential for unforeseen/ uncertain development costs (e.g. subsurface issues).	
	Improved gateway experience and aesthetics increases values and investor propensity earlier in the reuse process.		
1A. Establish strategy to accelerate/ advance building demolition and removal	Improved market perception and aesthetics could accelerate absorption.	Current funding program relies on land sales to fund building removal. No alternative funding source currently identified.	<p>Evaluate sensitivity of residual land values to determine if building removal generates real or perceived increase in site value.</p> <p>Develop funding strategy to accelerate building removal, identifying the availability of public and other funding mechanisms.</p> <p>Develop phasing program that aligns building removal with the anticipated sequence of development activity.</p>
	Provision of shovel ready sites would reduce required private sector investment and create more attractive investment opportunities.		
	Potentially improved safety and liability conditions.		

Figure 1
Fort Ord Base Reuse Plan Reassessment
Major Fiscal and Financial Issues and Implications of Key Land Use Policy Decisions

Policy Option	Fiscal/ Financial Implications		Key Questions & Options
	Pros	Cons/ Issues	
2. Consider alternative locations to capture more high-tech and Research & Development use.	Commercial development generally fiscally beneficial - generating more public revenue than public service costs.	Uncertain market for R&D uses.	Market evaluation detailing the timing, scale, parcel size, niche, and specific location of viable R&D and high-tech uses. Evaluate associated circulation and phasing issues. Quantify associated level of potential direct and indirect fiscal benefit. Assess infrastructure capacity to serve identified scale and location of new business park development, improve transit service, and other alternative modes of transportations (i.e. bicycling and pedestrian modes).
	Direct revenue generation would include business to business sales tax and property tax revenue. Attraction of sales-service functions within R&D/ Flex buildings could generate substantial sales tax revenue.	Ensure viability of UCMBEST is maintained.	
	Would keep focus on UCMBEST to attract university related and other academia-industry consortia more amenable to use restrictions and ground leases. Accommodates other general purpose R&D and high-tech job growth at appropriate locations. Jobs in these sectors would contribute to greater diversity in employment opportunities, increased income, and improved fiscal resources for jurisdictions. Depending on location and scale, could improve jobs-housing ratio and reduce commute travel time. Long term indirect economic/ fiscal benefits derived from increased economic vitality associated with job generation and diversity of economic opportunities (consumer expenditures, real estate appreciation, etc.).		
3. Focus residential development efforts on adding affordable/ workforce housing at price points near \$325,000.	Economic development (employer attraction) efforts aided by presence of suitably skilled, mid level labor force.	Possible fiscal impact resulting from lower property tax generation associated with lower value units.	Identify overall mix and location of proposed uses. Evaluate geographic implications of fiscal impacts (i.e. would public service costs be over concentrated in one jurisdiction). Evaluate financial feasibility of residential development at mid level price points. Consider necessary financial techniques and incentives to catalyze new development while protecting General Fund (e.g. creation of Economic Development Corporations). Evaluate acceptance of "green" features and ability to amortize costs of photo-voltaic and other such features over time. (Note: this applies to housing at all price points).
	Long term indirect economic/ fiscal benefits derived from increased economic vitality associated with job generation and diversity of economic opportunities (consumer expenditures, real estate appreciation, etc.).	Net costs to provide public services to residential development (especially lower value real estate) can in some cases exceed the public revenues generated, if the product is not located well with amenities.	
	Provide attainable housing in close proximity to employment opportunities, reducing commutes/ congestion and related public safety and maintenance service costs.	Potential for inequitable distribution of fiscal impacts (e.g., geographic dispersion of fiscally beneficial commercial development and versus lower value residential development).	

Figure 1
Fort Ord Base Reuse Plan Reassessment
Major Fiscal and Financial Issues and Implications of Key Land Use Policy Decisions

Policy Option	Fiscal/ Financial Implications		Key Questions & Options
	Pros	Cons/ Issues	
4. Maximize the potential impact of the Fort Ord National Monument Designation through strategic programming, marketing and branding effort.	A well programmed site leveraging the National Monument designation could serve as both a tourist attraction and local amenity improving real estate prospects and helping to fund public services.	No identified source of funds for capital or ongoing operations and maintenance funding.	Master/ Business Plan required to determine level of programming - i.e. visitor center, formal trail systems; monumentation; way finding; linkages to coastal lands, other attraction and amenities.
	Regional tourism boost would generate additional employment and other economic development opportunities.	Employment opportunities would be largely low paying, service sector jobs, contributing to ongoing issues of economic bifurcation, if pursued at the expense of other economic development initiatives.	Programming costs should be evaluated in context of the anticipated benefit in terms of tourist attraction, real estate value derived, etc.
	Increased regional tourism would also generate additional sales taxes and hotel taxes. Relatedly, increased regional tourism could generate market for additional regional retail and associated sales and use tax revenue.	Economic benefits of such facilities difficult to isolate and quantify, and are often overstated.	Master/ business plan would also consider potential funding sources for capital as well as annual operations and maintenance costs as a major consideration in determining programming levels.
	Regional benefit derived creates potential for broad capital and operations funding base (i.e. beyond Fort Ord).		
	Potential to create synergies with Veterans Cemetery, local museums, and other military related tourist venues.		
Provides opportunity for civic engagement through docent and other volunteer activities.			
5. Reduce overall scale of Fort Ord reuse plan in response to lower growth expectations.	Lower development level generates fewer demands for public services.	Reduced capacity to fund capital facilities affected by "step functions." Lower levels of growth may still trigger demand for certain facilities, but funding base would be reduced.	Adjustments to the land use program should be evaluated to quantify net fiscal impact, any temporal fiscal deficits, and ensure a viable mix of land uses.
	Potentially reduced demand for capital facilities (depending on threshold of demand for facilities).	Potentially deleterious impact on ability to fund HCP endowment.	Further study by TAMC / AMBAG necessary to evaluate implications for roadway system capacity improvements.
	Appropriate balance between commercial and residential product is critical to establishing a viable land use plan from both a market and fiscal standpoint.	To the extent that vested development rights consume scaled back land use capacity, opportunity to pursue other land use policy alternatives could be constrained.	Evaluate cost incidence of capital facilities - reduced demand from Fort Ord may shift cost burden to other areas of the County.
		Potential ongoing caretaker costs/ responsibilities on areas not developed.	Evaluate resulting capacity to fund required infrastructure.
6. Develop incentive program to encourage FORA jurisdictions to provide "beneficial" projects (e.g. green, clean, affordable or other desirable attributes not met by market).	Incentive program would be designed to promote concepts that resonate with buyers and could provide valuable marketing/ branding opportunity.	Unknown (depends upon nature of incentive program).	Identify and evaluate incentive program elements and mechanism (e.g. increase property tax increment returned to local jurisdictions).
			Further evaluate ongoing fiscal and economic impacts.

TMA

Chapter 8. BASE REUSE PLANNING AND CONSISTENCY DETERMINATIONS
Article 8.01 GENERAL PROVISIONS

8.01.010. REUSE PLAN.

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

Preliminary outline of responses to the issues raised in the Sierra Club's letter dated October 30, 2012.

Please refer to item 4 of Attachment B to this Board report for the full text of the Sierra Club's October 30 letter. The last paragraph of the October 30 letter refers to Section 7 of the Sierra Club's previous letter, dated August 31, 2012. Section 7 is attached at the end of this outline. FORA staff will formally respond to the Sierra Club's letter under a separate cover.

Withholding of consistency determinations:

- a) The FORA Act (California Government Code Section 67650-67700) defines FORA's consistency determination-related roles and responsibilities. Any future changes to consistency determination procedures for Board consideration must be consistent with these provisions of State law.
- b) The draft Reassessment Report includes a topic ("Clarify the Methodology for making Consistency Determinations and Track and Report the Results of Consistency Determinations,") and related policy options, for future Board consideration as a post-reassessment action item beginning in 2013. As part of any potential future procedural changes related to consistency determinations, the Board may wish to explore possibilities of incentivizing completion of jurisdictional policy and program obligations.
- c) Many of the yet-to-be-completed programs and policies are not yet "ripe" for completion, i.e., project development or other events that are the trigger to commence a program have not yet occurred. In some cases (Regional Urban Design Guidelines in particular) there are FORA responsibilities that remain to be completed before certain jurisdictional follow-up obligations can be met. Any future consideration of withholding FORA determinations based on jurisdictions' status of BRP policy/program completion would need to carefully account for which policies/programs were or were not capable of being completed by a certain date.

Category IV Policy Recommendations: Your recommendations regarding economic development and managing delays between project approval, site-clearing, and actual development are noted and appreciated. Please refer to the "errata" section for additional discussion that has been added to Category IV topics and policy options in the draft Reassessment Report regarding these subject areas.

Six requests from the previous Sierra Club Letter

- Items 1-5: Recommendations noted.
- Item 6, referring to **Section 7 on pages 5-6 of the August 31 letter, attached below:**
 - (1) Please refer to the "Modification of the BRP Land Use Concept Map" Category II topic on pages 3-19 to 3-22 of the draft Reassessment Report. Figure 7-2 in the

Scoping Report reflects an initial/illustrative draft of an updated Land Use Concept Map reflecting approved consistency determinations since 2001. Adopting an updated Land Use Concept Map that more precisely depicts the likely future land use development scenarios is an option for future, post-reassessment Board consideration.

- (2) The republished (Sept. 2001) BRP on FORA's web site is the most current publication of the BRP. The FORA/BRP land use designations applicable to a given site are based on the whole of the administrative record for actions on that site. The administrative record includes the published BRP as well as any consistency determinations that may have occurred subsequent to the BRP having been published. Should the Board wish to adopt a new Land Use Concept Map reflecting the approved consistency determinations per item (1) above, that action would simplify the discussion of what the BRP land use designations are on given sites.
- (3) FORA recognizes that the FORA Act and Chapter 8 of the Master Resolution provide mandatory criteria that guide the consistency determination process.
- (4) The footnote refers to Table 2-7 of the full market report (appendix). The footnote reference has been clarified.
- (5) Please refer to the table's footnotes 2 (entitled units) and 3 (resource-constrained 1997 BRP job projections). The projected "commercial" square footage supply, which also includes office, industrial, and R&D categories, was compiled from approved/entitled projects, FORA jurisdictions' development projections and General Plan designations, and typical lot-coverage development patterns within given land-use categories.
- (6) FORA's consistency determination process is clearly a discretionary process, within the parameters of the authorizing language. The statement on page 2-9 was intended to encourage interested parties to proactively participate in, and direct their plan- or entitlement-related concerns to, the jurisdictional review/approval process, which necessarily precedes the FORA consistency determination.
- (7) No digital data are known to exist for the system of numbered polygons (1 through 32) shown on the BRP Land Use Concept Map (2001) and referenced elsewhere in the BRP. Aligning and cross-referencing the 2001 polygon boundaries with current Dept. of Defense and County Tax Assessor's parcel lines has not proven necessary for purposes of the reassessment process. However, this cross-referencing of boundaries may become more germane in the context of potential future actions to modify the BRP, in which case staff will undertake to triangulate the data as time and staff resources permit.

Excerpt from the Sierra Club letter dated August 30, 2012
(please refer to item 7, below)

7. Sierra Club finds some passages in the Draft Scoping Report difficult to decipher plus we have questions about interpretation. We submit these questions so that they may be addressed in the Final Scoping Report.

- (1) It appears from explanations in the Scoping Report that when a project receives a consistency determination approval, the BRP gets amended to conform to project characteristics that otherwise would be inconsistent with the BRP. Is this really the way it works? If so, Sierra Club has serious concerns about such a practice.
- (2) With reference to the question above, it appears that this practice results in the BRP posted on FORA's website, which the Scoping Report in Chapter 4 on page 1-6 indicates is the digital version of the September 2001 BRP, as not in fact being the BRP as it has been subsequently amended, as explained on page 4-176. Is it true that the website BRP is not the actual BRP, and if so is there any way for the public to know what is in the actual amended BRP other than by sorting through scores of staff reports to figure out how the BRP was amended? In other words, is there an actual BRP that the public has never seen and has no reasonable way of knowing what it actually says?
- (3) The Scoping Report, Chapter 4, page 4-176, notes that "FORA staff has established procedures for conducting consistency determinations that augment the provisions of FORA Master Resolution Chapter 8." This part of Chapter 4 compares the BRP to a general plan and quotes the California Office of Planning and Research's (OPR) General Plan Guidelines definition for consistency, meaning that as long as the action, program, or project furthers the objectives and policies of the general plan, it can be deemed consistent. However, that is not what Chapter 8 says. The major benefit of the consistency determination standards in Chapter 8, Section 8.02.030 for the Sierra Club is that they establish mandatory criteria. In other words, they say that "the Authority Board *shall* disapprove any legislative land use decision for which there is substantial evidence supported by the record, that" (emphasis added) the project fails to meet any one or more of the eight criteria in this section of Chapter 8. These eight criteria are specified in subsection (a) for mandatory denial of approval. The

¹⁰ Ibid.

¹¹ CSUMB's comments at Appendix D-3, pg. 60.

¹² Appendix E (Market Study) at pg. 21.

mandatory requirement resulting from use of the word "shall" differs greatly from OPR's much more lenient consistency determination criteria, which is a basic reason for Sierra Club's settlement agreement. Does FORA take into consideration the stark difference between what Chapter 8 says about consistency determinations pertaining to consistency with the BPR as compared to what OPR says about consistency determinations pertaining to a general plan?

- (4) Chart 7 in Chapter 3 on page 3-4 of the Scoping Report has footnotes referring to Table 2-7. Please inform us where Table 2-7 can be found.
- (5) Chart 7 on page 3-4 has a column entitled "Projected Fort Ord Supply." Please inform us the origin of the projection; is it a projection found in the BRP, and if so where in the BRP? Is the word "projected" used in the column title intended to refer to the residential units and square footage that have already been entitled, or does it refer to the numbers of units, footage and jobs that were planned-for at some time in the past? and if so, at what time in the past and by whom?
- (6) Page 2-9 of the Scoping Report states: "Project-specific public comments are best directed to the relevant local jurisdiction, as the FORA Board does not have discretionary authority to review or approve entitlements for such projects." Does this mean that FORA believes its consistency determination review authority is merely ministerial rather than discretionary?
- (7) We approve of the BRP identifying areas by polygon numbers, such as is used in Figure 7.1 in the Scoping Report, because the reader can readily identify the area under discussion. However, we would find it helpful if a chart were added to the BRP showing the equivalent County Assessor Parcel Numbers (APN) and Department of Defense parcel numbers linked to the polygon numbers. That way, if a polygon consisted of several parcels with several owners, that fact could be easily discerned.

Attachment #1: Representative sample of portions of letters responding to the reassessment process.

Attachment #2: Map showing Army Urbanized Footprint and Base Reuse Plan Development Footprint Located Outside the Army Urbanized Footprint which is Figure 13 in Chapter 4 of the Scoping Report (page 4-237).

Attachment #3: Sierra Club's June 1, 2012 recommendations for the reassessment, review and consideration of the Fort Ord Base Reuse Plan.

Revised Table 18 (Final Scoping Report)

Ord Community Land Use Jurisdiction	SVGB Allocation (AFY)	Suballocations To	2011 Consumption Amount (AFY)	Suballocation/ Amount (AFY)	Remaining Amount (AFY)	Notes:
CSUMB	1,035		461	938	97	
		Campus Buildout projection to 2025	461	938		2007 Campus Master Plan FEIR
City of Del Rey Oaks	242.5		0	0	242.5	
		None	0	0		
City of Monterey	65				65	
		None	0	0		
County of Monterey	710		10	527.5	182.5	
		East Garrison 1	5	470		Allocation
		MPC	0	52.5		Allocation
		Ord Market	5	5		Allocation
		Whispering Oaks	0	0		Allocated 93 AFY, then revoked with the SP.
UCMBEST	230		1	0	229	
		UCMBEST Center	1	0		MCWD 10-year Annual Consumption Report (Consumption report)
City of Seaside	1,012.5		803	348.6	27.9	
		Sunbay Apts.	69	0		Consumption report
		Brostrum Park (Bayview)	59	0		Consumption report
		Seaside Highlands	166	168.5		Allocation
		Seaside Resort	1	161.4		Allocation
		Monterey College of Law	unknown	2.6		Allocation on 3/18/2004
		MPC	unknown	9.7		Allocation on 7/16/2009
		MPUSD	78			Consumption report

		Chartwell School	unknown	6.4		Allocation on 5/19/2005
		Main Gate	0	0		WSA totaled 207 AFY.
		Bayonet/Black horse Golf	430	0		Consumption report. Water not formally allocated by City, awaiting recycled water.
U.S. Army	1,582		686	0	896	
		None	686	0		
State Parks and Rec.	39.5		0	0	39.5	
		None	0	0		
City of Marina	1,325		258.15	1,053	72	
		Abrams Park	71	0		Consumption report
		Cypress Knolls	0	156		Allocation
		Marina Heights	9	293		Allocation
		Preston Park	103	0		Consumption report
		MPUSD	4	0		Consumption report
		Dunes on Monterey Bay	49	593		Allocation
		Rockrose Gardens	0	5		Allocation
		Airport	7	0		Consumption report
		MPC	unknown	6		Allocation
		Other existing	15.15	0		Consumption report
Marina Sphere	10		0	0	10	
		None	0	0		
Reserved to cover line loss	348.5			348.5		
Total GW:	6,600				1,861	

FORT ORD REUSE AUTHORITY (FORA)

STATEMENT OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Project/Action Description: Receipt of the Base Reuse Plan Reassessment final report (a status report and analysis of the adopted Fort Ord Reuse Plan, as amended, with discussion of policy topics and options for future Board consideration)

Project Proponent: FORA

Location: The subject action is a study relating to all lands within former Fort Ord.

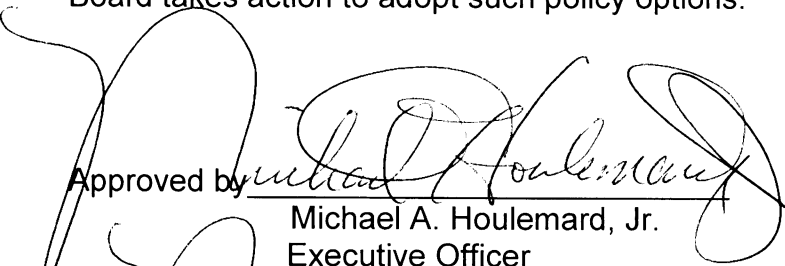
Determination: FORA staff has reviewed the action described above and determined it to be exempt from any further environmental review under CEQA, per the provisions listed below.

CEQA Guidelines Exemption Section:

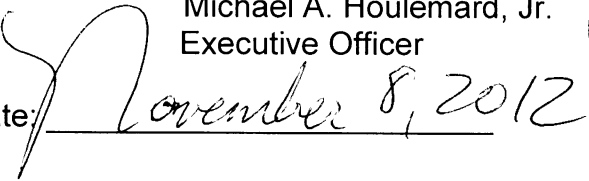
15262. Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.

Comments: The Reassessment Report is an informational summary regarding the process of assessing the adopted Base Reuse Plan. The reassessment process and report do not result in any changes to the physical environment. Receipt of the report has no binding effect on the Board to commit to any particular "post-reassessment" course of action. The report notes that various post-reassessment policy options that the Board may wish to consider implementing could result in new environmental impacts, and will be subject to the appropriate level of CEQA clearance if and when the Board takes action to adopt such policy options.

Approved by


Michael A. Houlemard, Jr.
Executive Officer

Date:


November 8, 2012

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

Subject:	Veterans Cemetery Parcel Land Use Designations	
Meeting Date:	November 16, 2012	ACTION
Agenda Number:	8d	

RECOMMENDATION(S):

Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery site as a consideration in the BRP Reassessment Report (draft report was completed in October 17, 2012) as a potential action item for consideration in January 2013. Legislative land use decisions and/or development entitlements and appropriate CEQA review by Monterey County and/or Seaside would need to be submitted for FORA Consistency review. FORA will not be the “lead agency” for this project and adopting this recommendation will not commit FORA to a “project” as defined in CEQA.

BACKGROUND:

At the September 14 FORA Board meeting, staff presented a report on implementing the FORA Board’s past direction and actions concerning land use designations on parcels related to future development of a Veterans Cemetery. The Veterans Cemetery site includes approximately 100 acres within Seaside and approximately 78 acres within unincorporated Monterey County. The individual parcels within the overall site and their current and proposed land use designations are described in Table 1, below (map with corresponding parcels “A” through “I” is provided in **Attachment A**).

Parcel Name (jurisdiction)	Approx. Acreage	Current BRP Land Use Designation(s)	“Proposed” BRP Land Use Designation(s)¹
a) Endowment Fund Opportunity Parcel (Seaside)	29.51	Open Space/Recreation	<i>SFD Low Density Residential</i>
b) Endowment Fund Opportunity Parcel (County)	2.03	SFD Low Density Residential	No Change
c) Ancillary Parcels (Seaside)	1.64	Open Space/Recreation	<i>Office/R&D</i>
d) Ancillary Parcels (County)	3.64	SFD Low Density Residential	<i>Open Space/Recreation</i>
e) CCCVC (Seaside)	32.22	Open Space/Recreation	No Change
f) CCCVC (County)	52.16	SFD Low Density Residential	<i>Open Space/Recreation</i>
g) Development Area with Habitat Restoration Opportunity (Seaside)	31.02	Open Space/Recreation	No Change
h) Development Area with Habitat Restoration Opportunity (County)	17.46	SFD Low Density Residential	<i>Open Space/Recreation</i>
i) Parker Flats Road and Parker Flats Cutoff	5.64	Open Space/Recreation	No Change

¹ Proposed changes would include text changes to the Open Space/Recreation designation expressly allowing cemetery use (italicized land use designations demonstrate proposed changes from current land use designations). These changes would clearly designate land uses compatible with the Veterans Cemetery, ancillary, and endowment parcels. Proposed land use designations are derived from the FORA, City of Seaside, and County of Monterey’s previously stated intent to change Veterans Cemetery Land Use designations, as described in the previous month’s Board report.

Right of Way (ROW) (Seaside)			
j) Parker Flats Road and Parker Flats Cutoff Right of Way (ROW) (Seaside and County)	2.66	SFD Low Density Residential (County)	No Change

Options 1-3: Staff's analysis and presentation at the September 14 Board meeting included three options for the Board's consideration and direction:

- 1) Await legislative land use decisions and/or development entitlements submitted from Monterey County and/or City of Seaside. Appropriate CEQA review to be initiated and paid for by the jurisdiction. This is FORA's normal process for undertaking Base Reuse Plan (BRP) revisions and approving consistency.
- 2) Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel as a consideration in the BRP Reassessment Report (draft report scheduled to be completed in October 2012) as a potential action item for consideration in January 2013. Legislative land use decisions and/or development entitlements and appropriate CEQA review by Monterey County and/or Seaside would need to be submitted for FORA Consistency review in the future.
- 3) For the Board to approve or adopt desired land use designation changes to the BRP Land Use Concept Map and BRP text amendments, staff recommends:
 - a. CEQA review be completed to accompany the proposed changes.
 - b. Authorize staff to recruit/select a professional consultant to do this work (requires additional budget).
 - c. Legislative land use decisions and/or development entitlements and appropriate CEQA review from Monterey County and/or Seaside would still need to be submitted for FORA Consistency review in the future.

Members of the public commented from a variety of perspectives on issues such as the planned uses of the site, the need for a local Veterans Cemetery, evolution of the cemetery as a broad-based community goal, site characteristics, and proximity to the National Monument.

Ultimately, the Board voted on a motion to direct staff to provide the Board with additional information regarding a fourth option that would allow designation of the Veterans Cemetery independent of taking action at this time regarding the Endowment Fund Opportunity parcels. The vote on the motion was not unanimous. The motion returned to the Board for a second vote on October 12, 2012 and did not pass. A new motion at this meeting directed staff to bring back Option #2 (see above) to the FORA Board for consideration at its November 16, 2012 meeting.

After October 12, 2012, FORA staff performed additional background research on the Veterans Cemetery site designation and found two relevant items concerning how the Veterans Cemetery site was included in the 1997 Base Reuse Plan (BRP) and BRP Final Program Environmental Impact Report (EIR):


- 1) December 13, 1996 FORA Board Packet Item 4a: "Approve Site For Veteran Cemetery On Former Fort Ord" (**Attachment B**)
- 2) Pages 80-82 of the BRP Final Program EIR/Volume II Response to Comments "Response to Letter 44" (**Attachment C**)

DISCUSSION:

Option #2 is the recommendation provided to the Board for consideration. Staff notes that the Draft BRP Reassessment Report includes Veterans Cemetery items for consideration under "Chapter 3: Topics and Options" pages 3-108 to 3-111.

Additional Board member discussion at the October 12, 2012 meeting centered on a need to articulate a funding strategy for the Veterans Cemetery. FORA staff has discussed this need with local agencies and California Department of Veterans Affairs (CDVA) representatives. Transfer of the Veterans Cemetery property to CDVA is a critical step to implementing an effective Veterans Cemetery funding strategy. Authority Counsel is currently working on drafting a transfer agreement between FORA and CDVA and anticipates bringing such an agreement to the FORA Board for consideration in the next few months. CDVA has now indicated that they will accept the property from FORA. Seaside and County of Monterey direction is needed for FORA to complete this task, as authorized by FORA's Implementation Agreements with Seaside and County of Monterey.

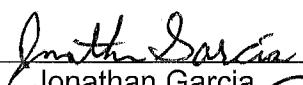
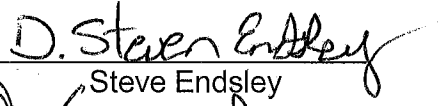
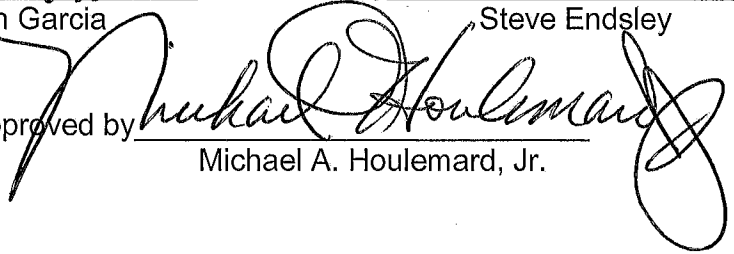
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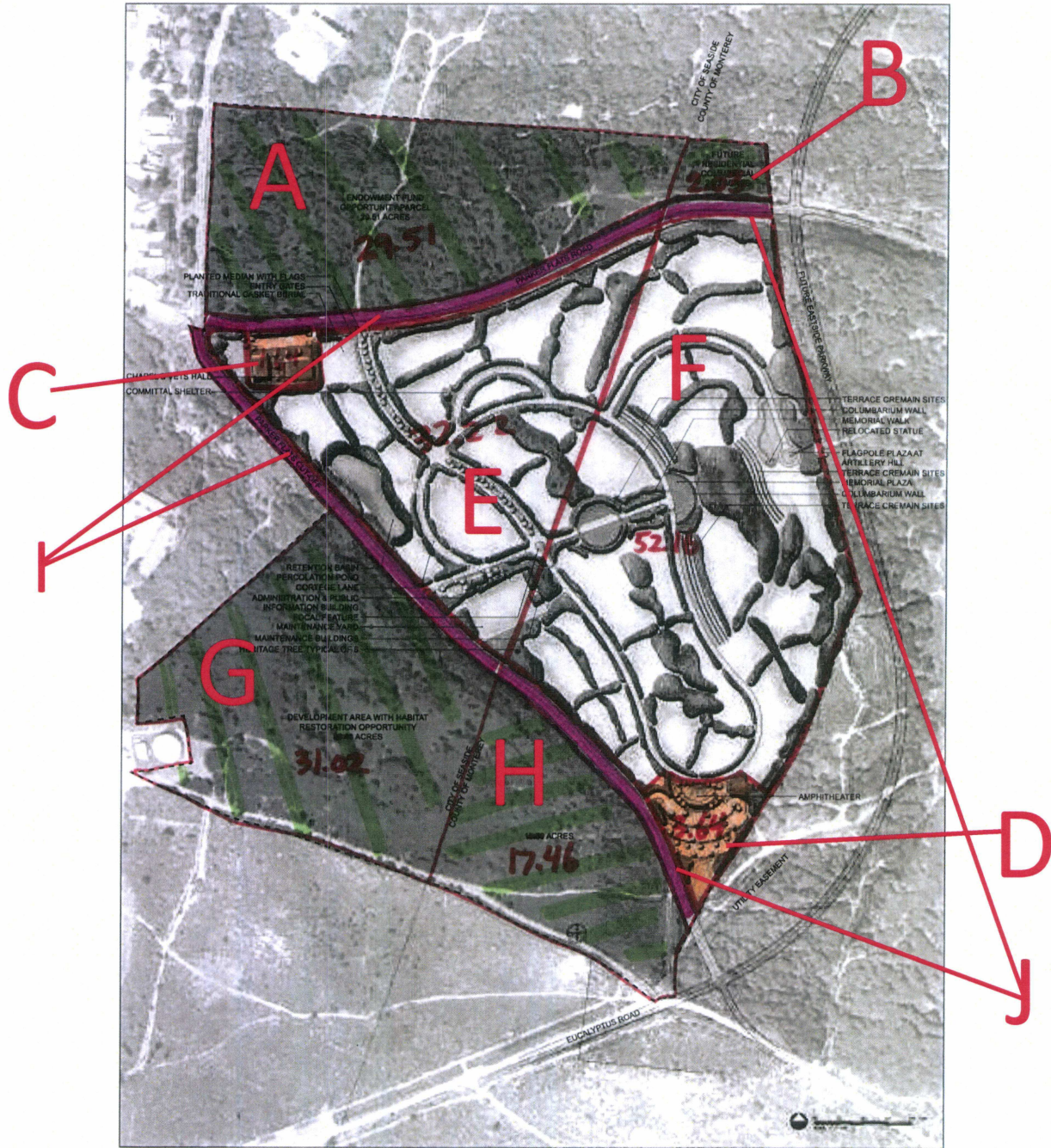
Reviewed by FORA Controller 

Staff time related to researching and reporting on this item is included in the FY12-13 budget.

COORDINATION:

Authority Counsel, CDVA, City of Seaside, Executive and Administrative Committees.

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



Phase 10 & Full Project Build Out

FORA BOARD REPORT

Subject: Approve Site For Veteran Cemetery On Former Fort Ord

Meeting Date: December 13, 1996

Agenda Number: 4 a

ACTION

RECOMMENDATION:

Approve, subject to the prior approval of Monterey County and the City of Seaside, the location for Veterans Cemetery on the former Fort Ord.

Direct FORA staff and consultants to modify the FORA Base Reuse Plan to include a cemetery at this location.

Direct FORA staff and consultants to consider the environmental impacts of a cemetery at this location in FORA's Final Environmental Impact Statement.

DISCUSSION:

State Senator-elect Bruce McPherson, in conjunction with retiring State Senator Henry Mello and Congressman Sam Farr, has sponsored a series of meetings seeking to find a location for a veterans cemetery on the former Fort Ord. A number of sites were examined by the veterans, Monterey County staff, Mayor Vocelka, Councilperson Perrine and staff from the City of Marina, Mayor Jordan and staff from the City of Seaside.

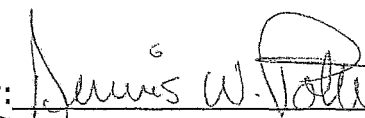
Monterey County, the City of Seaside and the veterans have agreed on the site shown on the attached map. The site involves land located in Monterey County and the City of Seaside.

Approval of this site will complete the site selection phase for establishment of a veterans cemetery. Development of the site is dependent on federal and state funding.

Work to obtain appropriate approval and funding from various state and federal agencies will be lead by Senator McPherson in cooperation with the area's state and federal legislators, Monterey County, City of Seaside, and FORA staff.

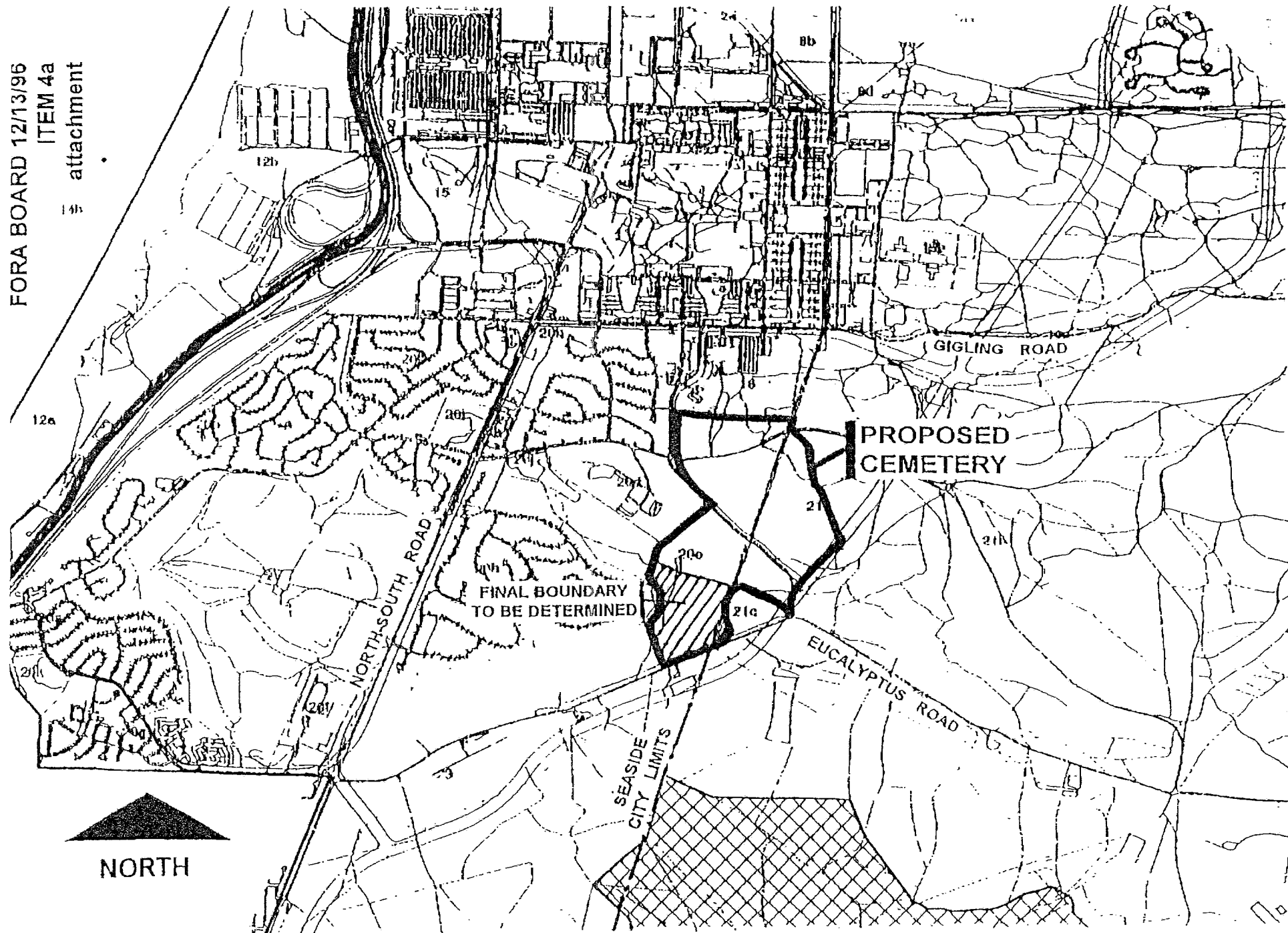
COORDINATION: Administrative Committee, Monterey County, City of Seaside, Senator McPherson's office.

Prepared by:


Dennis W. Potter

Approved:


Les White



Response to Letter 43

43-1. The commenter requests that the Reuse Plan result in no greater population than existed before closure of the military base.

The declaration of policy, Chapter 1 of law that establishes the Fort Ord Reuse Authority (SB 899), establishes four goals of the Authority Act: "1) To facilitate the transfer and reuse of the real and other property comprising the military reservation known as Fort Ord with all practical speed; 2) To minimize the disruption caused by the base's closure on the civilian economy and the people of the Monterey Bay area; 3) To provide for the reuse and development of the base area in ways that enhance the economy and quality of life of the Monterey Bay community; and 4) To maintain and protect the unique environmental resources of the area." (67651)

SB 899 was developed as a mechanism to allow cities directly impacted by base closure to create economic opportunities. These communities also have the option to provide for future population expansion and economic opportunities through development of the Reuse Plan or without a reuse plan, just as any other community is allowed to plan for its long-term future through a general plan. SB 899 does not specifically prohibit the reuse of Fort Ord to exceed the population that existed at Fort Ord in 1991 (i.e., approximately 31,000 people). In addition, SB 899 was not created with the intent to limit growth to a level commensurate with the economic activity that existed prior to the departure of the 7th Light Infantry Brigade. However, the FORA Board is required to consider the issue raised by the commenter.

43-2. The commenter is concerned about water resources. Refer to response to comment 8-5 and 21-1 for a growth management discussion.

Response to Letter 44

44-1. Commenter requests a 13-acre cemetery. It is the prerogative of each community to determine where a cemetery, if any, would be most appropriate. Monterey County recently endorsed its support of a veteran's group in their application for property to develop a national cemetery at Fort Ord. The veteran's group wants to create a veterans cemetery on a 156-acre site at Fort Ord which would overlap onto both the county's and the City of Seaside's jurisdictions.

The low density residential (nomenclature used in Reuse Plan is "SFD") land use category contained in Table 3.4-1 - *Permitted Range of Uses for Designated Land Uses* - (Context and Framework document (Volume I, page 3-50)), permitted range of uses will be amended to permit cemeteries. The reader is referred to the Changes to the Reuse Plan section below.

The area currently proposed for a future 156-acre cemetery could be the area bound on the east side by the future Eastside Road and bound on the south side by Polygon

21c and the future Eastside Road. On the west side the cemetery boundary cuts to the north past the most easterly boundary line of Polygon 20h and to the easterly boundary of Polygon 20d and then to the connector road between Giggling Road to the north and the future Eastside Road to the south, where the proposed cemetery boundary then follows this connector road to the north to the southwest corner of Polygon 16. The north side cemetery boundary then traverses along the south side of Polygon 16 to the east where, at the City of Seaside/Monterey County, the cemetery boundary drops to the southeast and diagonally across Polygon 21a and connects to the future Eastside Road.

A portion of the proposed cemetery location is within the proposed POM housing enclave in the city of Seaside's jurisdiction and a portion within Monterey County's proposed low density single-family residential area. If a cemetery were built, the impacts of the proposed cemetery must be considered in light of potential impacts associated with the proposed land uses the cemetery would displace. It is expected that the county would transfer the potential residential development lost as a result of a cemetery to another location within county jurisdiction. This is expected to occur in county Polygons 21a and 21b. The displacement of housing units in Seaside's jurisdictions could be off-set by increasing slightly the residential densities throughout Seaside's residential polygons.

The primary impacts associated with this proposed land use pertains to transportation and biological issues.

Biological impacts and the loss of sensitive species and habitats have been adequately addressed in the Habitat Management Plan (HMP). The HMP describes a cooperative federal, state, and local program of conservation for plant and animal species and habitat of concern known to occur at Fort Ord. The HMP establishes a long-term program for the protection, enhancement and management of all HMP resources with a goal of no net loss of HMP populations while acknowledging and defining an allowable loss of such resources through the land development process. The HMP establishes the conditions under which the disposal of Fort Ord lands to public and private entities for reuse and development may be accomplished in a manner that is compatible with adequate preservation of HMP resources to assure their sustainability in perpetuity. Therefore, the HMP establishes performance standards for all future developments to implement.

As it pertains to the transportation impacts associated with the cemetery, the cemetery will result in fewer traffic impacts than the traffic impacts that would otherwise have been associated with housing (Keith Higgins, pers. com., December 12, 1996). For example, based on the Trip Generation document of the Institute of Transportation Engineers (1991 edition), the highest average vehicle trip end generation rate per acre associated with a cemetery is 4.28 and occurs on Saturday. By comparison, low density residential units' average trip end is 10 per unit. Since there are projected to be up to 5 units per acre, the comparative impact, as measured on a per acre basis, will be much greater for residential uses than for a cemetery (4.28 per acre for a cemetery versus 50 per acre for low density residential).

The development of the cemetery will displace residential units and result in a higher concentration of residential units in the county's Polygons 21a and 21b. However, this is not expected to increase the level of impact on area roadways and will not change the conclusions of the modeled traffic scenarios used in the Reuse Plan and EIR, because the residential traffic, regardless of where it is located in the County jurisdiction of Fort Ord, will be using the same roadways.

The addition of a cemetery is not considered to be a significant change in the project description. Therefore, recirculation of the EIR will not be required. CEQA Guidelines Section 15088.5(a) states that new information in an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an affect (including a feasible project alternative). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

"Significant new information" requiring recirculation include, for example, a disclosure showing that:

- a) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- b) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- c) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- d) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The addition of a cemetery is not considered to be a substantial environmental impact based on the above discussion. Therefore, the inclusion of as cemetery as a permitted use in the Fort Ord jurisdiction's residential land use categories is not considered to be a justification for recirculating the EIR.

Changes to the Reuse Plan

Volume I. Page 3-50. Table 3.4-1. Amend each of the residential land uses category "Permitted Range of Uses" to include the following: cemeteries.

Response to Letter 45

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Adjustment to FY 2012/13 Budget – Legal Expenses	
Meeting Date:	November 16, 2012	ACTION
Agenda Number:	8e	

RECOMMENDATION:

Approve additional funding for required legal expenses.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (“FORA”) Board of Directors has authorized legal representation in several ongoing cases and, in two circumstances, anticipated litigation. The impact of these unexpected legal matters has now approached the FORA budgeted limit. In addition, the Board has authorized a settlement of one of the ongoing litigation matters that also exceeds the budget for legal matters. It is expected that these litigation matters will continue and require an authorization of an additional \$375,000 to meet those legal representation requirements. This does not, at this time take into account legal actions such a cross-complaints for/recovery of attorney’s fees, claims for third party responsibility, or other settlement provisions that may occur.

FISCAL IMPACT:

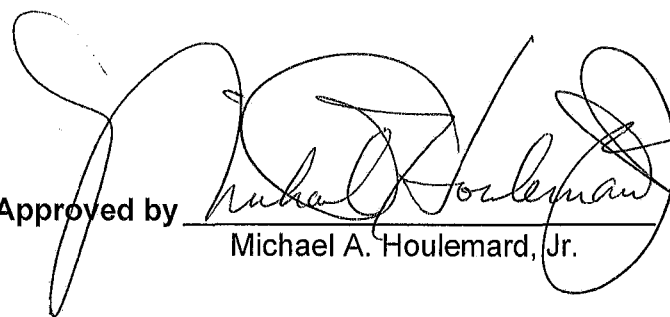
Reviewed by FORA Controller 

The approved FY 12-13 budget allocates \$125,000 for legal/litigation expenses; about \$102,500 has been spent by the end of September. The requested additional funds of \$375,000 are expected to cover any remaining legal obligations through the fiscal year end. This additional cost will most likely be covered by the FORA reserves. The full impact of this budget adjustment will be discussed during the mid-year budget review.

COORDINATION:

The FORA Board (closed sessions), Executive Committee, Special Counsel.

Prepared by 
Jerry Bowden

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject: 2013 FORA Legislative Agenda

Meeting Date: November 16, 2012

Agenda Number: 9a

ACTION

RECOMMENDATION:

Adopt the 2013 Fort Ord Reuse Authority ("FORA") Legislative Agenda (**Attachment A**).

BACKGROUND/DISCUSSION:

Since 2000, Legislative Committee has solicited legislative, regulatory, policy and/or resource allocation suggestions from the jurisdictions, which will enhance and move forward the reuse and redevelopment of the former Fort Ord. This year, FORA staff has worked with JEA and Associates (FORA's legislative representatives in Sacramento), staff from FORA jurisdictions and Federal/State legislative offices to revise existing policies and to recommend items that will address the current status of funding opportunities and program changes. The Legislative Committee reviewed, considered and approved the 2013 Legislative Agenda at their October 29th meeting. On November 7, 2012 the Administrative and Executive Committees recommended several amendments to the document, which are included as red-lined additions to the attached draft 2013 Legislative Agenda.

The items on the annual Legislative Agenda serve as the focus of the annual Legislative Mission to Washington, DC, which usually occurs in early spring. Selected FORA Board and staff members travel to the nation's capital to meet with key legislative, military, and governmental leaders to discuss FORA's positions and needs. It is possible that the Executive Officer may recommend a more focused Federal Legislative Mission in 2013 – given funding opportunity limitations. The approved Legislative Agenda, however, stands as a statement of FORA's legislative, regulatory, policy and/or resource allocation needs.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget. It is anticipated that the legislative/coordination work associated with the Fort Ord National Monument, California Central Coast Veterans Cemetery and the capital program may require additional funding for consultant and travel costs.

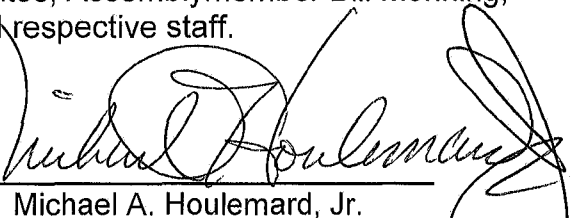
COORDINATION:

Legislative and Executive Committees; JEA & Associates; Assemblymember Bill Monning; Congressman Sam Farr; Senator Sam Blakeslee; and respective staff.

Prepared by


Lena Spilman

Approved by


Michael A. Houlemard, Jr.

Fort Ord Reuse Authority 2013 Legislative Agenda

Attachment A to Item 9a
FORA Board Meeting, 11/10/2012

DRAFT (As of 11/07/12)

The purpose of this report is to outline legislative tasks FORA will pursue in 2013. The 2013 Fort Ord Reuse Authority ("FORA") Legislative Agenda defines Board/ policy legislative, regulatory, or federal/state resource allocation positions. The Legislative Agenda supports the Reuse Plan by replacing the former Fort Ord military regional economic support with comparable level civilian programs. The Legislative Agenda in this report is meant to assist state and federal agencies/legislative offices regarding such things as property transfer, economic development, environmental remediation, habitat management, and infrastructure and mitigation funding. The order in which the tasks are given in this report does not imply rank order priorities. Each item is considered a "priority" in achieving FORA's objectives.

A. VETERANS CEMETERY. Continue support for the California Central Coast Veterans Cemetery ("CCCVC") development on the former Fort Ord and implement the terms of recently enacted State Law AB1757 (2010), AB629 (2011), and AB1842 (2012).

ISSUE: Burial space for California Central Coast veterans is inadequate. Former Fort Ord is centrally located with a site designated in the 1990s for a new veterans' cemetery. Assembly member Bill Monning authored legislation to help finance the State Veterans Cemetery on former Fort Ord. The new state laws allow FORA to assist in generating money needed to develop the veterans' cemetery. A significant amount of coordination must occur between FORA and California Department of Veterans Affairs (CDVA) to carry out CDVA's expanded contracting authority to contract with FORA for completion of cemetery design and construction.

- **Benefits:** The CCCVC would provide burial space for the region's approximately 50,000 veterans. Congressman Sam Farr has worked to sustain this cemetery in its current location as a top priority for funding.
- **Challenges:** Although the Federal government reimburses the entire cemetery construction cost, the State of California must apply for inclusion in the State Veterans Cemetery program before initiating construction. The cost of design and processing is expected to be more than \$2M – with FORA's help that cost could be contained by 25%. Implementing recently enacted State Law (AB1757, AB629, and AB1842) will require FORA to work closely with California Department of Veterans Affairs, CA Department of General Services and, potentially, close coordination with other state entities. Operating and maintaining the CCCVC (estimated at \$200,000 +/- per year) must have a guaranteed payer to the trust account/endowment.
- **Proposed Position:**
 - Support implementation of AB1842, budget actions and funding options to design, build and operate the CCCVC;
 - Support efforts to sustain priority standing for the CCCVC with the CA and US Departments of Veterans Affairs; and
 - Insist on continued vigilance and cooperation among the regulatory agencies.

B. NATIONAL MONUMENT. Help implement federal National Landscape Conservation System ("NLCS") designation for the former Fort Ord Bureau of Land Management ("BLM") Natural Resource Management Area. President Barack Obama has designated the former Fort Ord Public Lands as the "Fort Ord National Monument." Supporting the

implementation of trails access and munitions and explosives removal on certain portions of the National Monument remains crucial.

ISSUE: Habitat Conservation Plan (“HCP”) approval and implementation are essential to former Fort Ord reuse and will support the National Monument. Advancing access will connect the National Monument to other venues in the Monterey Bay. State and National funding and further recognition are critical.

- **Benefits:** National attention to the unique flora, fauna and recreational resources found on Fort Ord National Monument supports Fort Ord Habitat Management Plan and HCP preservation. Since availability of public and private grant funding fluctuates, having an appropriate national designation emphasizes the national significance of BLM’s former Fort Ord property to potential donors and other funding sources. By advocating for the BLM National Monument designation, FORA has supported the BLM mission and former Fort Ord recreation and tourism, helping BLM become more competitive for resources.
- **Challenges:** Each year, the local BLM office competes nationally to receive public and private grants and federal appropriations that support its mission.
- **Proposed Position:** Continue support – work with Congressman Farr’s office to introduce/sponsor funding support for former Fort Ord conservation, trails, etc.

C. AUGMENTED WATER SUPPLY. Work with local and regional agencies to secure State and Federal funding to augment FORA’s water supply capital needs.

ISSUE: The FORA Capital Improvement Program includes approximately \$45,000,000 to fund the Regional Water Augmentation Program for the necessary Base Reuse Plan supplemental water needs for complete build-out. Securing funds to assist this requirement could help the timely implementation of the recycled water and desalination water facilities.

- **Benefits:** Development permitted under the Base Reuse Plan, depends on an augmented water supply project. Additional grant funding could reduce acre-feet per year costs of securing water resources for the jurisdictions and reduce the hefty capital charges that may otherwise be required.
- **Challenges:** Competing water projects throughout the Region and State for scarce money. No current federal program exists for this funding.
- **Proposed Position:** Support and coordinate efforts with Marina Coast Water District (MCWD), Monterey County Water Resources Agency (MCWRA), Monterey Regional Water Pollution Control Agency (MRWPCA), other agencies and FORA jurisdictions for securing funding and/or to endorse the use of other fund mechanisms proposed for this purpose. Continue to work with MCWD to ensure that they fulfill their contractual obligation for water augmentation.

D. TRANSPORTATION IMPROVEMENTS. Work with the Transportation Agency for Monterey County (“TAMC”) and local jurisdictions to secure transportation funds.

ISSUE: The FORA Capital Improvement Program requires capital and monetary mitigations of more than \$112,000,000 for transportation infrastructure on and proximate to the former Fort Ord. Some of this funding requires a local, or other, match from the appropriate regional or state transportation body to bring individual projects to completion.

- **Benefits:** The timely installation of required on-site, off-site and regional roadway improvements supports accommodating development impacts and maintaining and improving levels of service vital to the regional economy.

- **Challenges:** Applying scarce transportation funds to the appropriate projects to optimize transportation system network enhancements. Remaining federal and state programs offering grants or low cost resources are dwindling and increasingly competitive.
- **Proposed Position:** Support and coordinate with TAMC, FORA jurisdictions and others for state infrastructure bonds, federal authorization or other grant/loan/low cost resources.

E. BASEWIDE AND CSUMB BUILDING REMOVAL IMPACTS. Lobby for state funds to mitigate the regional impacts caused by development of CSUMB. Support California State University's ("CSU's") requests for campus impact mitigation funds for the CSU Monterey Bay ("CSUMB") campus. Coordinate with CSUMB on requests for building removal and contaminant waste abatement on the campus and elsewhere on the former Fort Ord.

ISSUE:

1. In July 2006, the State of California Supreme Court ruled that CSU must mitigate off-campus impacts from CSUMB campus development/growth. In order to fund its obligations, CSU requests funds from the State Legislature.
 2. Contaminated building removal is a significant expense to CSUMB (\$26 million) and other former Fort Ord land use entities (\$43 million). A coordinated effort is more likely to achieve funding success and in both FY 2010-2011 and 2011-2012 FORA assisted CSUMB in making application for funding from DOD to fund certain building removal efforts.
- **Benefits:** Supporting state budget approval of off-campus mitigation impact funding requests helps address CSU's fair share contribution. Similarly, a coordinated effort to secure building removal resources will help all levels of the regional reuse program.
 - **Challenges:** Competition for state funds will be keen. CSUMB is only one in the 23-campus system – all seeking capital and other funds.
 - **Proposed Position:** Support state budget off-campus impact and building removal earmarks requested by CSU for the CSUMB campus and continue coordination with CSUMB for federal support. Support funding for research on the scope and scale of building removal as compares to others in the nation. Support funding to clear buildings in areas slated for development.

F. POLICE ACADEMY PUBLIC SAFETY OFFICER TRAINING. Work with the County of Monterey to assist Monterey Peninsula College ("MPC") to obtain capital and program funding for its former Fort Ord Public Safety Officer Training Programs.

ISSUE: FORA/County agreed to assist MPC in securing program funds in 2003.

- **Benefits:** The Public Safety Officer Training Program is an important component of MPC's Fort Ord reuse efforts, and will enhance public safety training at the regional and state levels. Adequate funding is critical.
- **Challenges:** Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted.
- **Proposed Position:** Pursue legislative or other actions to support MPC efforts to secure funding sources.

G. HABITAT CONSERVATION PLAN. Continue/enhance ongoing coordination with Congressional and state legislative representatives to secure approval of the Habitat Conservation Plan (“HCP”).

ISSUE: HCP approval remains critical to former Fort Ord reuse. Alternatives to a basewide HCP are costly and time consuming and do not effectively serve the goal of managing or protecting endangered species.

- **Benefits:** HCP approval is essential to protecting habitat and effectively developing jobs and housing for the region.
- **Challenges:** Processing the HCP in past ten years has been frustrating and costly. Insufficient federal and state agency resources and overlapping regulatory barriers have thwarted the HCP process.
- **Proposed Position:** Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing

H. REUSE FINANCING. Support statewide efforts to create local jurisdictions financing tools to assist reuse and recovery of former military bases.

ISSUE: The loss of “Redevelopment Financing” as a tool to implement base closure recovery was a heavy blow to FORA’s member jurisdictions that need financial tools to support economic reuse/development initiatives.

- **Benefits:** Sufficient funding resources for the reuse and recovery from former Fort Ord closure and other military bases. Funding support for habitat management protection, building removal, or other infrastructure demands associated with the reuse programs.
- **Challenges:** Obtaining agreement to use tax or special district funds to create special financing districts to support targeted economic recovery, affordable housing and/or infrastructure in the climate of limited resources. Currently, there is an unclear transition process regarding the demise of prior redevelopment agencies that may generate litigation.
- **Proposed Position:** Support legislation reactivating local agency processes for economic development; support establishment of Military Base Reuse Recovery Zones; provide leadership on these initiatives.

I. LEGISLATIVE COOPERATION. Coordinate efforts with other Monterey Bay agency legislative issues.

ISSUE: Monterey-Salinas Transit, Transportation Agency for Monterey County and the County of Monterey have adopted legislative programs, some will have Fort Ord reuse impacts.

- **Benefits:** Collaborative efforts for funding by agencies involved in the same or interdependent projects will increase the chances to obtain critical funding and also be enhanced by partnering matching funds.
- **Challenges:** State and federal funding is limited and competition for available funds will be keen.
- **Proposed Position:** Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Outstanding Receivables

Meeting Date: November 16, 2012

Agenda Number: 10a

INFORMATION

RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update as of October 31, 2012.

BACKGROUND/DISCUSSION:

FORA has one outstanding receivable. The Late Fee policy adopted by the FORA Board requires receivables older than 90 days be reported to the Board.

	Item Description	Amount Owed	Amount Paid	Amount Outstanding
City of Del Rey Oaks	PLL Loan Payment 09-10	182,874	-	182,874
	PLL Loan Payment 10-11	256,023	-	256,023
	PLL Loan Payment 11-12	256,023	-	256,023
	<i>DRO Total</i>			694,920

City of Del Rey Oaks (DRO)

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

Payment status: First Vice Chair Mayor Edelen informed both the Board and Executive Committee that DRO has selected a new development partner to meet this obligation. DRO is currently negotiating this item with the development entity, which is expected to be signed this month.

FISCAL IMPACT:

FORA must expend resources or borrow funds until receivables are collected. The majority of FORA revenues come from member/jurisdiction/agencies and developers. FORA's ability to conduct business and finance its capital obligations depends on a timely collection of these revenues.

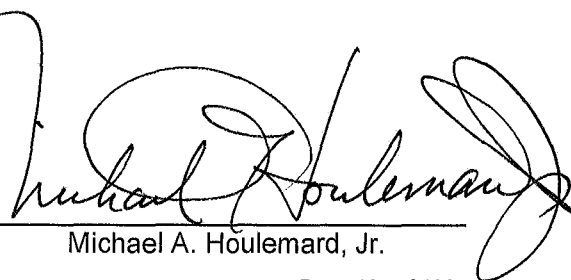
COORDINATION:

Executive Committee

Prepared by


Ivana Bednarik

Approved by


Michael A. Houlemard, Jr.

RETURN TO
AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Legislative Report

Meeting Date: November 16, 2012

Agenda Number: 10b

INFORMATION

RECOMMENDATION:

Receive report from Executive Officer.

BACKGROUND/DISCUSSION:

The Legislative Committee met on October 29, 2012, at which time they reviewed, considered, and approved the draft 2013 FORA Legislative Agenda. At this time, the Legislative Committee has no meetings scheduled for the remainder of 2012. Attached please find the draft October 29, 2012 Legislative Committee minutes (**Attachment A**).

FISCAL IMPACT:

Reviewed by the FORA Controller 

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

COORDINATION:

Legislative Committee

Prepared by  Approved by 

Lena Spilman

Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

920 2nd Ave., Ste. A * Marina, CA 9
Phone: (831) 883-3672 • Fax: (831) 883-3675

Attachment A to Item 10b
FORA Board Meeting, 11/16/2012

LEGISLATIVE COMMITTEE MEETING

Monday, October 29, 2012 - 1:00 p.m.
FORA Conference Room
920 2nd Street, Ste. A Marina, CA

Minutes

1. CALL TO ORDER

Vice-Chair Edelen called the meeting to order at 1:03 p.m., noting a quorum present.

ROLL CALL

The following members, and others, were present:

Members Present:

Vice-Chair/Mayor Edelen (City of Del Rey Oaks)
Mayor Pendergrass (City of Sand City)
Mayor Pro-Tem O'Connell (City of Marina)

FORA Staff:

Michael Houlemard
Steve Endsley
Lena Spilman
Robert Norris

Others Present:

John Arriaga (JEA & Associates) *via phone*
Rochelle Dornatt (17th Congressional District) *via phone*
Nicole Charles (27th State Assembly District)
Justin Wellner (CSUMB)

2. PUBLIC COMMENT

No comments were received.

3. APPROVAL OF THE APRIL 30, 2012 MEETING MINUTES

The Committee directed staff to return the minutes of the April 30, 2012 meeting to the next Legislative Committee meeting.

4. REPORTS FROM THE LEGISLATIVE OFFICES

The Committee heard the following items out of agenda order.

c. 27th State Assembly

Nicole Charles discussed the legislative calendar and stated that her office would have nothing further to report until after November.

b. 15th State Senate District

There was no representative present from the 15th State Senate District.

a. 17th U.S. Congressional District

The Committee received a legislative report from Rochelle Dornatt.

5. NEW BUSINESS

a. Review Draft 2013 FORA Legislative Agenda

Executive Officer Michael Houlemard reviewed the Draft 2013 FORA Legislative Agenda and received comments from the Committee.

MOTION: Mayor Pro-Tem O'Connell moved, seconded by Mayor Pendergrass, and the motion passed unanimously to approve the Draft 2013 Legislative Agenda, as amended.

b. Consider Potential for a Local U.S. Senate Hearing on Contaminated Military Sites Hosted by Senator Barbara Boxer

Mr. Houlemard explained that the Fort Ord Environmental Justice League had requested a local hearing regarding clean-up of contaminated military sites. The Committee expressed a desire for more information regarding the item and directed staff to coordinate with Rochelle Dornatt to follow-up with Senator Boxer's staff, the Association of Defense Communities and the National Association of Defense Contractors.

6. ANNOUNCEMENTS/CORRESPONDENCE

Mr. Houlemard noted that staff had received a letter from Senator Boxer's office, thanking FORA for their assistance in coordinating her recent visit to the Fort Ord National Monument.

John Arriaga provided a brief overview of the legislative calendar for the remainder of 2012.

7. ADJOURNMENT

Vice-Chair Edelen adjourned the meeting at 2:06 p.m.

Minutes taken and prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee Report	
Meeting Date: November 16, 2012	INFORMATION
Agenda Number: 10c	

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The approved minutes from the October 3, 2012 (**Attachment A**) and October 17, 2012 (**Attachment B**) Administrative Committee meetings are attached for your review. Also attached are the draft minutes from the October 31, 2012 Joint Administrative/Capital Improvement Program Committee meeting (**Attachment C**)


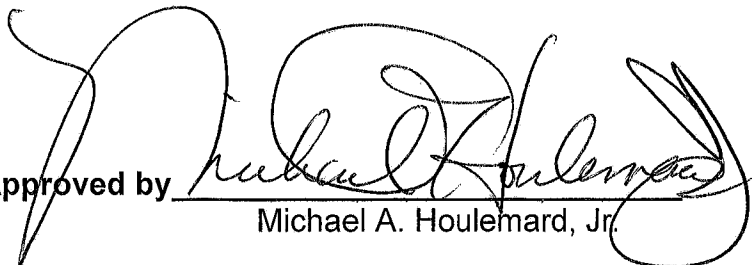
FISCAL IMPACT:

Reviewed by the FORA Controller 

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

COORDINATION:

Administrative Committee

Prepared by  Approved by 
Lena Spillman Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

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

Attachment A to Item 10c
FORA Board Meeting, 11/16/2012

ADMINISTRATIVE COMMITTEE MEETING
8:15 A.M. WEDNESDAY, OCTOBER 3, 2012
910 2nd Avenue, Marina CA 93933 (on the former Fort Ord)

MINUTES

APPROVED

1. CALL TO ORDER

Co-Chair Michael Houlemard called the meeting to order at 8:17 a.m. The following were present, as indicated by signatures on the roll sheet:

John Dunn, City of Seaside*
Elizabeth Caraker, City of Monterey*
Doug Yount, City of Marina*
Carl Holm, County of Monterey*
Tim O'Halloran, City of Seaside
Sid Williams, United Veteran's Council
Pat Ward, Bestor Engineers, Inc.
Mike Zeller, TAMC
Beth Palmer, Monterey Downs
Patrick Breen, MCWD
Kelly Cadiente, MCWD
Bob Schaeffer, MCP
Bob Rench, CSUMB

Vicki Nakamura, MPC
Bill Collins, BRAC
Michael Groves, EMC Planning
Kathleen Lee, Sup. Potter's Office
Graham Bice, UCSC

Michael Houlemard, FORA
Steve Endsley, FORA
Stan Cook, FORA
Jim Arnold, FORA
Crissy Maras, FORA
Lena Spilman, FORA

* Voting Members

2. PLEDGE OF ALLEGIANCE

Sid Williams led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Houlemard announced that Governor Brown had signed AB 1614 and AB 1842 into law. Bill Collins stated the Army BRAC Office completed its third 5-year review, which had been signed by the Environmental Protection Agency. Vicki Nakamura announced that Monterey Peninsula College planned to host an open house Saturday, October 6, 2012, in honor of the institution's 65th Anniversary. Michael Groves reviewed the timeline for the Reassessment process, which included a special Board workshop to be held October 30, 2012.

a. September 20, 2012 Letter to Marina Coast Water District regarding Budget Reductions

Assistant Executive Officer Steve Endsley discussed the purpose of the letter and summarized the previous Board action relating to the FY 2012/13 MCWD budget and rates. He noted that the MCWD Board of Directors had requested a joint Board meeting to facilitate further coordination between the agencies regarding the matter.

4. PUBLIC COMMENT PERIOD

Sid Williams, United Veterans Council, submitted a written request for inclusion of the United Veterans Council on the FORA Board (attached).

5. APPROVAL OF SEPTEMBER 5, 2012 MEETING MINUTES

MOTION: John Dunn moved, seconded by Carl Holm, and the motion passed unanimously to approve the September 19, 2012 Administrative Committee meeting minutes as presented.

6. OCTOBER 12, 2012 FORA BOARD MEETING AGENDA REVIEW

Mr. Houlemard led a review of the items on the October 12, 2012 FORA Board agenda. He noted that Assemblymember Monning had requested to provide a brief update regarding AB 1614 and AB 1842 and that the Item 5b had been moved to the Old Business section of the agenda. The Committee recommended to the Executive Committee that the United Veterans Council request be agendized as correspondence on October 12, 2012 Board agenda.

7. OLD BUSINESS

a. Master Resolution/Settlement Agreement Compliance – Deed Notifications Update

Real Property and Facilities Manager Stan Cook provided a status update regarding outstanding deed notifications required to be completed by the jurisdictions.

8. ADJOURNMENT

Mr. Houlemard adjourned the meeting at 8:52 a.m.

Minutes Prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr., Executive Officer



Fort Ord Reuse Authority

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

Attachment B to Item 10c
FORA Board Meeting, 11/16/2012

ADMINISTRATIVE COMMITTEE MEETING
8:15 A.M. WEDNESDAY, OCTOBER 17, 2012
910 2nd Avenue, Marina CA 93933 (on the former Fort Ord)

MINUTES

APPROVED

1. CALL TO ORDER

Co-Chair Michael Houlemard called the meeting to order at 8:15 a.m. The following were present, as indicated by signatures on the roll sheet:

John Dunn, City of Seaside*
Doug Yount, City of Marina*
Carl Holm, County of Monterey*
Dan Dawson, City of Del Rey Oaks*
Tim O'Halloran, City of Seaside
Hiedi Burch, City of Carmel
Bob Rench, CSUMB
Anthony Lombardo, ACA/Bayview
Andy Sterbenz, MCWD
Sid Williams, United Veteran's Council
Pat Ward, Bestor Engineers, Inc.
Bill Collins, BRAC
Bob Schaeffer, MCP
Todd Muck, TAMC

Graham Bice, UC MBEST
Vicki Nakamura, MPC
Beth Palmer, Monterey Downs
Brian Boudreau, Monterey Downs
Michael Groves, EMC Planning
Kathleen Lee, Sup. Potter's Office

Michael Houlemard, FORA
Steve Endsley, FORA
Darren McBain, FORA
Stan Cook, FORA
Jim Arnold, FORA
Crissy Maras, FORA
Lena Spilman, FORA

* Voting Members

2. PLEDGE OF ALLEGIANCE

Doug Yount led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Co-Chair Houlemard discussed several recent reports of vandalism to the Carpenters Hall occurring after FORA Board meetings. Senior Planner Jonathan Garcia announced that the draft Reassessment report would be distributed at the meeting. Andy Sterbenz announced that in light of Carl Niizawa's recent passing he had been appointed as Interim MCWD District Engineer.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF OCTOBER 3, 2012 MEETING MINUTES

MOTION: John Dunn moved, seconded by Doug Yount, and the motion passed unanimously to approve the October 3, 2012 Administrative Committee meeting minutes as presented.

6. OCTOBER 12, 2012 FORA BOARD MEETING FOLLOW UP

Co-Chair Houlemard provided an overview of the October 12, 2012 FORA Board meeting. Mr. Garcia stated that a special Board Workshop had been scheduled for October 30, 2012 to receive public input regarding the draft Base Reuse Plan Reassessment Report.

7. OLD BUSINESS

a. Master Resolution/Settlement Agreement Compliance – Deed Notifications Update

Real Property and Facilities Manager Stan Cook provided a status update regarding outstanding deed notifications required to be completed by the jurisdictions.

8. NEW BUSINESS

a. CSUMB Request to Prioritize 8th Street Funding in the FY 2013/14 FORA Capital Improvement Program

Bob Rench, CSUMB, communicated CSUMB's concerns regarding the need to mitigate increased traffic along Intergarrison Road.

MOTION: Doug Yount moved, seconded by John Dunn, and the motion passed unanimously to schedule a special meeting of the Joint Administrative/Capital Improvement Program Committee for October 31, 2012 to discuss FORA's Transportation Program.

b. Bay View Community Water Service – Potential FORA Board Appeal

Anthony Lombardo, Legal Counsel for the Bay View community, addressed the Committee regarding MCWD's denial of Bay View's request to assume ownership and responsibility for the Bay View water distribution system. Mr. Sterbenz provided background information regarding the issue.

The Committee requested the two parties resume discussions and return to report their progress at a future Committee meeting. Both parties agreed.

9. ADJOURNMENT

Michael Groves, EMC Planning, distributed copies of the Draft Base Reuse Plan Reassessment Report to the Committee and members of the public.

The Committee observed a moment of silence in honor of Carl Niizawa and adjourned in his memory at 9:12 a.m.

Minutes Prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr., Executive Officer



Fort Ord Reuse Authority

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Attachment C to Item 10c
FORA Board Meeting, 11/16/2012

JOINT ADMINISTRATIVE AND CAPITAL IMPROVEMENT PROGRAM COMMITTEE MEETING

8:15 A.M. WEDNESDAY, OCTOBER 31, 2012
920 2nd Avenue, Marina CA 93933 (FORA Conference Room)

DRAFT

MINUTES

1. CALL TO ORDER AT 8:15 AM

Confirming a quorum, Executive Officer Michael A. Houlemard, Jr. called the meeting to order at 8:20 AM. The following people, indicated by signatures on the roll sheet, attended:

Tim O'Halloran, City of Seaside
Benny J. Young, Mo. Co. RMA
Nourdin Khayata, City of Marina
Elizabeth Caraker, City of Monterey
Doug Yount, City of Marina
Diana Ingersoll, City of Seaside
Daniel Dawson, City of DRO
John Dunn, City of Seaside

Kelly Cadiente, MCWD
Mike Zeller, TAMC
Todd Muck, TAMC
Michael Houlemard, FORA
Steve Endsley, FORA
Rob Robinson, BRAC
Graham Bice, UCMBEST

Chuck Lande, Marina Heights
Jim Arnold, FORA
Crissy Maras, FORA
Scott Hilk, MCP
Vicki Nakamura, MPC
Beth Palmer, Monterey Downs
Bob Schaffer, MCP

2. PUBLIC COMMENT PERIOD: None

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE: 1) The Heroes Open III Golf Tournament is scheduled for November 10th at the Bayonet/Black Horse Golf Course; golfers and donations are needed. The tournament is a fundraiser for the Central Coast Veterans' Cemetery (CCVC). 2) Several meetings are scheduled, including one with Assembly Member Monning and the State Dept. of Veteran's Affairs, to discuss implementation of the cemetery in the currently planned location. 3) The FORA Legislative Committee approved the 2013 legislative agenda which includes seeking grant funds for the FORA Capital Improvement Program (CIP). 4) The October 30th special Board meeting to receive comments on the draft Base Reuse Plan (BRP) reassessment document was well attended. Presentation materials are available on FORA's website. 5) The Sierra Club comment letter was made available to committee members. 6) Inclement weather has caused the Army to delay prescribed burns.

4. NEW BUSINESS

a. Development projections and transportation priorities

When the Fort Ord BRP was adopted, it carried a series of transportation projects necessary to mitigate redevelopment of the former Fort Ord. That list included regional, off-site and on-site projects, and assigned a shared percentage of each to FORA. Based on FORA land use jurisdiction requests due to their changing needs, the list was re-visited in the 2005 FORA Fee Reallocation Study, prepared by TAMC and AMBAG. The study resulted in a revised project list/transportation network as well as a reallocation of FORA's financial obligation to fully fund on-site projects. One change in the project list was the removal of the Highway 68 Bypass and Fort Ord Expressway. These were large, four-lane facilities designed to move east-west traffic through the former Fort Ord. These projects were replaced with Eastside Parkway and by four-laning General Jim Moore Boulevard, reducing the footprint of the transportation network while meeting traffic needs more efficiently and preserving more habitat.

Currently, Eastside Parkway is the priority project in the 2012/13 CIP. The design is 90% complete, however, FORA does not have \$22M to fund the construction. The environmental documents will not be prepared until the project can be funded.

FORA Assistant Executive Officer Steve Endsley noted that updating development projections and transportation priorities continues to be an annual exercise. Through this process, FORA attempts to schedule transportation projects to meet jurisdictional and development needs. Remaining on-site projects include South Boundary, Inter Garrison and Gigling Roads and Eastside Parkway. FORA only has a financial obligation to the other on-site, off-site and regional projects, including four which are the subject of a reimbursement agreement with the City of Marina (8th Street, Abrams Road, and Salinas and Crescent Avenues). The City of Marina previously requested that FORA consider funding a fifth project (extension of 2nd Avenue from Imjin Parkway to Patton Parkway), provided that the overall project funding (approximately \$10.2M) remains the same.

Now that the notice of completion has been filed for the General Jim Moore Boulevard improvement project, the American Recovery and Reinvestment Act grant is being closed out. That allows FORA to pursue additional grant funding through various sources, including the Economic Development Administration (EDA). FORA Senior Project Manager Jim Arnold noted that the South Boundary Road improvement project, from Rancho Saucito Lane to General Jim Moore Boulevard, likely has the best opportunity for grant funding as it is a smaller project (about \$3M) and it links employment centers.

CSUMB representative Justin Wellner stated that improvements to 8th Street are an immediate need for the campus, compounded by the County's decision to open Inter Garrison Road to traffic. Executive Officer Houlemard agreed, and noted that with several developments in the 8th Street vicinity, including a planned veteran's clinic, there should be various opportunities for grant funding. Mr. Arnold additionally noted that the City of Marina is the lead agency for the 8th Street project and would therefore be the proper grant applicant.

City of Marina representative Doug Yount noted the need to seek grant funding for other CIP projects, including building removal. Mr. Yount made a motion to 1) receive the CIP background tables in order to submit updated development projections, 2) FORA staff research grant opportunities, 3) FORA staff report actual fund balances, and 4) Review CIP project feasibility. Additional points added to the motion include 5) Research CEQA requirements for CIP projects, and 6) Add discussion of building removal and land sales revenue to a future meeting. City of Seaside representative John Dunn seconded the motion as expanded. The motion was unanimously approved.

b. TAMC grants for a Multi-modal Corridor study

TAMC representative Todd Muck requested this item be postponed to a future meeting no sooner than January.

5. OLD BUSINESS – none

6. ADJOURNMENT

The meeting was adjourned at 10:00.

Minutes prepared by Crissy Maras, Grants and Contracts Coordinator

FORT ORD REUSE AUTHORITY BOARD REPORT
EXECUTIVE OFFICER'S REPORT

Subject: CIP Status Report	
Meeting Date: November 16, 2012 Agenda Number: 10d	INFORMATION

RECOMMENDATION(S):

Receive a report on the status of the Fort Ord Reuse Authority (FORA) Capital Improvement Program (CIP).

BACKGROUND:


At its October 12, 2012 meeting, the FORA Board directed staff to bring back proposed clarifications/refinements from Supervisor Jane Parker to the CIP Review Phase II Study actions taken on August 29, 2012, which included adoption of a resolution and amendment #1 to the FORA-Jurisdictions Implementation Agreements.

On an annual basis, FORA updates its CIP revenue and expenditure forecasts through an iterative CIP/Administrative Committee process. This process is currently underway with a joint CIP/Administrative Committee meeting held on October 31, 2012.

DISCUSSION:

FORA staff anticipates presenting proposed refinements to the CIP Review Phase II Study actions taken on August 29, 2012 for Board consideration at its December 14, 2012 meeting and a Draft Annual FORA CIP Update for Board consideration in Spring 2013.

FISCAL IMPACT:

Reviewed by FORA Controller 

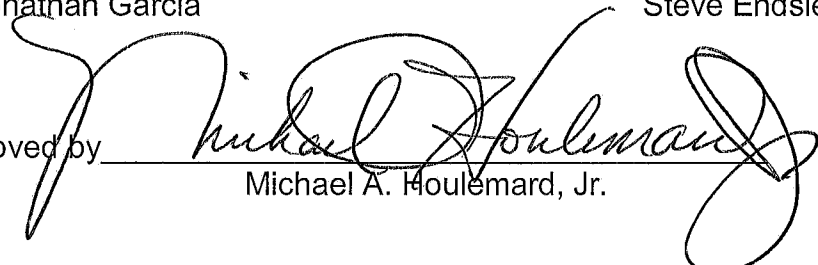
Staff time related to this item is included in the FY12-13 budget.

COORDINATION:

Administrative, CIP, and Executive Committees.

Prepared by 
Jonathan Garcia

Reviewed by 
Steve Endsley

Approved by 
Michael A. Houlemard, Jr.

RETURN TO
AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT
EXECUTIVE OFFICER'S REPORT

Subject: Public Correspondence to the Board	
Meeting Date: November 16, 2012 Agenda Number: 10e	INFORMATION

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

Correspondence may be submitted to the Board via email to board@fora.org or mailed to the address below:

FORA Board of Directors
920 2nd Avenue, Suite A
Marina, CA 93933

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Habitat Conservation Plan Update	
Meeting Date: November 16, 2012	INFORMATION
Agenda Number: 10f	

RECOMMENDATION(S):

Receive an Habitat Conservation Plan ("HCP") and State of California 2081 Incidental Take Permit ("2081 permit") preparation process status report.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA"), with the support of its member jurisdictions and ICF International (formerly Jones & Stokes), FORA's HCP consultant, is on a path to receive approval of a completed basewide HCP and 2081 permit in 2013, concluding with US Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") issuing federal and state permits.

ICF completed an administrative draft HCP on December 4, 2009. FORA member jurisdictions completed a comment and review period, which ended February 26, 2010. In April 2011, USFWS finished their comments on all draft HCP sections, while CDFG provided limited feedback. These comments by the regulatory agencies required a substantial reorganization of the document. To address this, ICF completed a 3rd Administrative Draft HCP for review (dated September 1, 2011). The 12 Permittees (County, Cities of Marina, Seaside, Del Rey Oaks, and Monterey, Monterey Peninsula Regional Park District, Marina Coast Water District, State Parks, Monterey Peninsula College, California State University Monterey Bay, University of California Santa Cruz, and FORA) and Cooperating Entity (Bureau of Land Management) reviewed this draft document and submitted their comments in October 2011. That review included the draft HCP Implementing Agreement and Ordinance/Policy, which are appendices to the draft HCP and are being prepared separately by FORA. ICF addressed the comments received and submitted the draft document to USFWS/CDFG the week of March 19, 2012. The wildlife agencies' 90-day review period has ended. **Update: FORA received comments from USFWS in July 2012 and CDFG staff in August 2012 and held in-person meetings on October 30 and 31, 2012 to discuss specific comments; however, a legal review from these wildlife agencies is not yet complete.** Assuming that the wildlife agencies' legal review is completed by the end of November, this review period will be followed by 30 days for ICF to prepare a Screen Check draft that will undergo a 30-day final review for minor edits. ICF would then respond to any comments/issues raised in 30 days. If this schedule can be maintained, FORA staff would expect a Public Draft document to be available for public review in Spring 2013.

At the September 7, 2011 FORA Administrative Committee meeting, Jamie Gomes, Principal, from EPS presented information related to Economic and Planning Systems' ("EPS") review of HCP costs and endowment investment strategy. EPS provided an HCP endowment investment strategy that was incorporated into the draft HCP. Final approval of

the endowment strategy rests with CDFG/USFWS. CDFG does not currently provide guidance on establishing an acceptable HCP endowment fund. However, SB 1094 (Kehoe) was signed by Governor Brown in September. The bill will result in CDFG issuing specific guidance on establishing HCP and other endowment funds in the next few months.



FISCAL IMPACT:

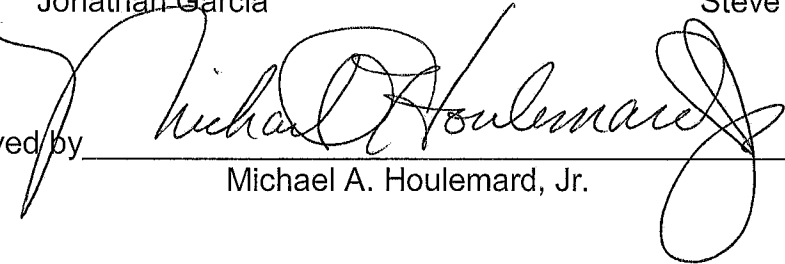
Reviewed by FORA Controller 

ICF and Denise Duffy and Associates' (FORA's/USFWS's NEPA/CEQA consultant) contracts have been funded through FORA's annual budgets to accomplish HCP preparation and environmental review. Staff time for this item is included in the approved FORA budget.

COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, HCP working group, FORA Jurisdictions, USFWS, CDFG, ICF, Denise Duffy and Associates, UC Natural Reserve System, State Parks, and Bureau of Land Management.

Prepared by  Reviewed by 
Jonathan Garcia Steve Endsley

Approved by 
Michael A. Houlemard, Jr.