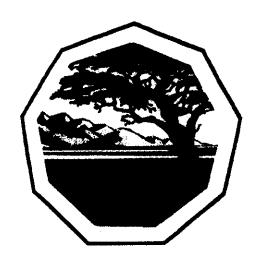
Fort Ord Reuse Authority



Board Packet

For

Board Meeting November 13, 2009



Fort Ord Reuse Authority

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

BOARD OF DIRECTORS MEETING

Friday, November 13, 2009, at 3:30 p.m.
FORA Conference Facility/Bridge Center
201 13th Street, Building 2925, Marina (on the former Fort Ord)

AGENDA

- 1. CALL TO ORDER AND ROLL CALL
- 2. PLEDGE OF ALLEGIANCE
- 3. ACKNOWLEDGEMENTS AND ANNOUNCEMENTS
- 4. PUBLIC COMMENT PERIOD: Members of the audience wishing to address the Board on matters within the jurisdiction of the Authority but not on the agenda may do so during the Public Comment Period. You may speak for a maximum of three minutes on any subject. Public comments on specific agenda items will be heard at the time the matter is being considered by the Board.

5. CONSENT AGENDA

ACTION

- a. September 11, 2009 board meeting minutes
- b. Approve budget increase for legal consultant

6. OLD BUSINESS

a. Environmental Services Cooperative Agreement (ESCA) - update

INFORMATION

b. General Jim Moore Boulevard - status report

INFORMATION

c. Memorandum of Agreement among the Fort Ord Reuse Authority, Monterey County and Union Community Partners, LLC, concerning certain roadway obligations

ACTION

d. Young Nak Church property sale

INFORMATION

7. NEW BUSINESS

a. Fort Ord Reuse Authority 2010 Legislative Agenda

ACTION

b. 2010 Fort Ord Reuse Authority board meeting dates **ACTION INFORMATION** c. Staff report on preparing for swine flu (H1N1)

EXECUTIVE OFFICER'S REPORT 8.

INFORMATION a. Administrative Committee report INFORMATION Status update of outstanding receivables INFORMATION Habitat Conservation Plan - status report INFORMATION Legislative Committee report Finance Committee report INFORMATION

INFORMATION Executive Officer's travel report

INFORMATION Fort Ord Reuse Authority investments - status report

h. ADMINISTRATIVE CONSISTENCY DETERMINATION FOR ENTITLEMENT: City of Seaside's Chartwell School Project **ACTION/ INFORMATION**

9. **ADJOURNMENT**

MONTEREY COUNTY

the 11/13/09 board meeting during public comments.

MILITARY & VETERANS AFFAIRS OFFICE

RICHARD F. GARZA, MILITARY & VETERANS AFFAIRS OFFICER 1200 AGUAJITO RD. RM 003, MONTEREY, CA 93940 (831) 647-7610 FAX # (831) 647-7618

November 12, 2009

Board of Directors Fort Ord Reuse Authority 100 12th Street, Building 2880 Marina, CA 93933

Dear FORA Board Members:

On behalf of the Fort Ord Veteran's Cemetery Citizens Advisory Committee (CAC), we respectfully request your assistance for the installation of signage and appropriate monumentation on and adjacent to land targeted for the future site of the Central Coast Veterans State Cemetery.

The Fort Ord Veteran's Cemetery Citizens Advisory Committee (CAC), the Central Coast Veterans Cemetery Foundation, and many other entities, veteran organizations and community citizens have been working for a number of years to build a state Veterans Cemetery on land at the former Fort Ord in honor of all veterans.

As you know, a substantial endowment fund must be established before final design and construction phases for the cemetery can begin. While significant work, information, and fund raising effort is taking place daily, many veterans and other donors and potential donors are indicating that they want to "see" some type of progress. We anticipate that when the monument is established financial support for the project will increase.

In discussing action the CAC might take in support of veterans and the goal to establish the Veterans Cemetery, both the CAC and the Foundation agree that some type of signage or marker with information about the future home of the cemetery needs to be placed at the property. Ideally, 2-3 additional signs could also be placed in key visibility/traffic corridors within the former base to increase interest and awareness in the program. Perhaps such signage can include a picture of a proposed master plan for the area as well as contact information to learn more about the project.

We appreciate all your past support in establishing the Veterans Cemetery. We now ask for your support to allow a temporary monument at the site and directional signage at other key locations.

On behalf of all veterans, thank you for your continued assistance in this important endeavor.

Sincerely.

James Bogan, Chair

Citizens Advisory Council

THE SUPERIOR COURT

FEB 2 6 2009

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DAVIS, COWELL & BOWE, LLP JOHN J. DAVIS, JR., SBN 65594

jjdavis@dcbsf.com

ANDREW J. KAHN, SBN 129776

ajk@dsbsf.com

PAUL L. MORE, SBN 228589

5 pmore@dcbsf.com

595 Market Street, Suite 1400

San Francisco, CA 94105

Telephone: 7 Fax:

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(415) 597-7200

(415) 597-7201

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA **COUNTY OF MONTEREY**

MONTEREY/SANTA CRUZ COUNTY **BUILDING AND CONSTRUCTION TRADES** COUNCIL; INTERNATIONAL **BROTHERHOOD OF ELECTRICAL** WORKERS, LOCAL 234; MECHANICAL CONTRACTORS COUNCIL OF CENTRAL CALIFORNIA: RANAE and WILLIAM GARY MARTIN,

Plaintiff,

VS.

MARINA COMMUNITY PARTNERS LLC; SHEA PROPERTIES LLC; W.L. BUTLER CONSTRUCTION, INC.; CITY OF MARINA REDEVELOPMENT AGENCY; BOARD OF THE CITY OF MARINA REDEVELOPMENT AGENCY, individuals sued in their official capacities; CYPRESS MARINA HEIGHTS LP; EAST GARRISON PARTNERS I LLC; and DOES 1 through 200, inclusive,

Defendant.

CASE NO. M81343

[proposed]

AMENDED FINAL JUDGMENT **GRANTING INJUNCTIVE AND DECLARATORY RELIEF AND** AWARDING ATTORNEYS FEES

WHEREAS, the Court having considered cross-motions for summary judgment or summary adjudication,

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AMENDED FINAL JUDGMENT GRANTING INJUNCTIVE AND DECLARATORY RELIEF AND AWARDING ATTORNEYS FEES

CASE NO. M81343

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AND WHEREAS, the Court having determined that the projects being developed by Defendants East Garrison Partners I LLC ("EGP") and Cypress Marina Heights LP ("CMHLP") (hereafter "the Covered Projects") are covered by prevailing wage requirements in the Fort Ord Reuse Authority Master Resolution and implementing documents described in the Court's ruling on the summary judgment motion,

AND WHEREAS, the Court having determined that EGP's project is also public work within the meaning of California Labor Code Division 2 Part 7 Chapter 1 (sections 1720-1861) and hence subject to the requirements therein;

AND WHEREAS, Plaintiffs have abandoned all claims not resolved on such motions; NOW, THEREFORE, IT IS HEREBY ADJUDGED, ORDERED AND DECREED that EGP and CMHLP, and their constituent members and the members thereof, their successors-in-interest and/or assigns, the contractors of the foregoing parties and any subcontractors thereof, the employees and agents thereof, and all other persons acting in concert therewith (hereafter "Bound Parties") are hereby enjoined from taking any action in furtherance of the Covered Projects unless they are in compliance with the following conditions:

- Industrial Relations (DIR) on all "First Generation Construction" work on the Covered Projects. The term "First Generation Construction" means construction performed during the development of each parcel of real property at the time of transfer from the public agency to CMHLP or EGP until issuance of a certificate of occupancy by the initial owners or tenants of each parcel. All Bound Parties involved in the East Garrison project shall also comply in all other respects with California Labor Code Division 2 Part 7 Chapter 1 (sections 1720 et seq.).
- 2. Bound Parties shall include in all calls for bids, bid specifications and contracts for "First Generation Construction" work to be performed on the Covered Projects (a) an express requirement that such work be performed at the prevailing wage as determined by the DIR, and further for the East Garrison project, that it shall be performed in compliance with Labor Code section 1720 et seq. and implementing DIR regulations; and (b) a specification of the prevailing

wage rates for each craft, classification, or type of worker needed to execute the contract, or such other statement described by Labor Code section 1773.2.

- 3. Bound Parties shall (1) keep and retain certified payroll records, in the manner described in Labor Code section 1776, demonstrating payment of prevailing wages, (2) provide notice of the location of such certified payroll records to Plaintiffs, and (3) upon request and reimbursement of preparation costs, provide a copy of such records to any labor-management committee. The party responding to such request may not redact any information other than, if respondent chooses, the employee's name and first five digits of their Social Security number. The recipient of such records shall not distribute or disseminate the records or the information contained therein in any form or fashion for any purpose other than enforcing this injunction.
- 4. Within 10 working days of issuing any invitation or advertisement for bids for "First Generation Construction" work to be performed on the Covered Projects, the Bound Parties shall provide Plaintiffs with a copy of each such invitation or advertisement.
- 5. Within 10 working days of entering into any contract or subcontract for "First Generation Construction" work with a value of \$20,000 or more to be performed on the Covered Projects, the Bound Parties shall provide Plaintiffs with the name, address and contact information for the contractor or subcontractor engaged to perform the work.
- 6. All notices to Plaintiffs described herein shall be faxed, emailed, hand-delivered or overnighted to Plaintiff Council at its principal business office at 100 12th St., Building 2902, Suite 107, Marina CA 93933, fax (831) 883-8112, email secretarybete@yahoo.com, or if those change, to such other location as Plaintiffs provide Defendants.
- 7. Nothing herein shall apply to work carried out by paid full-time employees of CMHLP or owner of property on its project, nor to work carried out by FORA with its own forces. Actions "in furtherance of the Covered Projects" shall not be deemed to include pursuit of financing or governmental permits or approvals.
- 8. In accordance with the Court's ruling of February 6, 2009, Plaintiffs are awarded attorneys fees pursuant to Code of Civil Procedure section 1021.5 in the amount of \$209,050. Of this amount, EGP is to pay \$135,882.50 and CMHLP is to pay \$73,167.50

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IT IS FURTHER ADJUDGED AND DECREED that Plaintiffs' claims for declaratory and injunctive relief are granted to the extent set forth above, and their estoppel claim dismissed with prejudice.

Nothing herein shall be construed as impairing the effectiveness of this Court's order and stipulation as to the defendants other than EGP and CMHLP.

Plaintiffs are entitled to costs herein pursuant to CCP 1032(b).

IT IS SO ORDERED.

Dated: FEB 2 6 2009, 2009

HOW. ROBERT A. O'FARRELL JUDGE OF THE SUPERIOR COURT



THEREBY CERTIFY THAT THE FORECOING DOCUMENT IS A TRUE COLVET THE ORIGINAL ON FILE IN MY OFFICE.

DATE
CONNIE MAZZEI, CLERK OF THE SUPERIOR COURT

BY

DEPUTY

MINUTES of the FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS' MEETING

APPROVED

Fort Ord Reuse Authority Conference Facility/Bridge Center November 13, 2009

CALL TO ORDER AND ROLL CALL

Chair Ralph Rubio called the November 13, 2009 meeting of the Board of Directors to order at 3:32 p.m. and requested a roll call.

Voting members present:

Chair/Mayor Rubio (City of Seaside)
Councilmember Selfridge (City of Monterey)
Councilmember McCall (City of Marina)
Councilmember Kampe (City of Pacific Grove)
Councilmember O'Connell (City of Marina)

Supervisor Parker (County of Monterey) Mayor Edelen (City of Del Rey Oaks) Councilmember Mancini (City of Seaside) Mayor Pendergrass (City of Sand City)

Absent were Mayor McCloud (City of Carmel), Supervisor Calcagno (County of Monterey), and Councilmember Barnes (City of Salinas). Arriving after the meeting was called to order was Supervisor Potter (County of Monterey).

Ex-Officio members present:

Todd Muck (TAMC)
Kenneth Nishi (Marina Coast Water District)
COL Darcy Brewer (U.S. Army)

Rob Robinson (BRAC) Dr. Marilyn Shepherd (MPUSD) Graham Bice (UC Santa Cruz)

Absent were representatives from the 17th Congressional District, the 15th State Senate District, the 27th State Assembly, CSU Monterey Bay, and Monterey Peninsula College. Arriving after the meeting was called to order was Hunter Harvath (Monterey-Salinas Transit).

With a quorum present Chair Rubio opened the meeting.

PLEDGE OF ALLEGIANCE

Chair Rubio asked Councilmember O'Connell, who agreed, to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS AND ANNOUNCEMENTS

Chair Rubio introduced and welcomed Councilmember Frank O'Connell, the Marina alternate sitting in for Councilmember Gray, and Todd Muck, a TAMC alternate. Mayor Pendergrass requested that an urgency item be added to the agenda, namely a resolution of appreciation and commendation for Joe Russell. **Motion to add this item to the agenda was made by**

Mayor Pendergrass, seconded by Councilmember McCall, and carried. Chair Rubio read the resolution and a motion to accept this resolution was made by Councilmember Mancini, seconded by Councilmember McCall, and carried. Mr. Russell accepted the framed document, thanked the board and made brief remarks.

4. PUBLIC COMMENT PERIOD

Jack Stewart, Vice Chair of the Fort Ord Veterans' Cemetery Citizen Advisory Committee, read a letter signed by James Bogan, committee chair, requesting assistance with the installation of signage and appropriate monumentation on and adjacent to land targeted as the future site of the Central Coast Veterans State Cemetery. He said donors and potential donors want to "see" some type of progress, which will serve to increase interest and awareness of the cemetery and the committee's fundraising efforts. Ron Chesshire, Chief Executive Officer of the Monterey & Santa Cruz Counties Building & Construction Trades Council, said that several years ago his organization filed a lawsuit regarding Chapter 3 of FORA's Master Resolution, which describes the payment of prevailing wages on construction projects at former Fort Ord. When a number of people had asked him how the court issues had been resolved, he decided to bring copies to the FORA board members of the Final Judgment, which upheld payment of prevailing wages. He added his support of the veterans' cemetery.

Supervisor Parker asked staff to work with the veterans' committee regarding their request and report back to the Board. Executive Officer Houlemard said that FORA ESCA Program Manager Stan Cook and LFR ESCA Remediation Program Manager Kristie Reimer are already working on signage, and he asked them to provide a progress report at the December 11th board meeting.

CONSENT AGENDA

There were two items on the Consent Agenda: Item 5a (<u>September 11, 2009 board meeting minutes</u>) and Item 5b (<u>Approve budget increase for legal consultant</u>). Supervisor Potter requested a correction of his jurisdiction (County, not City, of Monterey), and Supervisor Parker asked for clarification of a point in Item 5b, and. There were no public comments. **Motion to approve the two items on the Consent Agenda, along with the correction in the minutes, was made by Supervisor Potter, seconded by Supervisor Parker, and carried.**

6. OLD BUSINESS

Item 6a – Environmental Services Cooperative Agreement (ESCA) – update: FORA ESCA Program Manager Stan Cook pointed out several noteworthy items in the report and moved on to his PowerPoint presentation, which included updates on the following Munition Response Areas ("MRA's"): Parker Flats, Track 1 County North (No Further Action), Group 2 Remedial Investigation/Feasibility Study (RI/FS), and Group 3 RI/FS update. Mr. Cook spoke about the problems resulting from illegal dumping and the very successful ESCA/ BLM/ Army Trash Pickup Day (October 24, 2009). He summarized the ESCA document schedule and process and closed his comments with updates on the Community Involvement and Outreach Program, upcoming meetings, information on the FORA ESCA Remedial Program website,

and a list of ESCA sources of information. There were no questions from the board or the public.

Item 6b – General Jim Moore Boulevard – status report: Senior Project Manager Jim Arnold reported that staff is working on the construction contract award for General Jim Moore Boulevard Phase V ("GJMB") (paving of the re-aligned road from Coe Avenue to the Del Rey Oaks city limit) and Eucalyptus Road Phase II (paving of this road from GJMB to as far as the grant funding will allow). He said that the project contract had been advertised and a pre-bid meeting had taken place the previous week. He added that according to the grant stipulations, the project contractor must be hired by December 17th. He said the Board could expect a request for board authorization to award the contract at the December 11th meeting. Mr. Arnold estimated a twelve-month construction period. There were no board or public comments.

Item 6c – Memorandum of Agreement ("MOA") among the Fort Ord Reuse Authority, Monterey County and Union Community Partners, LLC, concerning certain roadway obligations: Executive Officer Houlemard clarified that this MOA would allow the new developers of the East Garrison project to take credits against developer fees for FORA's infrastructure obligations that they complete. He added that the document title would be amended to read Union Community Partners/ East Garrison Partners, LLC. There were no board or public comments. Motion to approve the aforementioned MOA, as amended, was made by Councilmember Mancini, seconded by Councilmember Kampe, and carried.

Item 6d – <u>Young Nak Church property sale</u>: Executive Officer summarized this report, noting that the property sale had taken much longer than expected but was now complete. There were no board or public comments.

7. NEW BUSINESS

Item 7a – Fort Ord Reuse Authority 2010 Legislative Agenda: Executive Officer Houlemard summarized each of the nine items. Councilmember Mancini asked about the status of the draft legislative redevelopment language. Mr. Houlemard responded that he had been working with the staffs of the combined Senate and Assembly Local Government Committees regarding the draft language that FORA Authority Counsel had crafted and others had edited. He added that this language is being circulated to FORA's three state electeds for review and possible legislative sponsorship. Mr. Mancini asked if the language was exclusive to Fort Ord properties, and Mr. Houlemard replied yes. There were no further board comments and none from the public. Motion to approve the 2010 Fort Ord Reuse Authority Legislative Agenda was made by Councilmember Mancini, seconded by Supervisor Potter, and carried.

Item 7b – 2010 Fort Ord Reuse Authority ("FORA") board meeting dates: Executive Officer reiterated that the draft meeting dates had been reviewed by the Executive Committee with a recommendation to change only the February 12th date to Thursday, February 11th. There were no board or public comments. **Motion to approve the draft 2010 FORA board meeting dates was made by Supervisor Parker, seconded by Councilmember Kampe, and carried.**

Item 7c – <u>Staff report on preparing for swine flu (H1N1)</u>: Executive Officer said that two board members had requested that staff draft an influenza pandemic preparedness plan and the resulting policy (attached to the board report) was being presented to the board as an information item. There were no board or public comments.

8. EXECUTIVE OFFICER'S REPORT

There were eight items in this report: Item 8a (Administrative Committee report), Item 8b (Status update of outstanding receivables), Item 8c [Habitat Conservation Plan status report), Item 8d (Legislative Committee report), Item 8e (Finance Committee report), Item 8f (Executive Officer's travel report), Item 8g (Fort Ord Reuse Authority investments – status report), and Item 8h (ADMINISTRATIVE CONSISTENCY DETERMINATION FOR ENTITLEMENT: City of Seaside's Chartwell School Project): Re Item 8f: Executive Officer Houlemard added that he would be talking to Environmental Protection Agency officials and others at the Brownfields conference about possible funding for certain FORA projects. Re Item 8h: Mr. Houlemard reported that there had been no public requests to pull this item for a special hearing and possible appeal. The board members voiced no concerns, so staff's recommendation to approve the entitlement would stand. No action by the Board was needed.

9. ADJOURNMENT

Chair Rubio adjourned the meeting at 4:30 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk

Approved by		
, (ppioted b)	Michael A. Houlemard, Jr. Executive Officer/Clerk	

FORT ORD REUSE AUTHORITY BOARD REPORT				
	CONSENT AGENDA	AND TAKE THE STATE OF THE STATE		
Subject:	Approve budget increase for legal consultant			
Meeting Date: Agenda Number:	November 13, 2009 5b	ACTION		

RECOMMENDATIONS:

Approve a \$5,000 (Five Thousand) line item budget increase to cover legal consultant services associated with the conclusion of Fort Ord Reuse Authority (FORA) versus California State University (CSU) and any minor legal expenses that may arise.

BACKGROUND/DISCUSSION:

The FY 09-10 approved budget contains \$130,000 for legal consultant services; \$120,000 for Authority Counsel and \$10,000 for other legal services. In July 2009, the FORA Executive Officer executed a contract with Damon Law Offices for ongoing representation in the FORA v. CSU case. Final remedies and expenses were required to complete the final stipulation order negotiations with CSU General Counsel's office. The case is now concluded and the billing exceeded the budgeted amount by \$1,063.

FISCAL IMPACT:

The legal fee excess has only a nominal impact on FORA budget and can be absorbed by savings in other expenditure line items; settling the FORA v. CSU case has resulted in approximately \$2.3 million in revenues over the coming years.

COORDINATION:

Administrative Committee, Executive Committee.

Prepared by Nau Bednarik Approved by Michael A. Housemard, Jr.

F	ORT ORD REUSE AUTHORITY B	OARD REPORT	
Special control of the control of th	OLD BUSINESS		
Subject:	Environmental Services Cooperative Agreement (ESCA) – update		
Meeting Date: Agenda Number:	November 13, 2009 6a	INFORMATION	

RECOMMENDATION:

Receive a Fort Ord Reuse Authority ("FORA") Environmental Services Cooperative Agreement ("ESCA") Remediation Program ("RP") status report.

BACKGROUND:

In Spring 2005, the U.S. Army ("Army") and FORA entered into negotiations to execute an Armyfunded Environmental Services Cooperative Agreement ("ESCA") leading to the transfer 3,340 acres of former Fort Ord 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 ("U.S. EPA") and California Department of Toxic Substance Control ("DTSC"), defining conditions under which FORA assumes responsibility for the Army remediation of the ESCA parcels. In order to complete the AOC defined work; FORA entered into a Remediation Services Agreement ("RSA") with LFR Inc. to provide Munitions and Explosives of Concern ("MEC") remediation services and executed a Cost-Cap insurance policy for this remediation work through American International Insurance Group ("AIG"). FORA was to receive the property after U.S. EPA approval and concurrence by the Governor.

The ESCA RP has been underway for approximately 2.5 years. In August 2008, Governor Arnold Schwarzenegger concurred in the transfer of the ESCA parcels under a Finding of Suitability for Early Transfer. The ESCA property was subsequently transferred to FORA ownership on May 8, 2009. Current ESCA RP field work is focused in the Parker Flats area of the former Fort Ord.

On December 17, 2008 FORA received the fourth and final ESCA Grant fund payment of approximately \$28 million. Per the AOC, the majority of these funds have been transferred to AIG for payment to LFR Inc. under the terms of the insurance policies and related agreements. FORA administrative costs and oversight, including third-party quality assurance work are also funded by the ESCA grant.

DISCUSSION:

ESCA field crews are working in Parker Flats south of Gigling Road, west of Watkins Gate, north of Hay Rake Road and east of 8th Avenue where they have completed surface clearance of habitat areas and are now investigating trails in these areas to depth. The Digital Geophysical Mapping crew is working in the future development areas of Parker Flats to identify and resolve individual anomalies. Isolated areas with multiple, overlapping anomalies and/or metallic clutter are being investigated to resolve peak anomalies that may be indicative of MEC, followed by placement of the soil through a screen to remove the metallic trash and other debris.

These areas are posted at trail heads during working hours. Maps of the work areas have been distributed electronically to local bike shops, to the Fort Ord Users Group and posted on the FORA and dedicated ESCA website. The FORA ESCA Team has been working with the Monterey

County Illegal Dumping Task Force to curb dumping on the ESCA properties. The gates at Inter-Garrison Road, east of Schoonover Avenue have been locked in an attempt to stop the illegal dumping that occurs in that portion of the ESCA properties. However, the road remains open to bikers, hikers and equestrians.

Since the ESCA work began in early 2007, FORA and the ESCA Remediation Program Team (LFR/Weston/Westcliffe) have been coordinating with Regulators, the Army and the Jurisdictions on the necessary documentation, public outreach and site preparation to support the ESCA MEC field work.

The ESCA activities for the last Quarter are detailed in **Attachment A**, **the ESCA Quarterly Grant Reports**.

Noteworthy items from this report are:

- FORA ESCA RP team has engaged in approximately 129 Technical and 136 Community Outreach tasks and activities in the last 3 months.
- Performed work in Seaside, Parker Flats, CSUMB and other ESCA parcels.
- Drafted various work plans and field work-related documents.
- Managed ESCA Independent Third-Party Quality Assurance Surveillance Program.
- Worked with Army and regulators and Monterey County to draft and publish Track 1 Approval Memo for County North MRA which will result in accelerated land transfer.
- Continued hosting monthly Fort Ord Users Working Group meetings and Emergency Services Coordination meetings.
- Held Informal Community Meeting.
- Continued participation with the Army in their Community Involvement Workshops and Technical Review Committee meetings.
- ESCA tours for officials and jurisdiction representatives.

• Three presentations by the ESCA Team at the Annua/UXO/Countermine Conference in Orlando Florida on the team's innovative work.

FISCAL IMPACT: Reviewed by FORA Controller

ESCA work is covered by the grant award from the Ú.S. Army and included in the approved operating budget.

COORDINATION:

Administrative Committee; Executive Committee; Special and Authority Counsel; LFR; Weston Engineers; U.S. EPA; and DTSC.

Prepared by

Stan Cook

Appr/oy/ed by_

Michael A. Houlemard, Jr.

QUARTERLY PROJECT REPORT

Environmental Services Cooperative Agreement

Report No:

10

Reporting Period: July 1, 2009 to September 30, 2009

Grant Recipient:

Fort Ord Reuse Authority

Agreement No:

W9128F-07-2-0162

PR No:

W59XQB70879961

Effective Date:

March 30, 2007

Grant Officer:

Doug Hadley

Contracting Officer/Grants Officer

U.S. Army Corps of Engineers, Omaha District

Phone: 402-221-3045 Fax: 402-221-4199

Compiled by:

Stan Cook

ESCA Remediation Program, Program Manager

Fort Ord Reuse Authority

100 12th Street Building 2880 Marina, CA 93933 Phone: 831-883-3672 Fax: 831-883-3675

Submitted to:

Gail Youngblood

Fort Ord BRAC Environmental Coordinator

PO Box 5008

Presidio of Monterey Monterey, CA 93944 Phone: (831) 242-7918 Fax: (831) 242-7091

This report is submitted per the requirements in the Cooperative Agreement Award, Attachment E.1, Technical Services and Requirement Statement, Section3.1. Project Progress Reports.

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Background/Scope and Purpose

Background.

The Federal Government, for and on behalf of the citizens of the United States of America, acts as the steward of certain real property on which it operates and maintains military facilities necessary for the defense of the United States of America. Certain military facilities are no longer required for that mission, and the Department of Defense (DoD) closed and plans to dispose of certain real and personal property at those facilities in accordance with the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510 (10 U.S.C. Section 2687 note, as amended). DoD is authorized to dispose of real and personal property on the former Fort Ord to the Fort Ord Reuse Authority (FORA). Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9620(h)(3)(C), federal property may be transferred prior to the completion of all remedial action necessary to protect human health and the environment. Under this early transfer authority, DoD may transfer portions of Fort Ord to the FORA, which may assume responsibility for certain environmental response activities (Environmental Services).

The property to be transferred and the geographic area in which work will be performed under the ESCA are identified herein as the Areas Covered by Environmental Services, (ACES). The environmental response activities required of the FORA under the Environmental Services Cooperative Agreement (ESCA) are identified herein as the Environmental Services. The ESCA provides the funding, specifications and requirements for the FORA's performance and completion of the Environmental Services in the ACES. Cleanup of the ACES is governed by CERCLA, the National Contingency Plan (NCP), the Administrative Settlement Agreement and Order on Consent (AOC), and other applicable laws and regulations. The Army has conducted investigations and site characterization under its own authorities under CERCLA, the Defense Environmental Restoration Program (DERP), and other applicable laws and regulations, and has identified both contaminated areas as well as uncontaminated areas. Additional site characterization and investigations are to be performed. Following the early transfer of the ACES, FORA will be obligated to comply with the AOC under the oversight of the United States Environmental Protection Agency (US EPA) and the Department of Toxic Substances Control. As provided in the ESCA, the Parties agree that the FORA's performance of the Environmental Services must satisfy certain obligations of the Army under CERCLA and the NCP. If inconsistencies are found between the ESCA and the AOC after the ESCA has been signed, the Parties will work toward a resolution, in accordance with Section D.9 of the ESCA. The ESCA is of mutual benefit to the Army and FORA because it will facilitate early transfer and the immediate reuse of the ACES by allowing FORA to perform the Environmental Services in conjunction with redevelopment activities. The ESCA, executed in anticipation of an early transfer, will allow FORA full access to the ACES in order to implement the Environmental Services and redevelop the ACES. The ESCA does not reduce or alter in any way the responsibilities and obligations of the Army under CERCLA, the NCP, or Section 330 of Public Law 102-484 ("Section 330"), except as otherwise provided in the ESCA.

Purpose.

The provisions of the ESCA establish the terms and conditions necessary for the completion of the Environmental Services required to obtain Site Closeout and the execution of Long-Term Obligations associated with Site Closeout. The AOC and Technical Specifications Requirements Statement (TSRS) establish the process for obtaining Site Closeout within the ACES. By execution of the ESCA, the Army and FORA concur with the AOC and TSRS. The ESCA in no way restricts the Parties from modifying the Covenant to Restrict the Use of Property (CRUP) or the Environmental Protection Provisions (EPP), and documents referenced therein, before or after the Environmental Services at the ACES have begun. However, any such modifications shall not eliminate or change FORA's or Army's obligations under the ESCA unless a concurrent modification is made to the ESCA in accordance with Section D.21.

Scope

FORA shall cause to be performed the Environmental Services, in consideration of the payment of a fixed sum by the Army in accordance with and subject to the provisions of the ESCA. The Environmental Services, to the extent required to be performed under the ESCA, shall satisfy the requirements of CERCLA and the NCP by satisfying the requirements provided in the AOC and TSRS. The Environmental Services will be performed in furtherance of the FORA's approved Reuse Plan and integrated with redevelopment activities, all as more particularly described in the TSRS.

The AOC establishes the process for obtaining Site Closeout within the ACES. By the execution of the ESCA, the Army concurs with the process set forth in the AOC, and all documents and approvals referenced therein; however, this concurrence in no way limits the FORA's ability to complete Environmental Services that go beyond the requirements of CERCLA and Resource Conservation and Recovery Act (RCRA) for the ACES by satisfaction of the AOC. Furthermore, the ESCA in no way restricts the parties to the AOC from modifying the AOC and documents referenced therein, pursuant to the terms thereof, before or after the Environmental Services at the ACES have begun; however, any such modifications will be coordinated with the Army and shall not eliminate or change FORA's or Army's obligations under the ESCA unless otherwise agreed in a writing signed by the Parties. In addition to providing the specified funding, the Army will retain the responsibilities and liabilities specified within the ESCA and attachments. The Army's program oversight shall ensure that the remedies implemented by the FORA pursuant to the AOC and TSRS are consistent with CERCLA and the NCP. Department of Defense Explosives Safety Board (DDESB) requirements, and other applicable laws and/or regulations. The Parties agree that the implementation of the AOC must be consistent with remedy requirements of CERCLA, the NCP, and other applicable laws and regulations, and that future modifications to the AOC will likewise be consistent with such remedy requirements. FORA agrees to achieve Site Closeout and perform the required remedial actions in accordance with and subject to the provisions of the ESCA. In accordance with 42 U.S.C. 9620(h)(3)(C)(iii), after all response actions necessary to protect human health and the environment on the ACES, or portions thereof, have been taken, the Army will grant to the FORA the CERCLA warranty that all necessary response actions have been taken.

Document Technical Progress or Work Completed

In this Quarter, FORA and FORA's Remediation Team (LFR, Weston Engineers & Westcliffe Engineering) have: preformed Program Management including mobilization and equipment procurement; participated in Community Involvement Outreach, consulted with the EPA, DTSC, and the Army; drafted various Work Plans, and field work related documents, managed ESCA Independent Third-Party Quality Assurance Surveillance Program and the Quality Assurance Surveillance Program Implementation Plan; and, performed field work in Seaside, Parker Flats, and other ESCA parcels.

FORA's critical dates, technical progress, or work completed within this Quarter are:

- July 1, 2009: Provided information to Monterey County Illegal Dumping Task force representative on the ownership of the property on Numa-Watson Road scheduled for transfer to Monterey Peninsula College (MPC) where illegal dumping has occurred.
- July 1, 2009: Meeting with Presidio of Monterey (POM) Commander's office to devise a system for the Army to screen and prioritize MOUT use requests before requesting use of the MOUT facility.
- July 1, 2009: Notified the Regulators of a change in the ESCA document schedule.
- July 1, 2009: ESCA field update meeting with ESCA contractor (Field Manager) regarding signage, gates and other access issues.
- July 1, 2009: Coordination with PG&E contractor to provide an escort to check PG&E power lines through the ESCA properties.
- July 1, 2009: Coordination with Army contractor Raytheon to provide access to the MOUT facility to inspect for potential research use.
- July 1, 2009: Provided Department of Conservations Abandoned Mine Lands Unit with contact information and instructions on how to arrange for an escort to an old Army sandpit (mine) located just east of Laguna Seca.
- July 2, 2009: Meeting with Presidio of Monterey (POM) Commander's office and Ren Lassalle today to organize how the Army will prioritize their use of the MOUT facility, which is an ESCA property.
- July 6, 2009: Meeting with ESCA team to prepare for upcoming Regulatory meeting.
- July 6, 2009: Provided access to the MOUT facility for Raytheon Corporation representatives to determine if the facility will meet their needs.

- July 6, 2009: Reviewed the Draft Response to Comments for the ESCA Group 3
 Remedial Investigation/Feasibility Study (RI/FS) Work Plan and approved for release to the Regulators and the Army.
- July 7, 2009: ESCA Team submitted the draft response to comments on the Draft Group 3 RI/FS Work Plan to the regulators and the Army for their review.
- July 8, 2009: Coordination with ESCA team to sign the existing PG&E pipeline right-ofway for use as an ESCA safety access corridor.
- July 8, 2009: Reviewed Quality Assurance Oversight Professional (QAOP) recent invoice (#13) for ESCA Quality Assurance (QA) services and forwarded to FORA accounting for payment.
- July 8, 2009: Forwarded email communication to Regulators with sent to ESCA contractor of the latest QAOP field report confirming the placement of blind QA seeds in Parker Flats Trails and development areas.
- July 8, 2009: Forwarded the latest QAOP field report to ESCA contractor confirming the placement of blind QA seeds in Parker Flats Trails and development areas.
- July 9, 2009: Coordination with the Army Base Realignment and Closure Office (BRAC) and POM offices to coordinate the Army's continued use of the MOUT facility while under FORA ownership and before it is leased to MPC.
- July 9, 2009: Received a notice from the BRAC office advising that the ESCA contractor's field trailer is in the exclusion zone and will be off limits during prescribed burn events this summer.
- July 10, 2009: Telephone conference call with Tom Lederle and ESCA contractors about the Track 1 Approval Process.
- July 10, 2009: Received a letter from Environmental Protection Agency (EPA) with concurrence by Department of Toxic Substances Control (DTSC) for the Draft Final Remedial Design/Remedial Action, Land Use Controls Implementation, and Operation and Maintenance Plan (LUCIP) for the Parker Flats Munitions Response Area Phase I.
- July 10, 2009: Sent the Administrative Order on Consent (AOC) Monthly Program Report to Regulators.
- July 13, 2009: Requested an update of the Army Geographic Information Services (GIS) files from Army.
- July 13, 2009: Coordination with the Army POM office to get an approval for Raytheon use of the MOUT facility on July 15th and 16th.

- July 13, 2009: Coordination with Army POM to add a day to the DARPA MOUT use request.
- July 13, 2009: Communication with ESCA contractor (biologist) to request a representative/staff member attend the upcoming Bureau of Land Management (BLM) weed meeting that is a subset of the Fort Ord CRMP meetings.
- July 14, 2009: Communication from BRAC office with a map of the proposed fire breaks for the MOUT facility to be confirmed in the field on 7/29 by POM Fire Department, Salinas Rural Fire District, Bureau of Land Management (BLM), Monterey Peninsula College (MPC) and the Fort Ord Reuse Authority (FORA).
- July 14, 2009: Reviewed EPA's billing letter and summary for their regulatory oversight costs for the past fiscal year. This is money they drew down from their initial funding of \$300,000. This money is to be replaced from the funds set aside by the Army for this purpose.
- July 14, 2009: Coordination with DTSC and FORA accounting to acquire a bill from DTSC for their regulatory oversight costs for the past fiscal quarter. The State Budget crisis is affecting their ability to bill FORA.
- July 14, 2009: Forwarded research from FORA Planner to ESCA contractor for County Parcel L5.7 showing their past thinking on uses for this property. This is an update to the Base Reuse Plan in this area.
- July 14, 2009: Bi-weekly ESCA team conference call.
- July 16, 2009: Telephone conference with Pacific Gas & Electric (PG&E) to discuss access to the pipe line right of way.
- July 16, 2009: Telephone conference with County of Monterey to request confirmation for use of the PG&E pipeline for an access corridor.
- July 16, 2009: Telephone conference with California State University Monterey Bay (CSUMB) to requests confirmation for use of the PG&E pipeline for an access corridor.
- July 16, 2009: Meeting with ESCA contractors to review the existing Quality Assurance Surveillance Plan (QASP) to determine if it meets the ESCA projects current needs and what suggested changes/edits may need to be made to reflect past approved filed variance, and current and future QA oversight needs.
- July 16, 2009: Reviewed draft memorandum from ESCA contractors providing a response to the initial review of the Residential Quality Assurance (RQA) Digital Geophysical Mapping (DGM) data by QAOP Geophysicist.

- July 16, 2009: Meeting with ESCA contractors to review the QASP and latest instructions to QAOP.
- July 20, 2009: Communication with QAOP requesting a review of the existing QASP to see if it meets the ESCA projects current needs and what suggested changes/edits may need to be made to reflect past approved filed variance, and current and future QA oversight needs so that the QA contract can be modified if needed to meet fulfill the QASP and to meet FORA's QA field needs. Coordinated a meeting to discuss this scheduled for Monday, 7/27.
- July 20, 2009: Communication with QAOP requesting they draft a memorandum from ESCA contractors to provide a response to the initial review of the RQA DGM data by QAOP Geophysicist.
- July 20, 2009: Communication with Army POM to confirm that pyrotechnic devices and smoke grenades use is not allowed at the MOUT facility.
- July 20, 2009: Telephone conference with PG&E to discuss access to the pipe line right of way and provided PG&E with clearance to trim trees that could impact their high voltage lines crossing ESCA parcel S1.3.2.
- July 21, 2009: Continuing discussions via telephone conference with POM to confirm that the use of pyrotechnics and smoke grenades is not allowed at the MOUT facility under their Right of Entry signed by Col. Darcy Brewer. Army activities using these items can be supported at Fort Hunter Liggett.
- July 21, 2009: Update work ESCA maps from Army Fort Ord Geographic Information Systems (GIS) database.
- July 21, 2009: Communication with ESCA contractors to confirm QAOP is scheduled to inspect the Parker Flat's DGM work so that ESCA contractors can continue work on schedule.
- July 22, 2009: Reviewed and provided edits to the draft Army Munitions Response Base Cleanup Team (MR BCT) meeting minutes for the ESCA update portion.
- July 22, 2009: ESCA field update meeting with ESCA contractor (Field Manager) regarding signage, gates and other access issues.
- July 22, 2009: Prepared a letter for Monterey County staff requesting their concurrence on the Track 1 designation for the County North MRS.
- July 23, 2009: Provided ESCA contractor with a copy of the letter to Monterey County staff requesting County concurrence on the Track 1 designation for the County North MRS.

- July 24, 2009: Sent the Field Variance to QAOP provided by ESCA contractor for screening in Parker Flats with the request to review and verify that it meets FORA's needs.
- July 24, 2009: Communication with ESCA contractor to coordinate their MOUT site visit scheduled for July 30, 2009 with Army activities through the POM.
- July 27, 2009: Communication with QAOP requesting an opinion/review on the Field Variance provided by ESCA contractor for soil sifting in Parker Flats to verify that it meets FORA's needs.
- July 27, 2009: Communication with Shelter Outreach Plus to make a change to the signature page for their property on Lexington Court that was received through FOSET 5 but is not an ESCA property.
- July 28, 2009: Meeting with QAOP to discuss Level of Effort for the upcoming year.

 Discussed drafting a description of Work for Parker Flats habitat area,
 development areas, and RQA areas.
- July 28, 2009: Bi-weekly ESCA team conference call.
- July 29, 2009: Meeting with Army, BLM and MPC to determine the placement of fire breaks around the MOUT facility which is an ESCA parcel.
- July 29, 2009: Coordination with ESCA contractors to prepare for a blow-in-place for a 3.5" rocket found in Parker Flats at 24" deep. Engineering controls and traffic control in place on roads and trails. Blow set between 3:45 p.m. to 4:00 p.m.
- July 29, 2009: Notification to Regulators via telephone and email about a blow-in-place for a 3.5" rocket found in Parker Flats at 24" deep on 7/29. Engineering controls and traffic control in place on roads and trails. Blow set between 3:45 p.m. to 4:00 p.m.
- July 30, 2009: Communication with Regulators following up on the blow-in-place demolition shot (3.5" rocket) on 7/29 and forwarded the location map.
- July 30, 2009: Meeting with FORA Executive Officer, ESCA contractor and EPA representatives from Sacramento and Washington, D.C. to discuss the potential for using EPA CERCL job training resources on Fort Ord.
- July 31, 2009: Meeting with QAOP to discuss their findings during their field visit to look at ESCA contractor's DGM equipment, methods and documentation to review possible changes to the DGM process and equipment that were developed during the RQA Pilot Study.

- August 3, 2009: Communication from ESCA Quality Assurance Oversight Professional (QAOP) confirming his review and approval of the Easy-Screen Field variance for use in high-clutter areas of Parker Flats.
- August 3, 2009: Communication from ESCA contractor (Field Manager) requesting confirmation and approval of the Easy-Screen Field variance for use in high-clutter areas of Parker Flats.
- August 5, 2009: Sent ESCA QAOP a request for their review of the Digital Geophysical Mapping (DGM) in the trails on Parker Flats.
- August 5, 2009: Sent ESCA contractor's estimate of the number of projected field visits that may be required for geophysical observation visits next year to ESCA QAOP.
- August 5, 2009: Request for update from ESCA contractors on the status of the Residential Quality Assurance (RQA) Pilot Study Report, next steps after Final Land Use Controls Implementation, and Operation and Maintenance Plan (LUCIP, County North Track 1 parcel, and Remedial Investigation/Feasibility Study (RI/FS) Group 4 documents.
- August 6, 2009: Site visit with Base Realignment and Closure (BRAC) office, Salinas Rural Fire District and Monterey Peninsula College (MPC) to assess the site conditions that may affect fire breaks at the MOUT facility (an ESCA property).
- August 6, 2009: Coordination with POM command to schedule Army training activities at the MOUT.
- August 6, 2009: Meeting with Department of Toxic Substances Control (DTSC) to discuss the progress of the ESCA and debrief from his site visit.
- August 6, 2009: Provided DTSC with a copy of the draft Monthly ESCA Report Supplement for July 2009.
- August 10, 2009: Telephone conference with Monterey County Redevelopment Office and Monterey County Illegal Dumping Task Force to discuss the illegal dumping south of Inter-Garrison Road on ESCA property and the issues associated with using of volunteers to clean it up.
- August 10, 2009: Provided Fort Ord BRAC office with ten (10) Vehicle Access Permits (VAPs) for use by Government contractors to drive through the ESCA properties to access the MOUT site.
- August 10, 2009: Meeting with ESCA contractor and FORA Executive Officer to prepare for upcoming meeting with County of Monterey Supervisors and Monterey County Redevelopment office to discuss parcel L5.7 and the Horse Park.

- August 10, 2009: Sent Waste Management, Inc. a letter providing them with FORA's request for the tax exemption from the State Board of Equalization for Temporary EPA ID Number CAC002644008. LFR intends to ship out the lead contaminated debris from the latrines that are preventing the ESCA team from doing the Munitions and Explosives (MEC) cleanup work in Parker Flats.
- August 10, 2009: Sent the Administrative Order on Consent (AOC) Monthly Program Report to Regulators.
- August 11, 2009: Communication with Monterey County Redevelopment office to request additional language (agreed upon by Jim Cook and County Supervisor Dave Potter) for the County concurrence letter for Track 1 for the County North ESCA parcel.
- August 11, 2009: Meeting with ESCA contractor to review the project status.
- August 12, 2009: Communication from ESCA QAOP on the level of review that they provided for the RQA Pilot Study DGM data such as data quality and coverage issues.
- August 12, 2009: Requested a revised Level of Effort (LOE) document from QAOP for the upcoming year.
- August 12, 2009: ESCA contractor provided ESCA QAOP with the status of the schedule for DGM work in Parker Flats for the upcoming year so that the QAOP can assess their level of effort to provide Geophysical QA for the upcoming year.
- August 12, 2009: ESCA field update meeting with ESCA contractor (Field Manager and Project Manager) regarding remediation activities, signage, gates and other access issues.
- August 13, 2009: Bi-weekly ESCA team conference call.
- August 13, 2009: Reviewed QAOP QA report regarding Parker Flats including and their review of ESCA contractors' sifting operation to check areas of high concentrations of metallic debris.
- August 13, 2009: Meeting with Tom Lederle, BRAC, FORA Executive Officer and ESCA contractor to provide an update on the ESCA RP activities, the RQA Pilot Study, the LUCIP and community outreach.
- August 13, 2009: Reviewed the updated MOUT use calendar from Presidio of Monterey.

- August 13, 2009: Communication with ESCA contractor (Field Project Manager) forwarding a request by Bureau of Land Management (BLM) to use some chipped material off Parker Flats Road.
- August 17, 2009: Telephone conference with ESCA team and QAOP Geophysicist to discuss QA Report on RQA Pilot Study, status of DGM review of Pilot Study data, report requirements and schedule, updates on field activities and data collection and field schedule for Parker Flats.
- August 18, 2009: Monthly ESCA Regulatory meeting.
- August 18, 2009: Monthly Army Munitions Response Base Cleanup Team (MR BCT) meeting.
- August 19, 2009: Received the Army's concurrence on the County North portion of the ESCA properties into their Track 1 process based on their review of the relevant documents.
- August 19, 2009: On-site meeting with ESCA contractors (Field Manager and biologist) to inspect two East Garrison ESCA Parcels that are east and west of the Ammo Supply point to evaluate, the habitat, non- native plant fuel load, site conditions, site topography and coordination with BLM's adjacent uses and fire break management requirements.
- August 20, 2009: Reviewed Army's comments on the Track 1 Approval Memorandum Fact Sheet.
- August 20, 2009: Reviewed and approved the MOUT use for 341st Army Training activities.
- August 20, 2009: Meeting with ESCA contractors (Project Manager and biologist) to review the LFR Weed Management Plan for the ESCA properties.
- August 20, 2009: Meeting with ESCA contractor (biologist) and FORA Director of Planning and Finance to review the previous habitat/training burns that FORA conducted in Parker Flats on vegetation that had re-grown after cutting approximately 9 years ago for MEC cleanup work.
- August 20, 2009: Received confirmation of the completion of Construction Change Order #2 for the roadway work on ESCA property preformed by LFR and Weston and paid for by FORA.
- August 20, 2009: Received the survey for the Parker Flats Phase 1 Boundary in the ESCA lands.

- August 24, 2009: Request from ESCA contractor (Field Manager) to provide combination and information on the Inter-Garrison gate that was locked recently to retard illegal dumping on ESCA properties south of Inter-Garrison Road.
- August 24, 2009: Sent an electronic copy of the County concurrence letter for the Track 1 Approval Memorandum to ESCA contractor.
- August 25, 2009: Sent Roman Racca of DTSC a summary report on the ESCA Community Outreach efforts to date.
- August 25, 2009: Bi-weekly ESCA team conference call.
- August 25, 2009: Signed the Track 1 Approval Memorandum letter to be sent out with the Approval Memorandum package.
- August 31, 2009: Worked with QAOP to confirm the QA Level of Effort for the upcoming year for both the UXO Professional and Geophysicist and flexibility in funding to cover both the UXO and Geophysical costs.
- September 1, 2009: Provided Presidio of Monterey (POM) with an approval for the POM Fire and the National Search and Rescue dogs to use the MOUT facility (an ESCA property) for training.
- September 1, 2009: Coordinated with the Army BRAC Safety Officer to prevent accidental ingress into the inland ranges during the County Parks Department during replacing a culvert under Barloy Canyon Road.
- September 1, 2009: Received the EPA Approval of Draft Final Group 3 RI/FS Work Plan, Interim Action Ranges, Military Operations in Urban Terrain (MOUT), Laguna Seca Parking, and Del Rey Oaks/Monterey Munitions Response Area.
- September 1, 2009: Provided coordination between the Monterey County Parks
 Department and Weston's UXO Construction Support for replacing a culvert
 under Barloy Canyon Road just outside of the Laguna Seca Race Track fence by
 County Forces.
- September 2, 2009: Meeting with BRAC officials to provide update on ESCA activities and a tour of Fort Ord including the ESCA properties.
- September 2, 2009: Reviewed Department of Toxic Substances Control (DTSC) invoice for reimbursement for their ESCA oversight from April 1 through June 30, 2009.
- September 2, 2009: Meeting with ESCA contractor and Monterey County officials to review the property survey for Parker Flats that covers both the Phase 1 Record of Decision (ROD) deed amendment and the Veteran's Cemetery.

- September 2, 2009: Field work update conference with ESCA contractor (Project Manager and Field Manager).
- September 2, 2009: Signed Hazardous Waste manifests 000129655 GBF and 000129655 GBF to haul the Lead Based Paint latrine debris from Parker Flats so is interfering with the MEC cleanup activities.
- September 3, 2009: Request from BRAC for the status of the Parker-Flats Phase 1 Deed Amendment.
- September 3, 2009: Meeting with Whitson Engineers to identify issues in Surveying the ESCA properties especially the Veteran's Cemetery Parcel so that they can be transferred once the Parker Flats Phase 1 deed amendment is completed.
- September 3, 2009: Checked the gate at Inter-Garrison to make sure lock worked and then installed the new infra-red digital camera to photograph illegal dumpers.
- September 8, 2009: Bi-weekly ESCA team conference call.
- September 9, 2009: Provided the Presidio of Monterey (POM) with an approved application for use of the MOUT facility for their exercises per the existing FORA/POM Right of Entry.
- September 9, 2009: Coordinated a meeting with the BRAC office to discuss proposal to stockpiles soils on ESCA property and discuss the limitations the ESCA program must follow.
- September 9, 2009: Meeting with ESCA contractor to discuss the Army's proposed stockpiles on ESCA property and use of the blue-line road.
- September 9, 2009: Sent the Administrative Order on Consent (AOC) Monthly Program Report to Regulators.
- September 10, 2009: Spoke with DTSC after they received a Teradex alert showing that Sudden Link was working in the GJMB corridor. DTSC wanted to confirm that Sudden Link's employees received their MEC recognition training.
- September 10, 2009: Received notice from ESCA contractor (Field Manager) that Kettelman Landfill received 60 CY of hazardous waste debris from the Parker Flats latrines.
- September 10, 2009: Laura attended the FORA/BLM joint cleanup day planning conference call.
- September 14, 2009: Provided the POM with an approved MOUT Use Application for the National Guard Training exercises.

- September 15, 2009: Monthly Army Munitions Response Base Cleanup Team (MR BCT) meeting.
- September 15, 2009: Monthly Regulatory meeting.
- September 16, 2009: Meeting with Monterey County and the FORA Engineering Department to discuss the planning and construction of East Side Road which is proposed to run through the ESCA properties in Parker Flats.
- September 16, 2009: Communication with Regulators requesting concurrence on the addition of the PG&E pipeline road to the ESCA Safety Access Corridor System.
- September 17, 2009: Sent FORA Quality Assurance Oversight Professional (QAOP) language in the "QASP Implementation Schedule" to capture the recent modifications to the FORA/ERRG level of effort based on the yearly review.
- September 17, 2009: MR BCT Monthly Meeting.
- September 17, 2009: Provided copies of research on the Army request to use a portion of the Seaside ESCA property as a transfer site when hauling contaminated soils from the Inland Ranges to the former Fort Ord landfill to the ESCA team and contractors.
- September 17, 2009: Sent out transmittal letters for the Draft Group 2 Remedial Investigation/ Feasibility Study, FORA ESCA Remediation Program, Former Fort Ord, Monterey, California for the regulators and members of the public.
- September 21, 2009: Received approval from FORA QAOP on suggested language in the "QASP Implementation Schedule" to capture the recent modifications to the FORA/ERRG level of effort based on the yearly review.
- September 21, 2009: Sent FORA Legal Counsel the property survey of the ESCA Parker Flats Phase 1 property for their advice on how to use in the Deed amendments.
- September 21, 2009: Monterey Peninsula College (MPC) called to discuss development options available if MPC wants to change uses on the ESCA property south of Eucalyptus Road.
- September 21, 2009: Received a letter from Environmental Protection Agency (EPA) concurring on the addition of the PG&E pipeline road to the ESCA Safety Access Corridor System.
- September 21, 2009: Communication with ESCA contractor advising that the City of Seaside wants the Veteran's Endowment parcel to be cleaned up to a residential standard.

- September 22, 2009: Communication with Presidio of Monterey (POM) to confirm the procedure for monitoring the activities they allow at the MOUT site under the FORA/POM Right of Entry.
- September 22, 2009: Coordination with BRAC, Salinas Rural Fire, MPC, BLM so that the Army can install fire breaks around the MOUT site.
- September 22, 2009: Conference call with ESCA contractor to discuss the Veterans Cemetery Endowment parcel, the Seaside Corp Yard area, and work occurring on Parker Flats and the Veterans Cemetery open space.
- September 22, 2009: ESCA field update meeting with ESCA contractor regarding remediation activities, signage, gates and other access issues.
- September 22, 2009: Bi-weekly ESCA team conference call.
- September 23, 2009: Drafted a letter to the Army about their request to use a portion of the Seaside ESCA property as a transfer site when hauling contaminated soils from the Inland Ranges to the former Fort Ord landfill.
- September 23, 2009: Processed two MOUT use applications for the POM.
- September 28, 2009: Provided POM with approval for DARPA to use the MOUT site.
- September 28, 2009: Provided confirmation for the BRAC office and City of Monterey that the BMX/motorcycle track was not on ESCA land.
- September 28, 2009: Provided POM with a Master Vehicle Access Permit for their use to issue 30 subordinate vehicle access permits for Army activities to access the MOUT facility for training.
- September 28, 2009: Provided a report to ESCA contractor (Field Manager) regarding the spray paint vandalism report of ESCA flex pole signs on Sunday September 13, 2009.
- September 30, 2009: Meeting with the Army, ESCA contractor and MPC to prepare for the upcoming EPA Super JTI Program Kick off meeting scheduled for October 15.
- September 30, 2009: Sent out notifications to the Regulatory Agencies fore the controlled detonation of a 37mm projectile.
- September 30, 2009: Weekly field update with ESCA contractors (Project Manager and Field Manager).
- September 30, 2009: Telephone conference between ESCA contractor and QAOP on the RQA Pilot Study DGM and his QA review efforts.

ESCA Grant Funds Spent-This Quarter-Total to date

See the attached Financial Report form 272.

Upcoming work for the next reporting Quarter

In the upcoming Quarter FORA and FORA's Remediation team will:

- 1. Continue program management;
- 2. Continue Residential Quality Assurance Pilot Study activities at California State University Monterey Bay and Seaside 1-4.
- Continue Munitions and Explosives of Concern Remediation in habitat and development areas of Parker Flats.
- Work on various Documents for ESCA Group 2 and ESCA Group 3 properties, ESCA Group 4 properties and in support of the Army's Track One Approval Memorandum.

Technical or Regulatory issues that may impact project schedule

N/A

Status of comments submitted by Army on documents submitted by FORA

N/A

Status coordination of MEC documents with DDESB

N/A

Corrective Measures Implementation Reports

N/A

Corrective Measures Effectiveness Report

N/A

Needed Notifications in accordance with the ESCA

N/A

Changes to the Administrative Order on Consent

N/A

Summary of public participation - This Quarter- Next Quarter

Public Participation during this Quarter was extensive including; hosting ESCA Property Users Group monthly meetings, hosting Emergency Service provider monthly meetings to focus on the ESCA parcel management, providing ESCA Tours for *officios* and other jurisdiction representatives, ESCA presentations at National UXO Countermine Conference in Orlando, FL, developing agreements between FORA, the Army Presidio of Monterey and Army Defense Language School, the Universities and the jurisdictions so they can continue to operate existing programs that were initiated under ownership of the ESCA properties (such as use of the MOUT site). Continue to participate with the Army in their Community Involvement Workshop and Technical Review Committee meetings.

FORA's critical outreach dates and public participation completed within this Quarter are:

- July 1, 2009: Participated in the dry-run rehearsal of the ESCA Community Involvement Workshop (CIW) presentation for the upcoming Army CIW.
- July 1, 2009: Coordination of logistics with the City of Seaside to provide an ESCA representative and bus tour for their pre-bid and site visit in support of a Request for Proposal (RFP) for development of ESCA parcels adjacent to the Veteran's Cemetery.
- July 2, 2009: Provided ESCA Public Outreach contractor with a quick review of the outline for the upcoming Unexploded Ordnance (UXO) Counter-Mine Conference presentation in Orlando in late August.
- July 3, 2009: Produced ESCA Hotline updates.
- July 3, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- July 6, 2009: Meeting with ESCA Public Outreach contractor to review the Community Involvement Workshop (CIW) presentation.
- July 6, 2009: Communicated with a member of the public who was complaining because he could no longer drive to Hennikins Ranch Road to begin his hiking since the ESCA properties have implemented the Vehicle Access Permit system. He requested a permit but advised him that vehicle access permits could only be issued for authorized activities (remediation, first response) or personnel (contractors, law enforcement).
- July 7, 2009: Attended the Army Munitions Response Base Cleanup Team (MR BCT) monthly meeting.
- July 7, 2009: Monthly ESCA Regulatory meeting.
- July 7, 2009: Coordination of a second tour of the Veterans Cemetery site by Seaside and a developer that responded to their RFP. Weston provided them with an escort and safety briefing. FORA provided a Vehicle Access Permit.
- July 8, 2009: Attended the second Army CIW dry-run.
- July 8, 2009: Produced a cover letter the Final Group 2 Remedial Investigation/Feasibility Study (RI/FS) Work Plan scheduled for mailing on 7/9/09.
- July 8, 2009: Attended the Army Quarterly CIW and provided an update on the ESCA Remediation Program.
- July 9, 2009: Sent email communication to Department of Toxic Substances Control (DTSC) public outreach representative to schedule a conference call.

- July 9, 2009: Sent out the Final Group 2 RI/FS Work Plan.
- July 9, 2009: Received notice of the Army prescribed burn exclusion zone.
- July 9, 2009: Attended CIW debriefing meeting with ESCA team. ESCA plans to invite Fort Ord Community Advisory Group (FOCAG) representatives to a meeting with ESCA team members to discuss their questions on the Residential Quality Assurance (RQA) Pilot Study.
- July 9, 2009: Attended the Army Quarterly Technical Review Committee (TRC) meeting and provided an update on the ESCA.
- July 9, 2009: Meeting with Kevin Howe of the Monterey Herald newspaper and Mr. Gordon Smith a local hiker discuss the location and contents of an illegal dumpsite adjacent to the ESCA properties. Discussed the illegal dumping problem, the steps that FORA ESCA Remediation Program (RP), the ESCA team and the Monterey County Illegal Dumping Task Force in conjunction with local law enforcement and volunteers, implementing a program to catch offenders and curb the problem.
- July 9, 2009: Sent out the Final Group 2 RI/FS Work Plan to the Regulators and community members.
- July 10, 2009: Sent email to DTSC Public Outreach representative to schedule a conference call.
- July 10, 2009: Final Group 2 RI/FS Work Plan was forwarded to the Regulators, the Army and the community groups that have requested these documents.
- July 10, 2009: Coordination with Presidio of Monterey (POM) and Monterey Peninsula College (MPC) to schedule DARPA to use the MOUT facility July 16th.
- July 10, 2009: Meeting with Velo Cycling Group and provided them with instructions on how to apply for a FORA Right of Entry to support their proposed August 1, 2009 road ride event on Fort Ord.
- July 10, 2009: Produced ESCA Hotline updates.
- July 10, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- July 13, 2009: Spoke with Velo Promo representative with instructions on how to apply for a FORA Right of Entry to support their proposed August 1, 2009 road ride event on Fort Ord. He will also submit a Right of Entry application.

- July 14, 2009: Telephone conference with Laguna Seca representative to see if the Velo Cycling Club Promo event on August 1, 2009 will use the same roads as the Spirit West Coast that is scheduled for Laguna Seca that same weekend. We confirmed that the events did not use the same roads and therefore, no conflicts.
- July 14, 2009: Attended the Laguna Seca Pre/post event meeting to debrief from the Moto GP and prepare for the upcoming Spirit West Coast event. The Laguna Seca Parking lots are ESCA properties managed by Monterey County under a Right of Entry agreement with FORA.
- July 15, 2009: Monthly Emergency Service providers meeting.
- July 16, 2009: Telephone conference with Fort Ord Environmental Justice Network (FOEJN) and left a message on their voice mail for Ms. Stone to remind her of the consolidated MEC demolition shots scheduled for today. Also reminded her that for safety reasons we do not release the exact location of the MEC demolition shots to prevent the potential for unauthorized people from trying and get close to observe the shot.
- July 17, 2009: Produced ESCA Hotline updates.
- July 17, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- July 16, 2009: Created various documents in support of the Velo Cycling Club Promo event (Right of Entry documents and Vehicle Access Permits) and forwarded to Velo Cycling Club to complete.
- July 20, 2009: Send email to FOEJN advising of the approximate location of last Friday's MEC demolition shots. The exact location is not given out per Standard Operating Procedure (SOP) to prevent the potential for unauthorized people from trying to get close to observe the shot.
- July 21, 2009: Ongoing coordination with Monterey County Illegal Dumping Task Force to provide a clearing house for reports of illegal dumping on ESCA land and other Fort Ord lands so that the Monterey County Illegal Dumping Task Force can be given reports with accurate locations of dumping and current land ownership for follow up purposes.
- July 21, 2009: Researched and ordered "No Dumping" signs in English and Spanish to alert potential dumpers that video cameras are being utilized. Signs will be installed on ESCA properties to deter dumping and other illegal activities.
- July 21, 2009: Researched and ordered three cameras for surveillance purposes based on recommendations by the Monterey County Illegal Dumping Task Force and others. Cameras will be installed on ESCA properties to deter and/or catch dumping and other illegal activities.

- July 22, 2009: Communication with Monterey County Illegal Dumping Task Force after receipt of final revisions on the "No Dumping" signs with contact information.
- July 23, 2009: Field maintenance of ESCA signage and flex poles with ESCA contractors. Replaced "Area Closed," "No Trespassing" decals on flex-poles and covered them with clear epoxy to prevent them from being peeled off on hot days. Completed signage maintenance from Inter-Garrison Road to Schoonover Drive and the Jerry Smith Access Corridor. We noted that approximately 10 flex-poles had been vandalized.
- July 23, 2009: Sent email to Fort Ord Community Advisory Group (FOCAG) acknowledging that they did not accept the ESCA Team invitation to meet for the purpose of providing them with a detailed explanation of the RQA Pilot Study within the time frame that would allow the ESCA team time to assemble the team's expertise to properly staff the meeting.
- July 24, 2009: Created the draft of a PowerPoint presentation with ESCA Public Outreach contractor for the August UXO/Countermine Conference in Orlando, FL.
- July 24, 2009: Communication with Velo Cycling Club Promo event representatives for 7/31 to discuss and hand-deliver a Master Vehicle Access Permit and Right of Entry for the August 1st event on the Fort Ord roads. Portions of these roads are through ESCA lands.
- July 24, 2009: Produced ESCA Hotline updates.
- July 24, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- July 27, 2009: Finalized PowerPoint presentations for the August UXO Countermine Conference in Orlando, FL.
- July 29, 2009: Monthly ESCA Users Group meeting. FORA staff provided updates on status of the property transfer, upcoming regulation of trail use on ESCA properties by cyclists, hikers, equestrian and biologists.
- July 29, 2009: Notification to community members via email about a blow-in-place for a 3.5" rocket found in Parker Flats at 24" deep on 7/29. Engineering controls and traffic control in place on roads and trails. Blow set between 3:45 p.m. to 4:00 p.m.
- July 29, 2009: Notification to FOEJN via telephone and spoke with FOEJN Executive Director (3/34 p.m.) about a blow-in-place for a 3.5" rocket found in Parker Flats at 24" deep on 7/29. Engineering controls and traffic control in place on roads and trails. Blow set between 3:45 p.m. to 4:00 p.m.

- July 30, 2009: Provided a tour of former Fort Ord for EPA representatives from Sacramento and Washington, D.C.
- July 31, 2009: Telephone conference with Fort Ord Environmental Cleanup Community Involvement representative to coordinate ESCA team's efforts for the Monterey County Fair.
- July 31, 2009: Telephone conference with FOEJN requesting when they can expect an "Environmental Impact Report" publication for ESCA property.
- July 31, 2009: Produced ESCA Hotline updates.
- July 31, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- August 3, 2009: Meeting with Alan Chin of Stanford University and ESCA contractor to discuss Mr. Chin's current research in Digital Geophysical Mapping (DGM) anomaly selection and ESCA contractors' current research in improving DGM signal quality and to determine if there is a potential for both parties to benefit from working together and/or sharing information.
- August 3, 2009: Produced cover letters for the final Land Use Controls Implementation, and Operation and Maintenance Plan (LUCIP) for Parker Flats Phase 1 for the Regulators and select community groups.
- August 4, 2009: Attended the Laguna Seca Pre and Post Event meeting to insure that any impacts on the ESCA properties would be fully addressed.
- August 5, 2009: Coordination with Search and Rescue Dog operators referred by Presidio of Monterey (POM) Fire Department Chief requesting use of the MOUT site for training.
- August 5, 2009: Received the final hard copy of the LUCIP O&M Plan.
- August 6, 2009: Received a copy of the Monterey Off-Road Cycling Association (MORCA) letter to County Supervisors Parker and Potter in support of the Track 1 plug-in for the County North properties.
- August 7, 2009: Produced ESCA Hotline updates.
- August 7, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- August 10, 2009: Attempted to attend the Town Hall Meeting (health care reform) in Monterey, CA hosted by Congressman Sam Farr, 17th District with the thought

- that there may be members of the public there to talk about their health concerns from Fort Ord MEC cleanup activities.
- August 11, 2009: Provided a report on Congressman Sam Farr's Town Hall meeting to the Regulators.
- August 12, 2009: Monthly Emergency Service providers meeting.
- August 12, 2009: Reviewed Base Realignment and Closure (BRAC) office notes from the Monday, 10 Aug 09, Fort Ord Community Advisory Group (FOCAG) public meeting.
- August 12, 2009: Created the agenda for the August 2009 Users Working Group meeting
- August 12, 2009: Coordination with Monterey County Redevelopment office to finalize language in a letter from FORA to the County requesting their concurrence that parcels L5.7 in County North ESCA properties will not be residential and that the properties in the Horse Park will be assessed at a future time as a place to utilize potentially saved residential cleanup funds.
- August 13, 2009: Request from Navy Chief Petty Officer to hold their annual Chief Petty Officer evening event at the MOUT facility which was referred to the POM staff handling MOUT use requests.
- August 14, 2009: Produced ESCA Hotline updates.
- August 14, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- August 17, 2009: Meeting with Police Activities League representative to provide him with a map of the ESCA access corridors so that he can plan a 10K foot race on Fort Ord. He was given a vehicle access permit to drive on the roads owned by the ESCA.
- August 19, 2009: Participated in the dry run for the UXO Forum presentation scheduled for 24 Aug 09 in Orlando, FL.
- August 19, 2009: Meeting with Army to discuss the recent Fort Ord Community Advisory Group meeting.
- August 21, 2009: Produced ESCA Hotline updates.
- August 21, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.

- August 24, 2009: Forwarded a copy of Fort Ord Environmental Justice Network (FOEJN) and Fort Ord Community Advisory Group's (FOCAG) comments for the Draft Group 3 Remedial Investigation/Feasibility Study (RI/FS) to ESCA contractors.
- August 24, 2009: Received and reviewed faxed comments from FOCAG (Mr. Weaver) of the Draft Group 3 RI/FS Work Plan and await the hard copy in the mail.
- August 24, 2009: Received and reviewed the hard copy comments from FOCAG (Mr. Houston) of the FOCAG Draft Group 3 RI/FS Work Plan.
- August 24, 2009: Received and reviewed the hard copy comments from FOEJN (Ms. Stone) for the Draft Group 3 RI/FS Work Plan.
- August 24, 2009: Conference call with the Monterey Police Activities League requesting the use of portions of the roads in the ESCA properties for a running event in November of this year.
- August 24, 2009: Installed two locks on the Inter-Garrison gate east of Schoonover to prevent illegal dumping on ESCA property.
- August 24, 2009: Provided the County, BLM, CSUMB Police and the Monterey County Search and Rescue Dogs with the combination for the new lock on gate at Inter-Garrison Road.
- August 24, 2009: Prepared an acknowledgment letter for comments from FOCAG on the Draft Group 3 RI/FS Work Plan.
- August 24, 2009: Prepared an acknowledgment letter for comments from FOEJN for the Draft Group 3 RI/FS Work Plan.
- August 24, 2009: Meeting with CSUMB Cross-Country Coach to provide a Vehicle Access Permit for the upcoming 5 Sept 09 event that utilizes a trail that has a portion crossing ESCA property.
- August 25, 2009: Received communications expressing positive support from community members for locking the Inter-Garrison gate to stop the illegal dumping on the ESCA properties.
- August 25, 2009: Received communication expressing positive support from the Monterey County Illegal Dumping Task Force for locking the Inter-Garrison gate to stop the illegal dumping on the ESCA properties.
- August 25, 2009: Conference call with representatives from Marina Coast Water
 District (MCWD) requesting coordination if they plan to do any ground disturbing
 activities east of their new Water Tank site E20c.2.2 since these are all ESCA

- properties. They confirmed that all their ground disturbing work will be on their property which is not an ESCA site.
- August 26, 2009: Monthly ESCA Users Group meeting. FORA staff provided updates on status of the property transfer, upcoming regulation of trail use on ESCA properties by cyclists, hikers, equestrian and biologists.
- August 26, 2009: Presentations by ESCA team given at the UXO/Countermine/Range Forum™ 2009 in Orlando on the ESCA Program's Community Outreach efforts, the refinement of the ESCA DGM equipment and the ESCA RQA Pilot Study work.
- August 28, 2009: Produced ESCA Hotline updates.
- August 28, 2009: Produced ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- August 31, 2009: Received a draft Army letter to the FOCAG to acknowledge receipt of their 10 Aug 09 draft resolution and 12 Aug 09 information request.
- August 31, 2009: Provided the POM with an approval for the 229th to use the MOUT facility for various days through the end of 2009.
- August 31, 2009: Request to ESCA contractor to provide ESCA QAOP with copies of the Modification White Paper presented to regulatory agencies in December 2008. During that meeting the modifications were accepted following completion of data collection in the Geophysical Test Plot. The second file is documentation of the Geophysical Test Plot for the Pilot Study.
- August 31, 2009: Worked with ESCA contractor and Monterey County Parks

 Department to get UXO Construction Support when replacing a collapsed culvert under Barloy Canyon Road just outside of the Laguna Seca Race Track.
- August 31, 2009: Reviewed and distributed the draft Emergency Service Coordination meeting minutes.
- August 31, 2009: Participated in a conference call with Monterey County,
 Congressman Farr's staff and the Veteran's Cemetery Planning team to provide
 them with information on the ESCA progress with the Veteran's property.
- August 31, 2009: Provided copies of the Public Notice in The Californian and the Herald newspaper of the Track 1 Approval Memorandum to general distribution list.
- August 31, 2009: At the request of the Monterey Off-Road Cycling Association, they received a copy of the Public Notice from the Monterey Herald for the Track 1 Approval Memorandum.

- September 1, 2009: Spoke with the Monterey Coast Weekly to provide accurate information on the ESCA Properties, the extent of the ESCA grant's scope of work and the Army's retained conditions.
- September 1, 2009: Submitted an ESCA information article for "The ARC" Newsletter for the CSUMB Schoonover and Frederick Park housing.
- September 4, 2009: ESCA Hotline updates.
- September 4, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- September 9, 2009: Monthly Emergency Service Providers meeting.
- September 9, 2009: Communication with public member from Del Rey Oaks that had heard a large "boom" last Friday at 4:00 AM. He had contacted the local Police and hospitals to see if they knew what the boom was. he was assured him that the ESCA project had not set off any explosives at 4:00 AM last Friday.
- September 9, 2009: Monthly Emergency Service providers meeting.
- September 10, 2009: Provided Chartwell School with a Vehicle Access Permit so that, if needed, they provide assistance for the school's monthly rides on the Fort Ord Roads.
- September 10, 2009: Laura represented FORA on the first joint FORA/BLM joint trash cleanup day planning conference call.
- September 11, 2009: ESCA Hotline updates.
- September 11, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- September 14, 2009: Communication with ESCA contractor about the request from the Fort Ord Environmental Justice Network to provide an ESCA presentation at their annual event.
- September 16, 2009: ESCA RP staffed an information booth at the California State University Monterey Bay (CSUMB) Club Showcase Day.
- September 17, 2009: Debriefing with ESCA staff regarding the CSUMB Club Showcase event.
- September 17, 2009: Weekly telephone conference to coordinate the BLM National Public Lands Day / ESCA Properties Volunteer Cleanup Day.

- September 18, 2009: ESCA Hotline updates.
- September 18, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- September 19, 2009: Made a presentation on the ESCA Program at the annual Fort Ord Environmental Justice Network public meeting.
- September 20, 2009: Attended the Laguna Seca Pre and Post Event meeting to insure that any impacts on the ESCA properties would be addressed.
- September 21, 2009: Provided a CSUMB Professor with information on the ownership of specific areas of Fort Ord including ESCA properties where her classes have preformed plant surveys in the past.
- September 23, 2009: Monthly ESCA Users Group meeting. FORA staff provided updates on status of the property transfer, upcoming regulation of trail use on ESCA properties by cyclists, hikers, equestrian and biologists.
- September 24, 2009: Weekly telephone conference to coordinate the BLM National Public Lands Day / ESCA Properties Volunteer Cleanup Day.
- September 24, 2009: Provided locations of trash piles on ESCA lands that were reported by members of the Fort Ord Users Working Group to the Monterey County Illegal Dumping Task Force.
- September 25, 2009: ESCA Hotline updates.
- September 25, 2009: ESCA updates for CSUMB, Fort Ord Google Users Group listserv and Twitter general distribution.
- September 28, 2009: Provided information to the Monterey County Illegal Dumping Task Force, County of Monterey, Marina, and CSUMB that the illegal dumping on 8th Avenue is not on ESCA lands.
- September 28, 2009: Attended the Laguna Seca Pre/Post-event meeting to review the traffic plan and parking lot use for impacts to the ESCA properties.
- September 28, 2009: Received the Public Comments on the Track 1 Approval Memorandum for the County North properties.
- September 30, 2009: Sent out e-mail notifications to the Community members that a controlled detonation will occur.
- September 30, 2009: Telephone call to FOEJN to advise them that a controlled detonation will occur.

September 30, 2009: Communication with POM Police and Sherriff's Department requesting they visit the home of the individuals that were caught on ESCA property searching for buried items with metal.

Below is a listing of the total number of calls ESCA Hotline received at (831) 883-3506 and ESCA-dedicated email for the third quarter of 2009. Members of the community called/emailed with questions regarding the ESCA Properties Volunteer Trash Cleanup Day; questions about detonations/demolition activities; received RSVP's for Users Working Group meetings; request for information about Bureau of Land Management and trail system; inquiries about safety access corridors; when vehicle access permits are necessary, how to get and who may apply for one; and, general questions about the ESCA RP, website and hotline information.

	ESCA Hotline	ESCA e-mail	ESCA website hits
July 2009:	7	98	3,880
August 2009	: 6	90	3,226
September	<u>6</u>	<u>104</u>	<u>3,786</u>
TOTAL	19	292	10,892

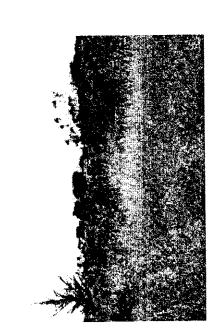
<u>Project Updates to Coordinated Resource Management Planning meeting</u>

FORA's critical dates, Coordinated Resource Management Planning meeting updates completed within this Quarter are:

April 21, 2009 LFR Biologist attended the CRMP subcommittee Weed Meeting coordinating the ESCA properties weed management needs with the weed abatement activities of the adjacent property owners.

Environmental Services Cooperative Agreement (ESCA) Fort Ord Reuse Authority (FORA) Remediation Program (RP)

FORA Board of Directors ESCA Update







November 13, 2009

Presentation by:

Stan Cook – FORA ESCA Remediation Program Manager







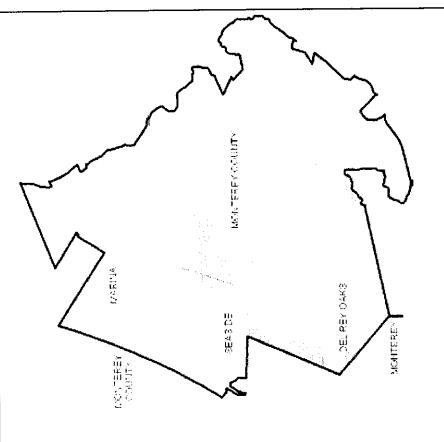






▼Updates:

- **≯**Parker Flats
- ➤ Track 1 "No Further Action"
- → Group 2 Schedule
- **▼Group 3 Schedule**
- VIllegal Dumping
- **▼**Document Processing
- ➤ Resources & Opportunities



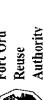






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Munitions Response Area (MRA) by Group



Legend

Former Fort Ord Boundary

Group 1 MRAs Seaside MRA Parker Flats MRA **Group 2 MRAs**

CSUMB Off-Campus MRA County North MRA

Group 3 MRAs

MOUT Site MRA Del Rey Caks/Wonterey MRA Laguna Seca Parking MRA Interim Action Ranges MRA

Group 4 MRA

Future East Garrison MRA









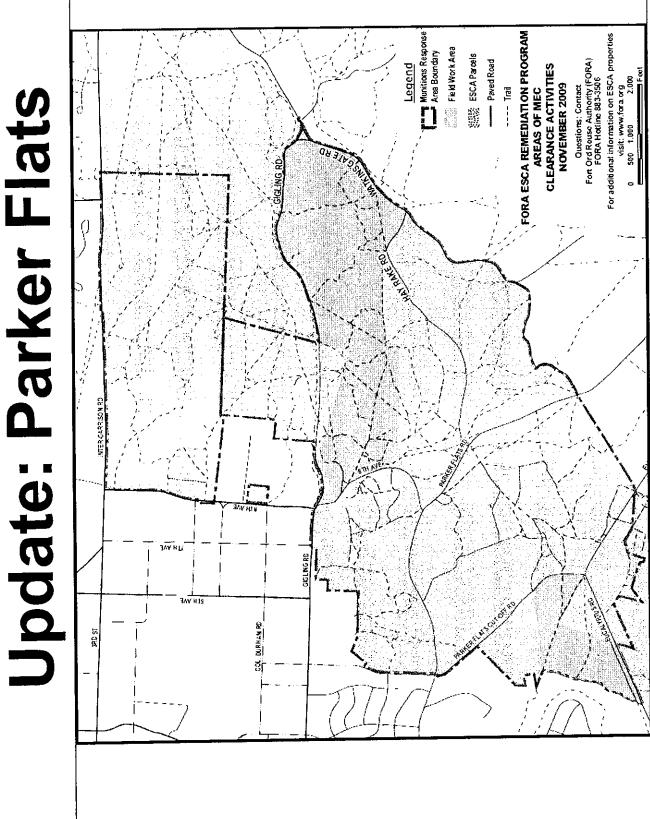












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Authority

Fort Ord Reuse

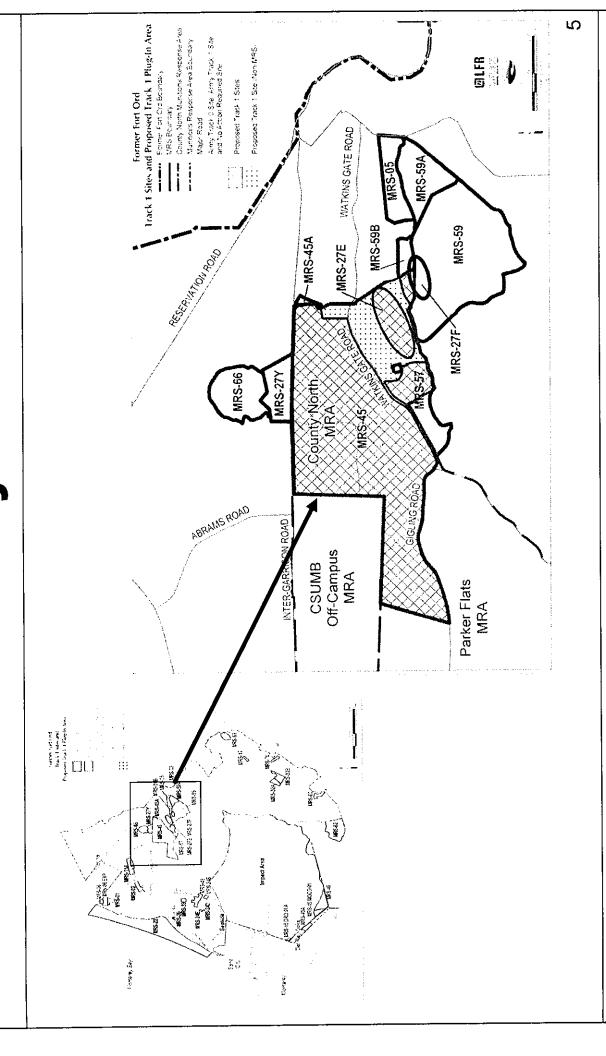








Track 1 County North MRA









(a) LFR





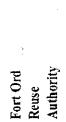


County North Track 1 Update

Track 1 Plug-In Approval Memorandum County North Munitions Response Area 51 comment letters received September 28, 2009

Next Steps:

- 1. Responsiveness Summary
- 2. Track 1 Designation Regulatory Approval
- Issue Final Track 1 Approval Memorandum







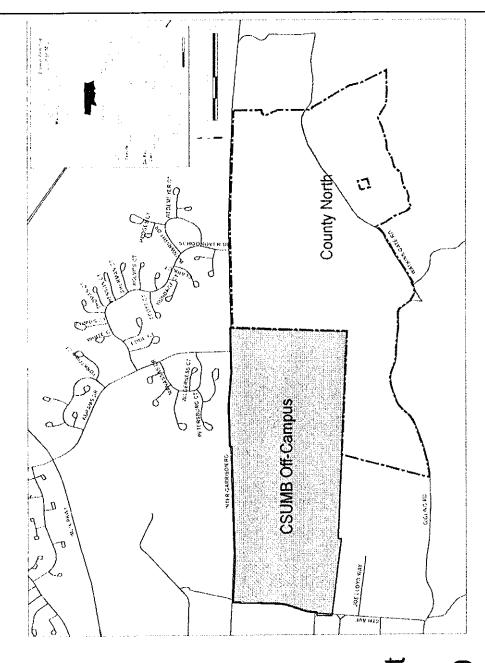




Group 2: RI/FS Update

RI/FS Report: background information; munitions data review and analysis; and evaluation of remedial alternatives

- •Final Group 2 RI/FS Work Plan released: July 8, '09
- Draft Group 2 RI/FS Report released: Sept. 17, '09 comments due Nov. 20, '09







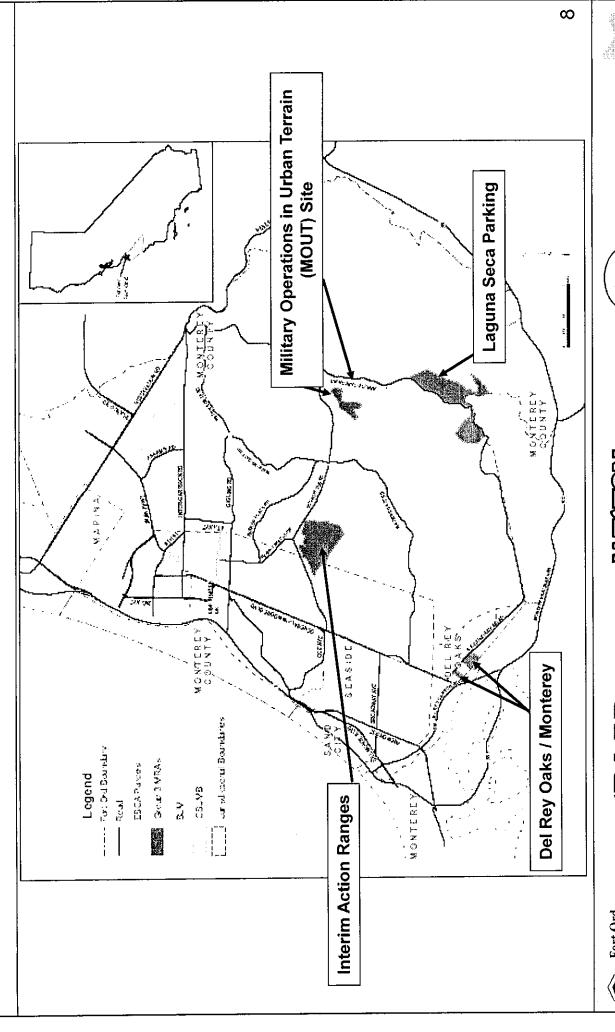






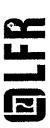


Group 3 Munitions Response Areas













Comment period closed August 20, 2009

Finalizing comment responses

Issue Final Work Plan November 13, 2009

Draft Group 3 RI/FS Report will:

 Review past data collection and munitions investigations

Present remedial options

Target release: February 2010











Illegal Dumping

- Slows munitions remediation and diverts resources
- Illegal Dumping Task Force: 831-755-4800
- ESCA / BLM / Army Trash Pickup Day – 24-Oct-09
- 200 volunteers
- 2 miles trash pickup











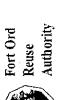


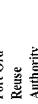


ESCA Document Schedule

Document	Version	Planned Release
Group 2 RI/FS Report	Draft	September 17, 2009
Group 2 RI/FS Report	Draft Final	April 2010
Group 3 RI/FS Report	Draft	February 2010
Group 3 RI/FS Report	Draft Final	July 2010
Group 4 RI/FS Work Plan	Draft	October 12, 2009

RI/FS = Remedial Investigation/Feasibility Study Release times subject to change













ESCA Document Process

RI/FS

ESCA RP Documents Issued by FORA

PP/ROD

ESCA RP Decision Documents Issued by Army

Comments submitted to Army Army responds to comments Proposed Plan

Comments submitted to FORA

RI/FS Work Plan

FORA responds to comments

Record of Decision Issued by Army

Comments submitted to FORA FORA responds to comments RI/FS Report

PP = Proposed Plan referring to document that puts forward preferred remedial method. ROD = Record of Decision which officially documents the selected remedy decision.



Fort Ord Reuse









7

Community Involvement and Outreach Program:

ACCORD

DIVERSE VIEWS AND VOICES

REGULARLY WITH STAKEHOLDERS

Comprehensive

EDUCATION AND INFORMATION

FOR ACTIVE COMMUNITY PARTICIPATION

Reponsive

TO PERSONAL COMMUNICATION AND INQUIRIES

D|edicated

TO INCLUSIVE COMMUNITY INVOLVEMENT AND SUTREACH

Upcoming Meetings & Events

Fort Ord Users Working Group:

Monthly meetings to address trail access and safety concerns.

Next meeting November 18, 2009, FORA offices, 12 – 1 PM.

Emergency Services Coordination Group:

Monthly meetings – Police, Fire, Land Management.

Next meeting December 2, 2009, FORA offices, 12:30 – 1:00 PM.

ESCA Informal Community Workshop:

December 10, 2009 at the FORA Conference Center.











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The FORA ESCA remediation program

HOME FIELDWORK COMMUNITY INVOLVEMENT ABOUT FORA CONTACT US

- rogram Oversew O About FORA
- O about the ESCA Team
- ESCA History, Pass Present, Future (pd)
 Fork ESCA RP, Project
 Components (pd)
 Components (pd)
 - - Meeting Schedule
- Community Involvement and Outreach
 Program (CIOD) Plan
 ACCRED Principles (pdf)
 ESCA Newselters
 - O FAQ Reculatory Framework O Pathway to Site Cosure (p.gh)
 - ogram Documents
- O Final Approved Documents

 O Documents Linke Record

 O Administrative Record

 Past Meeting Presentations

 Fieldwork Status

 Access and Site Cloume

 O Map of Poccess Roudes

 O Map of Poccess Roudes
 - O Current Work Area:
 O Closed Areas
 ESCA RP MRA Mags
 ACTONING & Glossory (pdf)

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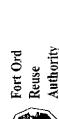






Resources

- ➤ Website: www.fora-esca-rp.com
- ➤ Newsletters & Technical Fact Sheets
- ➤ Weekly Hotline Updates: 831-883-3506
- ➤ Maps showing access corridors
- Kiosks at access corridor trailheads
- ➤ Email: esca@fora.org
- ➤ Address: 100 12th Street Bldg 2880, Marina CA 93933











FORT ORD REUSE AUTHORITY BOARD REPORT		
OLD BUSINESS		
Subject:	General Jim Moore Boulevard – status update	
Meeting Date: Agenda Number:	November 13, 2009 6b	INFORMATION

RECOMMENDATION:

Receive a status update on the construction of General Jim Moore Boulevard ("GJMB").

BACKGROUND:

To date, Fort Ord Reuse Authority ("FORA") Board actions and the timeline of construction of GJMB has been as follows (a milestone sequence diagram is attached as **Exhibit A**):

- October 2003 Service Work Order ("SWO") #3 and SWO #4 approved for the design and environmental processing of GJMB from Normandy Road to the Del Rey Oaks city limit and Eucalyptus Road from GJMB to the Seaside city limit
- August 2004 GJMB Phase I and Phase II environmental documents adopted and projects authorized for bids
- October 2004 GJMB Phase I (grading and retaining wall on GJMB from Normandy Road to McClure Way) construction contract awarded to Monterey Peninsula Engineering ("MPE")
- August 2005 Filing of the Notice of Completion ("NOC") of GJMB Phase I authorized and GJMB Phase II (paving GJMB from Normandy Road to McClure Way) construction contract awarded to MPE
- September 2005 All remaining phases of GJMB (GJMB from Coe Avenue to Del Rey Oaks city limits) environmental document adopted and GJMB Phase III (GJMB from McClure Way to Coe Avenue) authorized for bids
- December 2006 Filing of the NOC of GJMB Phase II authorized
- August 2006 GJMB Phase III construction contract awarded to Pavex Construction
- July 2007 Filing of the NOC of GJMB Phase III authorized
- October 2008 GJMB Phase IV (grading and utility installation within a re-aligned GJMB from Coe Avenue to Del Rey Oaks city limit) and Eucalyptus Road Phase I (grading of Eucalyptus Road from GJMB to 2100 feet west of the Seaside city limit) construction contract awarded to Raminha Construction
- September 2009 Filing of the NOC of GJMB Phase IV and Eucalyptus Road Phase I authorized
- December 2009 Anticipated construction contract award for GJMB Phase V (paving of re-aligned GJMB from Coe Avenue to Del Rey Oaks city limit and Eucalyptus Road Phase II (paving of Eucalyptus Road from GJMB to as far as grant funding will allow)
- December 2010 Anticipated request to file NOC for GJMB Phase V and Eucalyptus Road Phase II

DISCUSSION:

At their May 2009 meeting, the FORA Board authorized staff to submit a grant application to the Economic Development Administration ("EDA") for funds to construct GJMB Phase V and Eucalyptus Road Phase II and additionally to accept a grant offer if received. In August 2009, staff received and accepted the offer of a grant award in the amount of \$6,426,754. The grant requires a 50% local match, bringing the total amount of construction funding to \$12,853,508. FORA staff is currently working with EDA staff to prepare the required documents in order to receive the EDA's authorization to advertise the project for bids. When authorization is received staff will advertise for bids in a time frame that would allow for a construction contract award at the December 2009 board meeting.

FISCAL IMPACT:

Reviewed by Controller

The FORA Executive Officer has been given the authority to restructure FORA debt obligations in order to match the EDA grant. This would include authorization to forward to the selected lender any deposit or consideration incident to the application process. These in turn would be applied as loan fees and would not increase FORA's projected financing costs.

COORDINATION:

EDA, City of Seaside, City of Del Rey Oaks, US Army, Administrative Committee, Executive Committee

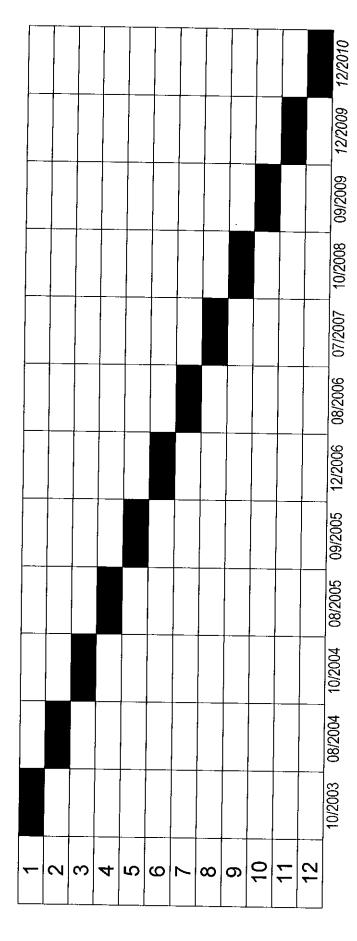
Prepared by

Crissy Maras

Approved by

Michael A. Houlemard, Jr.

Milestone Sequence Diagram - Construction of General Jim Moore Boulevard



- SWO #3 and SWO #4 approved for the design and environmental processing of GJMB from Normandy Road to the Del Rey Oaks city limit and Eucalyptus Road from GJMB to the Seaside city limit
 - GJMB Phase I and II environmental documents adopted; projects authorized for bids
 - GJMB Phase I construction contract awarded
- GJMB Phase I NOC filed; GJMB Phase II construction contract awarded
- All remaining phases of GJMB environmental document adopted; GJMB Phase III authorized for bids
 - GJMB Phase II NOC filed
- GJMB Phase III construction contract awarded
 - GJMB Phase III NOC filed
- GJMB Phase IV and Eucalyptus Road Phase I construction contract awarded
 - GJMB Phase IV and Eucalyptus Road Phase I NOC filed
- GJMB Phase V and Eucalyptus Road Phase II construction contract award anticipated
 - GJMB Phase V and Eucalyptus Road Phase II filing of NOC anticipated

November 13, 2009 FORA Board Meeting To Old Business item 6b **Exhibit A**

FORT	ORD REUSE AUTHORITY BOA	RD REPORT
	OLD BUSINESS	
Subject:	Memorandum of Agreement among the Fort Ord Reuse Authority, Monterey County and Union Community Partners, LLC, concerning certain roadway obligations	
Meeting Date: Agenda Number:	November 13, 2009 6c	ACTION

RECOMMENDATION:

Approve the Memorandum of Agreement ("MOA") among the Fort Ord Reuse Authority ("FORA"), Monterey County ("County") and Union Community Partners, LLC ("UCP") regarding the construction and funding of Reservation Road widening/Intergarrison Road connection ("Attachment A").

BACKGROUND/DISCUSSION:

Since UCP has assumed the former East Garrison Partners I, LLC development role in the East Garrison Project and has paid all previously outstanding payments to FORA and the County. County, FORA, and UCP are prepared to finalize this MOA. The widening of Reservation Road from two lanes to four lanes, as incorporated in the East Garrison development plan, is included in the Fort Ord Base Reuse Plan ("BRP") and is presented as off-site traffic mitigation project 4D in the Capital Improvement Program ("CIP"). The connector road between Intergarrison Road and Reservation Road, as incorporated in the East Garrison development plan, is also included in the BRP and is presented as on-site traffic mitigation project FO6 in the CIP.

County will serve as lead agency for construction elements of CIP projects 4D and FO6. County, UCP, and FORA are establishing a protocol by which FORA's financial obligation to these projects will be satisfied by credit against Community Facilities District ("CFD") fees payable by UCP (to the limit of FORA's financial obligation to projects 4D and FO6).

The MOA establishes the framework for UCP credits, limited to reduction of FORA's obligations for the remaining construction of CIP projects 4D and FO6. FORA's obligation to credit UCP is contingent upon UCP's CFD fee payment. It is noted that FORA Authority Counsel has approved this MOA as to form.

FISCAL IMPACT:

Reviewed by Controller_

The agreement to credit UCP a portion of the CFD fees payable to FORA is fiscally neutral to FORA. Per the MOA, FORA's cost allocation to these two projects is \$9,062,567 of which \$2,021,053 is attributed to the works previously constructed under the MOA. CFD credit to UCP under the MOA is \$2,021,053. The source of the credit is restricted, under the MOA, to UCP development fees.

COORDINATION:

Monterey County, UCP, Authority Counsel

Prepared by

Reviewed by

Steve Endsley

Approved by_

Michael A. Houlemard, Jr.

Attachment A

Item 6c

FORA Board Meeting, November 13, 2009

MEMORANDUM OF AGREEMENT AMONG THE FORT ORD REUSE AUTHORITY, THE COUNTY OF MONTEREY AND

UNION COMMUNITY PARTNERS, LLC CONCERNING CERTAIN ROADWAY FUNDING OBLIGATIONS

This MEMORANDUM OF AGREEMENT ("MOA" or "Agreement") is made on _______, 2009, by and between the FORT ORD REUSE AUTHORITY ("FORA"), the COUNTY OF MONTEREY, ("County"), and UNION COMMUNITY PARTNERS, LLC, ("Developer"), providing for credits against fees imposed by FORA for certain roadway funding obligations.

RECITALS

- A. FORA operates under California Government Code Section 67650 et seq. (the "Authority Act"). FORA's functions include planning for and managing the disposition of former Fort Ord lands. One of FORA's principal functions is to receive title to these lands from the United States Army and transfer that title to local jurisdictions or their designees.
- C. On May 8, 2001, FORA and the County entered into an Implementation Agreement. That agreement provides, among other terms, for the payment of fees to FORA ("FORA Fees") from Developers at Fort Ord at the time of building permits to fund Basewide Mitigation Measures (as defined in the Implementation Agreement).
- D. On October 4, 2005, the County Board of Supervisors approved the East Garrison Disposition and Development Agreement (the "East Garrison DDA") between the Redevelopment Agency of the County of Monterey (the "Agency") and East Garrison Partners I, LLC. Subsequently, in 2009, Union Community Partners, LLC ("Developer") acquired East Garrison Partners I, LLC's development interest in the East Garrison Project.
- E. On January 12, 2006, FORA adopted findings that the East Garrison Project was consistent with the Reuse Plan and approved an MOA between the Agency, Developer and FORA, dated as of February 28, 2006, with respect to the funding of FORA's basewide deconstruction obligations (the "Decon MOA"). The Decon MOA also provided, in Section 7 thereof, that FORA will in good faith consider giving credit ("FORA Fee Credits") to Developer against Developer's obligation to pay FORA Fees for the completion by Developer of components of FORA's Transportation/Transit Element under the FORA 2005/2006 CIP.
- F. In June 1997, the FORA Board adopted a Final Environmental Impact Report ("FEIR") and a Fort Ord Base Reuse Plan ("Plan"). The Plan defines a series of

project obligations of the Plan as the Public Facilities Implementation Plan ("PFIP"). The PFIP serves as the baseline Capital Improvement Program ("CIP") for the Plan. The FORA Board annually revisits, reviews and considers modifying the CIP that includes reprogramming of projects or other modifications, such as the inclusion of the most recent study of the Transportation Agency for Monterey County ("TAMC") that reallocated transportation mitigation funds. That study, entitled "FORA Fee Reallocation Study," was endorsed by the FORA Board on April 8, 2005.

- G. The "FORA Fee Reallocation Study" programmed \$4,781,637 (in 2006-2007 dollars, which amount is subject to increase each year) in FORA Fees for the preliminary engineering, design, environmental, right-of-way, construction, and construction management of FORA CIP Project F06. The project includes upgrading Inter-Garrison Road to a four-lane arterial between Eastside Road and Reservation Road. The funds are programmed in FY 2006/2007 and FY 2007/2008.
- H. The "FORA Fee Reallocation Study" programmed \$4,280,930 (in 2006-2007 dollars, which amount is subject to increase each year) in FORA Fees for the preliminary engineering, design, environmental, right-of-way, construction, and construction management of FORA CIP Project 4D. The project includes Reservation Road Widening west of East Garrison at the existing 4-lane section to Watkins Gate Road. The funds are currently programmed in FY 2006/2007 through FY 2009/2010.
- I. The projects described above in Recital G and Recital H are hereafter referred to as "FORA CIP Projects."
- J. On June 8, 2007, the FORA Board revisited, reviewed, and approved the FY 2007/2008 through 2021/2022 CIP. FORA Fees for the construction of the FORA CIP Projects are included in the FY 2007/2008 through 2021/2022 CIP and are programmed in FY 2007/2008.
- K. The purpose of this Agreement is to: (1) recognize the amount of FORA approved Fee Credits for the costs of Developer Work (as defined in Section 1.1. hereof) on the FORA CIP Projects and (2) clarify the manner in which the FORA Fee Credit for the East Garrison Project pursuant to Section 6 of the Implementation Agreement will be calculated and administered.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

AGREEMENT

- 1. <u>Design, Consulting, Construction, and Initial Financing of Projects.</u>
 - 1.1 <u>Developer Work</u>. The County has required Developer to provide, and Developer has agreed to provide, as part of the East Garrison Project and subject to County's approval, all costs of required engineering, design, permitting, construction bidding, construction,

construction management, final inspection and incidental expenses pertaining thereto (including but not limited to reimbursement by Developer of County costs pertaining thereto) (the "Developer Work") for portions of the Inter-Garrison Road/Inter-Garrison Connection Road Project (the "Developer Inter-Garrison Project") and portions of the Reservation Road Widening Project (the "Developer Reservation Road Widening Project") (together, the "Developer Road Projects"), as shown on Developer's plans for such off-site improvements approved by the County. The Developer Work is a portion of the Developer Road Projects and has commenced in July, 2007 (subject to extensions and excused delays permitted under the East Garrison DDA).

- Authorization. FORA and County hereby authorize Developer to perform the Developer Work on the Developer Road Projects, pursuant to plans heretofore approved by the County in implementation of the Development Approvals for the East Garrison Project, with a credit against "Project Costs" (as defined in the East Garrison DDA) in the amount of the FORA Fee Credits authorized by FORA for the costs of such Developer Work as provided in Section 2 hereof.
- 2. Payment of FORA Fees and Allocation of Fee Credits.
 - FORA Fee Credit. FORA has agreed to the amount of the FORA Fee Credits and the manner of their calculation and allocation to individual building permits as set forth in Section 2.5 hereof, and the related administrative provisions of this Agreement. County and Developer hereby acknowledge and agree that the costs of the Developer Work on the Developer Road Projects are legitimate "Project Costs" as defined by the East Garrison DDA. County and Developer also acknowledge and agree that the realized value to Developer from the allocation of FORA Fee Credits (as provided in the following paragraph) will reduce the overall Project Costs by the same amount as the credits and shall be reflected in the calculation of Agency Participation Payments, as follows.

In its Purchase and Sale Agreements ("PSAs") for the transfers of lots for market rate homes to homebuilders (which may be third party homebuilders or members or affiliates of members of Developer) Developer shall separately state, in addition to the purchase price for the lots, the amount of FORA Fee Credits being assigned to such homebuilders and allocated to such lots, the value of which is being paid by such homebuilders to Developer in addition to the purchase price. Upon close of escrow for the lots or each segment thereof to which the FORA Fee Credits have been

assigned, the Developer shall be deemed to have received the value of such FORA Fee Credits at the time of close of escrow, and such value shall, as of such date, reduce the Project Costs attributable to the Developer Road Projects for purposes of calculating Participation Payments under the DDA.

- 2.2 <u>Current Fee Schedule; Adjustments.</u> FORA's current Fee Schedule for FORA Fees effective as of July 1, 2007, is attached as Exhibit A to this MOA, subject to being subsequently amended by FORA for inflation on an annual basis effective July 1 of each subsequent year.
- 2.3 Payments to FORA. Subject to the following, Developer or its successors and assigns shall pay applicable FORA Fees (as shall be reduced by the applicable Credit Amount), for a lot or series of lots from a single applicant for building permit(s), directly to FORA prior to payment of County building permit fees. Developer or its successors and assigns shall provide evidence of FORA's acceptance of payment of such FORA Fees, less the Credit Amount, to the County building department. 2.4 Developer Allocation of Credit Amount. To assure the accurate and documented application of credits against FORA Fees pursuant to Section 2.3 hereof. Developer intends, from time to time, upon the sale or transfer of lots to members or affiliates of members of Developer or third-party builders (Developer's successors and assigns), to provide written notice to County (with a copy to FORA) designating the lots to which the FORA Fee Credits shall apply and the amount applicable to each lot, consistent with Section 2.5 hereof. By way of example, with each transfer to a homebuilder of lots for market rate residential units, the Developer shall notify the County and FORA of the Credit Amount, to be offset against the FORA Fee for issuance of building permits, allocated to each lot to be transferred and calculated pursuant to Section 2.5. At the time that Developer (or Developer's successors or assigns) seeks a building permit from the County, Developer (or its successor or assign, as applicable) shall provide the County with evidence that FORA has accepted such FORA Fee and FORA Fee Credit Amount, which evidence the County shall take into consideration in processing building permit applications.
- 2.5 <u>Determination of the Credit Amount</u>. FORA has agreed that the Developer shall be entitled to FORA Fee Credits for the Developer Work on the Developer Road Projects in a total amount of \$2,021,053. Attached hereto as Exhibit B, for background and information only, is documentation of how such amount was agreed upon. Upon completion of the Developer Road Projects as

certified by the County, the FORA Fee Credits shall be credited to the Developer or its successors and assigns as directed by the Developer in the amount of Five Thousand Dollars (\$5,000) for each building for which a building permit is applied for, subject to reallocation as set forth in Section 2.3 hereof, to be credited as a deduction against the amount of FORA Fees payable for each building at the time of application for a building permit, until FORA Fee Credits in the total amount of \$2,021,053 have been credited to the Developer or its successors and assigns.

- 2.6 True Up Provisions. In the event that at any time during the build out of the East Garrison Project the Developer determines that the number of building permits remaining to be issued will not be sufficient, with a FORA Fee Credit of \$5,000 per unit, to fully exhaust the FORA Fee Credits in a total amount of \$2,021,053, the Developer shall advise FORA in writing, with a copy to the County, of such determination, with supporting documentation, and shall request a reallocation of the amount of the FORA Fee Credits for the remaining building permits to such amount (the "Reallocation Amount") as shall be necessary for the Developer (or its successors and assigns) to obtain FORA Fee Credits from the remaining building permits together with building permits previously issued, in the total amount of \$2,021,053. Within thirty (30) days of receipt of such advise from the Developer the Parties shall meet and confer and mutually agree upon the Reallocation Amount which, if not the amount suggested by the Developer, shall be such amount as will provide the Developer a Fee Credit Amount equally apportioned to each of the remaining building permits to which it is allocated so that the full amount of Fee Credits received by the Developer from all building permits, both previously issued and remaining to be issued, will equal but not exceed \$2,0121,053.
- 3. <u>Amendment by Written Recorded Instrument</u>. This Agreement may be amended or modified in whole or in part, only by a written instrument executed by both of the parties.
- 4. <u>Governing Law</u>. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.
- 5. <u>Entire Agreement</u>. This Agreement, along with any exhibits and attachments hereto, constitutes the entire agreement between the parties hereto concerning the subject matter hereof.
- 6. <u>Interpretation</u>. It is agreed and understood by the parties hereto that this Agreement has been arrived at through negotiation and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in counterparts on the day and year set out opposite their respective signatures. The date of this Agreement on page 1 hereof shall be the date of the last signatures.

Date:	FORT ORD REUSE AUTHORITY "FORA"
APPROVED AS TO FORM:	Ву:
By:FORA Counsel	
Date:	COUNTY OF MONTEREY "County"
APPROVED AS TO FORM:	By:
By:County Counsel	
Date:	UNION COMMUNITY PARTNERS, LLC "Developer"
	By:

EXHIBIT A [NOTICE OF SPECIAL TAX LIEN]

NOTICE OF SPECIAL TAX LIEN As of July 1, 2007

Section IV. Maximum Special Tax Rates

The Maximum Special Tax Rates for each classification of Taxable Property, are shown in Table 1, below.

TABLE 1 – TAXABLE PROPERTY CLASSIFICATIONS AND MAXIMUM SPECIAL TAX RATES (Figures as of July 1, 2007)

PROPERTY CLASSIFICATION	Maximum Special Tax Rates (One –time Special Tax Payments)
Undeveloped Property	\$-0-
Developed Property	·
New Residential	\$42,298 / Dwelling Unit
Existing Residential	\$12,718 / Dwelling Unit
Office	\$5,543 / Acre
Industrial	\$5,543 / Acre
Retail	\$114,324 / Acre
Hotel	\$9,433 / Room

Increase in the Maximum Special Tax Rates

On each July 1, commencing July 1, 2002, the Maximum Special Tax rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's Construction Cost Index (CCI) applicable to the area in which the District is located (CCI for the period 1/06-1/07 was 2.9%. 2.9% was applied to Special Tax Rates for the period July 1, 2007 — June 30, 2008).

Alteration to the Maximum Special Taxes

On October 14, 2005, the Fort Ord Reuse Authority Board adopted the attached (Exhibit A to Maximum Special Taxes) Alteration to the Special Taxes for the Fort Ord Reuse Authority Basewide Community Facilities District.

EXHIBIT A TO MAXIMUM SPECIAL TAX RATES

ALTERATION OF THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES FOR THE FORT ORD REUSE AUTHORITY BASEWIDE COMMUNITY FACILITIES DISTRICT

The Fort Ord Reuse Authority Board adopted Resolution 05-15 and Ordinance 05-01 on October 14, 2005, resulting in the Rate and Method of Apportionment of Special Taxes for the Fort Ord Reuse Authority Basewide Community Facilities District being altered by adding the following to Section IV of the Rate and Method of Apportionment of Special Taxes under the heading "Exceptions":

Affordable Housing/Below Market Housing:

A three tier reduced Maximum Special Tax1 shall apply as follows below for New Residential Property that includes Below Market Housing. For the purposes of this subsection, the following definitions of Affordable Housing and Below Market Housing apply to all three tiers. "Affordable Housing" refers to dwelling units on New Residential Property that have sales prices or rents restricted to rates that are affordable to households to very low, low, and moderate income levels, which includes incomes up to 120 percent of the Monterey County median household Income for a period consistent with California Health and Safety Code Redevelopment Law ("State Law") as determined by the CFD Administrator. "Below Market Housing" refers to dwelling units on New Residential Property that have sales prices or rents restricted to rates that are affordable to households with incomes up to 180 percent of the Monterey County median household income. It is the policy of the Fort Ord Reuse Authority ("FORA") Board to have the Below Market Housing restrictions continue for a minimum of 20 years from first occupancy of that project. During this period, sales, resales, and rentals must continue to meet the Below Market Housing restrictions. These restrictions will be enforced by FORA through the term of the FORA Community Facilities District and thereafter will be enforced by adopted covenants securing the reduced fee.

Tier 1: 100% of the dwelling units are Below Market Housing containing at least 20% of the dwelling units as Affordable Housing with deed restrictions on where individuals can work. If New Residential² property (a)

¹ "Maximum Special Tax" means the Special Tax identified for each class of Property in Section IV hereof that is to be levied on Taxable Property.

^{2 &}quot;New Residential" means Property that is designated for low density, medium density, or high density housing uses as those uses are defined in the Port Ord Base Reuse Plan, Table 3.4-1, and that will not include the rehabilitation or renovation of housing existing on the former Fort Ord as of September 1, 2001. The CFD Administrator shall defer to an appropriate official of the local jurisdiction with development approval authority over the Property for classification of the Property as either Existing Residential or New

includes 100 percent Below Market Housing and (b) at least 20 percent of the dwelling units are restricted to households that earn up to 120 percent of the Monterey County median household income which includes households earning at the very low, low, and moderate income levels as defined in State Law, and (c) 100 percent of the dwelling units have deed restrictions that limit sale or renting to only those individuals that work within the boundaries of the former Fort Ord and are offered exclusively as part of an ongoing employer-based housing program to provide Below Market Housing for employees of that employer, then the Maximum Special Tax shall be levied at 1/20th or five percent of the New Residential Maximum Special Tax rate on all dwelling units. As long as the specified ongoing employer-based housing program continues in effect, the units may be offered on an interim basis to other certified employees of employers located on the former Fort Ord. Units cannot be rented or resold in the private market at market rates during the life of the housing program. When employees or employees of qualified employers leave their jobs on the former Fort Ord, those units revert to employees of the original on-base employer that created the program.

Tier 2: 100% of the dwelling units are Below Market Housing containing at least 75% of the dwelling units as Affordable Housing, with NO deed restrictions on where Individuals can work. If New Residential property (a) includes 100 percent Below Market Housing, and (b) at least 75 percent of the dwelling units are restricted to households that earn up to 120 percent of the Monterey County median household income which includes households earning at the very low, low and moderate income levels as defined in State Law, but (c) there is no requirement that household members work within the boundaries of the former Fort Ord, then the Maximum Special Tax shall be levied at the Existing Residential³ Maximum Tax rate on all dwelling units.

Tier 3: Inclusion of market rate housing. If New Residential property includes market rate housing then the Maximum Special Tax shall be levied at the Existing Residential Maximum Special Tax rate only for those Affordable Housing dwelling units that are in excess of the Affordable dwelling units required to meet the requirements of (a) California Law and (b) any adopted affordable housing policy of the local agency within which the Property is located. All other Below Market Housing; Affordable Housing and market-rate dwelling units shall pay the Maximum Special Tax rate for New Residential property.

Residential, as long as that definition is reflective of definitions for rehabilitated or renovated housing commonly used among local jurisdictions.

³ "Existing Residential" means Property that is designated for low density, medium density, or high density housing uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1, and that will include the rehabilitation or renovation of housing located in the CFD as of September 1, 2001. The CFD Administrator shall defer to an appropriate official of local jurisdiction with development approval authority over the Property for classification of the Property as either Existing Residential or New Residential, as long as that definition is reflective of definitions for rehabilitated or renovated housing commonly used among local jurisdictions.

Special Tax Credit for Dedicated Public Facilities Eligible for funding by the CFD: If an owner of Taxable Property⁴ dedicates a public facility eligible for funding by the CFD to a public agency, and if the public agency accepts the dedicated facility prior to the levy of the Special Tax on that Taxable Property, then the Special Tax levied on that Taxable Property shall be reduced by the value of the dedicated public facility. The value of the dedicated public facility for the purposes of calculating the reduction in the Special Tax shall be determined by the CFD Administrator, and shall be the estimated cost of the FORA portion of the public facility cost represented in the most recent FORA Capital Improvement Program. Nothing in this section precludes a land use jurisdiction from Issuing an overlay CFD to pay off the Special Taxes due on Taxable Property. The Special Tax levied on such Taxable Property shall be reduced by the value of any dedicated public facility prior to the payment by the overlay CFD.

^{4 &}quot;Taxable Property" means any Assessor's Parcel that is not Exempt Property. This term includes Developed Property and Undeveloped Property.

EXHIBIT B

DOCUMENTATION (FOR BACKGROUND AND INFORMATION ONLY)

[ATTACHED]

Carlson, Barbee & Gibson, Inc.

ENGINEERS PRELIMINARY COST ESTRIAGE

EAST GARRISON

POPA REGAD BEPROVEMENTS - SUPENARY

FORT ORD, MONTEREY COUNTY

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A.B. Continued Relegions
C. FURA Fee Relegions
D. East Gention appeal

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East Gentern specific Asprovements on Employe for reinibussenesis order the convex FORA 2006/2007 CSP.

EHTH BOLLBRIGER CARPON ROND, SLITTE TES + SAN FRANCH, CALLFORRIA 54853 + (2725) 588-0272 - FAX (2725) 588-5878 SAN FRANCH - LATHROP

From:

Crissy Maras [mailto:crissy@fora.org]

Sent:

Wednesday, April 18, 2007 2:54 PM

To:

nlcholsn@co.monterey.ca.us; greenwayp@co.monterey.ca.us; Mark

Cc:

jlm@fora.org; jeff@tamcmonterey.org; charlotte@fora.org

Subject:

Mark Sherman EGP relmbursement memo

Jim Arnold asked me to distribute this memo to you via email. Please let me know if you have any trouble with the attachment.

Crissy Maras Administrative Coordinator

<<Mark Sherman EGP reimbursement.doc>>

From:

---Original Message----Jim Arnold

Sent:

Wednesday, April 18, 2007 2:43 PM

To:

Crissy Maras (crissy@fora.org)

Subject:

Mark Sherman EGP reimbursement

Mark Sherman, Lyon Homes

East Garrison Partners

Dear Mr. Sherman:

I have reviewed my notes from the "All Hands" meeting of December 6, 2006 and CBG's/Andy Hunter's memorandum of December 12, 2006 in preparing this response to that December 12, 2006 memorandum.

There is an issue raised in the memorandum and more particularly in the enclosed letter from you to Nick Nichols regarding the parties to an agreement for reimbursement for FORA CIP projects constructed by EGP. Reimbursement agreements for the construction of any FORA CIP components must include, at a minimum, Monterey County and FORA as signatories since FORA will be pledging away funds from a project on which County will be lead agency and fiscally responsible for completing the balance of the construction project with the funds remaining after reimbursements are paid to EGP. This applies equally to Public Works Department in connection with the connector road and TAMC in connection with Reservation Road.

The agreement will establish a financial relationship between EGP and FORA that will effect FORA's collecting of fees, the amount of fees collected from EGP, and the rate of fee reimbursement, therefore; FORA will be a part of the agreement. County must, through the agreement acknowledge and accept the pledging of funds to EGP that would otherwise be paid to County, under other reimbursement agreements, while County accepts responsibility for completion of the work as lead agency.

In regard to the table of cost estimates:

Item B is an operational component of Item A and does not build capacity on Reservation Road, therefore; Items A and B are to be funded form FORA's obligation to transportation project FO6. FO6 combines both the connector road and the widening of Intergarrison Road. The 1995 Base Reuse Plan provided a \$100 per linear foot differential between new 4 lane road construction and widening existing roads from 2 lanes to 4 lanes. New 4 lane construction for the connector road is 32.2% of the total FO6 project costs or \$1,544,469 to be reimbursed for Items A and B combined. This reimbursement will leave a remainder of \$3,189,352 to be applied to Intergarrison Road from Schoonover to the connector road as a Monterey County project.

Item C, as presented in the cost estimate spread sheet, treats the entire length of the Reservation Road improvement project as a uniform price per linear foot of construction. The defect in this presentation is that it discounts or disregards the cost of soll retaining structures and mass grading for widening the roadway through the bluffs area to Watkins' Gate.

Reservation Road widening is valued, for CIP purposes, at the same cost as widening intergarrison Road or \$655/L.F. Using a total project length for FORA CIP project 4D of 6,600 L.F. at \$655 yields a roadway improvement cost of \$4,323,000 which leaves a balance of \$5,777,000 available to apply to construction of retaining structures and mass grading. Extending the EGP project of 1930 L.F. by \$655/L.F. yields an EGP cost of \$1,284,150 eligible for reimbursement. The FORA obligation to CIP project 4D is 37.7% of \$1,264,150 or \$476,584.

Any reimbursement agreements must include a date specific for the construction of the FORA CIP road elements.

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May 24, 2007 Job No.: 1208-00

MEMORANDUM

:OT

Mark Shorman - Bast Garrison Partners

FROM:

Andy Hunter

SUBJECT:

FORA Reimbursoment Estimate

It was our understanding that East Garrison was conditioned to install the following officite road improvements that also fall under the FORA CIP. We originally put this estimate together to summarize what improvements these are, their estimated cost, and the estimated FORA reimbursement. This estimate has since been amended to include the specific FORA obligations per Jim Amelia's memo sent April 18, 2007.

- A. Interi-Garrison Road Connection from existing inter-Garrison Road to Reservation Road. The total length is about 1,700 feet and is commissed of a 66-78 foot wide, A lane road, as specified by the PORA CIP. These improvements will be made with East Garrison Phase 1. East Garrison was requesting a 100% reimbursement for the costs it incurs to build this stretch of roadway since it is a regional atterial independent of the project that is being built to its ultimate configuration. A smaller amount based on the linear footage of the road has since been agreed to.
- B. Reservation Road/Inter-Garrison Road Intersection a traffic signal and turn pooket will be installed at the intersection with Reservation Road. These improvements will be made with Bast Garrison Phase 1. Bast Garrison was requesting a 100% reimbursement for the costs it incurs to build this intersection since it is a regional improvement for Inter-Garrison Road traffic. A smaller amount combined with the reimbursement of item A above has since been agreed to.

6111 BOLLINGER CANYON ROAD, BUITE 160 • BAN FAMON, UA 94559 • (920) 865-0022 • FAX (925) 886-3575 • www.coansg.com
SAN FAMON • LATHROP

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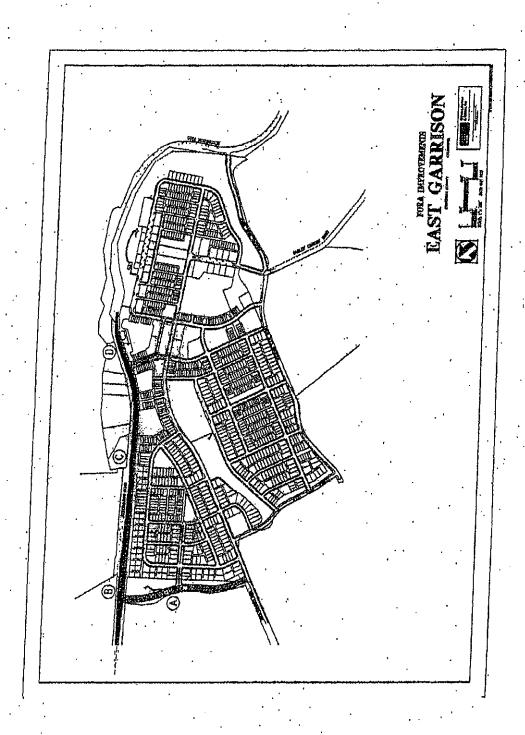
Carlson, Barbes & Gibson, Inc.

PORA Reimbursement Estimate Page 2 of 2 May 24, 2007 Job No.: 1208-00

C. Reservation Road Widening - from the Inter-Garrison Road Connection turn pocket to the East Garrison Drive intersection. The total length is about 1,930 feet and is comprised of 4 - 12 foot ianes (including a 4 foot median) with additional width for a Uturn pooket at East Garrison Drive (for the existing homes on north side of the road). The cost for the signal and the intersection improvements benefiting East Garrison were not included in this total. The improvements (all made with East Garrison Phase 1) will completely fulfill FORA CIP project 4D widening obligations for this portion of roadway, so East Garrison was requesting a 100% reimbursement for its costs. A smaller amount based on the linear footage of the road and the FORA obligation percentage has since been agreed to.

Enclosures

ANSIN HARMAN COLUMN DOC





ENGINEER'S PRELIMINARY COST ESTMATE EAST GARRISON FORA ROAD IMPROVEMENTS FORT, ORD, MONTEREY COUNTY

Mey 22, 2007 Job No.: 1206-00

tion Description	Quantit	y U i	ut T	Unit Price		Алешті
A					_	
INTER-GARRISON ROAD CONNECTION - 4 LANES						
(Reservation Road to Inter-Surrison Road - 1,700 LF, 65-77" Wide)						
1 Rough Grading	50,000	· 8	, <u>,</u>	3.0	3	150,00
2 Fine Grading	135.00		•	0:4	•	54.D0
3 4 AC Psyling	105.80	-	: :	1.84		185.73
4 12" AB Rock	105.80			. 1.80		190,441
5 Out-8 Butter (NeCutrion)	3,15			17.00		63,660
8 Median Curb (w/Courton)	3,100		•	17.00		52,700
7 Skidowski	5.940			3.60		20,790
8 Hendicap Ramp (vecusition)	. 3			1,600,00	•	4,800
8 Drivewey Rame (w/Caustors	' 1			1,200,00	-	1,200
Median Island Surface	2.220			6.60		14,490
1 Median Island Landscaping	7.670		ŝ	5.00	•	38.350
2 Fou Seal	105,800		\$	0.05	š	6,290
3 Street Name Signs	1,00,000	ĔÀ		600.00	š	3,800
4 Treshe Stans	· 19	EA	5	500,00		11,400
5 Pavement Markinos	14	EA	\$'s	3,500
O Striping	6,800	먇	š	* * * * * * * * * * * * * * * * * * * *	Š	34,000
7 Monuments ·	2	ĒA	3	300.00		2,700
5 Transit Signal	. ,	BA	2.	200,000,00	Š	200,000
Electrosers - Double Cobra Heads	ė	ĒΑ	š	4,000,00	i	30,000
Catch Basin • Type II	9	EΑ	5	2,600,00	ż	22,500
, Catch Basin - Type III w/ MH Bese	š	EA	š	3,500.00	Š	10,500
Manholo	. 1	ĒΑ	Š	3,900,00	.3	3,000
Outfall to Bastn	2	EA	3	10,000,00	\$	20,000
18" AD8 - N12 Storm Drain	1,260	LP:	š	65,00	\$	68,300
SO* ADS - N12 Storm Drain	520	ij,	\$	75.00	3	39,000
BUBTOTAL INTER-C	HOBINAAK	ROA	D C1	NOTOSKKC	\$	1,236,780
50% CONTINGENCY/DESIGN/PLAN CHECK/INSPEC	TIONPRO	JECT	MA	RAGEMENT	ŧ	818,390
ADJUSTED TOT	AL (noninde	i lo t	ie Nu	epest \$1,000)	\$	1,855,000
REQUESTED PERCENT.C	REDN/REI	MBU	₹SEI	MENT 100%	,	1,765,000

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Carlson, Barbee & Gibson, Inc.

Item Description		Chambly	t in	N	Unii Prios		Amount
8							
RESERVATION ROADSHITER-GA	RRISON ROAD INTERSECTION						
Grom Existing Wenes to Inter-Service							
1 Demoision Existing Pavement	•	10,270	8F	\$	1.00	3	10,27
2 Earthwork - Boll Import	,	5,000					40,00
3 Ergelon Control fincluding Hydro-source	d of All Disturbed Arsest	1	LB	š			15,00
4 Pine Grading		53,400	BF	3	0.40		21,36
6 Saw Cut & Conform to Exist. Faver	nent -	4,340	Ù	Ì	5.60		15,190
B 2" AO Overlay	•	63,040	8	š	1,00	•	63,040
7 4" AO Pavina	•	18,770	8	5	1,88	ż	34,72
8 12 AB Rock		18,770	8F	Š	1.80	ì	33,786
B' Curb & Gutter NerOcolidoni		970	Ŀ	š	17,00	į.	15.490
10 Median Curb (WCushlon)	•	1.930	8F	\$	17.00	3	32,610
11 Median Island Surface	•	1,470		5	6.80	4	9,568
12 Medium Island Candagaping		4,230	SF.		5.00	5	21,150
13 Fog Bool	•	81,810	8F	.2	0.05	4	4,091
14 Street Name Signs: .	•	5	EΑ	Š	800.00	İ	1,800
6 Tmilic Signa	•	10	ĒΑ	\$	600,00	š	6,000
0 Pavement Markings		7	ĚΑ	š	250.00	š	1,760
7 Shitping		6,060	Ľ	ŝ	6.00	Š	30,300
8 Monuments	•	1	ĒΑ	\$	300.00	.\$	300
D Electrollers - Cobra Heads	• .	4	ĒΑ	5	5,000,00	\$	12,000
O Treffic Control		1	LS	Š	100.000.00	\$	100.000
Calch Basin - Type II		3	ÐΑ	\$	2,500.00	\$	7,500
2 Outtail to Basin	•	1	EA	ş	10,000.00	\$	10,000
15° AD8 - N12 Glorm Drain		820	Ú.	Ş	55.00	\$	45,100
BUSTOTAL R	ESERVATION ROAD/INTER-GA	rribon R	OAD	INT	еквестюн	\$	537,218
60% CONTINGENCY/	Derign/Plan Check/Inspec	TION/PRO.	ECT	MA	nagement	\$	288,608
	ADJUSTED TOTA	L frounds:	to th	• 119	erest \$1,09Q)	\$	898,000
	BEQUESTED PERCENT OF	EOTRE	IBUR	ISE	MENT 100%	\$,	000,808

Carlson, Barbee & Gibson, Inc.

item Description		Cruentity	Uni	lt 	Unit Price		Amount
c							
RESERVATION ROAD WIDENING	o. '						
(Inter-Garrison Road Connection Tra		0 - 1.230 L.F.J					
1 Damoition Editing Pavement		15,780	19	ş	1.00	\$	15,780
. 2 Earthwork - Soil Import	•	2,000			,	Š	30,000
3 Eroston Control finducing Hydro-man	d of All Disturbed Aress) .	1	LB	Š		Š	25,005
4 Saw Cut & Conform to Extel Payer	neni	5,820	LP.	5	3,50	Ě	20,370
6 Fine Greeting		38,230		. \$	0.40	\$	15,292
8 2" AC Overbay .		94,420	8F	. 2	1,00	Š	94,420
-7 4°AC Paying :	•	15,600	SF	5	2.00	3	31,600
8 12" Aggregato Bass		16,800	SF	5	2.40	š	57,920
9 Pog Seal		110,220	SF.	\$	- 0:10	٠.	11,022
10 Guito & Gutter (w/Cushion)		1,960	LP	\$	17.00	Š	53,150
11 Median Curb & Gutter (w/Cushing)	•	3,870		5	17,00	5	66,790
12 Median Island Surface (Ausume's End	ne Mediari)	3,740	申	\$	8.60	\$	24,510
.13 Median Island Landscaping	•	4,400	3 F	.\$	8.00	\$	22,000
14 Driveway Conform	,	1	US	\$	10,000.00	3	10,000
16 Street Name Signs	• •	- 5	ŒΑ	\$	600.00	\$	800
10 Traffic Signs .	,	7	EΑ	\$.	600.00	Ş	4,200
17 Sulphy		8,090	. L#	ā	5.00	\$	40,450
10 Montements	•	8	EA	\$	300.00	\$.	900-
19 Payement Markings		6	EΑ	\$	500.00	ş .	3,000
20 Electrollers - Cobrst Heads	•	#1	ĒΑ	\$	3,000.00	\$	33,000
21 Traffic Control		. 1	LS	\$	100,000.00	ţ.	100,000
22 Cation Basin - Type II		7		ş	2,600.00	\$	17,500
23 16" ADS - N12 Storm Drain		1,240	UP	\$	55.00	i	56,200
	BUBTOTAL	. Reservati	on R	DAD	WIDEHING \$	1	· 704,804
BOX CONTINGENCY/D	eeign/plan oheck/insp.	ЕСПОМРКО	ÆOT:	HA?	IAGENENT \$		352,252
	ADJUSTED TO	TAL (rounded	i to #m	P // WS	west \$1,000) \$		1,057,000
•	REQUESTED PERCENT	CREDIT/REI	KBUR	BEN	ENT 100% \$		1,057,000

Carlson, Barbes & Gibson, Inc.

Nam Depuription	Citientity	Unit	Unit Price	Amount
Q .				
RESERVATION ROAD/EAST GARRISON DRIVE INTERSECT	00 - 700 I E			
1 Demottion Existing Perement	7,180	SF	¥ 1.00 5	3 400
2 Earthwork - Soff Import	. 500	CY	\$ 15.00 \$	7,180 7,500
5. Erosion Control (including Hydro-seed of All Disturbed Areas)	. 000		\$ 10,000,00 \$	
4 Saw Cut & Conform to Exist, Povement	1.240	LF.	\$ 10,000,00 \$ \$ \$.50 \$	10,000
5 Fine Grading	7,680	SF	\$ 0.40 S	4,840
6 2" AC Overlay	42,000	9F		9,032
7 4" AO Paving	4270	8F	1.00 \$. 42,000
8 12" Aggregate Base	4,270	ŠF	2.00 \$	8,540
9 Foo Seal	48.270	8F 1	\$ 2:40 5 6 6110 s	10,248
10 Curti & Girtier (Ne Cuestion)	10,270 · 470	er (4,827
11: Mirclan Curb & Gutter (w/Cushion)			17,00 \$	7,990
12 Median Island Surface (Assumes Entire Median)		SF S	17.00 \$	8,530
15 Street Name Stone	720		6.50 \$	4,590
14 Tridia Store	-	EA \$	800.00 \$	1,200
		ea ş	. 600.D0 \$	5,400
an anthrit	-,,	UF \$	5.00 \$	19,900
**		ea s	300,00 \$	300
17 Traffic Signal		ea f	200,000.00 \$	200,000
16 Pavement Markings		ea ş	500.00 F	5,500
Bectroliere - Cobre Heads		2 A \$	2,000.00 8	9,000
Traffic Control	1 (5 \$	60,000.00 \$	50,000
1 Celth Builn - Type II		A	2,600,00 \$	2,500
2 18" ADS - N12.Storm Overn	50 L	.F \$	66.00 \$	5,300
SUBTOTAL RESERVATION ROAD/EAST G	arrison dra	ve inti	erseotion i	418,567
60% Contingency/Design/Plan Checkinspe	OTTONPROJE	OT MAI	NAGEMENT \$	209,284
ADJUSTED TO	TAL (rounded to	i ii ia na	west \$1,000 \$	628,000
REQUESTED PERCENT	REDIT/REINS	ursei	AENT 100% \$	629,000

FORT ORD REUSE AUTHORITY BOARD REPORT OLD BUSINESS Subject: Young Nak Church property sale Meeting Date: November 13, 2009 Agenda Number: 6d INFORMATION

RECOMMENDATION(S):

Receive a report regarding the City of Marina's ("Marina") property sale to Young Nak Church ("Church").

BACKGROUND/DISCUSSION:

In 1999, Marina and the Church entered into a Concession Agreement for premises located on Eighth Street and Second Avenue, including Buildings 2233 (chapel) and 2217 (education building). This agreement provided for the Church's occupancy, remodeling, and use of the two buildings located on 2nd Avenue on former Fort Ord and, if affected by the 2nd Avenue widening project, the Church's acquisition of the buildings and building relocations at the Church's expense.

On June 3, 2003, the Church agreed to purchase approximately 1.45 acres, of unimproved real property known as 235 Tenth Street, which is located within the University Village Specific Plan Area. On August 15, 2003, Marina and the Church executed a Bill of Sale-Personalty and Agreement to Relocate Structures (Education and Chapel buildings) in consideration of the Church's agreement to purchase and develop the parcel located at 235 Tenth Street at some point in the future. On August 31, 2005, FORA conveyed the property by Economic Development Conveyance (EDC) to the Marina Redevelopment Agency (MRA). On February 7, 2006, a Right of Entry was executed by the City and the Church for the parcel at 235 Tenth Street. The Church began making lease payments on the property and was then able to relocate its education building onto the parcel at 235 Tenth Street. Marina has included provisions in its sale of the parcel at 235 Tenth Street to the Church that ensure FORA receipt of its 50% of land sale value before its June 30, 2014 sunset.

FISCAL IMPACT:

Reviewed by Controller

In 2003, the Church agreed to pay \$378,000 for 235 Tenth Street, shared equally between Marina and FORA. The Church's rent payments of \$119,152 have been credited to the purchase price. FORA's portion of the remaining purchase price, after rent credits, is \$129,424. FORA has given the Church a \$40,000 purchase price credit for reuse of existing buildings, which were part of FORA's overall building removal obligations. To pay FORA's purchase price balance of \$89,424, the Church has recorded a second Deed of Trust to secure a note on its property, which requires it to pay FORA \$993 per month (a 10-year amortization schedule at 6% interest) with a balloon payment of \$61,964 on October 1, 2013 to pay off the note.

COORDINATION:

Marina, the Church, and Authority Counsel

Prepared by Vonathan Barcia
Jonathan Garcia

Reviewed by

Steve Endsley

Approved/by

Michael A. Houlemard, Jr.

FORT	ORD REUSE AUTHORITY BO	DARD REPORT			
	NEW BUSINESS				
Subject: Fort Ord Reuse Authority 2010 Legislative Agenda					
Meeting Date: Agenda Number:	November 13, 2009 7a	ACTION			

RECOMMENDATION:

Approve the 2010 Fort Ord Reuse Authority ("FORA") Legislative Agenda

BACKGROUND/DISCUSSION:

Since 2000, the Legislative Committee has solicited legislative, regulatory, policy and/or resource allocation suggestions from the jurisdictions to be included in FORA's annual legislative agenda. The items on this agenda are considered crucial in the efforts to remove blocks to the successful reuse and redevelopment of the former Fort Ord. Among those who suggest items for the annual legislative agenda, and also assist in crafting the language defining the challenges and FORA's positions, are the following: Legislative Committee; Executive Committee; Administrative Committee; JEA and Associates, FORA's legislative representative in Sacramento; FORA staff; and representatives from FORA's member agencies.

During the past month and a half, the Legislative and Administrative Committee members have discussed the legislative agenda items at four meetings. At the November 4th Administrative Committee meeting, the members made no changes, and found no objections, to the current draft, which opened the way for the Legislative Committee to move forward with a recommendation for board approval of the **attached document**.

Once approved by the FORA board, the items on the Legislative Agenda serve as the focus for annual trips to Washington, DC, and Sacramento, where FORA staff and board officers meet with government officials, military representatives, and FORA's electeds to discuss and solicit support for FORA's positions and needs. Past legislative missions have resulted in establishing valuable connections and working relationships and obtaining needed funding.

FISCAL IMPACT:
Reviewed by FORA Controller

Staff time related to the preparation of the annual Legislative Agenda and the travel expenses for the legislative missions are covered in FORA's approved operating budget.

COORDINATION: Legislative, Administrative and Executive Committees; JEA & Associates; Congressman Sam Farr, Senator Abel Maldonado, Assembly members Bill Monning and Anna Caballero and their staffs; and FORA's member agencies

Prepared by Landa L. Stiel Approved by

Linda L. Stiehl

Michael A LHoulemard, Jr.

DRAFT

DRAFT

Fort Ord Reuse Authority 2010 Legislative Agenda

DRAFT Work Program (as of 10/13/09)

DRAFT

Attachment To Item 7a FORA Board Meeting, November 13, 2009

The 2010 Fort Ord Reuse Authority ("FORA") Legislative Agenda offers legislative, regulatory, policy, or resource allocation support actions to improve and/or enhance former Fort Ord reuse and provide state and federal funding to FORA or FORA member entities, benefiting former Fort Ord redevelopment. The Legislative Agenda focuses on federal and state legislation, property transfer and reuse, environmental remediation, habitat management, and infrastructure and mitigation funding. The order of these items herein is not an indication of their priority. All items are considered "priority" issues in achieving FORA's objectives.

Seek federal National Landscape Conservation System ("NLCS") designation for the Α. former Fort Ord Bureau of Land Management ("BLM") Natural Resource Management Area. The NLCS has four categories of federally designated areas; 1) National Monuments, National Conservation Areas ("NCA") and similar designations; 2) Wilderness; 3) Wild and Scenic Rivers; and 4) National Trails.

ISSUE:

Habitat Conservation Plan ("HCP") approval and implementation are essential to former Fort Ord redevelopment. Obtaining an NLCS designation for BLM's former Fort Ord property would support HCP implementation through national recognition of the property's unique ecological and recreational resources.

- Benefits: Brings national attention to the unique flora, fauna and recreational resources found on current and future former Fort Ord BLM property. 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 NLCS designation that affords national recognition, FORA supports 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. Some designation efforts may add unknown restrictions.
- > Proposed Position: Support/introduce/sponsor legislation to obtain NLCS/NCA designation (or other appropriate national designation) for BLM's former Fort Ord property. Assure that designation efforts do not add restrictions that will interfere with reuse programs or HCP implementation.
- Continue/enhance coordination with the 17th Congressional District, the 15th and 12th В. State Senate Districts, and the 27th and 28th State Assembly Districts to secure HCP approval.

<u>issue:</u>

HCP approval remains critical to former Fort Ord redevelopment. 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 during the past ten years has been frustrating and costly. Insufficient agency resources and overlapping regulatory barriers have thwarted the HCP process at many points.
- ➤ **Proposed Position**: Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing insisting on continued vigilance and cooperation among the regulatory agencies.
- C. Work with the County of Monterey to assist Monterey Peninsula College ("MPC") to obtain capital and program funding for the former Fort Ord Public Safety Officer Training Program at the MOUT (Military Operations on Urban Terrain) and Parker Flats.

ISSUE: FORA and the County have agreed to assist MPC in securing funds for this program.

- > 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.
- D. Assist with plans to develop, design and construct the Central Coast Veterans Cemetery to be located on the former Fort Ord and support an increase in the federal allotment that will cover burial/internment.
- Burial space for California Central Coast veterans is inadequate. Former Fort Ord is not only centrally located in the state but has land already designated for a new veterans' cemetery. Recent legislation has offered an approach to move ahead with development by providing a mechanism for funding future operations. Further, funding for individual veteran interments is insufficient to cover cemetery operations expenses.
 - ➤ Benefits: This cemetery would provide additional burial space for the region's approximately 50,000 veterans. An increase in the interment benefit would decrease the demand for endowment fund support of the cemetery operations.
 - ➤ Challenges: Although the Federal government will reimburse the entire cost to construct the cemetery, the State of California must apply for inclusion in the State Veterans Cemetery program before awarding the construction agreement. Until recent legislation, the State of California has been reticent to make application. The annual cost of operating and maintaining the cemetery (estimated at \$200,000 per year) must have a guaranteed payer in the form of trust account deposits.
 - > Proposed Position:
 - Support implementation, budget actions and funding options to design, build and operate the Central Coast Veterans Cemetery;
 - Support efforts to sustain priority standing for the Central Coast Veterans Cemetery with the CA Department of Veterans Affairs.
 - Support an increase in the U.S. Veterans/Administration burial reimbursement.
- E. Work with the Monterey County Water Resources Agency ("MCWRA"), the Monterey Regional Water Pollution Control Agency ("MRWPCA"), the Marina Coast Water District ("MCWD") and others to secure State bond funds and Federal funding to augment FORA's water supply capital needs.
- <u>ISSUE</u>: The FORA Capital Improvement Program requires \$40-42,000,000 to fund the Water Augmentation Program for the necessary Base Reuse Plan supplemental water needs

for complete build-out. Securing funds to assist this requirement, now dependent solely on funding from the FORA Community Facilities District development fees, could help the timely implementation of the recycled water and desalination water facilities.

- ➢ Benefits: Redevelopment, as permitted under the Base Reuse Plan, can occur as long as financing and installation of the augmenting water facilities proceed. 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 proceeds. No current federal program exists for this funding.
- ➤ Proposed Position: Support and coordinate efforts with MCWD, MCWRA, MRWPCA, other agencies and FORA jurisdictions for securing funding and/or to endorse the use of other fund mechanisms proposed for this purpose.

F. Secure state legislation that would enable FORA jurisdictions to provide direct financial assistance to former Fort Ord commercial projects.

<u>ISSUE</u>: Current redevelopment law, adopted after the Authority Act, prohibits redevelopment authorities from providing direct tax increment financial aid to sales tax generating commercial projects on certain undeveloped parcels. The California State Assembly and Senate Committees on Local Government held a joint hearing on this subject in September 2009.

- ➤ Benefits: The ability to assist commercial development will accelerate several Fort Ord properties and provide FORA members with a greater degree of control over the nature and quality of commercial projects. Accelerating commercial development helps generate tax increment funds to support the development rate of affordable housing and infrastructure.
- ➤ Challenges: Opposition by some to any change in redevelopment law because there is a perception that the change will benefit only a few. Additionally, there is concern that this adjustment/provision may foster leapfrog development or be used to divert sales tax revenue from others.
- ➤ Proposed Position: Exempting former Fort Ord properties from the prohibition from direct tax increment assistance to commercial parcels or otherwise adjusting the Health and Safety Code to allow direct tax increment assistance to parcels designated for commercial development within the Fort Ord Reuse Plan.

G. Work with the Transportation Agency for Monterey County ("TAMC") to secure transportation funds.

The FORA Capital Improvement Program requires mitigations of more than \$125,000,000 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.
- Proposed Position: Support and coordinate with TAMC for state infrastructure bonds, federal authorization or other grant/loan resources.

DRAFT DRAFT DRAFT

H. Work with the State Assembly Districts and the State Legislature in support of 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 former Fort Ord.

ISSUE:

- a) In July 2006, the State of California Supreme Court ruled that CSU had responsibility to mitigate off-campus impacts resulting from development and growth of its CSUMB campus. CSU, in order to fund its obligations as required by the Supreme Court, is requesting funds from the State Legislature.
- b) Contaminated building removal is a significant expense to CSUMB (\$26 million) and other former Fort Ord land use entities (\$43 million). A coordinated effort will be more likely to achieve funding success to address the \$68 million total need.
 - Benefits: Supporting state budget approval for CSU's funding request to mitigate off-campus impacts will address the past and current void of CSU fair share contributions or otherwise meeting such impacts. Similarly, a coordinated effort to secure asbestos/lead abatement building removal support will help all levels of the regional reuse program.
 - > Challenges: The competition for funds requested of the Legislature by CSU system-wide will be keen, with CSUMB, being only one campus of the 23-campus system, many of which will require their own mitigation funding.
 - Proposed Position: Support state budget earmarks requested by CSU for the CSUMB campus as a funding priority for off-campus impacts and for coordinated building removal.
- I. Coordinate efforts with other Monterey Bay legislative issues.

<u>ISSUE</u>:

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 during 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.

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FORT (ORD REUSE AUTHORITY	BOARD REPORT
	NEW BUSINESS	us utangan) ya kakumanishi kacamatan katamatan katamatan katamatan katamatan katamatan katamatan katamatan kat
Subject:	2010 Fort Ord Reuse Authority boa	ard meeting dates
Meeting Date: Agenda Number:	November 13, 2009 7b	ACTION

RECOMMENDATION:

Approve the Fort Ord Reuse Authority ("FORA") board meeting dates for 2010

BACKGROUND/DISCUSSION:

In October or November of each year, FORA's Executive Committee ("EC") reviews the dates for the FORA board meetings in the coming year and then makes a recommendation for approval by the Board. The FORA Master Resolution states that board meetings shall be held on the second Friday of each month. National holidays, conferences and other events sometimes present conflicts that make it advisable to change meeting dates to achieve a quorum.

The EC reviewed a draft of the 2010 board meeting dates at their November 4th meeting and made one change. The committee concurred with the staff recommendation to change the February 12th date (Lincoln's birthday) to <u>Thursday</u>, <u>February 11th</u>. If other events conflict with the second Friday meeting dates, changes will be made and board members will be notified in advance.

The EC recommends that the **attached 2010 board meeting calendar** be approved by the Board. Following approval, the 2010 calendar will be widely distributed and also posted on the FORA website (<u>www.fora.org</u>) for convenient reference by all throughout the year.

Once the board meeting dates have been set, meeting dates for the Administrative, Legislative, Finance and Executive Committees are presented to their respective members for approval. Following approval, the 2010 committee meeting calendars are also widely distributed and posted on the FORA website. If any of FORA's public meeting dates must be changed during the year, the committee members will be notified and public notices will be distributed in compliance with the Brown Act.

FISCAL IMPACT:

Reviewed by the FORA Controller

None

COORDINATION: Executive Committee

Prepared by Linda L. Stiehl Approved by Linda L. Stiehl

Michael A. Houlemard,

Attachment
To Item 7b
FORA Board Meeting, November 13, 2009



Fort Ord Reuse Authority

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

DRAFT - YEAR 2010 FORA BOARD MEETING DATES

(approved by the Board on ____

JANUARY 8

JULY 9

FEBRUARY 11 (Thursday)

AUGUST 13

MARCH 12

SEPTEMBER 10

APRIL 9

OCTOBER 8

MAY 14

NOVEMBER 12

JUNE 11

DECEMBER 10

Board meetings are usually held on the 2nd Friday of each month and usually begin at 3:30 pm, unless otherwise noticed/announced. They are held in the FORA Conference Facility/Monterey Bridge Center, located in Building 2925 (102 13th Street, Marina) on the former Fort Ord. **Meeting dates and times are subject to change.** Please call the FORA office for up-to-date information <u>or</u> check the FORA website (<u>www.fora.org</u>) <u>or</u> the posted or published public notices for any changes.

FORT ORD REUSE AUTHORITY BOARD REPORT NEW BUSINESS Subject: Staff report on preparing for swine flu (H1N1) Meeting Date: November 13, 2009 Agenda Number: 7c INFORMATION

RECOMMENDATION:

Receive a report on preparing for swine flu (H1N1).

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (FORA) Board of Directors directed staff to report on methods that will be deployed to respond to the expected flu epidemic for the coming winter season and beyond. This report outlines actions since direction was given at the September meeting.

FORA staff has participated in presentations outlining the risks, scope, prevention techniques. and staffing impacts of the anticipated swine flu (H1N1) pandemic. This has included attendance at presentations made by County Medical Officer Dr. Hugh Stallworth. In each of those presentations. Dr. Stallworth described the pandemic in terms of potential impact and the scope of "H1N1 2009." He reported that there exists a true possibility that 60 million persons (nationally) will contract the swine flu with tens of thousands of deaths-mostly seniors. Dr. Stallworth has also noted that it could be more severe if leadership/citizens do not listen to and heed the prevention message. Prevention means: 1) don't come to work if you are sick or suspect that you might be sick; 2) cover coughs with one's forearm and not one's hands; 3) wash hands frequently and use antibacterial/antiviral disinfectants where possible: 4) support immune system (physical activity, sleep, nutrition); and 5) maintain proper nutrition and eating habits. In addition to Dr. Stallworth's descriptions and recommendations, Sidney Reade of the County of Monterey Office of Emergency Services made a presentation on the continuity of operations, intended to offer managers a method of planning for significant staffing losses/impacts. She discussed multiple options for planning for influenza outbreak impacts. including building replacement, staffing losses and back up, key responsibilities, and identifying essential functions (i.e. payroll, revenue, etc.). Staff has used these training opportunities, and a review of the practices by other entities in the region, to develop a plan for addressing preparation and response to the swine f/u/(H1N1) potential impacts, see Attachment-7c.

FISCAL IMPACT:

Reviewed by the FORA Controller_

Possibly a negative impact if FORA is required to hire temporary work force to substitute for absent employees.

COORDINATION:

Authority Counsel

Michael A. Houlemard, Jr.

Executive Officer

FORT ORD REUSE AUTHORITY INFLUENZA PANDEMIC PREPAREDNESS PLAN

During an influenza pandemic, employers have a key role in protecting employees' health and safety by implementing strategies that delay or reduce the spread of disease until a vaccine is available. FORA, as a company, that provides critical planning and infrastructure services for the region, has a special responsibility to plan for continued operation and having a contingency plan is essential.

A. Prevention

- Encourage employees to stay home during a pandemic due to factors such as personal illness, family member illness, community containment measures and quarantines; employees who have been exposed to pandemic influenza, are suspected to be ill, or become ill at the worksite will be required (by their supervisor or the Executive Officer) to take an immediate mandatory sick leave. Employees without adequate sick leave can advance up to 40 hrs through the end of this fiscal year. The Executive Officer may consider transfer of sick leave between employees during this 2009/10 flu season.
- Encourage/subsidize up to \$20 annual influenza vaccination for employees.
- Implement guidelines for preventing influenza spread at the worksite (e.g. promoting respiratory hygiene/ cough etiquette, and prompt exclusion of people with influenza symptoms) and to modify the frequency and type of face-to-face contact (e.g. handshaking, seating in meetings, office layout, shared workstations).
- Provide sufficient and accessible infection control supplies (e.g. hand-hygiene products, tissues and receptacles for their disposal) in all business locations.
- Develop and disseminate/post programs and materials covering pandemic fundamentals (e.g. signs and symptoms of influenza, modes of transmission), personal and family protection and response strategies.

B. Operations

- Identify essential employees and critical projects, services, and tasks required to maintain business operations during a pandemic, prepare a back up plan for key employees.
- Establish an emergency communications plan and revise periodically. This plan includes identification of key contacts (with back-ups), chain of communications, and processes for tracking and communicating business and employee status.
- Implement guidelines for hierarchy and frequency of public meetings (between FORA, jurisdictions, contractors, consultants, members of public etc.); develop alternative meeting options such conference calls for crucial meetings.
- Emphasize existing policies for flexible worksite (e.g. telecommuting) and work hours.

C. Follow-through

- Review attendance issues during weekly staff meeting.
- Review the prevention plan implementation at weekly staff meetings.

FORT (ORD REUSE AUTHORITY BO	
	EXECUTIVE OFFICER'S RE	PORT
Subject:	Administrative Committee report	
Meeting Date: Agenda Number:	November 13, 2009 8a	INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee

BACKGROUND/DISCUSSION:

The Administrative Committee met on September 30 and November 4, 2009. A joint meeting with the Capital Improvement Program Committee was held on October 14th. **The approved September and October minutes are attached for your review; the November 4th minutes are attached in draft form.** The Administrative Committee meeting scheduled for September 16th was canceled.

FISCAL IMPACT:

Reviewed by the FORA Controller_

Staff time for the Administrative Committee is covered in the approved FY 09-10 budget.

COORDINATION:

Administrative Committee and Capital Improvement Program Committee

Prepared by Linda L. Stich Approved by

da L. Stiehl // Michael A Houlemard,

FORT ORD REUSE AUTHORITY

100 12th Street, Building 2880 Marina, CA 93933

(831) 883-3672 (TEL) · (831) 883-3675 (FAX) · www.fora.org

APPROVED

MINUTES OF THE ADMINISTRATIVE COMMITTEE MEETING Wednesday, September 30, 2009

1. Call to Order

Chair Michael Houlemard called the meeting to order at 8:15 a.m. The following representatives from the land recipient jurisdictions, representing a quorum, were present:

*Nick Nichols - County of Monterey

*Ray Corpuz - City of Seaside

*Doug Yount - City of Marina

*Dick Goblirsch - City of Del Rey Oaks

Also present, as indicated by the roll sheet signatures, were:

Jim Arnold – FORA

*Rob Robinson - BRAC

Mike Gallant – Monterey-Salinas Transit

*Mike Zeller – TAMC

Pat Ward – Bestor Engineers

Jonathan Garcia - FORA

Steve Endsley - FORA

Scott Hilk - Marina Community Partners

*Brian True – Marina Coast Water District Bob Schaffer – Marina Community Partners

Steve Endsley - FORA

Debbie Platt - City of Marina

Michael Houlemard - FORA

Voting board member jurisdictions not represented at this meeting were Monterey, Salinas, Pacific Grove, Sand City, and Carmel.

2. Pledge of Allegiance

Chair Houlemard asked Anya Spear, who agreed, to lead the Pledge of Allegiance.

- 3. Acknowledgements, announcements and correspondence none
- 4. Public comment period none
- 5. Approval of September 2, 2009 meeting minutes

Motion to approve the September 2, 2009 meeting minutes was made by Dick Goblirsch, seconded by John Marker, and carried.

^{*}John Marker - CSUMB

^{*}Graham Bice - UC MBEST

^{*}Vicki Nakamura - Monterey Peninsula College

^{*} indicates a committee member

6. Review draft October 9, 2009 FORA board meeting agenda and draft board reports

Chair/Executive Officer Houlemard reviewed the items on the draft agenda. He announced that FORA had received a letter from the Economic Development Administration (EDA) confirming that FORA had received the grant for the General Jim Moore Blvd./Eucalyptus Road improvement project (Item 6b). Mr. Houlemard reported that progress has been made concerning the outstanding payments owed to FORA, adding that these funds will be used, in part, to fund the Habitat Conservation Plan trust (Item 8b).

7. Old Business

Item 7a - Habitat Conservation Plan (HCP) - update on Jones & Stokes' release of the HCP screen check draft: FORA Senior Planner Jonathan Garcia reported that the timeline, which was in the meeting packet, had been slightly modified since the last Administrative Committee meeting, and he predicted that the pre-public document would be released to the public about the end of October. He said the consultant is awaiting figures from Denise Duffy & Associates. A six-week review period will follow, after which a meeting with the regulators would be scheduled. Doug Yount asked if a meeting with the local stakeholders would be held before the latter meeting. Mr. Garcia said the meeting with the regulators would not be scheduled until the pre-public HCP draft is released to the public. Mr. Yount suggested that the stakeholders' working group meet, along with their attorneys, to do a final review of the HCP documents. Chair Houlemard suggested setting aside a time slot of 10:00 - 2:00, including a working lunch, because he said it is important to know how the pieces fit together and how it all works. He recommended that the stakeholders allocate sufficient time to do their own review of the documents before the working group meets. Graham Bice asked how the existing permits would be wrapped in and what the status of the cost model was, because he had had no response from Deb Hilyard from the CA Department of Fish & Game. Bob Schaffer asked if there would be a series of public meetings, and Mr. Houlemard replied that all the public events are on the timeline. He added that the NEPA and CEQA requirements are scheduled to be processed concurrently, as noted on the timeline.

Item 7b – Office of Economic Adjustment ("OEA") funding for the Central Coast Veterans Cemetery infrastructure planning area: Chair Houlemard said that OEA continues to provide funding to communities that have been impacted by closed or realigned military facilities. The funding has limited use. In the case of the cemetery, it could be used for the infrastructure planning study. He said he had met with OEA Director Patrick O'Brien during a recent trip to Washington, DC, and was encouraged to learn that funds are available for this. Mr. Garcia said he had drafted a proposal to OEA and was awaiting feedback. Chair Houlemard commented that Kristen Orr, a former FORA intern, was now the project manager overseeing the review of the veterans' cemetery funding request. Nick Nichols reported that the County Fort Ord subcommittee had received a review of the project recently and a letter to FORA would be forthcoming. He said the members supported continuing the multi-agency collaboration on the cemetery.

Item 7c – Executive Officer's report from the September 28, 2009 joint meeting hearing of the Assembly and Senate Local Government Committees regarding former Fort Ord Redevelopment: Chair Houlemard, who was unable to attend the hearing at the last minute, said that the report would be a "Ray Corpuz report." Seaside City Manager Corpuz said that four FORA representatives had made presentations and among those attending were Assemblymembers Bill Monning and Mike Davis. Peter Detwiler, a key player, commented that a good case had been made to consider modifying the law. Chair Houlemard remarked that the fact that two-thirds of former Fort Ord has been set aside as open space should support the issue. Mr. Corpuz said the next step would be to present draft legislative language to the stakeholders, namely the cities of Del Rey Oaks, Seaside, Monterey, and Marina, for their comments. Acknowledging the existence of developable commercial parcels that are partly in and partly out of former Fort Ord lands would be one point to cover in the draft language. Chair Houlemard said it is important now to know which FORA entities are "in" on this legislation and which are "out." He added that the narrower the language, the better its chances for success. He said that language has already been drafted by FORA staff and would be circulated shortly. When all have reviewed it and submitted their comments, this language will be sent to Assemblymember Caballero.

8. New Business - none

9. Adjournment

Rob Robinson shared that Jim Arnold's birthday was today and all joined Nick Nichols who led those present in singing "Happy Birthday."

Chair Houlemard adjourned the meeting at 8:54 a.m.

Minutes prepared by Linda Stiehl, Executive Assistant

FORT ORD REUSE AUTHORITY

100 12th Street, Building 2880
Marina, CA 93933
(TEL) 1 (824) 882 2675 (EAV) 1 (824)

(831) 883-3672 (TEL) · (831) 883-3675 (FAX) · www.fora.org

APPROVED

MINUTES OF THE JOINT ADMINISTRATIVE COMMITTEE/CAPITAL IMPROVEMENT COMMITTEE MEETING Wednesday, October 14, 2009

1. Call to Order

Chair Michael Houlemard called the meeting to order at 8:15 a.m. The following representatives from the land recipient jurisdictions, representing a quorum, were present:

*Nick Nichols - County of Monterey

*Ray Corpuz - City of Seaside

*Doug Yount – City of Marina

*Dick Goblirsch - City of Del Rey Oaks

Also present, as indicated by the roll sheet signatures, were:

Jim Arnold - FORA

*Rob Robinson - BRAC

*Vicki Nakamura - MPC

*Don Bachman - TAMC

Pat Ward – Bestor Engineers

Jonathan Garcia - FORA

Steve Endsley - FORA

Scott Hilk - Marina Community Partners

Anya Spear - CSUMB

*John Marker - CSUMB

*Graham Bice – UC MBEST

Hunter Harvath - Monterey-Salinas Transit

*Brian True - Marina Coast Water District

Bob Schaffer – Marina Community Partners

Andy Sterbenz - Schaaf & Wheeler

Jerry Bowden - FORA

Michael Houlemard - FORA

Diana Ingersoll - Seaside

Voting board member jurisdictions not represented at this meeting were Monterey, Salinas, Pacific Grove, Sand City, and Carmel.

2. Pledge of Allegiance

Chair Houlemard asked Brian True, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence -

Chair Houlemard noted that a letter had been received from the Economic Development Administration (EDA) indicating a deadline of beginning construction on General Jim Moore Blvd. by December 17th.

^{*} indicates a committee member

Hunter Harvath informed the Committee that Monterey Salinas Transit is now considered a Rapid Transit District.

- 4. Public comment period none
- 5. Approval of September 30, 2009 meeting minutes

Motion to approve the September 2, 2009 meeting minutes was made by Ray Corpuz, seconded by Dick Goblirsch, and carried.

6. Old Business

Item 6a - Habitat Conservation Plan (HCP) - Status Report Discussion, Schedule of Events:

A delay caused by incorrect information in the impact analysis being posted for review by Duffy & Associates (DDA) has pushed the HCP schedule out by approximately 3 weeks. Once DDA gets the corrected information to Jones and Stokes, the impact analysis can be incorporated into the HCP. It was noted that DDA is the federal consultant, not FORA's.

A conference call held yesterday with the permit processing group proved to be helpful.

Item 6b - General Jim Moore Update:

Senior Project Manager Jim Arnold referenced the project milestone handout and announced FORA's intent to issue a Notice to Proceed by December 17th to meet the EDA imposed deadline Chair Houlemard previously mentioned. He additionally noted that the oncall professional agreement FORA has with Creegan + D'Angelo is too old to be used for construction inspection on this project and the EDA has requested FORA to advertise a Request for Qualifications to select a consultant for this work. Staff expects to ask the FORA Board to award a contract to a consultant at their November board meeting. The entire construction project should be completed within 12 months. Mr. Arnold added that per City of Seaside, no street lights were incorporated into the roadway project, however, conduits will be installed at the intersections.

Item 6c - FORA Legislative Agenda:

Doug Yount asked if there was anything in the agenda that requires coordination with the HCP. Chair Houlemard responded that the last line, which was added by the Legislative Committee, ensures that nothing will be added to the HCP process in terms of cost or effort.

FORA Counsel Jerry Bowden explained that the 1st page of the agenda explains the bill and page 2 is the law as it now reads. This agenda takes comments made by Anna Caballero into account.

Chair Houlemard asked committee members to review the agenda and respond with comments by early November.

Item 6d – <u>Proposed modifications to alignment exhibit and text in proposed Multi-Modal</u> Transit Corridor <u>Memorandum of Agreement</u>:

Nick Nichols indicated that the draft Memorandum of Agreement (MOA) is a product of the multi-modal corridor stakeholders coming together and being on the same page. This MOA is ready to be taken to the individual city councils and the FORA Board for approval. The MOA will be scheduled as an information item for the FORA Board at their November meeting and will be brought back to them once all of the stakeholder's policy boards have endorsed the document.

Item 6e - CIP Report (2009/10) (intended to begin at 9:00)

- i. Report to FORA Board
- ii. Jurisdictional FY 2011 Development Forecast
- iii. OEA Funding Update

Chair Houlemard noted that at the last FORA Board meeting, staff had recommended extending the currently adopted (FY 2008/09) CIP until the FY 2010/11 CIP was prepared. Some Board members requested a report by the end of the year on the status of the FY 2009/10 update. Director of Planning and Finance Steve Endsley noted that staff is beginning the process of updating the CIP for the FY 2010/11 document. He requested the jurisdiction's best efforts in estimating development forecasts. There is a finite list of remaining projects. With the recent award of the EDA grant, all remaining projects will accelerate. Ray Corpuz made the motion that staff report to the Board at their December meeting that updates to the FY 2009/10 document would cease and the reprogramming effort for the FY 2010/11 document would begin; Dick Goblirsch seconded and the motion passed.

Staff expects to hear about the OEA grant by December.

- 7. New Business none
- 8. Adjournment

Chair Houlemard adjourned the meeting at 9:40 AM.

Minutes prepared by Crissy Maras, Administrative Coordinator

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100 12th Street, Building 2880 Marina, CA 93933

(831) 883-3672 (TEL) · (831) 883-3675 (FAX) · www.fora.org

DRAFT

MINUTES OF THE ADMINISTRATIVE COMMITTEE MEETING Wednesday, November 4, 2009

1. Call to Order

Chair Doug Yount called the meeting to order at 8:15 a.m. The following representatives from the land recipient jurisdictions, representing a quorum, were present:

*Jim Cook - County of Monterey

*Ray Corpuz - City of Seaside

*Elizabeth Caraker – City of Monterey

*Doug Yount - City of Marina

*Daniel Dawson - City of Del Rey Oaks

Also present, as indicated by the roll sheet signatures, were:

Diana Ingersoll - City of Seaside

*Todd Muck – TAMC

Jim Arnold – FORA

Jim Fletcher – East Garrison project

Jonathan Garcia - FORA

*Graham Bice - UC MBEST Center

*Brian True - Marina Coast Water District

Nick Nichols – County of Monterey

Crissy Maras – FORA

*Hunter Harvath – Monterey-Salinas Transit

Steve Endsley - FORA

*Kathleen Ventimiglia - CSUMB

*Vicki Nakamura - Monterey Peninsula College

Michael Houlemard - FORA

Voting board member jurisdictions not represented at this meeting were Salinas, Pacific Grove, Sand City, and Carmel.

2. Pledge of Allegiance

Chair Yount asked Daniel Dawson, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence

Chair Yount welcomed Daniel Dawson, the new Del Rey Oaks city manager. Executive Officer Houlemard acknowledged Jim Fletcher from Union Community Partners, the new East Garrison developer. Jonathan Garcia called attention to a letter to him from the Department of Toxic Substances Control, noting that the department had received the annual report from the former Fort Ord entities with land use covenants. He noted that although some of the property owners had not reported completion of visual site inspections, they were requested to do this as part of their annual reporting. Mr. Garcia said he is

^{*} indicates a committee member

awaiting updated maps of the parcels from the County Assessor's office, before making a formal request for this year's reports.

4. Public comment period - none

5. Approval of October 14, 2009 meeting minutes

When no objections to the minutes were voiced, Chair Yount declared them approved as presented.

6. Review draft November 13, 2009 FORA board meeting agenda and draft board reports

Executive Officer Houlemard reviewed the items on the draft agenda. No changes were suggested by the members.

7. Old Business

Item 7a - Habitat Conservation Plan (HCP) - status report, discussion and schedule of events: Director of Planning and Finance Steve Endsley said there was nothing to report since the last Administrative Committee meeting. Senior Planner Jonathan Garcia said no firm date had been received from Jones & Stokes regarding the pre-draft HCP but that the pre-draft document was expected in a week or two. When received, a meeting will be set to review the document. He added that meetings with the regulators are continuing. Graham Bice said he had had no success in setting a meeting with the CA Department of Fish & Game. Jim Cook asked if the role of the University of California, Santa Cruz ("UCSC") in the HCP would remain the same as their development plans change. Mr. Endsley replied that UCSC has been managing habitat for some time now and receiving reimbursements from FORA for their work. This, he said, makes a strong argument with the regulators that Fort Ord habitat management is indeed happening. Chair Yount suggested that the principals invite their counsels to attend the meetings to keep them in the information loop from the beginning. Because this can be a costly proposition, the decision was left to each jurisdiction's discretion. Mr. Endsley remarked that he expected nothing earthshakingly different when the pre-draft HCP documents are released, because the FORA entities have done a careful job crafting and previewing them.

Item 7b – <u>FORA's 2010 Legislative Agenda</u>: Executive Officer Houlemard summarized the nine items outlined in this document and FORA's position on each. The members had no objections to a recommendation for board approval.

Item 7c – <u>Status of Multi-Modal Transit Corridor Memorandum of Agreement ("MOA")</u>: Senior Planner Jonathan Garcia called attention to the "clean" version of this MOA in the packet and remarked that it contained all the known changes to which the committee has agreed. Three additional changes were mentioned. Kathleen Ventimiglia from CSUMB reported that the document had been sent to the CSU legal staff but said it was uncertain that all of CSU's previous suggested changes had been incorporated in the current document. The members concurred that it would be best to wait until all issues with CSU had been resolved before taking the MOA to their councils/boards. Executive Officer

Houlemard was asked to meet with Jim Main in the interest of moving the MOA forward. This item will return on the next meeting's agenda.

Item 7d - Capital Improvement Program report ("CIP") (2009/2010): i. Adjustments to draft 2009/2010 document, and ii. Jurisdictional FY 2010/2011 development forecasts: Senior Planner Jonathan Garcia reported that the FORA Board had requested an update on the 2009/2010 CIP at year's end. He said that there have been some changes in the priorities, e.g., Eastside Road had been moved up on the list. He added that FORA had not received any forecasts from the jurisdictions yet and the deadline is one week away. Ray Corpuz reported that a grant of \$4-5 million was forthcoming from the state and a question of how to lay the fiber optics on General Jim Moore Blvd. ("GJMB") had arisen. FORA's Jim Arnold responded that as far as he knew, FORA had not been approached with that question. He said the Master Plan identifies the westerly section of GJMB for communications. That portion has not been fully developed yet, but there is right-of-way in the road, which is not yet paved. This area will be available in the course of FORA's construction, out about six to seven months or in the future. He said the installation could be incorporated in a change order or handled separately through a contract with the contractor. Brian True from Marina Coast Water District said they have four or six inch conduits in the area that might also work for the fiber optics. Mr. Corpuz remarked that he did not know the owner/operator for the project.

Mr. Endsley returned to the topic of how to report to the FORA board regarding their request for a year-end CIP report. He said staff tends to support moving to the 2010/2011 CIP, so that all the current forecasts and changes could be incorporated in that document, which is scheduled to be the focus in a few weeks. He said changes have occurred the past few months where the figures are still being calculated but should be available by the December board meeting. Executive Officer Houlemard stressed that the Board wants a year-end report and either course of action could be pursued, although moving to the 2010/2011 document at this point would probably be the best use of time. Mr. Yount asked about reimbursements for jurisdiction lead agency projects and acceleration of reimbursements. Mr. Endsley responded that acceleration occurs when percentages are calculated for individual projects as parts of the whole, which results in more dollars in the system and moving projects up in time.

8. New Business - none

Executive Officer Houlemard reported that the son of Charles Eade, a long-time planning director in the region, had committed suicide, and those who know Charles may wish to offer their condolences. Brian True announced that the final environmental impact report for the California Coastal Water project had been released and some 1,600 pages are available online. Chair Yount asked that an update by MCWD on the project be presented at the next Administrative Committee meeting.

9. Adjournment

Their being no further business, Chair Yount adjourned the meeting at 9:05 a.m.

Minutes prepared by Linda Stiehl, Executive Assistant

FORT	ORD REUSE AUTHORITY BOAR	RD REPORT
	EXECUTIVE OFFICER'S REPOR	T
Subject:	Status update of outstanding receivables	
Meeting Date: Agenda Number:	November 13, 2009 8b	INFORMATION

RECOMMENDATIONS:

Receive a report regarding outstanding receivables.

BACKGROUND/DISCUSSION:

This is an update report regarding the outstanding receivables as of September 30, 2009.

1. Del Rey Oaks (DRO) annual Pollution Legal Liability (PLL) loan payments.

The DRO developer, Federal LLC, owed FORA for two annual insurance premium payments totaling \$467,046. The developer who continued to report financial partner problems had postponed payment for several months and stopped communicating with FORA staff. Staff was prepared to recommend to the FORA Board at the September board meeting removing the PLL coverage from DRO. To prevent losing the coverage, DRO submitted payment for the remaining 08-09 premium. The 09-10 premium of \$256,023 is still outstanding.

- Staff is working with DRO, who can not rely on its developer to pay for the insurance, to create a payment agreement for the 09-10 PLL premium.
- 2. Association of Monterey Bay Area Governments (AMBAG) Land sale proceeds and expenses.

In November 2007, FORA sold an Imjin Office Park parcel (IOP) to AMBAG. AMBAG requested that the sale agreement allow AMBAG to pay the outstanding balance of \$171,288 in three annual installments. FORA and AMBAG memorialized that provision with a note that provides for 7% annual interest and a 1.5% late fee. AMBAG has not made any payment against the note; in addition to the land payment. In addition, AMBAG owes FORA \$18,486 for pre-construction costs and the developer fee. AMBAG rejected all previous land purchase offers by MCWD and has requested FORA postpone AMBAG's payments and forgive interest until early 2010. In August 2009, in an effort to stop IOP contractor from placing a construction lien on the IOP property caused by AMBAG's non payment, AMBAG accepted MCWD's offer.

MCWD and AMBAG entered into a sales contract to transfer AMBAG's IOP parcel to MCWD. The escrow is expected to close by early November. As a result, FORA will receive \$171,288 in principle and \$24,082 in interest for payment of AMBAG's note. After receiving Board direction, FORA waived the 1.5% late fee on AMBAG's note. FORA wrote a demand letter to the title company requesting payment of AMBAG's share of IOP pre-construction costs; the developer fee will be due when MCWD pulls the building permit for this property.

FISCAL IMPACT:

A negative impact on FORA's net revenues as FORA expends general fund resources, incurring debt, until these receivables are collected.

Approved by_/

COORDINATION:
Executive Committee.

Ivana Bednarik

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT EXECUTIVE OFFICER'S REPORT Subject: Habitat Conservation Plan - status report Meeting Date: November 13, 2009 Agenda Number: 8c INFORMATION

RECOMMENDATION(S):

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

BACKGROUND:

FORA, with the support of its member jurisdictions and consultant team, is on a path to complete a basewide HCP and 2081 permit in early 2011, which will result in the US Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") issuing federal and state permits. Chair/Mayor Ralph Rubio, 1st Vice Chair/Supervisor Dave Potter, Executive Officer Michael A. Houlemard, Jr., and Director of Planning and Financing Steve Endsley ("FORA's legislative representatives") met in Sacramento with California Resources Secretary Mike Chrisman on June 25 and 26, 2009 to develop a critical path forward. A product of these meetings was to form a Permit Completion working group, comprised of department heads from CDFG, USFWS, State Parks, and FORA, to resolve outstanding issues and ensure completion of the HCP and 2081 permit on schedule.

DISCUSSION:

FORA has held staggered monthly meetings of the Permit Completion and HCP working groups in addition to attending meetings hosted by its member jurisdictions to assist their review of the draft HCP documents. These coordination efforts are bearing fruit as USFWS and Bureau of Land Management ("BLM") issues, CDFG and State Park issues, and CDFG and BLM issues are moving toward resolution. Jones & Stokes, FORA's HCP consultant, will complete a final administrative draft HCP by late November. CDFG, USFWS, and FORA member jurisdictions will have a final six-week comment and review period before Jones & Stokes begins preparing the final HCP draft. This review period is the next critical milestone to completing the HCP.

FISCAL IMPACT:

Reviewed by FORA Controller 1/5

Funding for this item was included in the FY 07 and 08 budgets and was carried over to the FY 09 budget. The Board increased the contract for Jones & Stokes by \$81,023 at its March 13, 2009 meeting, using previously approved budget authority.

COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, Coordinated Resources Management and Planning Team, USFWS and CDFG personnel, Jones & Stokes, DD&A, and various development teams.

Prepared by Jonathan Garcia

Reviewed by D. Steven &

Steve Enods (e

Approved by

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT **EXECUTIVE OFFICER'S REPORT** Subject: Legislative Committee report November 13, 2009 **Meeting Date: INFORMATION** Agenda Number: 8d

RECOMMENDATION:

Receive a report from the Legislative Committee ("LC")

BACKGROUND:

The LC focuses primarily on state and federal legislation that impacts former Fort Ord redevelopment. The Fort Ord Reuse Authority's ("FORA's) state and federal staff representatives give reports at each committee meeting, particularly when legislatures are in session. FORA legislative missions occur annually in the spring. Each fall the LC focuses on crafting FORA's legislative agenda and work program for the coming year. This document offers legislative, regulatory, policy or resource allocation support actions to improve and/or enhance former Fort Ord redevelopment. The focus has been on federal and state legislation, property transfer and reuse, environmental remediation, habitat management, and infrastructure and mitigation funding. The items on the legislative agenda are considered priorities in achieving FORA's objectives.

DISCUSSION:

The LC met on September 30, 2009, and the draft minutes are attached. The members reviewed the first draft of the FORA's 2010 Legislative Agenda and concurred with the staff's recommendations and FORA's positions on the nine items. They asked that the Administrative Committee review the document and provide input before taking it to the Board for approval.

The Administrative Committee met on November 4th. They made no changes to the document and recommended that it be sent to the Board for final approval. Since this legislative agenda was the primary action item on the November 5th LC agenda, that meeting was canceled. The LC's last scheduled meeting in 2009 is on November 30th.

FISCAL IMPACT:

Reviewed by FORA Controller_

Staff time for the LC is covered in the approved FY 09-10 budget.

COORDINATION:

Legislative, Administrative and Executive Committees; FORA's state and federal elected legislators and their district representatives; and JEA & Associates

Prepared by Linda L. Stiel Approved by Linda L. Stiehl

Fort Ord Reuse Authority

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

MINUTES of the LEGISLATIVE COMMITTEE MEETING Wednesday, September 30, 2009, at 3:00 PM

1. Call to Order and Roll Call

Chair/Mayor Rubio called the meeting informally to order at 3:15 p.m. The following members, and others, were present:

Present:

Chair/Mayor Ralph Rubio and Supervisor Simon Salinas. [Since a quorum was not present, the members heard informational reports from staff and no action was taken

until after Supervisor Potter arrived at 3:40 p.m.]

An McDowell (27th State Assembly District)

Rito Guerra (15th State Senate District)

Absent:

Councilmember Dave McCall

FORA Staff:

Michael Houlemard, Executive Officer

Jerry Bowden, Authority Counsel

Steve Endsley, Director of Planning and Finance

Linda Stiehl, Executive Assistant

Others present:

Doug Yount, City of Marina

John Arriaga, Robyn Boyer & Erica Arriaga (JEA & Associates) by telephone

Christina Watson (TAMC)

Jeff (surname not provided), member of the public

2. Public Comments

Jeff (surname not provided) said he was an environmental consultant and had been asked for information about environmental issues on former Fort Ord, in particular, whether any health studies had been conducted related to Fort Ord lands.

3. Approval of the May 29, 2009 meeting minutes

A motion to approve the May 29, 2009 meeting minutes was made by Supervisor Potter, seconded by Supervisor Salinas, and carried. (This action occurred when a quorum was present.)

4. Reports from the legislative offices

Item 4a - <u>U.S. Congress:</u> Rochelle Dornatt reported that the Fort Ord veterans/military personnel clinic was on track. Legislation had passed in the Senate and will go to the House shortly, where funding this year has already been appropriated. Groundbreaking is expected in 12 – 14 months. She said clearing the title to the land still needs to be done. Update on the veterans' cemetery: She said fund-raising has been moving slowly and no federal funds are available at this point. The state must put up its funding first and she said that the local people must help the state put money in a trust. She added that Congressman Farr's newsletter will be used to promote this project. She reported that the fiscal year 2010 Department of Defense Authorization bill contains language to help closed bases benefit from Economic Development Conveyances. Executive Officer Houlemard asked if the bill included options for infrastructure planning funding, and Ms. Dornatt replied that Mr. Farr is awaiting a preliminary request from FORA. She offered to help FORA pursue this funding.

Item 4b – <u>State Senate</u>: Chair Rubio welcomed Rito Guerra back from his tour of duty in Afghanistan. Mr. Guerra said it was good to be back, as he settles into his second week in Senator Maldonado's Monterey office. He reported that the legislature had recessed but might be called back into a special session very soon to discuss accessing federal funds for education. He reported that a special commission had been appointed to take up 21st century issues, and there was a rumor that another special session would be called to focus on California's water issues. He noted that the deadline for getting any items on the June ballot is sometime in February/March. He said another session would be scheduled to consider bills requiring 2/3's votes. Supervisor Salinas made remarks about Prop 1A. Mr. Guerra said that Senator Maldonado had had six bills signed during the current session, with three pending the Governor's signature at the moment.

Item 4c – <u>State Assembly:</u> Ms. An McDowell reported that Assemblymember Monning had attended a hearing on the cease and desist order regarding CalAm's overdrafting of water from the Carmel River. She distributed copies of his letter urging a "deliberate and forward-looking approach" in resolving the Monterey Peninsula's water issues, in which he focused on recognizing the progress being made by the proposed regional water augmentation projects and his concern that ratepayers would be harmed by the proposed increases in water costs. She said that Mr. Monning has offered his assistance in moving the veterans' cemetery forward and raised the possibility of phasing in the funding and the need for creative thinking in making the cemetery a reality.

5. Old Business

Item 5a - Report from JEA & Associates

Item 5ai – 2008-09 State Legislative Session – summary report (with comments by John Arriaga, Robyn Boyer and Erica Arriaga): Mr. Arriaga provided a summary report about the end of the regular legislative session. Ms. Boyer made comments about the status of specific bills and actions, including the following: (1) SB 67 and SB 65 (Prop 1A borrowing) will be taken up on October 12-13; she urged local support of these bills so they can go to the bond market for funding; (2) She said the deficit is mounting, and the Governor plans to address it again in January or in a seventh special session; (3) The Governor has announced special sessions on education funding, tax reform and water issues; and (4) Several class action law suits regarding the state's take of local funds are in the courts; she said a recent state appeal was withdrawn yesterday when it appeared the state's case would not be successful. Christina Watson noted that TAMC has changed its position from oppose to neutral/watch on AB 1084 (Adams - local planning: development project: fees provisions recast

within the Government Code). FORA's position has been to oppose AB 1084. Discussion about individual bills followed.

Item 5aii – <u>FORA's 2009 priority legislation – update</u>: Executive Officer Houlemard asked about the status of FORA's priority legislation and Mr. Arriaga made comments about each bill on the weekly bill track update report dated 9/29/09. He will provide a final wrap-up report after October 11th, the Governor's deadline for action on the remaining bills from this session.

6. New Business

Item 6a – Executive Officer's report from the September 28, 2009 joint meeting hearing of the Assembly and Senate Local Government Committees regarding former Fort Ord redevelopment: Executive Officer Houlemard said Jerry Bowden and Steve Endsley participated in the hearing in a team approach. It was agreed that narrowing the bill would increase its chance for success. He reported that the three of them have crafted a preliminary draft of the bill language, which they will distribute to others shortly for review and comments. Mr. Houlemard said the team used the Seaside Main Gate project as an example of the problem in the two laws, which are in conflict with each other, namely the Eisenberg legislation, which restricts the use of tax increment, and FORA's enabling legislation, which does not. The recommendation was to narrow the language so it applies to former Fort Ord lands, or closed military installations, only. Supervisor Salinas asked what the committee chair's response was, and Mr. Arriaga remarked, "I think she got it." Chair Rubio noted that Seaside Councilmember Tom Mancini and City Manager Ray Corpuz attended the hearing and their comments would be in the records. Assemblymembers Monning and Caballero were also in attendance.

Item 6b – Review first draft of FORA's 2010 Legislative Agenda: Executive Officer Houlemard provided summaries of each item and FORA's proposed position. He said the 2010 Legislative Agenda could be approved by the board in November or December. John Arriaga remarked that as soon he has the final list of items, he would begin making the rounds in Sacramento to get a head start implementing FORA's strategy before the next Regular Session of the Legislature opens on January 4, 2010. Mr. Houlemard said the committee might not need to meet again on November 5th, if the document were ready for approval. There was no objection, but it was noted that the Administrative Committee would take a final look at the items at their November 4th meeting.

7. Announcements/Correspondence - none

8. Adjournment

Their being no further business, Chair Rubio adjourned the meeting at 3:55 p.m.

Minutes taken and prepared by Linda Stiehl, Executive Assistant

FORT ORD REUSE AUTHORITY BOARD REPORT		
EXECUTIVE OFFICER'S REPORT		
Subject: Finance Committee Report		
Meeting Date: Agenda Number:	November 13, 2009 8e	INFORMATION

RECOMMENDATION:

Receive minutes from the October 26, 2009 Finance Committee (FC) meeting.

BACKGROUND/DISCUSSION:

The FC met on October 26, 2009 to review the FY 08-09 draft Annual Financial Report (Audit Report) and discuss Fort Ord Reuse Authority (FORA) investments. Staff and the Auditor, Ralph Marcello, are adjusting the Audit Report according to FC October 26, 2009 meeting comments. The FY 08-09 Audit Report will be presented for acceptance consideration at the December 2009 Board meeting. Please refer to the attached FC minutes for more details and FC recommendations.

FISCAL IMPACT:

Reviewed by the FORA Controller

None

COORDINATION:

Finance Committee

Prepared by 2

Marcela Fridrich

Marcela Fullich Approved by

Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

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

Finance Committee Meeting

Monday, October 26, 2009 at 3:30 pm

Action Minutes - DRAFT

Present:

Chair Sue McCloud, Members: Tom Mancini, Graham Bice, Hunter Harvath

Absent:

Janet Barnes (Excused), Ken Gray (Excused)
Ivana Bednarik, Marcela Fridrich, Steve Endsley

Staff: Guests:

Ralph Marcello, CPA (Marcello & Company)

AGENDA

The Finance Committee (FC) discussed the following agenda items:

Roll Call:

A quorum was achieved at 3:30 PM. Chair Sue McCloud recommended adjusting current procedure regarding minutes, requesting that staff to send draft FC minutes to members for review as soon as they are available. That will allow a more accurate review as members will have a better memory of discussions and/or conclusions in the near term.

2. May 11, 2009 Minutes:

Approved (Motion Bice, Second Mancini). Passed 4-0.

3. FY 08-09 Draft Annual Financial Statements (Audit Report):

FC members received the FY 08-09 Draft Audit Report prior to the meeting; FORA Auditor Ralph Marcello was present to answer questions. Chair McCloud complimented Mr. Marcello and staff regarding the quality of the report presentation. She asked that staff/auditor provide the percentage that long term debt represents of total assets. Ralph Marcello suggested including this information in the Management's Discussion and Analysis letter. Ivana Bednarik explained liabilities at year end and the 138K loan repayment to MCWD. Member Bice had several questions regarding the financial statement and budget items; he recommended clarification of some revenue item titles. FC members commented on how low developer fee collection in FY 08-09. Steve Endsley reported that recent economic activities indicate that the housing market may be back in next 6-10 months. FC unanimously voted to recommend that the FORA Board accept the FY 08-09 Audit Report with the recommended changes. Approved (Motion Bice, Second Mancini). Passed 4-0.

4. FORA Investments:

FC members received the earning/loss summary for Prime Vest account prepared by Ivana Bednarik. She explained to FC members that since the significant stock market downturn in September 2008 the portfolio almost completely recovered its loss. As instructed by FC, and in conjunction with FORA revised Investment policy, staff implemented the suggested 40% - 60% stock to bonds investment ratio. Ms. Bednarik informed FC members that First National Bank (FNB) closed/reorganized its investment account and is unable to manage FORA's Prime Vest account. The Executive Officer and authorized staff are monitoring portfolio performance daily and are in contact with FORA investment advisor John Pira. Steve Endsley explained members that portfolio is designated as a down payment for habitat conservation endowment and should be maximally protected against market volatility. Chair McCloud asked for itemization/breakdowns of mutual funds for the next meeting. Ralph Marcello distributed FC members a newspaper article addressing bank accounts insurance. Ivana Bednarik informed FC that FNB and Rabobank confirmed that FORA funds are adequately protected. Member Harvath commented about recent economic difficulties of FNB. Chair McCloud suggested staff discussing the option of using only one bank with FORA Executive Officer and bringing this issue back to FC.

5. Next Meeting Date:

The next meeting was set for January 25, 2010 @ 3:30 PM.

6. Adjournment:

The meeting adjourned at 4:35 PM.

Minutes prepared by Marcela Fridrich, Accounting Officer.

FORT ORD REUSE AUTHORITY BOARD REPORT EXECUTIVE OFFICER'S REPORT Subject: Executive Officer's travel report Meeting Date: November 13, 2009 Agenda Number: 8f

RECOMMENDATION:

Receive an informational travel report from the Executive Officer

BACKGROUND/DISCUSSION:

The Executive Officer regularly submits reports to the Executive Committee providing details of his travel requests, including those by the Fort Ord Reuse Authority ("FORA") staff and board members. Travel expenses may be paid or reimbursed by FORA, outside agencies/jurisdictions/organizations or a combination of these sources. The Executive Committee reviews and approves these requests, accordingly, and the travel information is reported to the Board as an informational item.

- ~Trip to Sacramento, CA, to attend a joint hearing of the Assembly and Senate Committees on Local Government on the subject of "Redeveloping Fort Ord" (September 28, 2009): When Executive Officer Houlemard was unable to attend this hearing at late notice, Authority Counsel Bowden and Director of Planning and Finance Steve Endsley filled in for him. Messrs. Bowden and Endsley each provided testimony to the joint committee members, along with Seaside council members Steve Bloomer and Tom Mancini. They expressed the need for changes in the redevelopment law concerning the use of tax increment on closed military installations. Lodging, meals, a mileage allowance and other miscellaneous expenses for Messrs. Bowden and Endsley were covered according to the FORA travel policy.
- ~Trip to Washington, DC, to attend the Association of Defense Communities ("ADC") Fall Board Retreat (October 20-23, 2009): Executive Officer Houlemard traveled to Washington, DC, a day early to meet with federal representatives and FORA Special Counsel. As president of ADC, he chaired the retreat, which began the evening of October 21st and lasted until the afternoon of October 23rd. Representatives from the U.S. Army, the Environmental Protection Agency, and other federal offices also participated in the retreat. His lodging, airfare and transportation (taxi/shuttle only) expenses were covered by ADC. Any miscellaneous travel expenses submitted to FORA for reimbursement will be covered according to the FORA travel policy.
- ~Travel to attend the National Brownfields Conference "Brownfields 2009: Sustainable Communities Start Here" in New Orleans, LA (November 14-18, 2009): Executive Officer Houlemard was invited to present at this conference and also awarded one of the limited travel scholarships by the International City/County Management Association ("ICMA"). His panel presentation is entitled Federal Facilities Brownfields Reuse Opportunities, where he will speak on the challenges and opportunities of reusing contaminated property on former Fort Ord. ICMA will pay for three night's hotel accommodations, and FORA will reimburse airfare, one night's lodging, meals and miscellaneous expenses according to the FORA travel policy.

FISCAL IMPACT:

Reviewed by FORA Controller

The FORA expenses mentioned above have been included in the approved FY 09-10 budget and will be reimbursed according to FORA's travel policy.

COORDINATION:

Chair/Mayor Rubio, Executive Committee, ADC staff; Senator Maldonado, Assembly members Manning and Caballero, JEA & Associates, Katie Kolitsos (chief consultant, Assembly Local Government Committee), CMA, and Seth Kirshenberg (Kutak Rock)

Prepared by Linda L. Stiell Approved by Linda L. Stiell

Michael A. Houlemard, Jr

FORT ORD REUSE AUTHORITY BOARD REPORT EXECUTIVE OFFICER'S REPORT		
Meeting Date: Agenda Number:	November 13, 2009 8g	INFORMATION

RECOMMENDATION:

Receive the Fort Ord Reuse Authority (FORA) investment report for the period ending September 30, 2009.

BACKGROUND/DISCUSSION:

As recommended by the Finance Committee (FC), the FORA Board approved modifications to the FORA investment policy at its February 13, 2009 meeting. To preserve investments during the economic downturn, the FC recommended moving funds to more safe fixed income securities as market opportunities arise.

The FC discussed the investments status at May 11 and October 26 meetings. In order to capture earnings and preserve principal, the Executive Officer recommended and FC approved a gradual move to the 40% - 60% investment split. Staff implemented the suggested approach. In May, FORA sold the underperforming Oppenheimer funds held in the portfolio and replaced them with bond funds. In September 2009, \$568,773 was reallocated from stocks to government, corporate and inflation hedged bonds within the portfolio as noted above.

No funds were withdrawn and no new funds were invested. The ending balance in the investment account was \$3,959,976.

Financial		5/31/09	Portfolio	9/30/09	Portfolio	
Institution	Investment Type	Balance	<u>Percent</u>	<u>Balance</u>	<u>Percent</u>	Maturity
	PRIMEVEST INVESTMENT ACCOUNT					
Bank	Mutual Funds	3,511,656	99.80%	3,952,784	99.82%	Liguid
	Stock Funds	1,752,464	49.90%	1,462,530	36.93%	
	Bond Funds	1,759,181	50.10%	2,490,254	62.89%	
	Money Market Funds	7,191	<u>0.20%</u>	7,192	<u>0.18%</u>	Liquid
	TOTALS	3,518,847	100.00%	3,959,976	100.00%	. <u>.</u> .

FISCAL IMPACT:

The market began a slow rebound in February 09. This is the second reporting period since the market decline in 2007 when we can report <u>earnings</u>. The investment account still shows a loss in its cumulative earning balance; the invested principal remains preserved.

COORDINATION:

Finance Committee Chair, John Pira

Prepared by /// Cuc / Ivana Bednarik

Approved by Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT		
EXECUTIVE OFFICER'S REPORT		
Subject: ADMINISTRATIVE CONSISTENCY DETERMINATION FOR ENTITLEMENT: City of Seaside's Chartwell School Project		
Meeting Date: Agenda Number:	November 13, 2009 ACTION	

RECOMMENDATION(S):

- Receive a report from the Executive Officer regarding the Chartwell School Project Administrative Consistency Determination per Section 8.02.030 of the Fort Ord Reuse Authority ("FORA") Master Resolution; <u>OR</u>
- 2. Consider approving the Executive Officer's concurrence in the City of Seaside's ("Seaside") determination regarding consistency of this development entitlement project if:
 - a. an appeal is received within the 15-day appeal response term; OR
 - b. a Board member requests that a hearing be conducted on this project.

BACKGROUND:

On August 31, 2009, Seaside forwarded its Consistency Determination request for the Chartwell School Project to the attention of FORA staff. Seaside requested Development Entitlement Consistency review of the project in accordance with section 8.02.030 of the FORA Master Resolution. Under state law, (as codified in FORA's Master Resolution) legislative land use decisions (plan level documents such as General Plans, Zoning Codes, Specific Plans, Redevelopment Plans, etc.) processes differ from development entitlement (a project under an approved General Plan and Zoning designation) consistency determinations. By law, legislative land use decisions must be scheduled for FORA Board review under strict timeframes. Development entitlements are treated differently by the law; they are reviewed by staff to determine consistency with the Base Reuse Plan ("BRP"). The legislative framers wrote the law this way in recognition of the high volume of development entitlements expected to be processed by member jurisdictions.

It is important to note that the Community Facilities District ("CFD") fees for this project will be paid and that, in 2004, the FORA Board found Seaside's General Plan, Seaside's legislative land use document applicable to this project, to be consistent with the BRP and Chapter 8 of the Master Resolution. The Executive Officer concurs with Seaside that the Chartwell School Project is consistent with the BRP and the FORA Master Resolution.

DISCUSSION:

Rationale for consistency determinations: FORA staff finds that there are several defensible rationales for making an affirmative consistency determination. Sometimes additional information is provided to buttress those conclusions. In general, it is noted that the BRP is merely a framework for development, not a plan to be copied verbatim.

However, there are thresholds set in the resource constrained BRP that may not be exceeded, most notably 6,160 new residential housing units, and a finite water allocation. More particularly, the rationales for consistency analyzed are as follows (also included in the consistency summary table ["Attachment A"]):

DEVELOPMENT ENTITLEMENT CONSISTENCY FROM SECTION 8.02.030 OF THE FORA MASTER RESOLUTION

- (a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that:
- (1) Provides an intensity of land uses, which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan;

The Monterey Peninsula Unified School District ("MPUSD") transferred approximately 29 acres of former Fort Ord property to Chartwell School in 2001. The property originally transferred from the U.S. Army to MPUSD in December in 1996 as a Public Benefit Conveyance ("PBC"). Phase I of the Chartwell School campus was approved in July of 2003 and completed in 2006. The development entitlements under review consist of a Use Permit and an Architectural Review Permit for construction of two prefabricated, portable 960 square foot classrooms totaling 1,920 square feet. This project is located within a school/university land use designation area of the BRP and is within Seaside's Public/Institutional District. This development is not more intense than permitted under the current land use designation.

(2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan;

Seaside's submittal correctly asserts that the intensity of Chartwell School is consistent with the BRP thresholds. Table 3.3-1 Summary Land Use Capacity: Ultimate Development in the BRP assumes 204 acres of land dedicated to public facilities within Seaside's area of the former Fort Ord. After subtracting pending and previously approved public facility projects within Seaside's portions of former Fort Ord, Chartwell School's expansion is well below that threshold.

(3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution.

These conditions are imposed on the project and are explained in greater detail in Seaside's Consistency Analysis Matrix items (a) to (t), part of Seaside's submittal ("Attachment B").

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

The proposed uses do not impact open space, recreational, or habitat management areas within FORA's authority.

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

The project will pay its fair share of the basewide costs through the developer fees and tax increment that will accrue to FORA. Land sales will not be collected because the project was transferred as a PBC, directly from the Army to MPUSD and subsequently Chartwell School via the Department of Education as the federal sponsor. Under these terms, the project conforms to basewide fair share requirements.

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

The Fort Ord Habitat Management Plan ("HMP") designates certain parcels for "Development," in order to allow economic recovery through reuse and development of the base while promoting preservation, enhancement and restoration of special status plant and animal species and their habitats on other parcels. The project site is located within an area designated "Development" in the HMP. Lands designated as "Development" have no management restrictions placed upon them as a result of the HMP. The project does not conflict with implementation of the Fort Ord HMP.

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

All of the elements of this project are outside of the Highway 1 Design Guidelines 1,000' corridor.

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

The project would increase employment opportunities on the former Fort Ord and support redevelopment activities. This is consistent with the jobs/housing balance approved by the FORA Board.

Additional Considerations:

(9) Adoption of required programs from section 8.02.040 of the FORA Master Resolution.

Seaside has incorporated BRP programs and is consistent with the BRP Environmental Impact Report ("EIR") and mitigation monitoring plan. Seaside has adopted the HMP

and the submittal conforms to the Development Resource Management Plan and FORA Master Resolution.

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

The project will comply with FORA's prevailing wage policies.

FISCAL IMPACT:

Reviewed by FORA Controller_

This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. Further, Seaside's submittal implements several provisions that aide in the financing of the Base Reuse Plan mitigations. The development of Chartwell School correlates with the development necessary for Seaside and/or developers to pay its fair share of costs associated with implementing the BRP and Seaside has agreed to comply with all fair-share tenets approved by the FORA Board. In addition to points already dealt with in this report, it is clarified that the developments charged with reuse under this Plan are covered by the CFD or other agreement that ensures a fair share payment of appropriate future fees to mitigate for impacts delineated in the 1997 BRP and accompanying Environmental Impact Report. Seaside has agreed to provision for payment of all required fees.

COORDINATION:

Seaside, Administrative Committee, and Executive Committee

Prepared by

onathan Garcia

Reviewed by

Steve Ends

Approved/

Michael A. Houlemard, Jr

FORA Board Meeting November 13, 2009

Item 8h - Page 4

ATTACHMENT A Item 8h FORA Board Meeting, November 13, 2009

FORA Master Resolution Section 8.02.030 (1-8)	Finding of	Justification for finding
and additional considerations (9-10)	Consistency	e en el e
(1) Does not provide for a land use designation that allows more intense	Yes	This development is not more intense than permitted
land uses than the uses permitted in the Reuse Plan for the affected		under the current land use designation. See Seaside's
territory;		Consistency Analysis Matrix for Chartwell School, item (e).
(2) Does not provide for a development more dense than the density of	Yes	Chartwell School's expansion is well below the 204-acre
uses permitted in the Reuse Plan for the affected territory;		public facilites threshold. See Seaside's Consistency
		Analysis Matrix for Chartwell School, item (e).
(3) Is in substantial conformance with applicable programs specified in	Yes	These conditions are imposed on the project. See
the Reuse Plan and Section 8.02.020 of this Master Resolution.		Seaside's Consistency Analysis Matrix for Chartwell
		School, items (a) to (t).
(4) Does not provide uses which conflict with or are incompatible with	Yes	The proposed uses do not impact open space, recreational,
uses permitted or allowed in the Reuse Plan for the affected property or		or habitat management areas. See Seaside's Consistency
which conflict with or are incompatible with open space, recreational, or		Analysis Matrix for Chartwell School, item (a).
habitat management areas within the jurisdiction of the Authority;		
(5) Requires or otherwise provides for the financing and/or installation,	Yes	Project will pay its fair share of basewide costs through
construction, and maintenance of all infrastructure necessary to provide	_	payment of developer fees and tax increment. See
adequate public services to the property covered by the legislative land		Seaside's Consistency Analysis Matrix for Chartwell
use decision;		School, items (n) to (r).
(6) Requires or otherwise provides for implementation of the Fort Ord	Yes	The project does not conflict with implementation of the
Habitat Management Plan.		Fort Ord Habitat Management Plan. See Seaside's
		Consistency Analysis Matrix for Chartwell School, item
		(a),
(7) Is consistent with the Highway 1 Scenic Corridor design standards as	Yes	Project is outside of Hwy 1 Design Guidelines 1,000'
such standards may be developed and approved by the Authority Board.		corridor. See Seaside's Consistency Analysis Matrix for
A Later Conference on the Conf		Chartwell School "other consistency considerations."
(8) Is consistent with the jobs/housing balance requirements developed	Yes	The project complies with the 1997 Reuse Plan
and approved by the Authority Board as provided in Section 8.02.020(t)		jobs/housing balance provisions. See Seaside's
of this Master Resolution.	_	Consistency Analysis Matrix for Chartwell School, item
		(†).
(9) Adoption of required programs from section 8.02.040 of the FORA	Yes	Submittal conforms to DRMP and BRP EIR. See
Master Resolution.		Seaside's Consistency Analysis Matrix for Chartwell
		School, items (j) (6) & (7).
(10) Prevailing Wage section 3.03.090 of the FORA Master Resolution.	Yes	Project shall comply with FORA's prevailing wage policy.
		School "other consistency considerations."
a 's head trace efficients to an action to Tribally member 2009 c.c. consistency (while 11.33.09 doc		The state of the s



RESOURCE MANAGEMENT SE

440 Harcourt Avenue Seaside, CA 93955 ATTACHMENT B

Item 8h

FORA Board Meeting, November 13, 2009

Can (021) 022-0211





August 31, 2009

Steve Endsley Director of Planning and Finance 100 12th Street, Building 2880 Marina, CA 93933

RE: Consistency Determination for a Development Entitlement at the Chartwell School (2511 Numa Watson Road)

Dear Mr. Endsley:

The City of Seaside is writing to request a consistency determination with the Fort Ord Reuse Plan on the project referenced above.

The project consists of a Use Permit and Architectural Review Permit approval for the construction of two prefabricated, portable classrooms, each of 960 square feet in area, on the existing Chartwell School campus. The Use Permit was approved to allow the two buildings to be mobilized for a period not to exceed five (5) years, with a possibility of extension through written request. The temporary classroom buildings will serve the Chartwell School as intermediate classroom space prior to a planned Phase II campus build-out. Phase II will require a separate consistency determination prior to construction.

This project is located within the City's PI (Public/Institutional) Zoning District. Phase I of the Chartwell School campus was approved in July of 2003 as a permitted use under the previous 2003 Seaside Zoning Ordinance. As an addition to the existing campus, the project under consideration remains a permitted use. This project is exempt from the California Environmental Quality Act pursuant to a Class 3, Section 15303 (New Construction or Conversion of Small Structures) categorical exemption. Furthermore, the Chartwell School was approved as a permitted use on July 9, 2003 through the adoption of a Negative Declaration under the California Environmental Quality Act.

On April 8, 2009, the Planning Commission acted to approve Use Permit Application No. UP-09-01 for a longer term (greater than 12 months) Limited Term Permit for the construction of two temporary portable classroom buildings. The Use Permit was approved under Resolution 09-03. The Board of Architectural Review acted to approve the project design on May 6, 2009.

The City finds that the project is in conformance with the School/University land use designation under the 1997 Fort Ord Base Reuse Plan, Development Parcel designation under the Fort Ord Habitat Management Plan, and the PI (Public/Institutional) land use designation of the Seaside General Plan as portable classroom buildings to the existing Chartwell School campus.

Please find enclosed with this letter all necessary supporting documentation as identified under Section 8.01.030(c) of the Fort Ord Reuse Plan. Feel free to contact me if you required any additional information.

Sincerely,

Barbara Nelson

Planning Services Manager

CC: Michael A. Houlemard, Jr., Executive Director, FORA

Ray Corpuz, City Manager

arlana Nelson

Diana Ingersoll, P.E., Deputy City Manager – Resource Management Services

Enclosures (4): Public Hearing Legal Notice for Use Permit No. UP-09-01

Staff Report for Use Permit No. UP-09-01 Planning Commission Resolution 09-03

Staff Report for Board of Architectural Review Application No. BAR-09-05

Consistency Analysis Matrix: Use Permit for Chartwell School Temporary Portable Classroom Buildings

Chapter 8: Consistency Determination Criteria Section 8.02.020 (a) to (t)	Project Consistency Findings
Natural Resources	
(a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord territory by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.	The approved development is located on existing graded land of the approved Chartwell School campus footprint and would not impact existing protected open space
(1) Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.	The approved development maintains the existing open space buffers of the approved Phase I Chartwell School campus build-out
(2) When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.	The subject parcel is not classified as a Borderlands parcel and is not required to provide habitat buffers
(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.	N/A (The approved development project does not include changes to the City's land use policies)
(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.	N/A (The approved development project is not located in the Monterey County's East Garrison project area)
(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low- density recreation will compromise the ability to maintain an environmentally sensitive resource.	N/A (The approved development project does not include changes to the City's land use policies)

Historic Preservation	
(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.	N/A (The approved development project does not include changes to the City's land use policies)
(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.	N/A (The approved development project does not include changes to the City's land use policies)
(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.	N/A (The approved development project is not located in Monterey County's East Garrison project area)
Water, Sewer, Drainage, Waste	
(h) Each land use agency shall include policies and programs in their respective applicable general and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.	N/A (The approved development project does not include changes to the City's land use policies)
(i) Each land use agency shall adopt the following policies and programs:	
(1) A solid waste reduction and recycling program applicable to Fort Ord territory consistent with the provisions of the California Integrated Waste Management Act of 1989. Public Resources Code Section 40000 et seq.	N/A (The approved
(2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department; and	development project does not include changes to the City's land use policies)
(3) A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations	
(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:	
(1) Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development	N/A (The approved development project does not include changes to the City's land use policies)
(2) Commence working with appropriate agencies to determine the feasibility of developing additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options;	N/A (The approved development project does not include changes to the City's land use policies)

(3) Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.	The approved project is compliant with MPWMD Regulation 13 by reference under Seaside Municipal Code Chapter 13.18 (Residential and Commercial Water Conservation Measures)
(4) Active participation in the support of the development of reclaimed or recycled water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.	The approved project is subject to the FORA Community Facilities District (CFD) Fee as a condition of City approval. A portion of the CFD fee will be used to support the development of augmented water on the former Fort Ord.
(5) Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.	The City of Seaside previously approved Phase I of the Chartwell School campus build-out, which includes an on-site cistern to collect rainwater for non-potable use.
(6) Adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development at territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.	N/A (The approved development project does not include changes to the City's land use policies)
(7) Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements.	The approved development project will utilize water previously allocated to a future Phase II Chartwell School campus build-out
(8) Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.	N/A (The approved development project does not include changes to the City's land use policies)
(9) Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including: dual plumbing using non- potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.	The City of Seaside previously approved Phase I of the Chartwell School campus build-out, which uses non-potable rainwater from a cistern for appropriate functions, including toilette flushing and irrigation.
(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:	

(1) Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.	The City of Seaside previously approved Phase I of the Chartwell School campus build-out, which required the campus to implement onsite storm drainage measures.
(2) Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.	The City of Seaside previously approved Phase I of the Chartwell School campus build-out, which required the campus to implement onsite storm drainage measures.
(I) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.	The approved project is consistent with Seaside Municipal Code Chapter 15.34 (Digging and Excavation on the Former Fort Ord)
(m)Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control (DTSC) to control and restrict excavation or any soil movement on those parcels of the Fort Ord territory, which were contaminated with unexploded ordnance and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.	The approved project conforms to Seaside Municipal Code Chapter 15.34 (Digging and Excavation on the Former Fort Ord)
Traffic/Circulation	
(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:	
(1) Establishment and provision of a dedicated funding mechanism to pay for the fair share of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority; and	The approved project is subject to the FORA Community Facilities District (CFD) Fee as a condition of City approval. A portion of the CFD fee will be used to meet the project's impact on the regional transportation system.
(2) Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation effort to access Fort Ord territory.	N/A

(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:	
(1) Preparation and adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities; (2) Design and construction of an efficient system of arterials in order to connect to the regional transportation system; and	
(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.	The approved project is subject to the FORA Community Facilities District (CFD) Fee as a condition of City approval. A portion of the CFD fee will be used to meet the project's impact on the regional transit system.
(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	N/A (The approved development project does not include changes to the City's law enforcement policies)
Fire Protection	,
(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.	N/A (The approved development project does not include changes to the City's fire protection policies)
(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, Manzanita and Ceanothus, shall be obtained from stock originating on Fort Ord territory.	N/A (The approved development project does not include changes to the City's landscape policies)
Jobs Housing Balance	

(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which would result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable address the Reuse Plan jobs/housing balance provisions.

The project complies with the 1997 Reuse Plan jobs/housing balance provisions. Additional employment will be generated as a result of building this additional classroom space.

Other Consistency Considerations

Each land use agency shall ensure that its projects, programs, and policies are consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.

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

The project is not within the Highway 1 Scenic Corridor.

The project shall comply with FORA's prevailing wage policy.



RESOURCE MANAGEMENT SERVICES / PLANNING DIVISION

440 Harcourt Avenue Seaside, CA 93955 Telephone (831) 899-6737 FAX (831) 899-6211 TDD (831) 899-6207

LEGAL NOTICE PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Seaside will conduct a public hearing to consider the following application:

<u>Use Permit Application No. UP-09-01</u>. Chartwell School (Property Owner and Applicant) and Toby Long (Architect), request approval of a Use Permit for a longer term (greater than 12 months) Limited Term Permit for the construction of two temporary portable classroom buildings on the Chartwell School campus at 2511 Numa Watson Road, located in the PI (Public/Institutional) Zoning District. The project is categorically exempt (Class 3) under the California Environmental Ouality Act.

NOTICE IS FURTHER GIVEN that the public hearing will be held on Wednesday, April 8, 2009 (or as soon thereafter as the Agenda permits) in the City Council Chambers at City Hall, 440 Harcourt Avenue, Seaside, California. Any and all interested persons are welcome to appear at the hearing and be heard concerning the proposed entitlements. If you challenge the entitlements in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. For information, call (831) 899-6737.

NOTE: In compliance with the Americans with Disabilities Act, The City of Seaside does not discriminate against persons with disabilities. Both Seaside City Hall and the Council Chambers are accessible facilities. The City Council Chambers is equipped with a portable microphone and assisted listening devices are available upon request. Should you require assistance in order to participate, please contact the Office of the City Clerk (831) 899-6707 at least three days in advance of the event to make necessary arrangements.

CITY OF SEASIDE

/S/

Post no later than Thursday, March 26, 2009

CITY OF SEASIDE PLANNING COMMISSION

AGENDA ITEM OVERVIEW

MEETING DATE:

April 8, 2009

FIRST HEARING DATE:

April 8, 2009

CONTINUED FROM: N/A

DATE DEEMED COMPLETE:

March 9, 2009

STREAMLINE PERMITTING ACT

May 8, 2009

DEADLINE:

APPLICATION NO.:

UP-09-01

OWNERS / APPLICANTS:

Chartwell School (Doug Atkins, Executive Director)

PROPERTY ADDRESS:

2511 Numa Watson Road

ASSESSOR'S PARCEL NUMBER:

031-151-022

ZONING CLASSIFICATION:

PI (Public/Institutional)

GENERAL PLAN DESIGNATION:

PI (Public/Institutional)

ENVIRONMENTAL DETERMINATION:

Class 3 Categorical Exemption, Section 15303 (New

Construction or Conversion of Small Structures)

FLAGGED AND STAKED:

N/A

PURPOSE:

The purpose of this item is to consider a Use Permit application for a longer-term (greater than 12 months) Limited Term Permit for the construction of two prefabricated, portable classrooms, each of 960 square feet in area, on the existing campus of the Chartwell School on the former Fort Ord Army Base. The applicant requests approval of the Use Permit to allow the two buildings to be mobilized for a period not to exceed five (5) years.

ISSUES:

1) None

OPTIONS:

- 1) Approve Use Permit Application No. UP-09-01 with the findings, evidence and conditions of approval provided as Exhibit A.
- 2) Direct staff to prepare findings and evidence for the denial of the project.

STAFF RECOMMENDATION:

Approve Use Permit Application No. UP-09-01 to allow the construction of two prefabricated, portable classrooms on the existing campus of the Chartwell School for a period not to exceed five (5) years

EXHIBITS:

A) Draft Resolution No. 09-XX Attachment 1: Project Plans

- B) Location Map
- C) Aerial Map
- D) Negative Declaration for Chartwell School adopted July 9, 2003

STAFF CONTACT: Clark Larson, Associa

Clark Larson, Associate Planner (831) 899-6881

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CITY OF SEASIDE

PLANNING COMMISSION STAFF REPORT

TO:

Planning Commission

FROM:

Diana Ingersoll, Deputy City Manager - Resource Management Services

BY:

Clark Larson, Associate Planner

DATE:

April 8, 2009

ITEM:

<u>Use Permit Application No. UP-09-01</u>. Chartwell School (Property Owner and Applicant) and Toby Long (Architect) request approval of a Use Permit for a longer term (greater than 12 months) Limited Term Permit for the construction of two temporary portable classroom buildings on the Chartwell School campus at 2511 Numa Watson Road, located in the PI (Public/Institutional) Zoning District.

PURPOSE

The purpose of this item is to consider a Use Permit application for a longer-term (greater than 12 months) Limited Term Permit for the construction of two temporary prefabricated, portable classrooms, each of 960 square feet in area, on the existing campus of the Chartwell School on the former Fort Ord Army Base. The applicant requests approval of the Use Permit to allow the two buildings to be mobilized for a period not to exceed five (5) years.

RECOMMENDATION

Staff recommends approval of Use Permit Application No. UP-09-01, subject to the findings, evidence and conditions of approval in the draft resolution, provided as Exhibit A.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to a Class 3, Section 15303 (New Construction or Conversion of Small Structures) categorical exemption. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures, including structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

<u>Evidence</u>: The proposed structures that would result if this Use Permit is approved would be a total of approximately 1,920 square feet in floor area (960 square feet each), less than the maximum structure floor area of 2,500 square feet as defined under this exemption. The proposed structures would also involve less than significant amounts of hazardous substances as the structures are proposed to be built using green building techniques and would be approved for occupancy as children's classroom, meeting, and office space.

SITE LOCATION AND DESCRIPTION

The subject parcel is approximately 28 acres with only a portion of the parcel developed as the existing Chartwell School campus and the remaining portion of the site vegetated with dense tree canopy (see Aerial Images as Exhibit C). The proposed portable buildings would be located on previously graded level ground, immediately adjacent to two existing permanent classroom buildings on the Chartwell School campus. The proposed locations are also situated in the approximate location of the future campus expansion for permanent structures. There are no

significant site or infrastructure improvements planned as part of the proposed project, other than physical connections of the buildings to existing school utilities.

Surrounding land uses are shown on Figure 1 (right), including the Marshall Elementary School to the west, military residential community to the north and vacant former Ft. Ord land to the east and south (See also Location Map as Exhibit B).

Figure 1: Project Site Adjacent Land Uses

NW

N

Military
Residential

Marshall
Elementary

Project Site
Ft. Ord land

BACKGROUND

The Chartwell School was approved as a permitted use on July 9, 2003 through the adoption of a Negative Declaration under the California Environmental Quality Act (See Exhibit D). The original project description in the Negative Declaration anticipated three (3) permanent classroom buildings on the Chartwell School campus. Of these planned three, two are currently built. The two proposed portable classroom buildings would provide temporary expansion space for Chartwell School prior to the construction of the planned third permanent classroom building, to be located in the same area as the proposed temporary buildings.

PROJECT DESCRIPTION

Proposed Use

The applicant indicates that the proposed temporary buildings would be needed for approximately 5 years. Staff has included a condition of approval in the draft resolution (included as Exhibit A) that the proposed buildings be mobilized for a period not to exceed five (5) years in order to set a definite end date for the temporary use. If the applicant requires additional time for the mobilization of the temporary buildings, they would request an extension from the Planning Commission at least 30 days prior to the expiration of the Use Permit.

The two proposed temporary classroom buildings would be constructed using green building materials and systems, consistent with the existing Chartwell School green building certification through the U.S. Green Building Council.

Seaside Planning Commission Agenda Item 5.A

Site Access

Access to the project site would occur via existing driveways, parking areas and walkways of the Chartwell School campus. The temporary buildings would be prefabricated off-site and transported to the site for assembly. An existing unimproved driveway would provide access to transport vehicles during initial assembly and occupants would access the proposed buildings from existing paved walkways within the Chartwell School campus. Both a short stairway and ADA ramp would provide entry to both proposed temporary buildings.

Parking

Additional parking spaces are not proposed as part of this proposed project. Existing off-street parking is adequate for the existing and future development phases of the School, as approved in 2003, and the proposed project would not increase the required parking spaces for the project site.

FINDINGS AND STAFF ANALYSIS

Use Permit Findings

In accordance with S.M.C. Section 17.52.040, an application for a longer-term (greater than 12 months) Limited Term Permit shall be filed through the Use Permit process, and considered by the Planning Commission to determine whether the following findings can be made concerning the proposed project:

1) The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Zoning Ordinance Conformance

This project is located within the PI (Public/Institutional) Zoning District. The Chartwell School was approved in July of 2003 as a permitted use under the previous 2003 Seaside Zoning Ordinance. The proposed project satisfies the definition for a longer-term (greater than 12 months) Limited Term Permit requiring a Use Permit under Section 17.52.040.F, as a temporary land use within an urban redevelopment area. Generally, Limited Term Permits are intended for short-term activities that may not comply with the standards of the applicable zone, but may otherwise be acceptable because of their temporary nature (S.M.C. Section 17.52.040.A). A condition of approval included in the draft resolution for a time limitation for the proposed project not to exceed five (5) years satisfies the requirements for a longer-term limited activity subject to a Use Permit under the Limited Term Permit Zoning Code Section.

The proposed project is consistent with the development standards of the PI Zone under S.M.C. Section 17.26.050 (Special Purpose Zone Site Planning and Building Standards) since the proposed project does not conflict with the City's Local Coastal Program or Open Space Element of the General Plan.

2) The proposed use is consistent with the General Plan and any applicable specific plan.

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is PI (Public/Institutional). The land use classification is intended to include public and private schools and other public or public-serving uses. According to the Seaside General Plan, the PI land use designation is intended to provide for land uses that are under public or institutional ownership and/or have public benefit. The proposed project would be utilized in conjunction with the previously approved private Chartwell School campus.

The proposed project is consistent with the following General Plan Goals and Policies.

Land Use Element

Goal LU-11: Cooperate with local school districts and other educational

organizations to ensure that a level of public education is provided

that meets the community's educational needs

Policy LU-11.1: Consider impacts of proposed projects on school enrollment and facilities.

<u>Evidence</u>: Approval of two temporary classroom buildings on the Chartwell School campus would provide for short-term accommodation of existing and immediate future school enrollment prior to the construction

of a third and final permanent classroom building.

3) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

Design

The proposed design of the two temporary portable buildings would be of a modern contemporary style with natural stained wood siding and standing seam metal roof. While the buildings would be of temporary construction, the proposed design of the two temporary portable buildings would be consistent with the existing design style of the Chartwell School campus.

Location

The proposed temporary portable buildings would be located on the existing Chartwell School campus, immediately to the north of two existing permanent classroom buildings, consistent with the existing outdoor walkway and congregation areas of the Chartwell School. The proposed buildings would specifically be located on the site of a future third permanent classroom building.

Size

The proposed two temporary portable buildings would be approximately sixteen (16) feet in height with a footprint each of approximately 1,152 square feet (including access stairs and

Agenda Item 5.A

ramps). The proposed dimensions of each building are consistent with the existing scale and size of the existing Chartwell School campus.

Operating Characteristics

The proposed temporary portable buildings would be used primarily during normal school business hours. Occasional evening use would occur by school faculty or afterschool activities. These operating characteristics are consistent with the existing Chartwell School campus.

4) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The Chartwell School campus is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project. As condition of approval, the applicant must receive clearance from the applicable public utility agency to permit the connection of standard utilities for the two buildings.

5) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

The granting of Use Permit Application No. UP-09-01 would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other existing or future uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

CONCLUSION

Based on the analysis, staff recommends approval of the Use Permit Application No. UP-09-01. The proposed Use Permit complies with the goals and policies of the Seaside General Plan and applicable requirements of Title 17 of the Seaside Municipal Code.

ATTACHMENTS

Exhibit A: Draft Resolution No. 09-XX Attachment 1: Reduced Project Plans

Exhibit B: Location Map Exhibit C: Aerial Images

Exhibit D: Chartwell School Negative Declaration - Approved July 9, 2003

RESOLUTION NO. 09-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO GRANT A LONGER-TERM LIMITED TERM PERMIT FOR THE CONSTRUCTION OF TWO TEMPORARY PORTABLE CLASSROOM BUILDINGS ON THE CAMPUS OF CHARTWELL SCHOOL AT 2511 NUMA WATSON ROAD, IN THE PI (PUBLIC/INSTITUTIONAL) ZONING DISTRICT, FOR A PERIOD NO GREATER THAN FIVE (5) YEARS.

WHEREAS, Chartwell School (applicants and property owners) and Toby Long (Architect) have applied for a Use Permit for a longer term (greater than 12 months) Limited Term Permit for the construction of two temporary portable classroom buildings on the Chartwell School campus at 2511 Numa Watson Road, located in the PI (Public/Institutional) Zoning District; and

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at public meeting held on April 8, 2009; and

WHEREAS, the project is a Categorically Exempt, Class 3, Section 15303 meeting the following conditions:

a) The proposed structures would total approximately 1,920 square feet in floor area (960 square feet each), less than the maximum structure floor area of 2,500 square feet as defined under this exemption. The proposed structures would also involve less than significant amounts of hazardous substances as the structures are proposed to be built using green building techniques and would be approved for occupancy as children's classroom, meeting, and office space.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-09-01

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: The proposed project is not a permitted land use under the current Zoning Ordinance and was not approved under the original Use Permit for the Chartwell School. However, due to the temporary nature of the proposed project, the proposed use is permitted with Use Permit approval under Seaside Municipal Code (S.M.C.) Section 17.52.040 as a longer-term limited use through a Limited Term Permit.

2. The proposed use is consistent with the General Plan and any applicable specific plan

<u>Evidence</u>: The proposed use is consistent with the underlying PI (Public/Institutional) land use designation as a private school.

<u>Evidence</u>: The proposed use satisfies Policy LU-11.1 of the Seaside General Plan Land Use Element such that approval two temporary classroom buildings on the Chartwell School campus would provide for short-term accommodation of existing and immediate future school enrollment prior to the construction of a third and final permanent classroom building.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

<u>Evidence</u>: The location, size, and operating characteristics of the project would be compatible with the character of the site, and the land uses and development intended for the surrounding area by the Seaside General Plan.

4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

<u>Evidence</u>: The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

<u>Evidence</u>: The granting of a Use Permit would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, or welfare of the City.

BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-09-01 subject to the following conditions:

Project Specific

Planning:

1. The two temporary portable buildings shall be located on the Chartwell School campus for a period not to exceed five (5) years from the date of final inspection approval by the Building Division. If the applicant requires additional time for the use of these buildings, the applicant shall file a written request for an extension to this permit to the Planning Commission, in accordance with S.M.C. Section 17.54.090.B. The written request for an extension shall be submitted at least 30 days prior to the expiration date of this Use Permit (5 years from the date of approval).

2. Prior to issuance of occupancy by the Building Division, the project shall receive a consistency determination by the Fort Ord Reuse Authority (FORA).

Building:

- 3. The applicant shall receive building permit approval by the Building Division for the construction of the two temporary buildings approved under this Use Permit, prior to assembly of the pre-fabricated buildings on the Chartwell School campus.
- 4. A soils report shall be submitted along with plans submitted with the building permit application. The soils report submitted for the approval of the original Chartwell School campus may be submitted, to the satisfaction of the Chief Building Official.

Public Works:

5. Plans submitted for a building permit application shall clearly define the direction and flow of stormwater created by new construction and all new impervious surfaces added as a result of new construction. Any new retention basins required to mitigate new stormwater runoff shall be approved by the Public Works Department prior to approval of final inspection by the Building Division.

Fire Department:

6. Both temporary portable buildings approved under this Use Permit shall install automatic fire sprinklers and indicate the location of sprinklers and all associated appurtenances with plans submitted for a building permit application. The Seaside Fire Marshall shall be responsible for the approval of such improvements.

Standard:

- 7. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.69.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.
- 8. This Use Permit is subject to procedures and requirements of Chapter 17.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Municipal.
- 9. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

- 10. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
- 11. The project shall comply with all applicable fees and regulations of the Fort Ord Reuse Authority (FORA) prior to occupancy of approved use.
- 12. The project shall comply with the requirements and the applicable ordinances of the Marina Coast Water District (MCWD) for the installation of new water and sewer infrastructure.
- 13. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
- 14. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
- 15. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the April 8, 2009, by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Mary Claypool, Chairperson
ATTEST:	
Planning Commission Secretary	

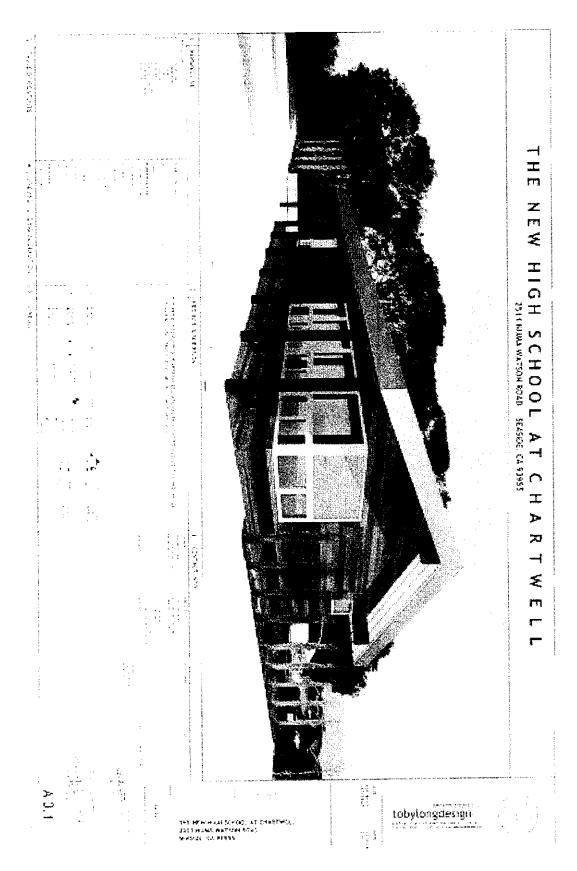
USE PERMIT APPLICATION NO. UP-09-01 RESOLUTION NO. 09-XX

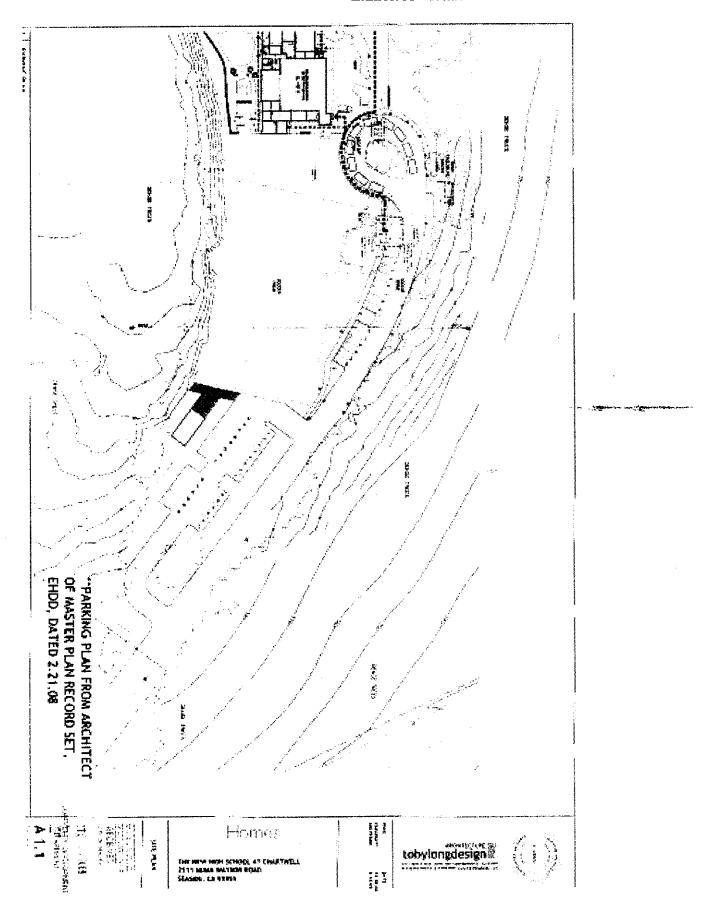
These permits are hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

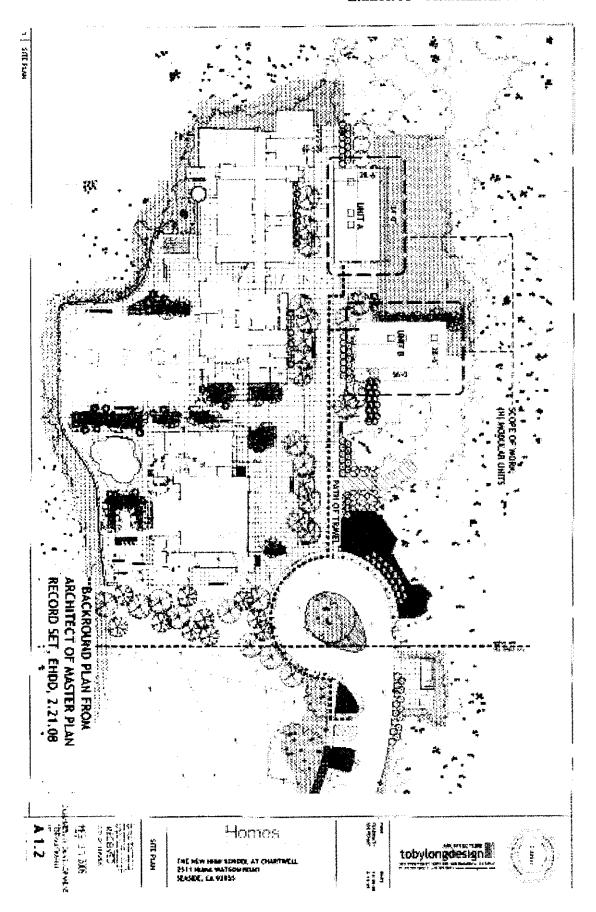
The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

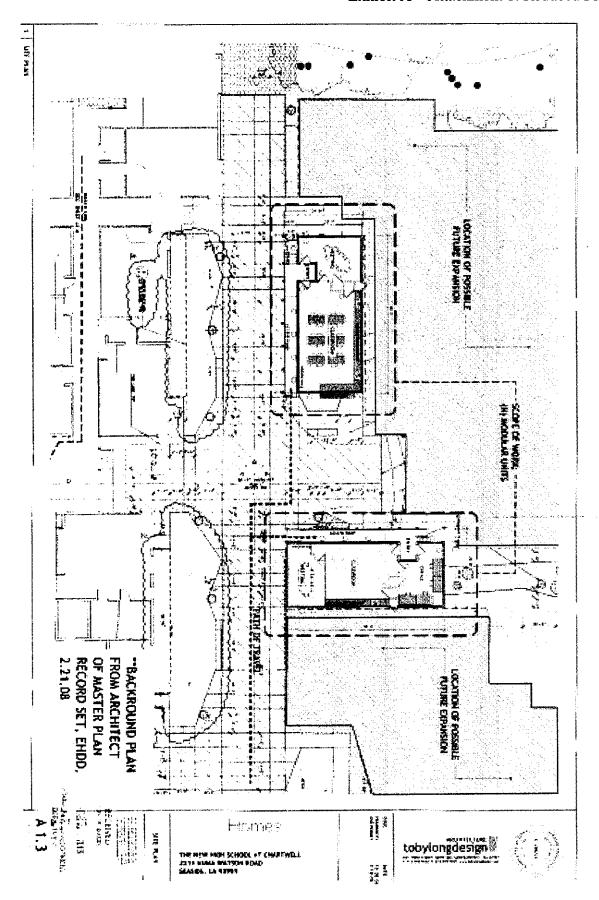
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Applicant's Signature	Date
Property Owner's Signature	Date

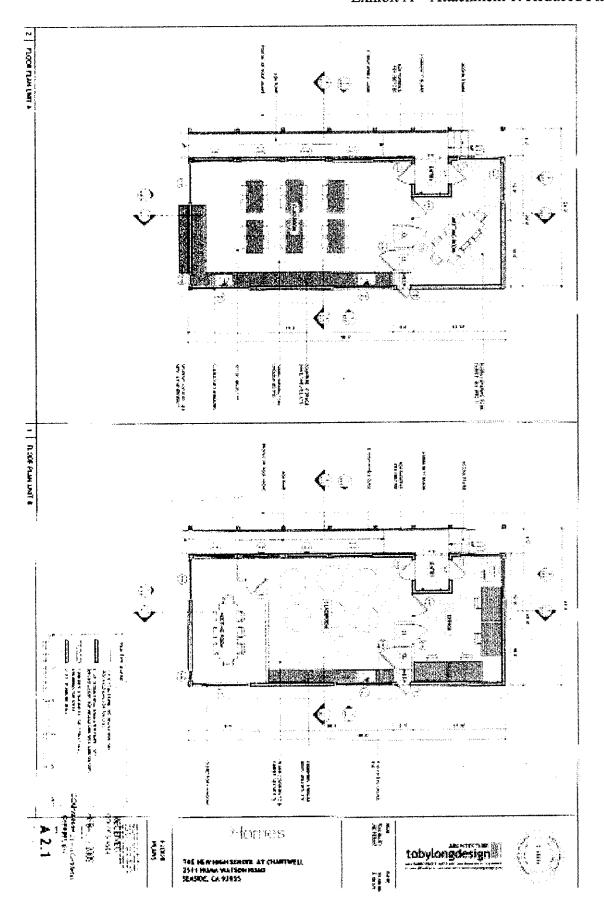
Reduced Plans



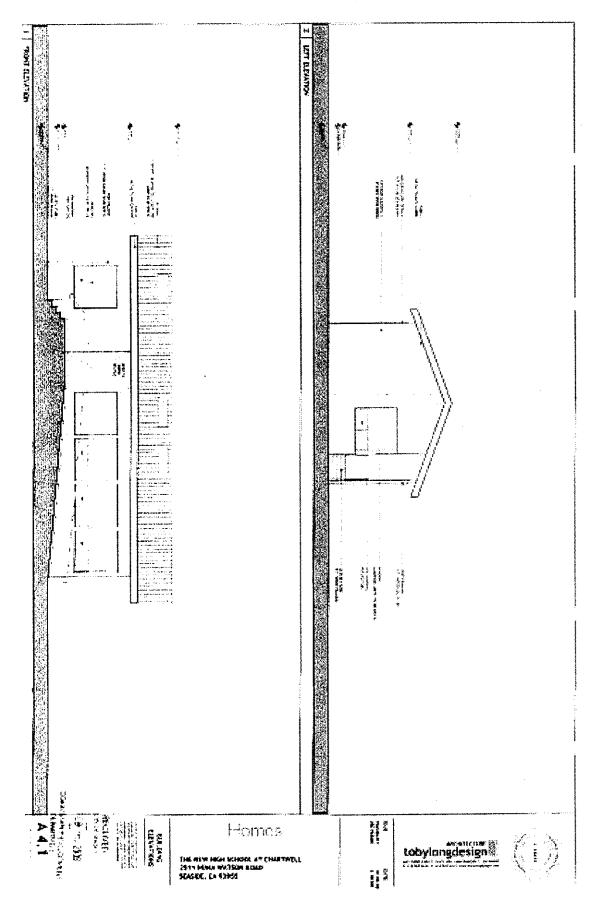


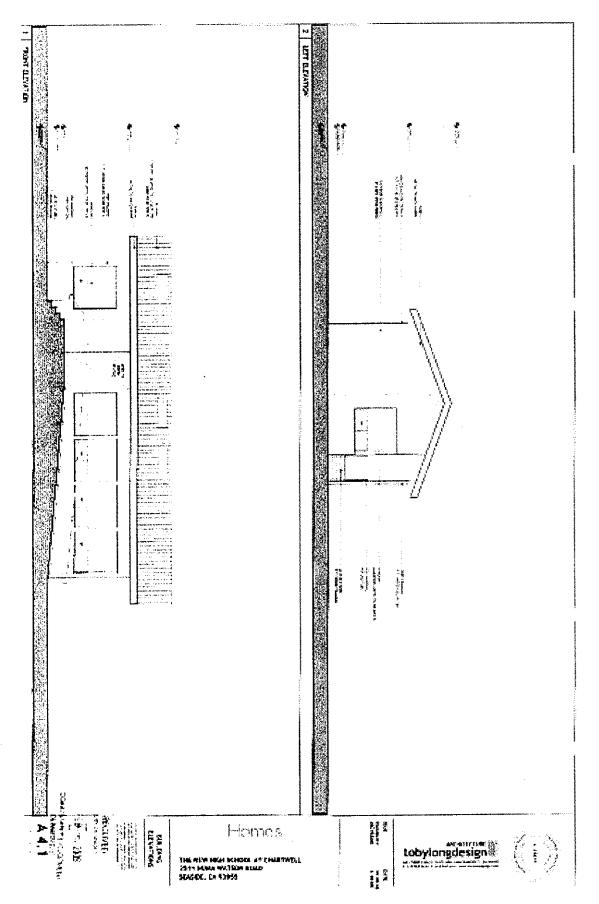




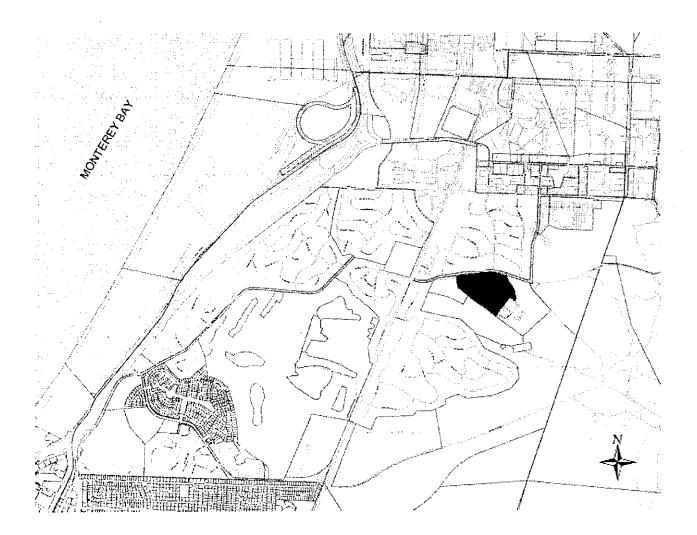


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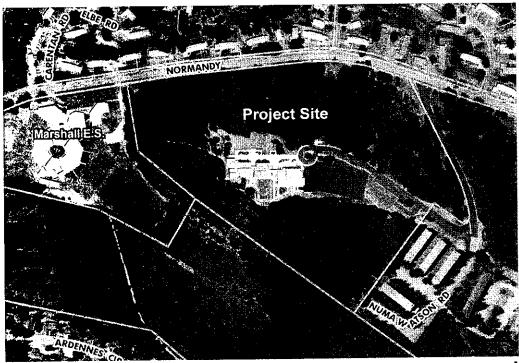


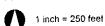
Location Map



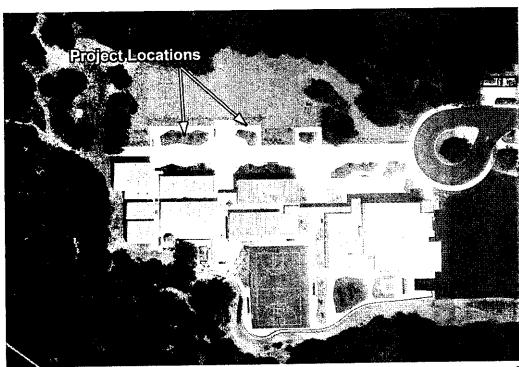
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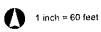
Aerial Images





2511 Numa Watson Road
Source: City of Seaside GIS 2009; 2007 Aerial Image





2511 Numa Watson Road
Source: City of Seasida GIS 2009; 2007 Aerial Imag.

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Negative Declaration for Chartwell School

Adopted July 9, 2003



COMMUNITY DEVELOPMENT DEPARTMENT

440 Harcourt Avenue Seaside, CA 93955 Telephone (831) 899-6737 FAX (831) 899-6211 TDD (831) 899-6207

NEGATIVE DECLARATION

Project Applicant:

City of Seaside.

Lead Agency:

City of Seaside Planning Commission

Project Title

Chartwell School Project

Contact Person:

Rick Medina, Seaside Planning Division

Phone:

(831) 899-6220

The project described below has been reviewed in accordance with the California Environmental Quality Act (CEQA) and has been determined that this project will not have a significant adverse impact on the environment as it has been found that the said project:

FINDINGS

- a. The proposed project does not have the potential to substantially degrade the quality of the environment, substantially reduce habitat of fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of major periods of California history or prehistory.
- b. The proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. The proposed project does not have environmental effects, which are individually limited, but "cumulatively considerable".
- d. The proposed project will not cause substantial adverse effects on human beings, either directly or indirectly.
- e. The proposed project does not have any adverse effects on wildlife resources as set forth in Section 735.5(d) of Title 14. California Code of Regulations.

Project Description: The proposed Chartwell School project is for the construction of a new private elementary school campus within the Marshal Park Military Residential Community on the former Fort Ord Military Reservation. The 33,000 square foot campus will include three classroom buildings, an administrative office/library, and multi-purpose facility on the western half of the campus. A total of 19 classrooms will be contained within the three classroom buildings. A total of nine offices will be contained within the administrative building. A 32,400

Negative Declaration - Chartwell School Project Page 2 of 2

square foot athletic field and 62-space off-street parking lot will be located on the eastern half of the campus. Access to the site will be provided via Normandy Road, which is classified as a two-lane residential street.

Chartwell School is a private day school for dyslexic children ages seven through 14 who need short term, comprehensive, academic intervention in a highly structured learning environment. Their existing campus is located at 1490 Imperial Street in the City of Seaside. Once their new campus is constructed. Chartwell School would vacate their existing campus. The school currently serves a geographical area including Monterey County, Santa Cruz, and lower Santa Clara Counties. The proposed campus will initially house the current school enrollment of 84 students. Chartwell's Strategic Growth Plan calls for adding 10 to 20 students per year, reaching a full capacity of 160 students in 2010.

Project Location: #1 Numa Watson Road, Seaside, California.

Determination: The attached Initial Study has been prepared for the above project in accordance with the California Environmental Quality Act (CEQA) and procedures established in the CEQA Guidelines adopted by the City of Seaside. On the basis of the Initial Study, the City of Seaside makes the following determination:

 The above project will not have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby approved.
The above project could have a significant impact effect on the environment, but WILL
MOT have a significant effect in this case because the attached minigation measures have
been made by agreed to by the applicant which will avoid effects or untigate the effects to a point where clearly no significant effects will occur. Furthermore, there is no substantial
evidence before the City of Seaside that the proposed project, as revised, may have a
significant effect on the environment. A NEGATIVE DECLARATION is hereby approved.

Mitigation measure: if any included in the project to avoid potentially significant effects:

Mitigation #1: Prior to the issuance of a Building Permit, the Applicant must submit a request to the City Council to receive an annual allocation of water for the project. The water use shall be based on the combined domestic and open space irrigation system water use. At the end of the second year, the City of Seaside Community Development Department will conduct an annual review of the combined water use to ensure that the project has not exceeded its maximum water allocation.

Mitigation #1: The Applicant must include measures to ensure maximum water conservation

Negative Declaration - Chartwell School Project Page 2 of 2

(e.g. low flow toilets/urinals, water conservation bathroom fixtures, drought tolerant plants, drip impation system for shrubs and moisture sensing devices for spray impation) subject to the approval of the Community Development Director. The Community Development Director shall be responsible for monitoring the implementation of water conservation measures.

Mitigation #3: All classrooms, administrative offices, multi-purpose buildings, landscape, and open space unigation systems shall be designed and installed by the Applicant utilizing American Water Works Association (AWWA) recycled water pipe connected with a backflow preventer to a potable water system. The system shall be designed to applicable standards and in such a way that should reclaimed water become available, Chartwell School will disconnect all of its domestic and irrigation water services from the potable water system to the reclaimed water system at a minimum cost to the Property Owner. This Irrigation design shall incorporate innovative storm water use and water conservation measures and be included in the project improvement plans subject to the review and approval of the City Public Works Director, the Manager of the Marina Coast Water District, and the Monterey County Department of Health, Cross-connection control measures shall include but not limited to:

- System plans and schematic to ensure the separation of the potable and non-potable systems;
- Long-term back flow prevention testing and monitoring to prevent future cross contamination;
- c. The reclaimed water inigation system must be physically separated from the potable water system to eliminate cross-connections;
- d. Compliance with all federal, state, and local regulations governing the use of reclaimed water.

It has been determined that there are no potentially significant effects to mitigate. Further information about this project and its probable environmental impact will be on file in the Community Development Department, 440 Harcourt Avenue, Seaside, CA 93955.

	July
Cick Medina, Planner II	Dat

RESOLUTION NO. 09-03

*Note: Reduced Plans are included as Attachment 1 to this Resolution

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO GRANT A LONGER-TERM LIMITED TERM PERMIT FOR THE CONSTRUCTION OF TWO TEMPORARY PORTABLE CLASSROOM BUILDINGS ON THE CAMPUS OF CHARTWELL SCHOOL AT 2511 NUMA WATSON ROAD, IN THE PI (PUBLIC/INSTITUTIONAL) ZONING DISTRICT, FOR A PERIOD NO GREATER THAN FIVE (5) YEARS.

WHEREAS, Chartwell School (applicants and property owners) and Toby Long (Architect) have applied for a Use Permit for a longer term (greater than 12 months) Limited Term Permit for the construction of two temporary portable classroom buildings on the Chartwell School campus at 2511 Numa Watson Road, located in the PI (Public/Institutional) Zoning District; and

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at public meeting held on April 8, 2009; and

WHEREAS, the project is a Categorically Exempt, Class 3, Section 15303 meeting the following conditions:

a) The proposed structures would total approximately 1,920 square feet in floor area (960 square feet each), less than the maximum structure floor area of 2,500 square feet as defined under this exemption. The proposed structures would also involve less than significant amounts of hazardous substances as the structures are proposed to be built using green building techniques and would be approved for occupancy as children's classroom, meeting, and office space.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-09-01

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: The proposed project is not a permitted land use under the current Zoning Ordinance and was not approved under the original Use Permit for the Chartwell School. However, due to the temporary nature of the proposed project, the proposed use is permitted with Use Permit approval under Seaside Municipal Code (S.M.C.) Section 17.52.040 as a longer-term limited use through a Limited Term Permit.

2. The proposed use is consistent with the General Plan and any applicable specific plan

<u>Evidence</u>: The proposed use is consistent with the underlying PI (Public/Institutional) land use designation as a private school.

<u>Evidence</u>: The proposed use satisfies Policy LU-11.1 of the Seaside General Plan Land Use Element such that approval two temporary classroom buildings on the Chartwell School campus would provide for short-term accommodation of existing and immediate future school enrollment prior to the construction of a third and final permanent classroom building.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

<u>Evidence</u>: The location, size, and operating characteristics of the project would be compatible with the character of the site, and the land uses and development intended for the surrounding area by the Seaside General Plan.

4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

<u>Evidence</u>: The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

<u>Evidence</u>: The granting of a Use Permit would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, or welfare of the City.

BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-09-01 subject to the following conditions:

Project Specific

Planning:

1. The two temporary portable buildings shall be located on the Chartwell School campus for a period not to exceed five (5) years from the date of final inspection approval by the Building Division. If the applicant requires additional time for the use of these buildings, the applicant shall file a written request for an extension to this permit to the Planning Commission, in accordance with S.M.C. Section 17.54.090.B. The written request for an extension shall be submitted at least 30 days prior to the expiration date of this Use Permit (5 years from the date of approval).

Planning Commission Resolution No. 09-03 File No. UP-09-01 Page 3 of 13

2. Prior to issuance of occupancy by the Building Division, the project shall receive a consistency determination by the Fort Ord Reuse Authority (FORA).

Building:

- 3. The applicant shall receive building permit approval by the Building Division for the construction of the two temporary buildings approved under this Use Permit, prior to assembly of the pre-fabricated buildings on the Chartwell School campus.
- 4. A soils report shall be submitted along with plans submitted with the building permit application. The soils report submitted for the approval of the original Chartwell School campus may be submitted, to the satisfaction of the Chief Building Official.

Public Works:

5. Plans submitted for a building permit application shall clearly define the direction and flow of stormwater created by new construction and all new impervious surfaces added as a result of new construction. Any new retention basins required to mitigate new stormwater runoff shall be approved by the Public Works Department prior to approval of final inspection by the Building Division.

Fire Department:

6. Both temporary portable buildings approved under this Use Permit shall install automatic fire sprinklers and indicate the location of sprinklers and all associated appurtenances with plans submitted for a building permit application. The Seaside Fire Marshall shall be responsible for the approval of such improvements.

Standard:

- 7. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.69.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.
- 8. This Use Permit is subject to procedures and requirements of Chapter 17.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Municipal.
- 9. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

Planning Commission Resolution No. 09-03 File No. UP-09-01 Page 4 of 13

- 10. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
- 11. The project shall comply with all applicable fees and regulations of the Fort Ord Reuse Authority (FORA) prior to occupancy of approved use.
- 12. The project shall comply with the requirements and the applicable ordinances of the Marina Coast Water District (MCWD) for the installation of new water and sewer infrastructure.
- 13. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
- 14. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
- 15. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the April 8, 2009, by the following vote:

AYES: NOES:	M. Claypool (Chair), M. Lechman, J. Robinson, J. Craghead P. Mugan (Vice Chair), J. Owens
ABSENT: ABSTAIN:	None None
	Mary Claypool, Chairperson
ATTEST:	
Planning Commissio	n Secretary

Planning Commission Resolution No. 09-03 File No. UP-09-01 Page 5 of 13

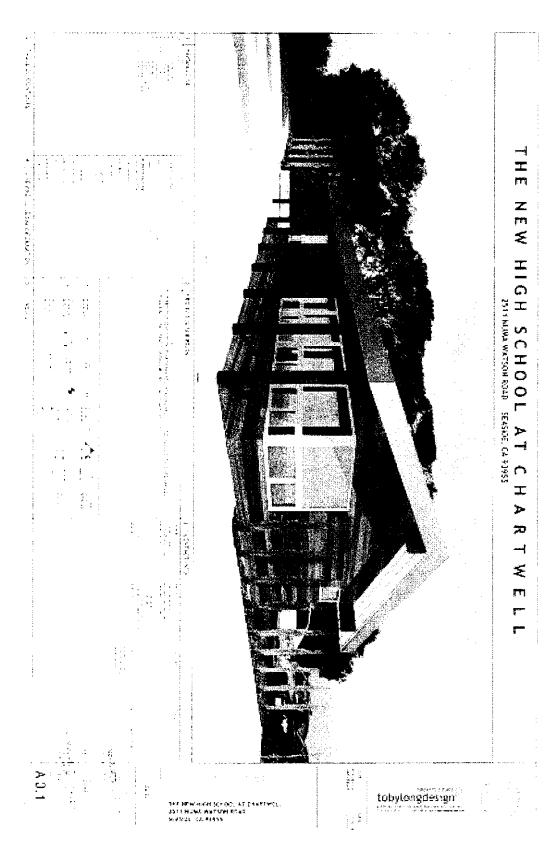
USE PERMIT APPLICATION NO. UP-09-01 RESOLUTION NO. 09-03

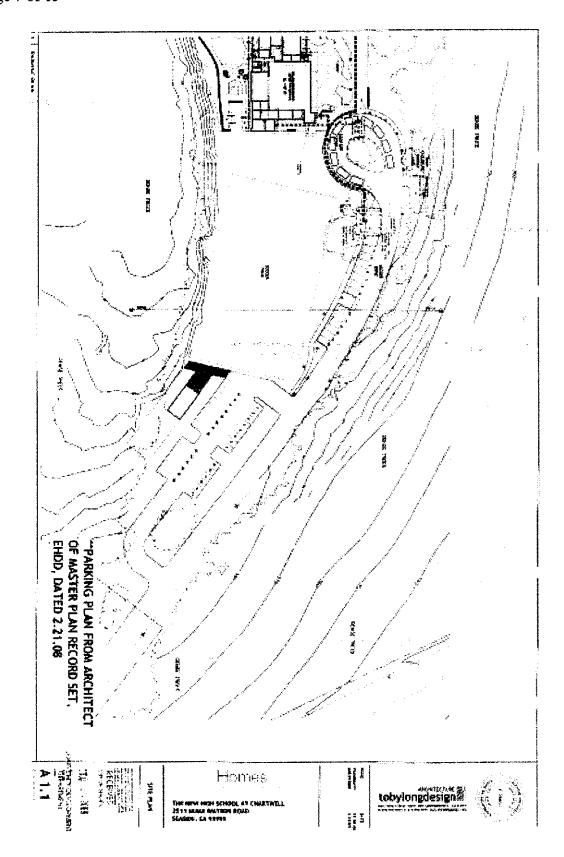
These permits are hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

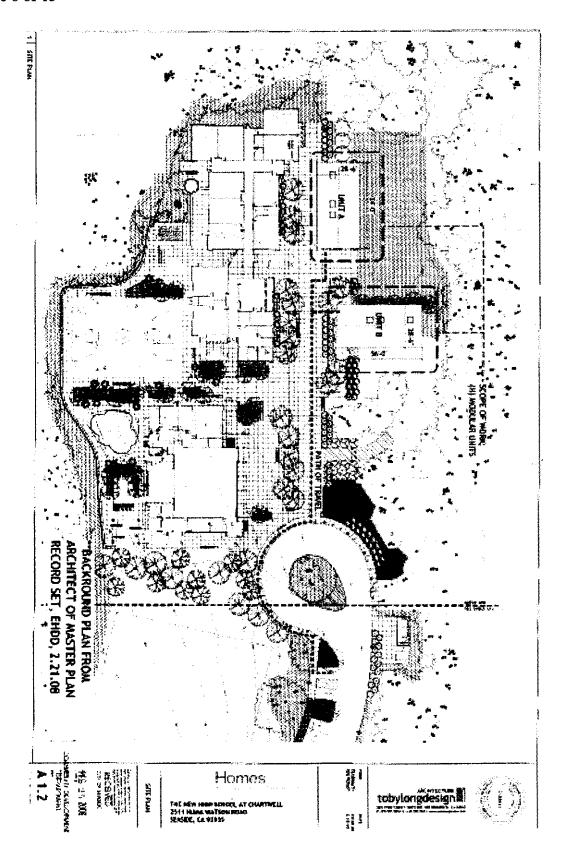
The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

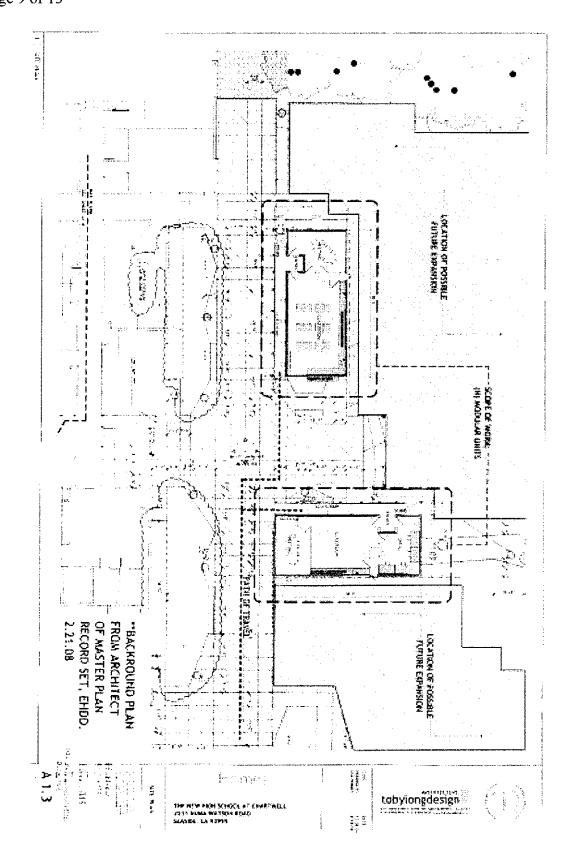
Applicant's Signature	Date
Property Owner's Signature	Date

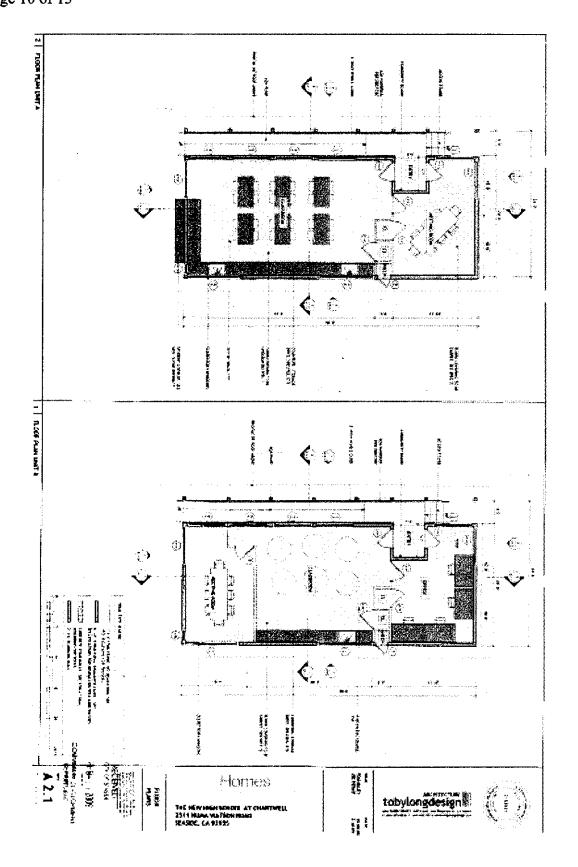
REDUCED PLANS

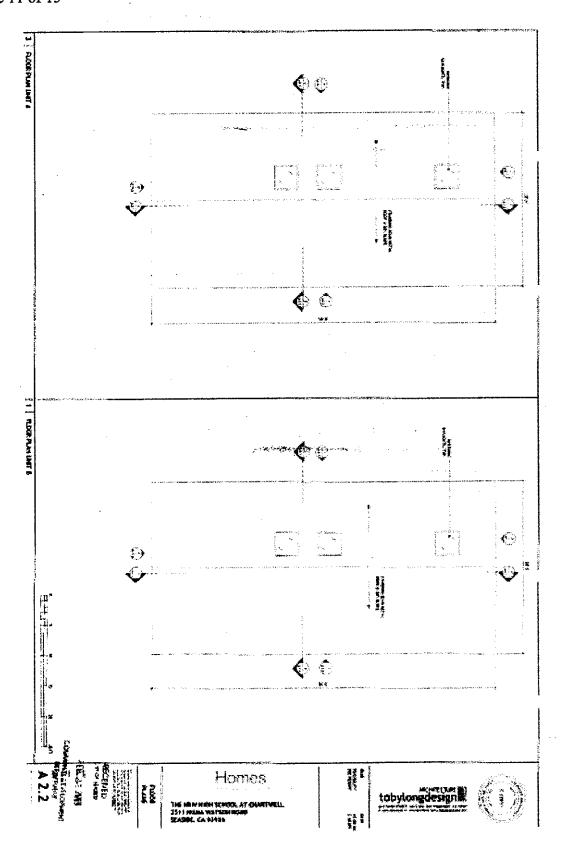


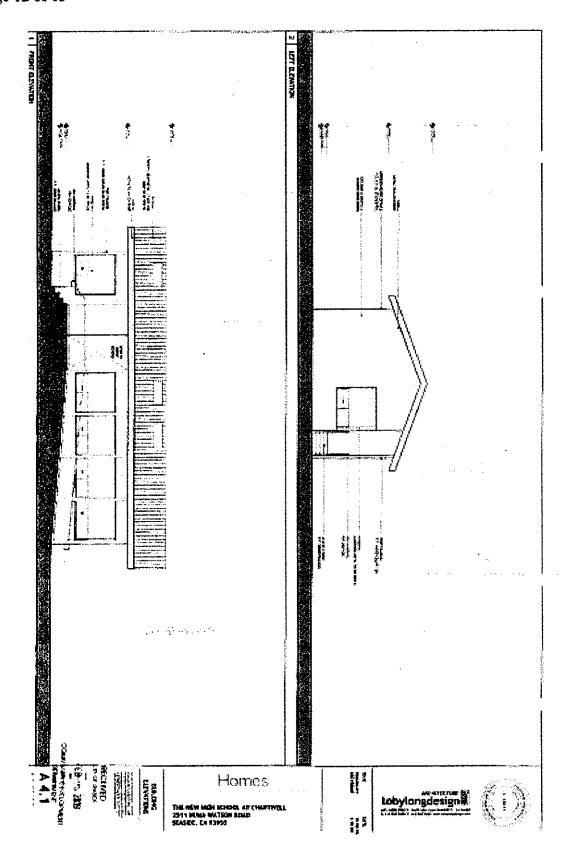


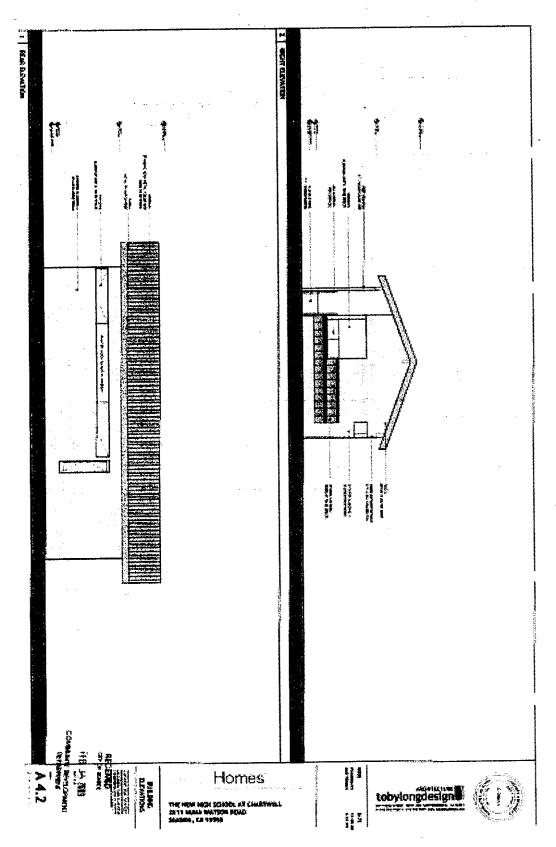












CITY OF SEASIDE **BOARD OF ARCHITECTURAL REVIEW** STAFF REPORT

TO:

Board of Architectural Review

FROM:

Diana Ingersoll, Deputy City Manager - Resource Management Services

BY:

Clark Larson, Association Planner

DATE:

May 6, 2009

ITEM:

Architectural Review Application No. BAR-09-05. Chartwell School (Property Owner and Applicant) and Toby Long (Architect) request design approval for the construction of two temporary educational facility buildings on the Chartwell School campus at 2511 Numa Watson Road, located in the PI

(Public/Institutional) Zoning District.

RECOMMENDATION

Staff recommends approval the proposed project subject to the conditions of approval provided as Exhibit A and Attachment 1 - Project Plans.

BACKGROUND

The Chartwell School was approved as a permitted use on July 9, 2003 through the adoption of a Negative Declaration under the California Environmental Quality Act (See Exhibit D). The original project description in the Negative Declaration anticipated three (3) permanent classroom buildings on the Chartwell School campus. Of these three, two are currently built. The two proposed temporary portable classroom buildings would provide temporary expansion space for Chartwell School students prior to the construction of the final permanent classroom building, to be located in the same approximate area as the proposed temporary buildings.

On April 8, 2009, the Seaside Planning Commission approved a Use Permit in compliance with Seaside Municipal Code (S.M.C.) Section 17.52.040.F for a longer-term (greater than 12 months) Limited Term Permit for the construction of two temporary educational facility buildings to be located for a maximum of 5 years on the Chartwell School campus. proposed project would be new commercial construction that is subject to approval by the Board of Architectural Review.

SITE LOCATION AND DESCRIPTION

The subject parcel is approximately 28 acres with only a portion of the parcel developed as the existing Chartwell School campus and the remaining portion of the site vegetated with dense tree canopy (see Aerial Images as Exhibit C). The proposed portable buildings would be located on previously graded level ground, immediately adjacent to two existing permanent classroom buildings on the Chartwell School campus. The proposed locations are also situated in the approximate location of the future campus expansion for permanent structures. Significant site or infrastructure improvements are not proposed as part of the proposed project.

Surrounding land uses are shown on Figure 1, including the Marshall Elementary School to the west, military residential community to the north and vacant former Ft. Ord land to the east and south (See also Location Map as Exhibit B).

Figure 1: Project Site Adjacent Land Uses

NW		N		NE
	Military Residential	Military Residential	Military Residential	
w	Marshall Elementary School	Project Site	Vacant former Ft. Ord land	E
	Vacant former Ft. Ord land	Vacant former Ft. Ord land	Vacant former Ft. Ord land	
SW		S		SE

PROJECT DESCRIPTION

The two proposed temporary educational facility buildings would each be 960 square feet in area, located immediately to the north of existing permanent educational buildings on the Chartwell School campus. Building elements are proposed to be prefabricated off-site and assembled on the Chartwell School campus. Both proposed buildings would provide classroom space with Unit A providing meeting room space and Unit B providing both meeting room and office space.

The proposed roof for both buildings would be a low-pitch gabled standing seam metal roof, painted beige, at a slope ratio of 4.5:12 with powder-coated aluminum fascia, gutters and downspouts painted to match. Operable skylights are proposed on both buildings for interior daylighting. Stained cypress is proposed as exterior lap siding material, as well as for the window and corner trim. Aluminum frame windows are proposed on both buildings with a 6-inch aluminum can light fixture installed in the ceiling of each exterior entry alcove.

The two proposed temporary classroom buildings would be constructed using green building materials and systems, consistent with the existing Chartwell School green building certification through the U.S. Green Building Council. Green building materials include, but are not limited to, sustainably certified wood studs, joists, trusses, and interior walls

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to a Class 3 Section 15303 (New Construction or Conversion of Small Structures) categorical exemption. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures, including structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

Evidence: The proposed structures that would result if this Use Permit is approved would be a total of approximately 1,920 square feet in floor area (960 square feet each), less than the maximum structure floor area of 2,500 square feet as defined under this exemption. The proposed structures would also involve less than significant amounts of hazardous substances as the structures are proposed to be built using green building techniques and would be approved for occupancy as children's classroom, meeting, and office space.

STAFF ANALYSIS

Architectural Considerations

The proposed classroom buildings would be of a contemporary modern style with natural stained wood lap siding and a standing seam metal roof. This style is consistent with the existing character and style of the Chartwell School campus. The proposed location of each portable building would also maintain a relationship with the existing permanent classroom buildings and project site, responding to the existing configuration of outdoor walkway and congregation space on the Chartwell School campus.

Exterior light fixtures, proposed for installation within each entry alcove, would provide minimal safety lighting for entrance into each building and minimized illumination beyond the immediate building.

Continuing the campus' environmental stewardship as a recipient of the highest green building certification through the US Green Building Council and award recipient as one of the Top Ten Green Projects of 2009 by the American Institute of Architects Committee on the Environment, the proposed portable buildings would be built using green building materials and systems. These techniques would contribute to a healthy indoor learning environment for the Chartwell School students and lower the buildings' larger environmental impact through energy savings and efficient use of materials. The applicant has also indicated that the proposed buildings may, in the future, be reused for other uses at the Chartwell School, in compliance with any necessary City approvals at that time.

No new trash enclosures, fencing or walkway improvements are proposed for the temporary classroom buildings.

Landscape Considerations

New landscaping is not proposed as part of this project. The proposed portable buildings would be installed on a previously graded and compacted dirt site within existing landscaped areas.

ATTACHMENTS

Exhibit A Conditions of Approval
Attachment 1 - Reduced Project Plans

Exhibit B Location Map Exhibit C Aerial Map

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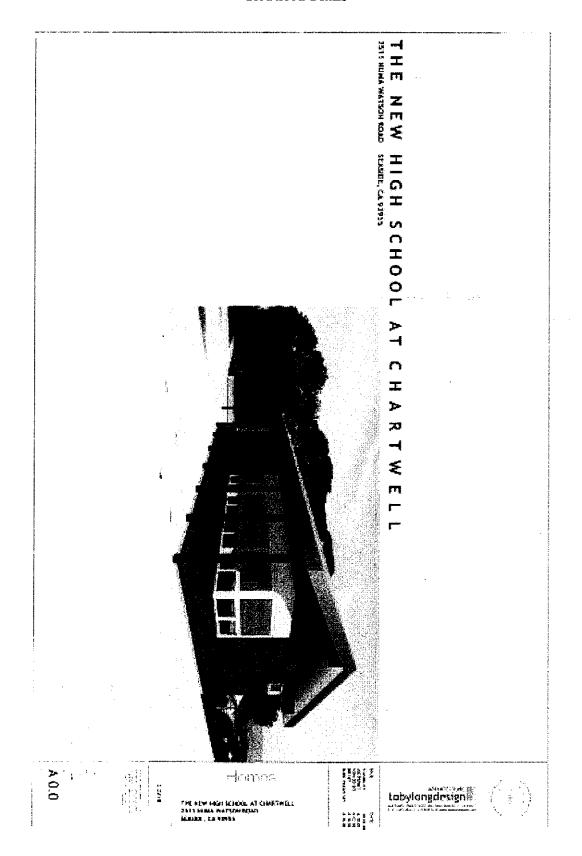
Conditions of Approval File No. BAR-09-05 May 6, 2009

Standard:

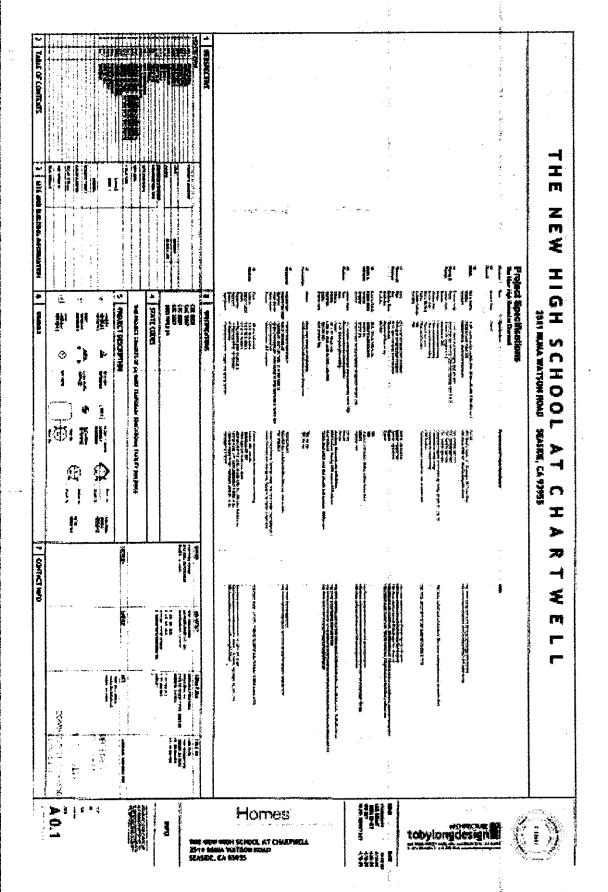
- 1. Plans submitted for a building permit shall substantially conform to plans stamped as received on April 23, 2009, approved on May 6, 2009, and included as Attachment 1 to these conditions.
- 2. Board of Architectural Review approval shall not be valid until the applicant has signed and accepted these conditions of approval. Failure to sign the conditions and return them to the Planning Division within fifteen (15) days from the date of approval will result in the Board of Architectural Review approval becoming null and void.
- 3. Board of Architectural Review approval shall be valid for a period of one (1) year from the date of approval of this project in accordance with S.M.C.S. 17.54.080. Project approval will become null and void if a building permit is not exercised within one (1) year from date of approval.
- 4. Proposed changes to the approved application(s) must receive approval from the Board of Architectural Review, unless approved by the Director as outlined in Seaside Zoning Code Section 17.54.090.C.
- 5. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
- 6. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
- 7. Any work within the public right-of-way must conform to current engineering standards and shall require an encroachment permit from the Public Works Department.
- 8. All storm water runoff shall be contained and disposed of on site and the storm water retention system shall be reviewed and approved by the Public Works Department.
- 9. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures and landscape irrigation equipment.

	ly of water and sewer capacity to serve the project.
11. Water conservation fixtures shall be pr	rovided in the proposed project.
BOARD OF ARCHITECTURA <u>L R</u>	EVIEW APPLICATION NO. BAR-09-05
	ress terms and conditions hereof, and shall have no
The undersigned hereby acknowledge the approto, and comply with, said terms and condition Seaside Board of Architectural Review.	oved terms and conditions and agree to fully conform ons within the time frames approved by the City of
Applicant's Signature	Date
Property Owner's Signature	Date

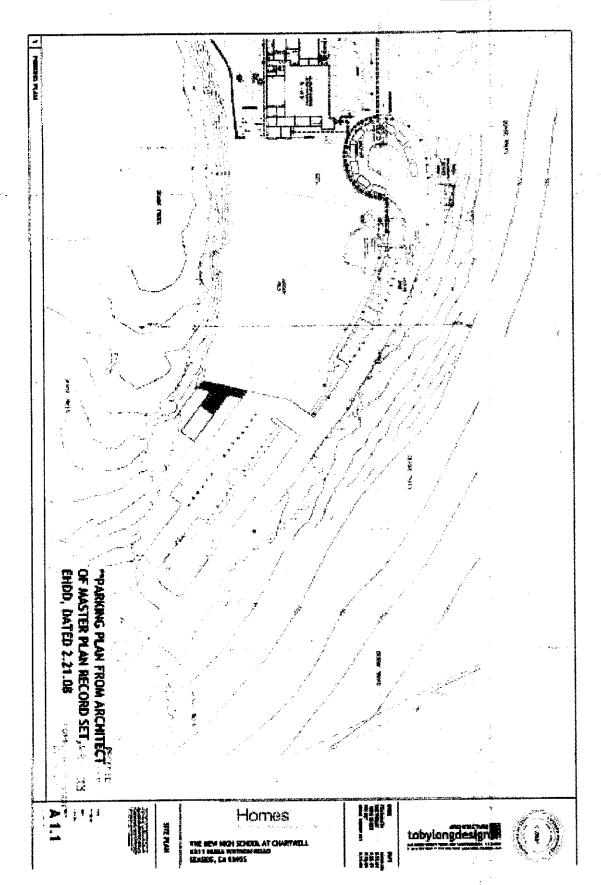
Reduced Plans



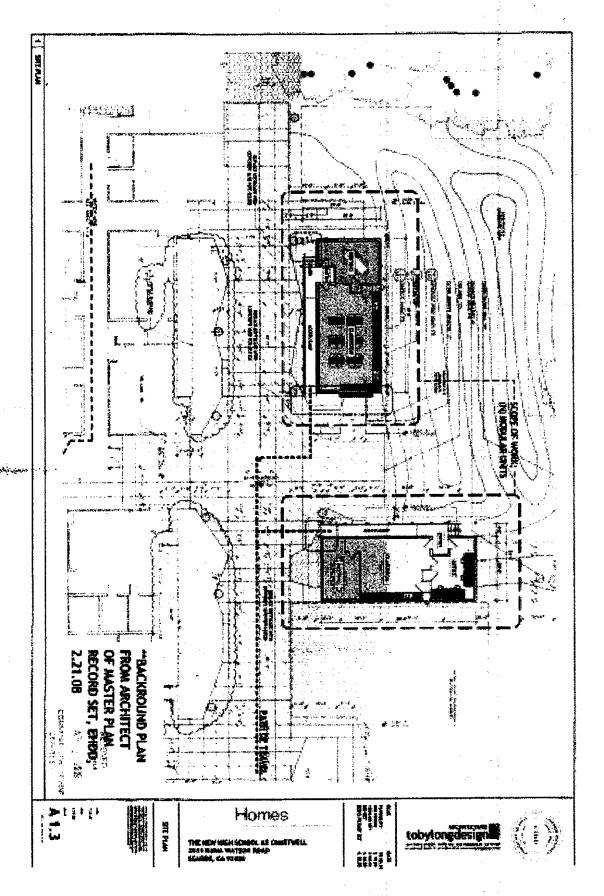
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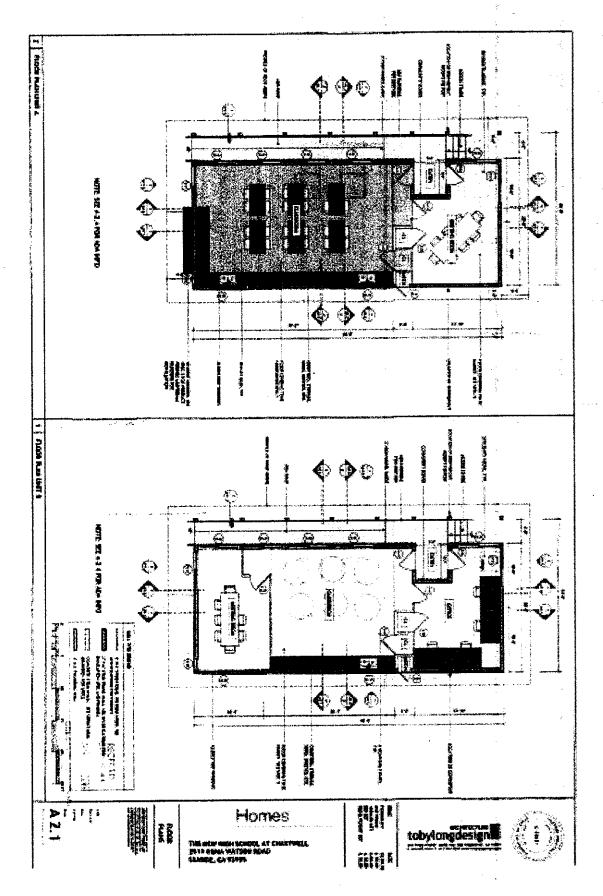
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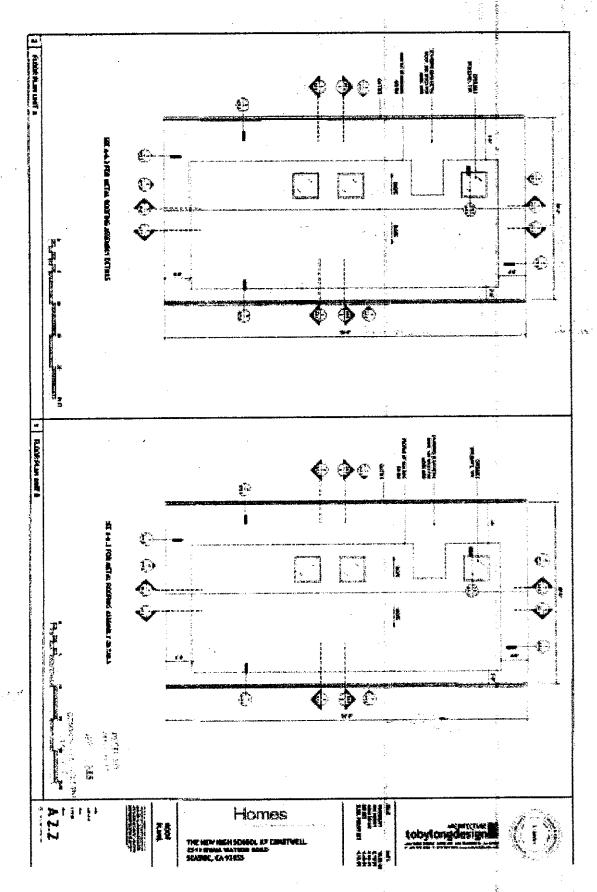
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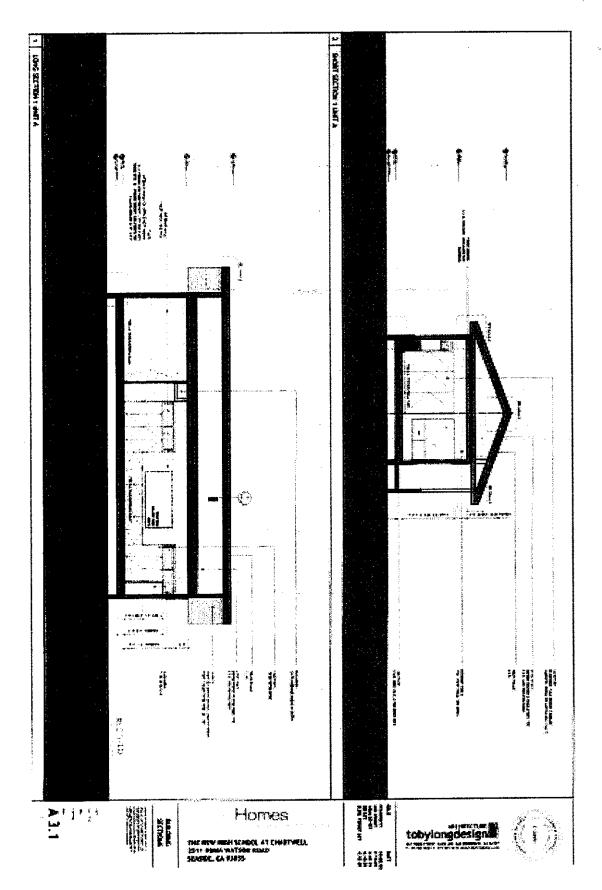
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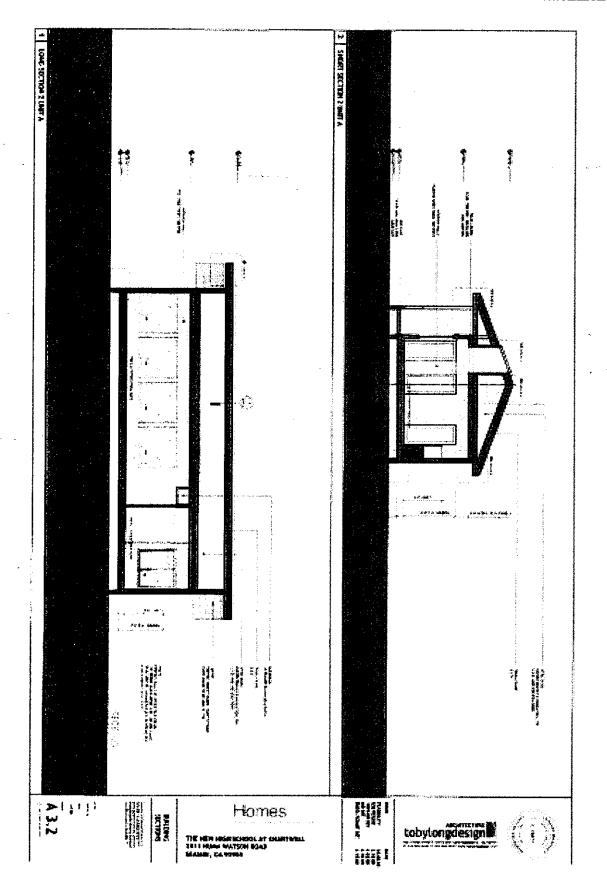
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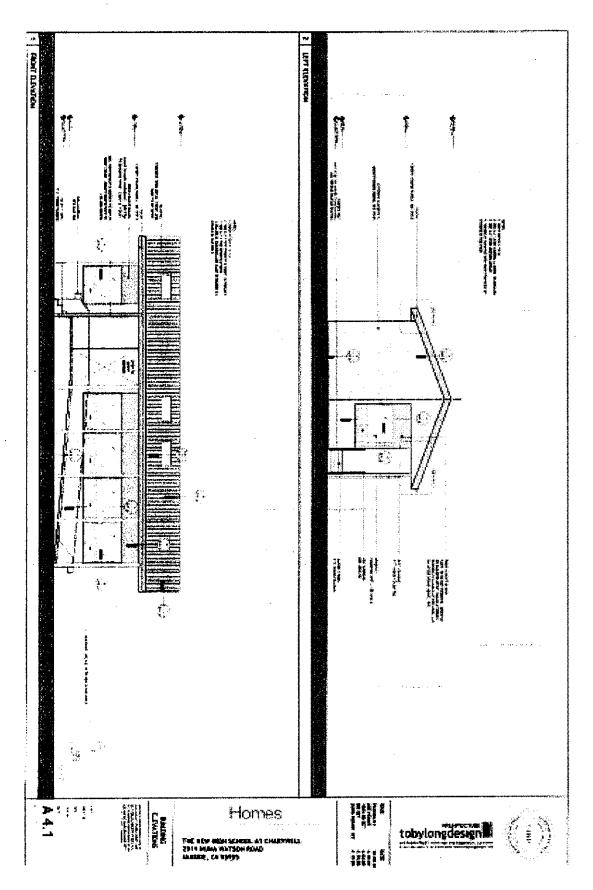
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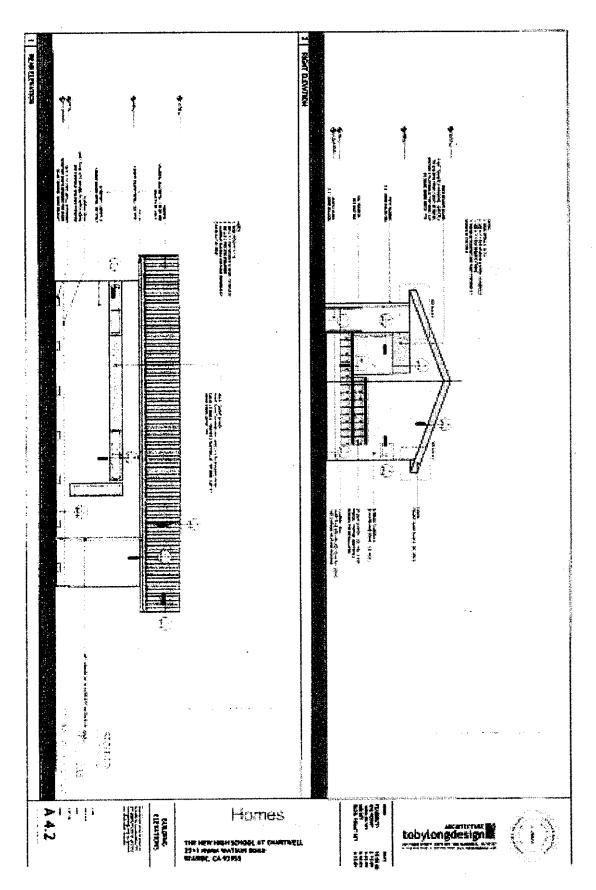
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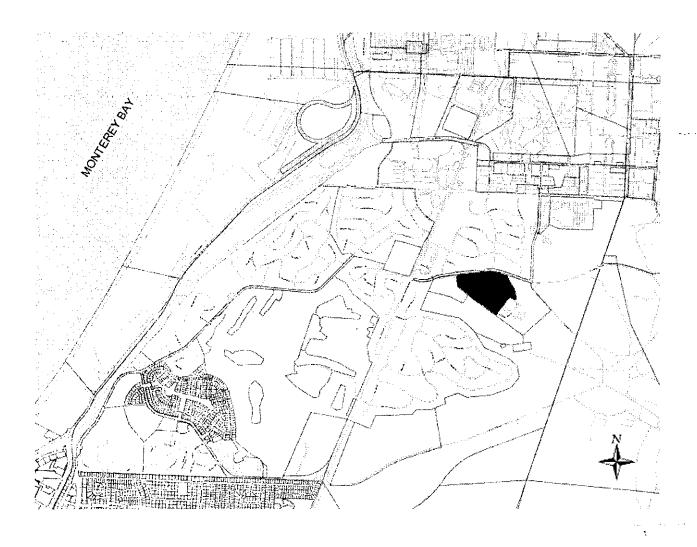


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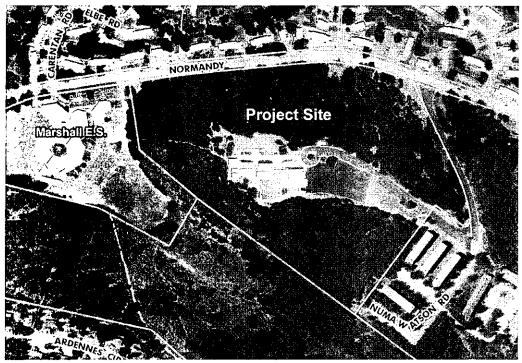
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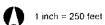
Location Map



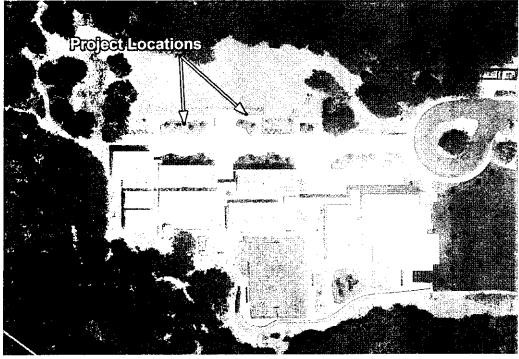
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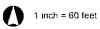
Aerial Images





2511 Numa Watson Road
Saurce: City of Seaside GIS 2009, 2007 Aerial image





2511 Numa Watson Road