



CITY MANAGER

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October 5, 2012

Michael Houlemard, Executive Director
Fort Ord Reuse Authority
100 12th St., Building 2880
Marina, CA 93933

Dear Mr. Houlemard,

At their meeting of October 4, 2012, the Council of the City of Seaside adopted Resolution 2012-57. The motion was made, seconded, and unanimously adopted to "Eliminate the proposed option 4, as the City's desire is to have land use jurisdiction, and therefore the City supports Option No. 2."

Also attached are the staff report dated October 4, 2012 and the slides used in the staff presentation.

Hopefully these documents can be included in the documents you present to the FORA Board on this agenda item.

Sincerely,

A handwritten signature in black ink, appearing to be "John Dunn", written over a horizontal line.

John Dunn
Interim City Manager

**CITY OF SEASIDE
STAFF REPORT**

TO: Honorable Mayor and City Council
FROM: John Dunn, Interim City Manager
BY: Diana Ingersoll, Deputy City Manager – Resource Management Services
DATE: October 4, 2012
SUBJECT: **VETERANS CEMETERY AND ENDOWMENT PARCELS**

PURPOSE

The purpose of this item is for the City Council to receive information from staff on the following topics:

- Veterans Cemetery and Endowment Parcels History including land use designations.
- Background of the Endowment Fund.
- Background and terms of the existing Exclusive Negotiating Agreement (ENA) with Monterey Downs
- Former Ft. Ord lands clean-up requirements

and to consider providing direction to the city's Fort Ord Reuse Authority (FORA) Board representatives on the most appropriate position for the City of Seaside. Listed below are the options to be considered by the FORA Board at their October 12, 2012 meeting on how to proceed with ensuring the land use designations of the proposed Veterans Cemetery and Endowment Parcels are consistent with the Base Reuse Plan:

1. Await legislative land use decisions and /or development entitlements submitted from Monterey County and/or City of Seaside.
2. Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel (as designated by the City) as a consideration in the BRP Reassessment Report as a potential action item for consideration in January 2013

3. Approve or adopt desired land use designation changes to the Base Reuse Plan (“BRP”) Land Use Concept Map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1 proposed land use designations.
4. Direct staff to provide the Board additional information, including a draft resolution, regarding a fourth option that would allow designation of the veteran’s cemetery parcel independent of the endowment parcel.

RECOMMENDATION

It is recommended that the City Council receive the presentation and approve the resolution to direct the city’s Fort Ord Reuse Authority (FORA) Board representatives to vote for FORA staff’s Option #2 – “Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel (as designated by the City) as a consideration in the BRP Reassessment Report as a potential action item for consideration in January 2013”and to request that the FORA Board acts on this item expeditiously by a date certain.

BACKGROUND

At the September 10, 2012 Special City Council meeting, the City Council adopted a resolution formally requesting the Fort Ord Reuse Authority (FORA) Board take the necessary formal actions to affirm the land use designations of the proposed Veterans Cemetery and Endowment Parcels are consistent with the Base Reuse Plan. The FORA Board deliberated on this issue at their September 14 meeting. FORA staff presented three (3) options for the FORA Board to consider. These options were:

1. Await legislative land use decisions and /or development entitlements submitted from Monterey County and/or City of Seaside.
2. Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel as a consideration in the BRP Reassessment Report as a potential action item for consideration in January 2013.
3. Approve or adopt desired land use designation changes to the Base Reuse Plan (“BRP”) Land Use Concept Map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1 proposed land use designations.

After discussion and public comment, a motion was made to direct FOR A staff to provide the Board additional information, including a draft resolution, regarding a fourth option that would allow designation of the veteran’s cemetery parcel independent of the endowment parcel.

Although this motion passed with a seven (7) to four (4) votes in favor, the item is required to return back to the FORA Board for a second vote since it was not a unanimous vote.

Staff has been requested to present information for the City Council to consider providing direction to the city's Fort Ord Reuse Authority (FORA) Board representatives on the most appropriate position for the City of Seaside to take at the FORA Board meeting scheduled for October 12, 2012.

Former Ft. Ord Lands Clean-Up Requirements

In 2005, both FORA and the regulatory community were not satisfied with the Army's schedule and process for addressing suspected munitions and explosives at former Fort Ord. The regulators were not convinced that the Army's methodology was adequate to assure that all action necessary to protect human health and the environment would be accomplished. The communities affected were concerned with the absence of steady funding for environmental cleanup and delays in acquiring title to the property. Using the statutory authority that allowed the Secretary of the Army to enter into an agreement with a local government agency "...to assist the Secretary in carrying out any of his responsibilities...[which] include identification, investigation and cleanup of ...contamination resulting from the release of a hazardous substance or waste at a facility under the Secretary's jurisdiction...", FORA entered into an agreement with the Secretary of the Army to perform the environmental obligations of the Secretary of the Army.

That agreement, the Environmental Services Cooperative Agreement or ESCA, included payment to FORA for the work to be performed on behalf of the U.S. Army. As a component of the process, FORA entered into an Administrative Order on Consent (AOC) with the Environmental Protection Agency (EPA) and the California Department of Toxic Substance Control (DTSC), which gives the regulators enforcement authority over FORA for the work that FORA is performing.

The ESCA and the AOC each describe the process that FORA will follow in performing the Secretary of the Army's obligations, including the development of data based on investigation to determine the correct remedial action to be undertaken and approval and verification of the work after it is performed.

Under Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA), the cleanup is required to be both protective of human health and the environment, and meet Applicable or Relevant and Appropriate Requirements (ARARs). The CERCLA Feasibility Study is used to develop cleanup requirements, known as remedial action objectives (RAOs). Development of RAOs requires consideration of ARARs and the results of the Baseline Risk Assessment.

The Army continues to maintain responsibility for a portion of the clean up as well. As it relates to Munitions and Explosives of Concern (MEC), the Army is working in the impact ranges, generally described as south of Eucalyptus, east of General Jim, west of Barloy Canyon, and north of South Boundary. This area is generally the county lands and Bureau of Land Management (BLM) lands. The Army's remediation process consists of performing prescribed burns to locate MEC on the surface. After the burns and surface removal, metal detection is used to map the entire site. Additional removal may occur if needed, but buried metal objects found by mapping may be left in the ground provided they are not in an existing BLM trail.

1. Environmental Services Cooperative Agreement (ESCA)

On March 31, 2007 the U.S. Army (Army) and the Fort Ord Reuse Authority (FORA) entered into an Environmental Services Cooperative Agreement (ESCA) thereby allowing the Army to transfer 3,340 acres of Economic Development Conveyance (EDC) properties and the responsibility of removing Munitions and Explosives of Concern (MEC) to FORA. Economic Development Conveyance is a federal term and mechanism to transfer surplus lands (from the Army) to a jurisdiction for the purpose of economic development as compensation to the local communities for the loss of the economic benefit the former military base provided to the communities. These EDC properties are to be transferred to the local jurisdictions for the purposes of economic development. The purpose of ESCA is to expedite the environmental cleanup activities and to transfer the munitions impacted property to the local jurisdictions. Under the terms of the agreement, the Army provided FORA with the funds in advance to conduct the munitions remediation work, purchase environmental insurance to cover remedial activities, and reimburse regulators for their oversight of the program. FORA is required to meet the same standards for MEC remediation as the Army and abide by all federal and state regulations governing the cleanup of the sites. FORA contracted with a team of contractors, consisting of ARCADIS U.S., Inc. (ARCADIS) formerly LFR Inc, Weston Solutions, Inc., and Westcliffe Engineers, Inc., to perform the remedial work on the ESCA properties.

The ESCA funding is a grant in the amount of \$97.7 million, out of which, \$82.1 million for an environmental insurance policy that funds the munitions remediation and provides additional funding if costs should exceed original estimate and \$15.6 million for regulatory oversight fees, FORA management, taxes on the environmental insurance, mobilization fees, and purchase of a contractor's pollution liability policy

2. ESCA Tasks

To support FORA, the ESCA Team are tasked with accomplishing the following:

- Achieve Site Closeout pursuant to the requirements of the Administrative Order of Consent (AOC) and Department of Defense (DOD) Ammunition and Explosives Safety Standards, 5 October 2004 (DOD 6055.9 STD).
- Incorporate and implement the Habitat Management Plan and Army Biological Opinion requirements into the ESCA remedial actions. Implementation includes a full-time on-site biologist, pond sampling, vegetation monitoring and reporting, and weed/erosion control.

- Submit an Explosive Safety Submission and any required explosives safety site plans through the U.S. Army Technical Center for Explosives Safety to the Department of Defense Explosive Safety Board for approval, in accordance with the Army oversight procedures specified in Section C.4.2 of the ESCA, prior to conducting any munitions response, and to provide after action reports once the munitions response is completed.
- Work closely with identified DOD representatives in conducting the munitions response.
- Participate in and coordinate with the Army's MEC Awareness Safety Education Program to educate the public of the dangers presented by unexploded ordnance.
- Negotiate with EPA and DTSC to achieve Site Closeout, pursuant to the AOC and the ESCA.
- Implement remedial actions required by the AOC in accordance with the terms of the above documents identified in the ESCA and in support of the reuse and specified in the reuse plan map prepared by FORA as approved by the governing board of the FORA in June 1997.
- Ensure that all remedial activities contemplated for the environmental sites of the ACES meet the remedy requirements of CERCLA.
- Develop documents associated with the remedial actions to achieve site closeout as described in the AOC.
- Residential Quality Assurance – develop a process for regulatory acceptance for residential reuse.
- Acquire Certification of Completion of Remedial Action.
- Support Community Involvement and Outreach Program.
- Submit documents and project schedules as required.
- Update project repository with necessary documents.

3. ESCA Process and Community Involvement

The Superfund process that governs the ESCA Remediation Program consists of several phases of remediating the ESCA parcels and providing a safe environment for the adjacent population. First, existing site area information is assessed. Based on the results of this assessment, a remedial investigation is performed to identify the nature and extent of the contamination and possible threats to the environment and the people nearby, and a feasibility study is conducted to develop options for remediation of the parcels. This requires brush removal, removing tree limbs and selectively removing trees, with the input from a biologist/botanist. The hand held metal detectors are effective to no more than 18 inches. The larger "sled" style metal detectors are effective to no more than 4 feet. Next, the feasibility study is approved by the US EPA, California Department of Toxic Substance Control (DTSC), with input from the US Army. After the remedial investigation and feasibility study are completed, the information gathered is used to develop and present a Proposed Plan. Throughout the process, FORA has designed opportunity for community involvement.

The Proposed Plan describes the various remediation options under consideration and identifies the one preferred by the FORA ESCA Remediation Program. The Proposed Plan is presented to the public. Public meetings are held to solicit input on the Proposed Plan and a public comment period will commence. After the public meeting and following the end of the public comment period, FORA, EPA, and DTSC considers public comments and reach consensus on the preferred remedy, which is documented in a Record of Decision (ROD). US EPA and DTSC are to consider potential uses and associated risks when evaluating to what level an investigation or remediation is necessary. Even if an area is designated open space, the risk might be high enough to require the highest level of investigation and clean up. The ROD describes how FORA plans to remediate the site and document the public comments received during the comment period, the response to comments, and the decision making process. A notice is then placed in local newspapers to inform nearby communities of the decision.

After the ROD, active remediation begins with remedial design to include technical drawings, specifications, and health and safety plans necessary to implement the remedy. The actual implementation of the remedy is called the remedial action. When the remediation goals are met and the regulators determine the work to be complete, project closeout reports are prepared for community review and regulatory approval. Sites proceed to NPL (National Priorities List) deletion after public review of the project closeout reports. US EPA, DTSC and the Army must approve the closeout reports.

All of this is derived from the regulatory framework of the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA), aka Superfund. Specific regulatory requirements for the ESCA Remediation Program are in the following documents:

- ESCA - Technical Specifications and Requirements Statement (TSRS)
- EPA Administrative Order on Consent
- Administrative Order on Consent Scope of Work

4. Remediation Time Line

Remediation of all ESCA areas is currently scheduled to be completed by end of 2014. There would still be considerable time needed to process remediation documents and have the property transferred to the applicable jurisdictions.

The Army has completed remediation of the area formerly designated as the First Tee site and the Chartwell Campus within the City of Seaside and others within the County's jurisdiction. The Army also retains responsibility for clean up of contaminated ground water, soil remediation for other hazardous materials and the former Fort Ord landfill. These items are generally located in the northern portion of the former base, mostly in Marina's jurisdiction. The Army will be doing MEC investigation and removal for the next 8-10 years.

5. Veteran Cemetery Site (AKA Parker Flats) Remediation

In October 2009, FORA staff sent a letter to city staff requesting confirmation of future land uses within the proposed Veterans Cemetery planning area for the purposes of determining the level of ESCA remediation of the parcels in question. Based on the executed MOU, city staff responded in January 2010 that these parcels be remediated according to the residential clean-up level. Copies of these letters are attached.

The Environmental Services Cooperative Agreement Remediation Program Team's (ESCA RP Team) implementation of the AOC and CERCLA Feasibility Study process for Parker Flats is documented in the reference list as provided below.

- 2008a. Final Geophysical Test Plot Report, Phase II Seaside Munitions Response Area Removal Action, Former Fort Ord, Monterey County, California. June 5. (Fort Ord Administrative Record No. ESCA-0077)
- 2008b. Final Summary of Existing Data Report, Former Fort Ord, Monterey County, California. November 26. (Fort Ord Administrative Record No. ESCA-0130)
- 2008c. Final Group 1 Remedial Investigation / Feasibility Study Work Plan, Volume 1 and 2, Seaside Munitions Response Area and Parker Flats Munitions Response Area Phase II, Former Fort Ord, Monterey County, California. December 17. (Fort Ord Administrative Record No. ESCA-0124)
- 2011. FVF No. G1WP00-4; Residential Quality Assurance Pilot Study Work Plan Addendum. Group 1 Remedial Investigation/Feasibility Study Work Plan, Seaside Munitions Response Area and Parker Flats Munitions Response Area Phase II, Former Fort Ord, and Monterey County, California. December 17, 2008, Appendix F. (Fort Ord Administrative Record No. ESCA-0133B)
- 2012a. FVF No. G1WP-008; modifying the Final Group 1 Remedial Investigation/Feasibility Work Plan, Former Fort Ord, Monterey County, California. September 06. (Fort Ord Administrative Record No 0133G)
- 2012b. Draft Technical Information Paper, Parker Flats Munitions Response Area Phase II, Former Fort Ord, Monterey County, California. September 21. (Fort Ord Administrative Record No XXXX)

City Staff attended the 9/20/12 community workshop meeting and a summary of what was communicated to the public by FORA/ESCA is as follows: "Prior to the creation of ESCA, the Army investigated and performed some remediation in the area known as the Parker Flats Munitions Response Area (MRA). Subsequently, ESCA has found evidence in the Parker Flats MRA of Munitions and Explosives of Concern (MEC) in certain areas. Therefore, ESCA has created an investigation plan to fully characterize the MEC where it has been or is suspected to be found. The investigation plan will require brush removal and removing tree limbs at the minimum, and selectively removing trees if needed. Based upon the results of the investigation, a plan for remediation can be developed. At this time, there is no plan for complete vegetation or tree removal."

In response to City Staff's inquiry regarding the status of the remediation of the Veteran Cemetery Site, a memo was provided by the ESCA RP Program Manager dated September 28, 2012 and is attached.

Veterans Cemetery

The former Fort Ord served as an active military installation for nearly a century and embodies a history of considerable local and national military significance. Nearly 25 years ago, a group of veterans representing all branches of military service began a mission to honor all veterans by establishing a national Veterans Cemetery on the Central Coast. Because a federal cemetery exists within 100 miles of the former Fort Ord (the San Joaquin Valley National Cemetery in Gustine), the US Department of Veterans Affairs (USDVA) determined that its authority to grant funds to design/build a Cemetery was limited to a California Department of Veterans Affairs (CDVA) operated facility.

In 1991, with the announcement of Fort Ord closure, an important opportunity surfaced to create a final resting place for veterans and their spouses. During the years of 1994-1996, the Veterans were seeking approval of a state veteran's cemetery in order to obtain up to fifty percent federal funding for site analysis, acquisition, capital investment and initial operations. Identification of a specific site was necessary to pursue those funds further, in addition to state legislation to validate the site. The recommended site and subsequent recommended actions by FORA were to result in parallel review at the local and state levels.

A task force consisting of land use jurisdictions and a number of other agencies was created. State Senator-elect Bruce McPherson, in conjunction with retiring State Senator Henry Mello and Congressman Sam Farr, sponsored a series of meetings seeking to find a location for a veteran's cemetery on the former Fort Ord. A number of sites were examined by the veterans, Monterey County staff, Mayor Vocelka, Councilperson Perrine and staff from the City of Marina, Mayor Jordan and staff from the City of Seaside. The task force selected and recommended a final site within the City of Seaside and Monterey County.

Formal approval of the site by Monterey County, City of Seaside and FORA would complete the site selection phase for establishment of a veteran's cemetery. It was anticipated at that time that this site approval would initiate consideration of this particular cemetery site through the Fort Ord base reuse planning process. Furthermore, it was also anticipated that concurrence by FORA would incorporate environmental analysis into the environmental impact report that was being prepared by FORA in anticipation of its consideration of the Fort Ord Reuse Plan that Spring of 1997. Identification of a site would also have permitted the veterans organizations and legislators, together with County and Seaside staffs, to continue to seek necessary site and funding approvals through appropriate state and federal agencies. It was understood that after the site approval, the next phase, development of the site, would be dependent on federal and state funding.

At their October 17, 1996 meeting, the Seaside City Council urged the Fort Ord Reuse Authority (FORA) to approve and facilitate the conveyance of 200 acres of the Fort Ord properties to the State of California for development of a veterans' cemetery by Resolution 96-100.

At their December 3, 1996 meeting, the Monterey County Board of Supervisors approved the following actions: 1) accepted the recommended location for a proposed veterans cemetery on the former Fort Ord lands as concurred by the City of Seaside; 2) requested that the Fort Ord Reuse Authority consider the potential environmental impacts of such a cemetery in its final Environmental Impact Report (FEIR); 3) requested FORA to revise the Fort Ord Reuse Plan to include a veterans cemetery at the recommended location; and 4) to direct staff to work with the City of Seaside and state and federal legislation to obtain approval and funding.

At their December 13, 1996 meeting, the FORA Board unanimously approved the following actions: 1) approved, subject to the prior approval of the Monterey County and the City of Seaside, the location for a Veterans Cemetery on the former Fort Ord; 2) directed FORA staff and consultants to modify the Fort Ord Reuse Plan to include a cemetery at this location; and 3) directed FORA staff and consultants to consider the potential environmental impacts of such a cemetery in its final Environmental Impact Statement.

A 178 acre site was set aside in the 1997 FORA Base Reuse Plan for a veterans' cemetery east of General Jim Moore Boulevard and bounded by Parker Flats Road and Parker Flats Cutoff formally called the Central Coast Veteran Cemetery (Cemetery). Portions of the Cemetery are located within the City of Seaside and County of Monterey and currently under the jurisdiction of the FORA.

A Final Draft Development Master Plan for the California Central Coast Veterans Cemetery, Fort Ord was prepared and completed in September 2008 by RHAA and Whitson Engineers. The Master Plan, including an Existing Condition Report of the site, was funded by Monterey County and FORA. The Master Plan defines in-ground burial and cremation columbaria, a Wall of Honor, Memorial Hall, non-denominational chapel, military/veteran history museum, amphitheater, and public walkways, benches and landscaped areas. The plan also includes definition of areas for habitat restoration, recreational facilities, and residential and commercial development to help support the endowment. The proposed 178-acre site has six planned land use areas. These include the 78.7 acre State Veterans Cemetery; two separate parcels (3.5 acres total) for Ancillary uses for Veterans; development area with habitat restoration opportunity for both the City and County; a development parcel; and anticipated right-of-way dedication areas. Attached is a map of the proposed Veterans Cemetery and Endowment Parcels.

In 2009, the City of Seaside, FORA, and Monterey County entered into a Memorandum of Understanding (MOU) for the development and endowment funding of the Cemetery. The MOU also outlined milestones needed to secure funding for the project. The FORA Board authorized the FORA Executive Officer to submit a grant application to the Office of Economic Adjustment (OEA) for grant funds to support infrastructure analysis and design in the Cemetery planning area. FORA received the grant award and staff provided leadership and administration of the contract to complete the infrastructure analysis for the Cemetery. The OEA grant deliverables were accepted by the FORA Board in May of 2011.

The FORA Board at its August 12, 2011 Board Meeting authorized the Executive Officer to execute the Veterans Cemetery Memorandum of Understanding which reaffirmed FORA's commitment to the Central Coast Veterans Cemetery and established commitments among the parties for funding and development of the Central Coast Veterans Cemetery. This latest MOU is attached for reference.

Endowment Fund

Because a federal cemetery exists within 100 miles of the former Fort Ord (the San Joaquin Valley National Cemetery in Gustine), the US Department of Veterans Affairs (USDVA) determined that its authority to grant funds to design/build a Cemetery was limited to a California Department of Veterans Affairs (CDVA) operated facility. The USDVA could provide grant funds to design and build the cemetery, but the facility would have to be designated a state (not federal) cemetery, with the State of California (under the California Department of Veterans Affairs) responsible for on-going operation and maintenance. The USDVA has a 10% federal local requirement for the \$15 million project and the State (CDVA) accepts responsibility for managing and operating the cemetery at the national Cemetery Administration Standards. The State was not willing to accept this responsibility without an identified funding source.

To this end, in 2006, then State Assembly Member John Laird sponsored successful former Fort Ord cemetery legislation. California Assembly Bill (AB) 3035 established an endowment fund for maintenance and operations expenses to be in place prior to construction of the Veterans Cemetery. The funds necessary to fulfill the requirements of having an Endowment Fund in place was an estimated \$3.4 million. This amount was estimated to generate income for the purpose of operations and maintenance of the Cemetery, after complete construction, for up to twenty years.

A Citizens Advisory Council (CAC) was formed under the Monterey County Department of Military and Veteran Affairs in June 2007 to advocate for and move the project forward. In addition, a non-profit organization, the Central Coast State Veterans Cemetery Foundation (CCVCF), was formed to accept donations to assist in the maintenance of the cemetery when it is completed, and has successfully received over \$200,000.

In October 2010, HR 3219, the Veterans' Benefit Act of 2010 passed Congress and was signed by the President. Among many items in this new law is an increase in certain burial and funeral allowances, including an increase in the amount of plot allowances for veterans' cemeteries from \$300 to \$700 effective October 2011. With this increase it was estimated that the required endowment for the Central Coast Veterans' Cemetery could be reduced from \$3.4 million to approximately \$1.25 million. However, there are still costs associated with the preliminary design and construction documents that are an additional expense that have not been addressed.

Preliminary design and construction documents, estimated to cost \$2.1 million by the Department of General Services, are required to be completed in order to submit a grant application to the United State Veterans Department of Veteran Affairs (USDVA) which is 100% reimbursable.

USDVA will pay for the design and construction of the Cemetery burial sites only. The two ancillary facilities identified in the site plan (amphitheater and chapel) are not part of the grant

program that will fund the cemetery. The Central Coast Veterans Foundation will have to provide funds for those ancillary facilities.

The CDVA had indicated that they would not move forward until there are sufficient funds in the endowment to proceed. In 2011, AB 629 was passed that allows the cemetery to move forward in a phased manner and allows California Department of Veteran Affairs (CDVA) to contract directly with Fort Ord Reuse Authority (FORA) to prepare preliminary and working documents, and a final grant application on behalf of the CDVA to the United State Veterans Department of Veteran Affairs (USDVA). FORA can complete the design work in a more cost effective manner estimated to be \$1.6 million (\$600,000 for phase 1 and \$1 million for phase 2). When all funds for preliminary design plans and working drawings (\$1.6 million) has been deposited into the endowment fund, CDVA will certify with the USDVA that the 10% federal local requirement for the \$15 million project has been met, and that the State accepts responsibility for managing and operating the cemetery. The USDVA would then submit the project for prioritization in their next budget cycle.

Most recently AB 1842, legislation currently awaiting the Governors signature, would permit the CDVA to enter into financial agreements to receive cash advances that will be used for triggering the initial phase of the construction project and provide the CDVA with the authority to repay the cash advances from reimbursements received from the USDVA (grant).

Endowment Parcels

The 2008 Final Draft Development Master Plan for the California Central Coast Veterans Cemetery identified areas for residential and commercial development within the cemetery site to help support the endowment fund.

In April 2009, the City entered into a Memorandum of Understanding (the "MOU") with the County of Monterey (the "County") and the Fort Ord Reuse Authority (FORA) regarding the development of the Central Coast Veterans Cemetery (the "Cemetery") and a mechanism for funding the required endowment for the Cemetery. The MOU also outlined milestones needed to secure funding for the project. Under the MOU the City agreed to fund a \$3.4 endowment to finance the long term operation and maintenance of the Cemetery through the sale of the approximately 30.4 acre parcel adjacent to the Central Coast Veteran's Cemetery (APN 031-151-048; the "Endowment Parcel"). To fulfill its obligation, the Redevelopment Agency of the City of Seaside on behalf of the City issued a Request for Proposals (RFP) in July 2009 inviting interested parties to submit proposals for the purchase and development of the Endowment Parcel. No responses were received.

A second MOU in 2011 was entered into by the County, Seaside, FORA and Central Coast Veteran Cemetery Foundation establishing commitments among the parties for funding and development of the Central Coast Veterans Cemetery. This latest MOU is attached for reference.

Monterey Downs

On November 19, 2009, December 2, 2009, and June 14, 2010, Monterey Downs, LLC submitted Letters of Interest in developing an assortment of housing types on two parcels within the City of Seaside, both of which are located on the former Fort Ord Army Base. As currently proposed, the project includes an equestrian training facility; a commercial center; a horse park comprised of a visitors center and office space, veterinary clinic, and horse stables; habitat area; open space and parks; affordable extended stay hotels; residential uses; neighborhood parks; and hotel and office uses (the "Project").

1. Exclusive Negotiating Agreement (ENA)

On September 16, 2010, the City, Agency and Monterey Downs, LLC (the "Developer") entered into an Exclusive Negotiating Agreement (the "ENA") for the potential development of approximately 550 acres of land in the former Fort Ord. A portion of the proposed project (approximately 75 acres) is located within the jurisdiction of the City and a portion of the proposed project (approximately 475 acres) is located within the jurisdiction of the County. On May 11, 2010, the Developer entered into an Exclusive Negotiating Rights Agreement (the "ENRA") with the Redevelopment Agency of the County of Monterey for the portion of the proposed development on County lands.

The ENA provides the development team time to refine their concept plan, complete a market feasibility study, submit a development application and performance schedule, negotiate a land purchase, and complete the CEQA process for the proposed Seaside project. A summary of the negotiated ENA terms follows.

- **Term.** The term of the ENA was for twelve (12) months (September 16, 2011) with the provision of up to four (4) three (3) calendar month extensions
- **CEQA.** City and County shall work collaboratively to prepare and certify an Environmental Impact Report, FORA Determination of Consistency and related studies for the Project.
- **Disposition of Real Property.** The Developer acknowledges the intent of the City under the MOU with the County and FORA to fund the Cemetery Endowment through the sale of all or part of the Endowment Parcel, and therefore desires that Endowment Parcel be sold first so that the City can obtain funds from the sale and then provide the funding of the Cemetery Endowment contemplated by the MOU.
- **Proposed Land Swap and Annexation.** Developer intends to work with the City, County, and Monterey Salinas Transit ("MST") to obtain a different parcel (specifically, Public Benefit Conveyance Parcel No. L.2.4.2) for the City Corporation Yard. Additionally, the Developer shall assist with the annexation of Parcel No. L.2.4.2 into the City from the County. If the Developer and City are unable to negotiate a land swap with the County and MST exchanging Parcel No. L.2.4.2 for the Corporation Yard Area and annex Parcel No. L.2.4.2 to the City, the City plans to acquire and retain the initially contemplated City Corporation Yard Area.

Paragraph 1 of the ENA provides up to four (4) three (3) calendar month extensions may be requested and administratively granted by the Executive Director provided Developer is not in default. In a letter dated August 31, 2011, the Developer requested the first ENA extension of three (3) calendar months to allow the time necessary to commence the required environmental review of the Project. As the Developer was not in default, on September 16, 2011 the Developer's request was granted, extending the ENA term to December 16, 2011.

Paragraph 2 of the ENA provides that if the County ENRA is extended, that Monterey Downs may present documentation of the extension and request the ENA be extended for an equal time period. On November 1, 2011, the Developer submitted a request for a two hundred seventy-one (271) day extension of the ENA. This request was based on the delay between Monterey Downs' submittal on January 31, 2011 to the County of all Phase I information required under the County ENRA and the County's formal approval on September 20, 2011, to move forward with Phase II of the ENRA. On December 1, 2011 the Developer's request was granted, extending the term of the ENA to September 12, 2012.

On September 10, 2012, the Developer submitted a request for a second three (3) calendar month extension to allow the time necessary to continue the application review and environmental review process of the Project. As the Developer was not in default, the Developer's request was granted in a letter dated September 12, 2012. The current term of the ENA is December 12, 2012. There are two (2) three (3) calendar month extensions remaining under the provisions of Paragraph 1 on the ENA.

2. Project Management - EMC Planning Group Selection

On December 15, 2011, staff released a Request for Qualifications (RFQ) for project management services for planning, environmental review and Fort Ord Base Reuse Plan (BRP) Consistency Analysis services for the proposed Monterey Downs and Horse Park & Central Coast Veterans Cemetery. The selected Consultant would act as an extension of City staff and would take the primary role overseeing the processing of the Project's land use entitlements and regulatory approvals, including environmental review.

The RFP was electronically sent to local professional planning and environmental firms and was posted on the City of Seaside website. On January 9, 2012, the City received three submittals in response to the City's RFQ. Proposals were received from EMC Planning Group, Inc (EMC), Pacific Municipal Consultants (PMC) and Golden State Planning and Environmental Consulting. Since only three proposals were received, staff exercised the right to forgo the interview process and proceed directly to selection of the preferred firm. Using the selection criteria outlined in the RFQ, staff reviewed and rated the proposals. Staff recommended EMC as the selected Project Management Consultant based on the following strengths.

1. EMC's demonstrated experience and success in managing projects of similar nature and scope. Working as an extension of City staff, EMC prepared and processed the land use entitlements and regulatory approvals, including environmental review for the Seaside Resort Development.

2. EMC's demonstrated understanding of the Project and the complex issues and constraints associated with development on the former Fort Ord that has been obtain through extensive experience working on other former Fort Ord projects.

3. The firm's capacity and commitment to dedicate the resources, including key principal staff, required to provide the solicited project management services.

On February 16, 2012, the City of Seaside entered into a Professional Services Agreement with EMC Planning Group to provide project management services for the processing of land use entitlements and regulatory approvals including environmental review for the proposed Monterey Downs and Horse Park & Central Coast Veterans Cemetery.

3. *Current Status*

The City of Seaside has received the following applications from the Applicant: Specific Plan (SPL-12-01), Planning Area Boundary Amendment (PAA-12-01), Sphere-of-Influence Amendment (SOI-12-01), Rezoning (PZ-12-01), Annexation (ANX-1201), General Plan Amendment (GPA-12-01), Zoning Amendment (ZA-12-02), and Tentative Subdivision Map (TM-12-01). With the exception of the Tentative Subdivision Map, all of the applications have been deemed complete. The County of Monterey has received no development applications for the proposed project.

The City is sponsoring a series of open houses listed below to allow community members to learn about the Monterey Downs and Horse Park and Central Coast Veterans' Cemetery Specific Plan project that is being proposed in the City of Seaside. City of Seaside staff and the applicant will be available to answer questions.

OPEN HOUSE #1

Tuesday, October 2, 2012

6:00 to 8:00 PM

Oldemeyer Center, 986 Hilby Avenue, Seaside

OPEN HOUSE #2

Saturday, October 6, 2012

9:00 to 11:00 AM

Oldemeyer Center, 986 Hilby Avenue, Seaside

As specified by CEQA Guidelines, a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) has been prepared and is being circulated for a 30-day review period which is from Friday, September 21, 2012 to Monday, October 22, 2012. A public scoping meeting has also been scheduled for October 9, 2012 from 6:00 to 8:00 pm at Oldemeyer Center. The public review draft of the EIR would then be prepared and released for comment in Spring 2013 with a final EIR document to be considered summer 2013.

Land Use Designations

In 1996, the FORA Base Reuse Plan (BRP) was adopted. The BRP Land Use Map identified the area for the proposed Veterans Cemetery and the endowment parcel as Military Enclave with a "Veterans Cemetery" label denoted.

In August 2004 the City of Seaside approved its General Plan which identified the Veterans Cemetery. This parcel is designated a Park and Open Space which is consistent with the city's only other cemetery, Mission Memorial Park. The Seaside General Plan Land Use Policy map is attached for reference. FORA Board made a consistency determination that the Seaside General Plan was consistent with the Fort Ord Base Reuse Plan at their December 2004 meeting.

In accordance with California state law, a comprehensive update to the Zoning Code was completed in 2006 to establish consistency with the 2004 General Plan. Due to the comprehensive nature of the changes made to the Code, staff was directed to complete an evaluation of the adopted Code within 5 years from its adoption, and to present to the City Council any recommended changes based on staff's experience working with the Zoning Code.

In 2006, as part a comprehensive Zoning Code update, the area for the proposed Veterans Cemetery and the endowment parcel was designated as Open Space - Recreation, with a "Veterans Cemetery" label denoted on the Land Use Map. This designation is consistent with the City's designation of its only other cemetery, Mission Memorial Park.

However, the Zoning Code update did not include a corresponding land use description for a cemetery under Section 17.26.030.B, Table 2-7 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of the Seaside Municipal Code (SMC). In accordance with Chapter 17.70 of the SMC (Definitions), a cemetery is defined as follows:

"An Internment Establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full service mortuaries and funeral homes when accessory to a cemetery".

To move forward with the proposed Veteran's Cemetery, a text amendment would be required under Section 17.26.030.B, Table 2-7 identifying cemeteries as a permitted land use under the Open-Space Recreation Zoning District.

A review and update of the 2006 Zoning Code is currently underway. Through multiple public workshops held in 2011 and 2012, City staff worked closely with the Planning Commission to develop a list of recommended amendments. Staff is in the process of selecting a consultant to assist with the preparation of a final draft document that would be made available for public review in December 2012 and to assist in preparing CEQA documents. Proposed text changes include adding cemeteries as an allowed use in the OSR Zoning District.

As shown in Table 1 below, the OSR Zoning District does allow for the auxiliary uses of a chapel and amphitheater proposed in the Central Coast Veteran’s Cemetery Fort Ord final draft Development Master Plan.

Table 1 – Allowed land Uses in OSR Zoning District

Land Use	Permit Required
Conference/convention facility	Use Permit
Golf Course	Use Permit
Hiking/riding trail	Permitted
Park, playground	Permitted
Public amphitheater	Use Permit
Lodging – Hotel	Use Permit
Utility facility	Use Permit

With respect to the endowment parcel, this area is currently designated as Park and Open Space (POS) in the General Plan and Open Space – Recreation (OSR) on the Zoning Map. The subject parcel has been identified as a potential location for housing as part of the Monterey Downs Specific Plan land use proposal currently being processed by the City of Seaside. In order to accommodate the development of housing on this parcel, a map amendment to the General Plan and Zoning Code must occur changing the designation from POS/OSR to a residential category to match the level of density being proposed. The applications for Monterey Downs include these required amendments. It is important that through this amendment process that the City retain flexibility under its land use designations because future development of these lands is driven in part by the types of projects future developers propose.

FORA Board Options Analysis

At the August 10, 2012 Fort Ord Reuse Authority (FORA) Board meeting, Director Ian Oglesby made a request concerning the Veterans Cemetery Parcel, asking staff to bring back a report on implementing the FORA Board's past direction or intent concerning land use designations. This included the tasks to identify and review all past FORA Board directions, approvals, agreements, documents, reports and any other actions that may have resulted in revisions or changes to the text, maps, charts and other graphic depictions of the Fort Ord Reuse Plan with respect to the Veterans Cemetery and Endowment Parcels and immediately perform and complete any clerical corrections to the Fort Ord Reuse Plan text, maps, charts and other graphic depictions necessary to ensure that the Fort Ord Reuse Plan documents accurately reflect past FORA Board actions with respect to the Veterans Cemetery Parcels. This request was placed on the FORA Board’s Agenda at their meeting of September 14, 2012.

At the September 14, 2012, Board meeting, FORA staff recommended consideration of the following three options:

1. Await legislative land use decisions and/or development entitlements submitted from Monterey County and/or Seaside. Appropriate CEQA review to be paid for by the jurisdiction. This is FORA's normal process for undertaking BRP revisions and approving consistency.
2. Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel (as designated by the City) as a consideration in the BRP Reassessment Report (draft report scheduled to be completed in October 2012) as a potential action item for consideration in January 2013.
3. Approve or adopt desired land use designation changes to the Base Reuse Plan ("BRP") Land Use Concept Map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1 proposed land use designations. Authority Counsel indicated that the Board could implement this option by adopting a resolution that would make the land use designation changes within the Veterans' Cemetery Parcel. Legislative land use decisions and/or development entitlements and appropriate CEQA review from Monterey County and/or Seaside would still need to be submitted for FORA Consistency review in the future.

Table 1 below would include text changes to the Open Space/Recreation designation allowing cemetery use (italicized land use designations demonstrate proposed changes from current land use designations). These changes would clearly designate land uses compatible with the Veterans Cemetery, ancillary, and endowment parcels. Proposed land use designations are derived from the FORA, City of Seaside, and County of Monterey's intent to change Veterans Cemetery Land Use designations.

Table 1 – Current and Proposed Land Use Designations for the Veterans Cemetery Parcel			
Parcel Name (Jurisdiction)	Approx. Acreage	Current Land Use Designation(s)	Proposed Land Use Designation(s)
Endowment Fund Opportunity Parcel (Seaside)	28.7	Open Space/Recreation	<i>SFD Low Density Residential</i>
Endowment Fund Opportunity Parcel (County)	1.7	SFD Low Density Residential	SFD Low Density Residential
Ancillary Parcels (Seaside)	1.5	Open Space/Recreation	<i>Office/R&D</i>
Ancillary Parcels (County)	2	SFD Low Density Residential	<i>Open Space/Recreation</i>
CCCVC (Seaside)	32.2	Open Space/Recreation	Open Space/Recreation
CCCVC (County)	52.2	SFD Low Density Residential	<i>Open Space/Recreation</i>
Development Area with Habitat Restoration Opportunity (Seaside)	30.40	Open Space/Recreation	Open Space/Recreation
Development Area with Habitat Restoration Opportunity (County)	15.5	SFD Low Density Residential	<i>Open Space/Recreation</i>

After discussion and public comment, a motion was made to direct FORA staff to provide the Board additional information, including a draft resolution, regarding a fourth option that would allow designation of the veteran's cemetery parcel independent of the endowment parcel. Although this motion passed with a majority vote of seven (7) to four (4) in favor, the item is required to return back to the FORA Board for a second vote since it was not a unanimous vote.

City Staff Analysis

In reviewing the options provided to the FORA Board, City Staff recommends the City Council to approve FORA staff's Option #2 – "Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel (as designated by the City) as a consideration in the BRP Reassessment Report as a potential action item for consideration in January 2013". In addition, it is also recommended that the City Council request that the FORA Board takes action to expeditiously provide direction to affirm the land use designation of the proposed Veterans Cemetery Parcel is consistent with the Base Reuse Plan on a date certain based on the recommendations of the BRP Reassessment Report.

Option #1 is currently underway with the processing of Monterey Downs applications which includes the Veteran Cemetery and Endowment Parcels. Upon completion, FORA will be requested to determine consistency with the BRP.

Option #3 places a financial burden on the City/County to prepare the required CEQA review. Furthermore, land use would be determined by FORA and removes the County's and/or the City's land use jurisdiction. The land uses for the cemetery and ancillary uses have been appropriately designated on the city's GP map and Zoning Code with the exception of the text needed for the cemetery in the Zoning Code. The text amendment required is part of the review of the entire Zoning Code currently underway and is anticipated to be completed and in effect in Spring 2013. The designation of the endowment fund parcel is dependent on the proposal of the developer for the site and would be processed as part of a proposed project on that site.

Option #4 would decrease the acreage of the veteran cemetery and eliminate the flexibility of the Veterans to determine what and where certain uses would be located. Furthermore, they may lose the funding mechanism required for the endowment funds required by the State.

Therefore, for the aforementioned reasons, Option #2 is the most appropriate option since FORA is currently reviewing and reassessing the BRP including policy directions and actions made by the FORA Board. It would acknowledge the action made by the FORA Board at their December 13, 1996 meeting and would require FORA to remedy the oversight through the Base Reassessment process.

FISCAL IMPACT

There are no fiscal impacts associated with this item

ATTACHMENTS

Attachment 1 Resolution Of The City Council Of The City Of Seaside Directing The City's Fort Ord Reuse Authority (FORA) Board Representatives To Vote For FORA Staff's Option #2 – "Direct EMC Planning Group To Include BRP Land Use Concept Map And Text Amendments Affecting The Veterans Cemetery Parcel As A Consideration In The BRP Reassessment Report As A Potential Action Item For Consideration In January 2013" And To Request That The FORA Board Acts On This Item Expeditiously On A Date Certain.

Attachment 2 Resolution FORA Direction

Attachment 3 DOD Explosive Safety Standard 605509p

Attachment 4 Letter dated 10-09-09

Attachment 5 April 2009 MOU

Attachment 6 letter dated 1-7-2010

Attachment 7 Geophysical Test Plot ESCA-0077 Tables

Attachment 8 SEDR-FortOrd-Final-09595

Attachment 8 SEDR Final-figure 5 ESCA-0130

Attachment 9 Feasibility-Work Plan Vol1 Appendices ESCA-0124

Attachment 9 Feasibility-Work Plan ESCA-0124

Attachment 9 Feasibility-Work Plan Vol1 Appendices ESCA-0124

Attachment 9 Feasibility-Work Plan Vol2 Appendices ESCA-0124

Attachment 10 Residential Quality Work Plan ESCA-0133B

Attachment 11 ESCA-0133G_FINAL_FVF_G1WP-008_Level 2 Parker Flats Phase II

Attachment 12 Resolution 96-100 Request FOR A

Attachment 13 1996CCMinutesApproveCemeteryProposal

Attachment 14 FORA Minutes from December 13, 1996 Mtg

Attachment 15 Land Use Policy Map

Attachment 16 Veteran Cemetery Final Site Map 6-08

Attachment 16 Veteran Cemetery Master Plan Appendix

Attachment 16 –Veteran Cemetery Master Plan

Attachment 16 Vet_Cemetery_Project_History_10-2011a1

Attachment 17 -2012_MOU_Veterans_Cemetery

Attachment 18 AB3035

Attachment 19 AB 629 FACT SHEET_2

Attachment 20 ab_1842_bill_20120410_amended_asm_v98

Attachment 21 Executed Monterey Downs and Horse Park ENA 09.16.10

Attachment 22 Monterey Downs ENA Extension Request 09.10.12

Attachment 23 Monterey Downs ENA Extension Letter 9.12.12

Attachment 24 EMC signed contract 02.16.12

Attachment 25 FORA Land Use Map


Attachment 26 SMC 17.26.030.B- Table 2-7

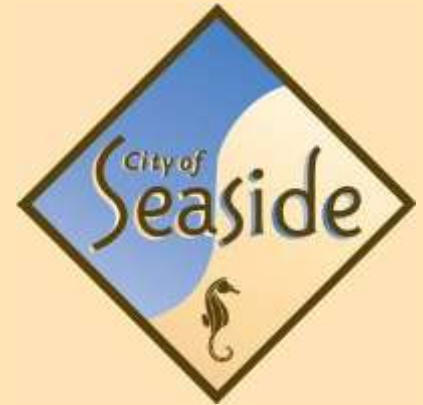
Attachment 27-McPhersonLtrdatedMay1997

Attachment 28 2012_Sep_28_Seaside Question -Cemetery Parcel_w_attachments

Attachment 29 List of Acronyms

Reviewed for Submission to the City Council by:


John Duan, Interim City Manager



Veterans Cemetery and Endowment Parcels

City Council Meeting

October 4, 2012



Presentation Overview

- 🐉 Purpose
- 🐉 Background Information
 - Former Fort Ord Lands Clean up Requirements
 - Veterans Cemetery
 - Endowment Fund
 - Endowment Parcels
 - Monterey Downs
- 🐉 Land Use Designations
- 🐉 FORA Board Options
- 🐉 City Staff Analysis
- 🐉 Recommendation



Purpose

- 3 September 10, 2012 Special City Council meeting, the City Council adopted a resolution.
- 3 September 14, 2012, FORA Board considered a request.
- 3 Present information for the City Council to consider providing direction to the city's Fort Ord Reuse Authority (FORA) Board representatives on the most appropriate position for the City of Seaside to take at the FORA Board meeting scheduled for October 12, 2012.



Former Fort Ord Lands Clean up Requirements

- 3 Environmental Services Cooperative Agreement (ESCA) March 31, 2007
 - > Purpose
 - ⊙ Expedite the environmental activities
 - ⊙ Allows the Army to transfer 3,340 acres of Economic Development Conveyance (EDC) properties.
 - ⊙ FORA performs work on behalf of the U.S. Army.
 - > FORA contracted with a team of contractors, consisting of [ARCADIS U.S., Inc. \(ARCADIS\) formerly LFR Inc, Weston Solutions, Inc., and Westcliffe Engineers, Inc.](#), to perform the remedial work on the ESCA properties.



Former Fort Ord Lands Clean up Requirements

3 Environmental Services Cooperative Agreement (ESCA) March 31, 2007

- ESCA funding is a grant in the amount of \$97.7 million
 - ⊙ \$82.1 million for an environmental insurance policy that funds the munitions remediation and provides additional funding if costs should exceed original estimate
 - ⊙ \$15.6 million for regulatory oversight fees, FORA management, taxes on the environmental insurance, mobilization fees, and purchase of a contractor's pollution liability policy



Former Fort Ord Lands Clean up Requirements

- 3 Environmental Services Cooperative Agreement (ESCA) March 31, 2007
 - FORA entered into an Administrative Order on Consent (AOC) with the Environmental Protection Agency (EPA) and the California Department of Toxic Substance Control (DTSC), which gives the regulators enforcement authority over FORA for the work that FORA is performing.
 - Describes process to determine the correct remedial action to be undertaken and approval and verification of the work after it is performed.



Former Fort Ord Lands Clean up Requirements

- 3 Environmental Services Cooperative Agreement (ESCA) Tasks, Process and Community Involvement.
 - 3 The process that governs the ESCA Remediation Program consists of several phases of remediating the ESCA parcels and providing a safe environment for the adjacent population.
 - 3 First, existing site area information is assessed.
 - 3 Based on the results of this assessment, a remedial investigation is performed to identify the nature and extent of the contamination and possible threats to the environment and the people nearby.



Former Fort Ord Lands Clean up Requirements

- 3 Environmental Services Cooperative Agreement (ESCA) Tasks, Process and Community Involvement.
 - 3 A feasibility study is conducted to develop options for remediation of the parcels. This requires brush removal, removing tree limbs and selectively removing trees, with the input from a biologist/botanist. The hand held metal detectors are effective to no more than 18 inches. The larger “sled” style metal detectors are effective to no more than 4 feet.



Former Fort Ord Lands Clean up Requirements

- 3 Environmental Services Cooperative Agreement (ESCA) Tasks, Process and Community Involvement.
 - 3 Next, the feasibility study is approved by the US EPA, California Department of Toxic Substance Control (DTSC), with input from the US Army.
 - 3 After the remedial investigation and feasibility study are completed, the information gathered is used to develop and present a Proposed Plan.



Former Fort Ord Lands Clean up Requirements

- 3 Environmental Services Cooperative Agreement (ESCA) Tasks, Process and Community Involvement.
 - 3 The Proposed Plan describes the various remediation options under consideration and identifies the one preferred by the FORA ESCA Remediation Program.
 - 3 Public meetings are held to solicit input on the Proposed Plan and a public comment period will commence. FORA, EPA, and DTSC considers public comments and reach consensus on the preferred remedy, which is documented in a Record of Decision (ROD).



Former Fort Ord Lands Clean up Requirements

- 3 Environmental Services Cooperative Agreement (ESCA) Tasks, Process and Community Involvement.
 - 3 US EPA and DTSC consider potential uses and associated risks when evaluating to what level an investigation or remediation is necessary. Even if an area is designated open space, the risk might be high enough to require the highest level of investigation and clean up.
 - 3 The ROD describes how FORA plans to remediate the site and document the public comments received during the comment period, the response to comments, and the decision making process. A notice is then placed in local newspapers to inform nearby communities of the decision.



Former Fort Ord Lands Clean up Requirements

3 Environmental Services Cooperative Agreement (ESCA) Tasks, Process and Community Involvement.

- 3 After the ROD, active remediation begins with remedial design to include technical drawings, specifications, and health and safety plans necessary to implement the remedy. The actual implementation of the remedy is called the remedial action.
- 3 When the remediation goals are met and the regulators determine the work to be complete, project closeout reports are prepared for community review and regulatory approval. US EPA, DTSC and the Army must approve the closeout reports.



Former Fort Ord Lands Clean up Requirements

- 🌀 Environmental Services Cooperative Agreement (ESCA) Timeline
 - Ⓜ Remediation of all ESCA areas is currently scheduled to be completed by end of 2014. There would still be considerable time needed to process remediation documents and have the property transferred to the applicable jurisdictions.
 - Ⓜ The Army continues to maintain responsibility for a portion of the clean up as well. As it relates to Munitions and Explosives of Concern (MEC), the Army is working in the impact ranges, generally described as south of Eucalyptus, east of General Jim, west of Barloy Canyon, and north of South Boundary. This area is generally the county lands and Bureau of Land Management (BML) lands.




Former Fort Ord Lands Clean up Requirements

- 3 Environmental Services Cooperative Agreement (ESCA) Timeline
- Ⓢ The Army has completed remediation of the area formerly designated as the First Tee site and the Chartwell Campus within the City of Seaside and others within the County's jurisdiction. The Army also retains responsibility for clean up of contaminated ground water, soil remediation for other hazardous materials and the former Fort Ord landfill. These items are generally located in the northern portion of the former base, mostly in Marina's jurisdiction. The Army will be doing MEC investigation and removal for the next 8-10 years.



Former Fort Ord Lands Clean up Requirements

Veteran Cemetery Site (AKA Parker Flats) Remediation

-  9/20/12 community workshop meeting summary: "Prior to the creation of ESCA, the Army investigated and performed some remediation in the area known as the Parker Flats Munitions Response Area (MRA). Subsequently, ESCA has found evidence in the Parker Flats MRA of Munitions and Explosives of Concern (MEC) in certain areas. Therefore, ESCA has created an investigation plan to fully characterize the MEC where it has been or is suspected to be found. The investigation plan will require brush removal and removing tree limbs at the minimum, and selectively removing trees if needed. Based upon the results of the investigation, a plan for remediation can be developed. At this time, there is no plan for complete vegetation or tree removal."



**Table 1. Summary of Parker Flats MRA
Munitions Response Site (MRS) Investigations
Parker Flats Munitions Response Area, Former Fort Ord California**

MRS Site Number	Site Acreage**	Site Name	Past Use	Current or Proposed Reuse	Site Investigation Status*
3	9.97	Range 49, Old Demolition area	Landmine warfare, anti-armor, and Molotov cocktail training area (Practice and training munitions)	Habitat reserve area	4-foot removal complete
4B	7.05	CBR Training Area	Chemical, biological, and radiological defense training (Simulated training)	Horse park	4-foot removal complete
13B	165.56	Practice Mortar Range	Mortar practice (Practice and training munitions)	Army maintenance center, public transit facilities, CSUMB expansion, horse park	4-foot removal complete except in areas covered with asphalt
27A	30.64	Training Site 1	General maneuvers, and bivouac (Camping and overnight training) (Flares, smoke producing items, simulators)	Horse park	4-foot removal complete within Parker Flats MRA
27B	29.69	Training Site 2	General maneuvers, and bivouac (Camping and overnight training) (Flares, smoke producing items, simulators)	Horse park	4-foot removal complete within Parker Flats MRA
27G	10.57	Training Site 3	General maneuvers, and bivouac (Camping and overnight training) (Flares, smoke producing items, simulators)	Emergency vehicle operating center, habitat reserve	4-foot removal complete within Parker Flats MRA
37	48.7	Parker Flats Mortar Range	Firing practice mortars (dry-fire); included in OE-55, (Practice mortars, projectiles)	Habitat reserve	4-foot removal complete
40	1.72	Parker Flats (Tear) Gas House	Tear gas agent training facility	Cemetery	4-foot removal complete
50/50 EXP	131.78	Artillery Hill	Rifle grenade target area, general maneuvers (Primarily practice munitions and projectiles)	Development reserve, cemetery, emergency vehicle operating center	4-foot removal complete
52	20.13	Rifle Grenade and Projectile Target Area	Target area (Primarily practice munitions and projectiles)	Horse park, habitat reserve	4-foot removal complete

Remedial Investigations & Feasibility Study



Remedial Investigations & Feasibility Study

Superfund Proposed Plan—Remedial Action Proposed for Parker Flats Munitions Response Area

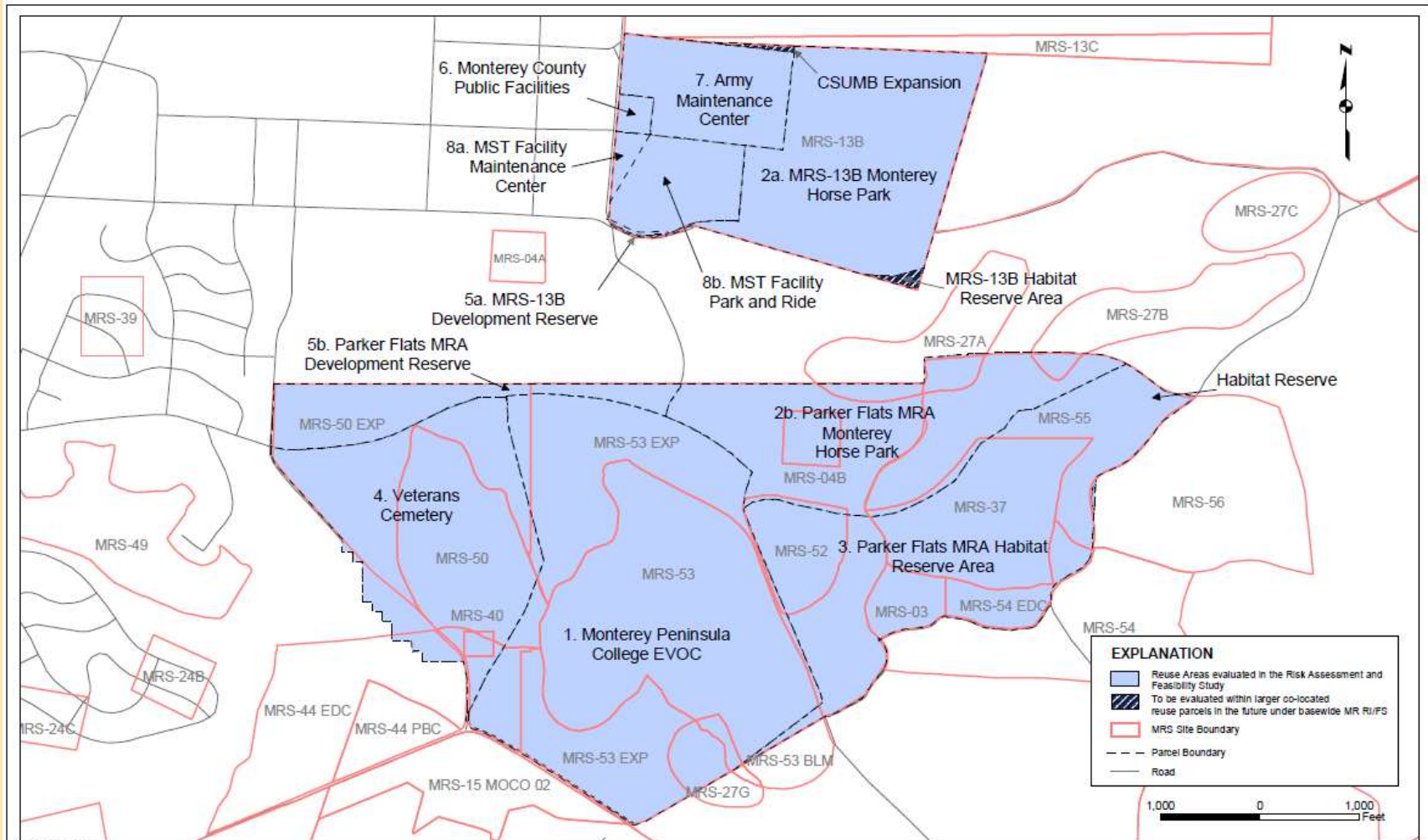
MRS Site Number	Site Acreage**	Site Name	Past Use	Current or Proposed Reuse	Site Investigation Status*
53/53 EXP	227.59	Shoulder-Launched Projectile Area	Rifle grenade target area; contains TS-7, general maneuvers, (Primarily practice munitions and projectiles)	Emergency vehicle operating center, habitat reserve, horse park	4-foot removal complete
54EDC	12.82	Canyon Target Area	Possible target area, general maneuvers (Primarily practice and training munitions)	Habitat reserve	4-foot removal complete
55 (includes portions of MRS-27A and MRS-27B)	65.55	Parker Flats (including TS-1 and TS-2)	Range for hand and rifle grenades, shoulder-launched projectiles, general maneuvers (Primarily practice and training munitions)	Horse park, habitat reserve	4-foot removal complete

* Anomalies deeper than four feet below ground surface were also intrusively investigated.

** The acreage is of the entire MRS site. The Parker Flats MRA contains only portions of some of the MRS Sites. For example, only a small portion of MRS-27A is included in the Parker Flats MRA.



Parker Flats Munitions Response Site Map



NO	DATE	BY	DESCRIPTION

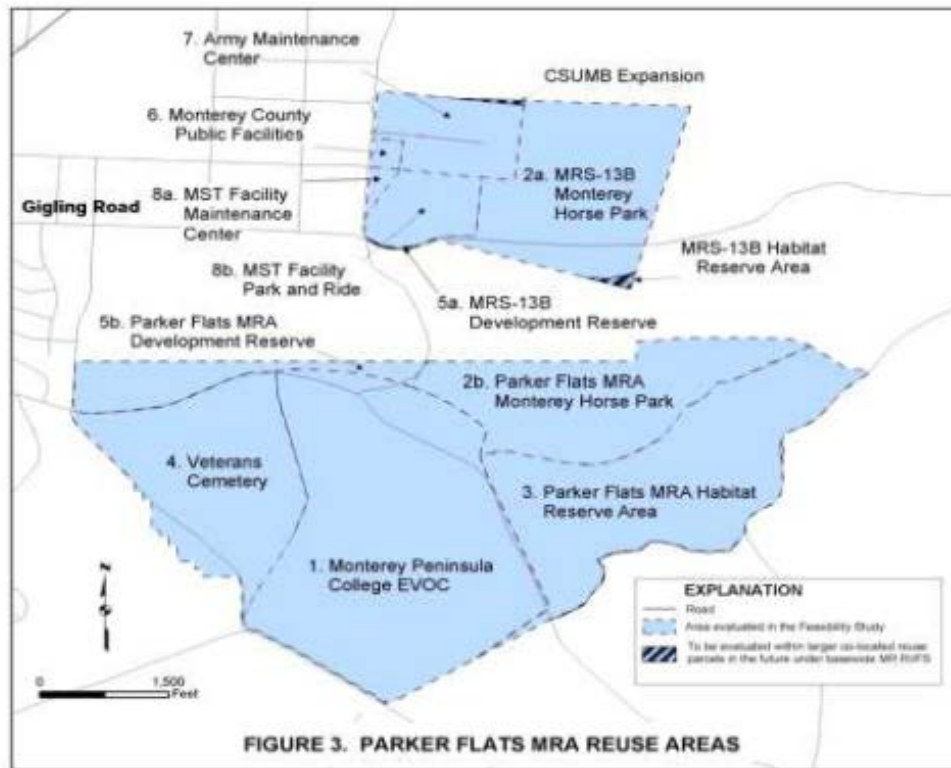


FIGURE 3. PARKER FLATS MRA REUSE AREAS

Table 2. Summary of Parker Flats MRA Reuse Areas Included in this Proposed Plan

Reuse Area	Acres	Planned Reuse
1. Monterey Peninsula College Emergency Vehicle Operations Center (EVOC)	221.5	College for training of law enforcement personnel
2a. MRS-13B Monterey Horse Park	182.9	Stable and horse riding facility with RV camping area
2b. Parker Flats MRA Monterey Horse Park		
3. Parker Flats MRA Habitat Reserve Area	147.8	Oak woodland and maritime chaparral habitat reserve
4. Veterans Cemetery	102.1	Cemetery for interment of veterans
5a. MRS-13B Development Reserve	36.2	Development reserve for Monterey County and City of Seaside; may include residential development
5b. Parker Flats MRA Development Reserve		
6. Monterey County Public Facilities	3.0	Development for Monterey County
7. Army Maintenance Center	35.5	Retained by Army for facility maintenance
8a. Monterey-Salinas Transit (MST) Facility Maintenance Center	27.0	Parking lot and maintenance facility for commuter vehicles
8b. MST Facility Park & Ride		

Note: This table does not include the CSUMB Expansion parcel or the MRS-13B Habitat parcel. The approximately two acres that comprise these parcels will be addressed in a different decision document in conjunction with adjacent parcels.

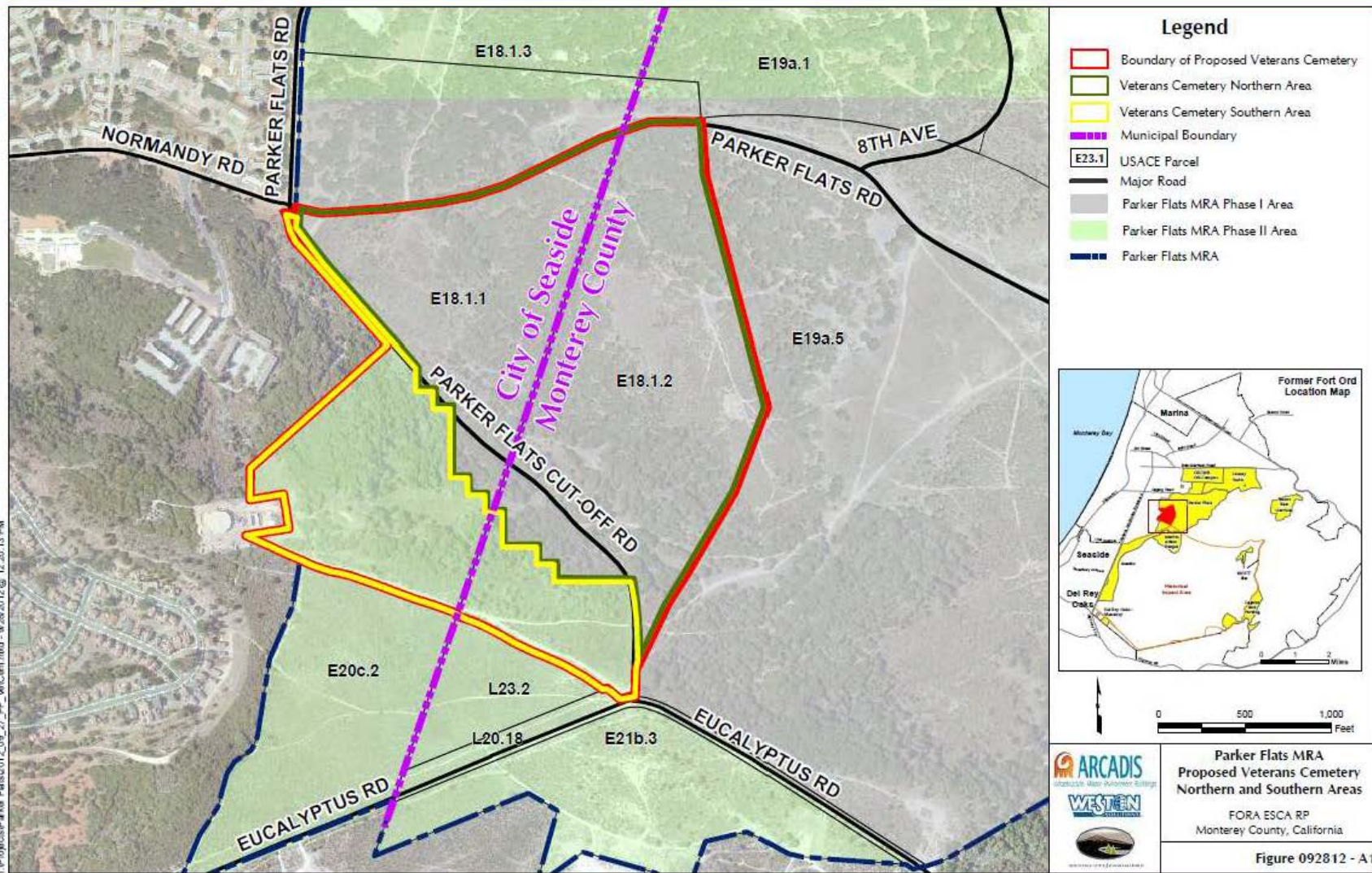


Former Fort Ord Lands Clean up Requirements

- 🦋 Veteran Cemetery Site (AKA Parker Flats) Remediation
 - ④ September 28, 2012 memo regarding the status of the remediation of the Veteran Cemetery Site by the ESCA RP Program Manager dated and is attached.
 - ④ Due to schedule delays, the final program documentation for the Parker Flats MRA will not be completed until mid 2015
 - ④ Final site land use controls and requirements will be identified in the Record of Decision (ROD) that will be developed by the Army



ESCA Parker Flats MRA Veteran Cemetery Boundary Map



Veterans Cemetery

- 1991 announcement of Fort Ord Army Base Closure
- A group of veterans representing all branches of military service began a mission to honor all veterans by establishing a national Veterans Cemetery on the Central Coast. Because a federal cemetery exists within 100 miles of the former Fort Ord (the San Joaquin Valley National Cemetery in Gustine), the US Department of Veterans Affairs (USDVA) determined that its authority to grant funds to design/build a Cemetery was limited to a California Department of Veterans Affairs (CDVA) operated facility.
- During the years of 1994-1996, the Veterans were seeking approval of a state veteran's cemetery



Veterans Cemetery

- ❧ Identification of a specific site was necessary obtain up to fifty percent federal funding for site analysis, acquisition, capital investment and initial operations and to obtain support for state legislation to validate the site.
- ❧ A task force consisting of land use jurisdictions and a number of other agencies was created. State Senator-elect Bruce McPherson, in conjunction with retiring State Senator Henry Mello and Congressman Sam Farr, sponsored a series of meetings seeking to find a location for a veteran's cemetery on the former Fort Ord. A number of sites were examined by the veterans, Monterey County staff, Mayor Vocelka, Councilperson Perrine and staff from the City of Marina, Mayor Jordan and staff from the City of Seaside. The task force selected and recommended a final site within the City of Seaside and Monterey County.



Veterans Cemetery

- 3 At their October 17, 1996 meeting, the Seaside City Council urged the Fort Ord Reuse Authority (FORA) to approve and facilitate the conveyance of 200 acres of the Fort Ord properties to the State of California for development of a veterans' cemetery by Resolution 96-100.
- 3 At their December 3, 1996 meeting, the Monterey County Board of Supervisors approved the following actions: 1) accepted the recommended location for a proposed veterans cemetery on the former Fort Ord lands as concurred by the City of Seaside; 2) requested that the Fort Ord Reuse Authority consider the potential environmental impacts of such a cemetery in its final Environmental Impact Report (FEIR); 3) requested FORA to revise the Fort Ord Reuse Plan to include a veterans cemetery at the recommended location; and 4) to direct staff to work with the City of Seaside and state and federal legislation to obtain approval and funding.



Veterans Cemetery

- 3 At their December 13, 1996 meeting, the FORA Board unanimously approved the following actions: 1) approved, subject to the prior approval of the Monterey County and the City of Seaside, the location for a Veterans Cemetery on the former Fort Ord; 2) directed FORA staff and consultants to modify the Fort Ord Reuse Plan to include a cemetery at this location; and 3) directed FORA staff and consultants to consider the potential environmental impacts of such a cemetery in its final Environmental Impact Statement



Veterans Cemetery

1997 FORA Base Reuse Plan set aside veterans cemetery site

- 178 acre site was set aside
- Located east of General Jim Moore Boulevard and bounded by Parker Flats Road and Parker Flats Cutoff formally called the Central Coast Veteran Cemetery (Cemetery).
- Portions of the Cemetery are located within the City of Seaside and County of Monterey and currently under the jurisdiction of the FORA.



Veterans Cemetery

3 2008 Final Draft Development Master Plan for the Central Coast Veterans' Cemetery was prepared and completed. The proposed 178-acre site has six planned land use areas.

- 78.7 acre State Veterans Cemetery
- two separate parcels (3.5 acres total) for Ancillary uses for Veterans
- development area with habitat restoration opportunity for both the City and County
- a development parcel
- anticipated right-of-way dedication areas.





Site Area – 177.5 Acres

Right of Way dedication – 19.2 ac
Acreege City of Seaside

- Veterans’ Cemetery – 31.8 ac
- Habitat Conserv. Area – 30.4 ac
- Endowment Parcel – 28.7 ac
- Ancillary Facilities – 1.5 ac

Acreege within Monterey County

- Veterans’ Cemetery – 47.7 ac
- Habitat Conserv. Area – 15.2 ac
- Endowment Parcel – 1.7 ac
- Ancillary Facilities – 2.3 ac



Veterans Cemetery

- ❧ In 2009, the City of Seaside, FORA, and Monterey County entered into a Memorandum of Understanding (MOU) for the development and endowment funding of the Cemetery. The MOU also outlined milestones needed to secure funding for the project.
- ❧ The FORA Board at its August 12, 2011 Board Meeting authorized the Executive Officer to execute the Veterans Cemetery Memorandum of Understanding which reaffirmed FORA's commitment to the Central Coast Veterans Cemetery and established commitments among the parties for funding and development of the Central Coast Veterans Cemetery.



Endowment Fund

- Because a federal cemetery exists within 100 miles of the former Fort Ord (the San Joaquin Valley National Cemetery in Gustine), the US Department of Veterans Affairs (USDVA) determined that its authority to grant funds to design/build a Cemetery was limited to a California Department of Veterans Affairs (CDVA) operated facility.
- The USDVA could provide grant funds to design and build the cemetery, but the facility would have to be designated a state (not federal) cemetery, with the State of California (under the California Department of Veterans Affairs) responsible for on-going operation and maintenance.



Endowment Fund

- 3 The US Department of Veterans Affairs (USDVA) has a 10% federal local requirement for the \$15 million project and the California Department of Veterans Affairs (CDVA) accepts responsibility for managing and operating the cemetery at the national Cemetery Administration Standards.
- 3 The California Department of Veterans Affairs (CDVA) was not willing to accept this responsibility without an identified funding source.



Endowment Fund

- 3 AB 3035 – Set an endowment fund \$3.4 million for Operations and Maintenance of Cemetery which is needed prior to beginning cemetery design/construction.
 - 3 State Assembly Member John Laird sponsored
 - 3 Maintenance and operations expenses to be in place prior to construction of the Veterans Cemetery.
 - 3 This amount was estimated to generate income for up to twenty years.



Endowment Fund

- 3 October 2010, HR 3219, the Veterans' Benefit Act of 2010 passed Congress and was signed by the President.
- 3 Increase in the amount of plot allowances for veterans' cemeteries from \$300 to \$700 effective October 2011.
- 3 Required endowment for the Central Coast Veterans' Cemetery could be reduced from \$3.4 million to approximately \$1.25 million.



Endowment Fund

- 3 In 2010, AB 1757 was passed.
 - 3 Amends previous legislation to allow funds to be transferred from the Endowment Fund to the Operations Fund when sufficient monies have been raised for each phase of the construction project as determined by the Director of the Department of Finance.
 - 3 Once the funds have been transferred, this bill authorizes the Department of Veterans Affairs to proceed with all design, development, and construction activities necessary to support the submission of the State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs.



Endowment Fund

- 3 In 2011, AB 629 was passed
 - 3 Allows California Department of Veteran Affairs (CDVA) to contract directly with Fort Ord Reuse Authority (FORA) to prepare preliminary and working documents, and a final grant application on behalf of the CDVA to the United State Veterans Department of Veteran Affairs (USDVA).
 - 3 FORA can complete the design work in a more cost effective manner estimated to be \$1.6 million (\$600,000 for phase 1 and \$1 million for phase 2).



Endowment Fund

- 3 Most recently AB 1842, legislation currently awaiting the Governor's signature, would permit the CDVA to enter into financial agreements to receive cash advances that will be used for triggering the initial phase of the construction project and provide the CDVA with the authority to repay the cash advances from reimbursements received from the USDVA (grant).
- 3 A non-profit organization, the Central Coast State Veterans Cemetery Foundation (CCVCF), was formed to accept donations to assist in the maintenance of the cemetery when it is completed, and has successfully received over \$200,000.



Endowment Parcels

- 3 Endowment Parcel consists of 28.7 acres in Seaside and 1.7 acres in Monterey County.
- 3 Purpose to fund the maintenance and operations of the Veterans' Cemetery for 20 years
- 3 Citizens Advisory Council was formed to move project forward.
- 3 The 2008 Final Draft Development Master Plan for the California Central Coast Veterans Cemetery identified areas for residential and commercial development within the cemetery site to help support the endowment fund.





Site Area – 177.5 Acres

Right of Way dedication – 19.2 ac
Acreege City of Seaside

- Veterans' Cemetery – 31.8 ac
- Habitat Conserv. Area – 30.4 ac
- Endowment Parcel – 28.7 ac
- Ancillary Facilities – 1.5 ac

Acreege within Monterey County

- Veterans' Cemetery – 47.7 ac
- Habitat Conserv. Area – 15.2 ac
- Endowment Parcel – 1.7 ac
- Ancillary Facilities – 2.3 ac



Endowment Parcels

- 3 In April 2009, the City entered into a Memorandum of Understanding (the “MOU”) with the County of Monterey (the “County”) and the Fort Ord Reuse Authority (FORA)
 - 3 The MOU outlined milestones needed to secure funding for the project.
 - 3 Under the MOU the City agreed to fund a \$3.4 endowment to finance the long term operation and maintenance of the Cemetery through the sale of the approximately 30.4 acre parcel adjacent to the Central Coast Veteran’s Cemetery (APN 031-151-048; the “Endowment Parcel”).
 - 3 To fulfill its obligation, the Redevelopment Agency of the City of Seaside on behalf of the City issued a Request for Proposals (RFP) in July 2009 inviting interested parties to submit proposals for the purchase and development of the Endowment Parcel. No responses were received.



Endowment Parcels

- A second MOU in 2011 was entered into by the County, Seaside, FORA and Central Coast Veteran Cemetery Foundation
 - Use of Proceeds from Development Parcels
 - Principles for near-term funding strategies
 - Annexation
 - Land Conveyance
 - Design and Construction of Cemetery
 - Water Allocation
 - Environmental Disclosures
 - Munitions Response Sites
 - Ongoing Remediation
 - Environmental Review
 - Milestones



Monterey Downs

- 3 On November 19, 2009, December 2, 2009, and June 14, 2010, Monterey Downs, LLC submitted Letters of Interest in developing an assortment of housing types on two parcels within the City of Seaside, both of which are located on the former Fort Ord Army Base.
- 3 As currently proposed, the project includes an equestrian training facility; a commercial center; a horse park comprised of a visitors center and office space, veterinary clinic, and horse stables; habitat area; open space and parks; affordable extended stay hotels; residential uses; neighborhood parks; and hotel and office uses (the “Project”).



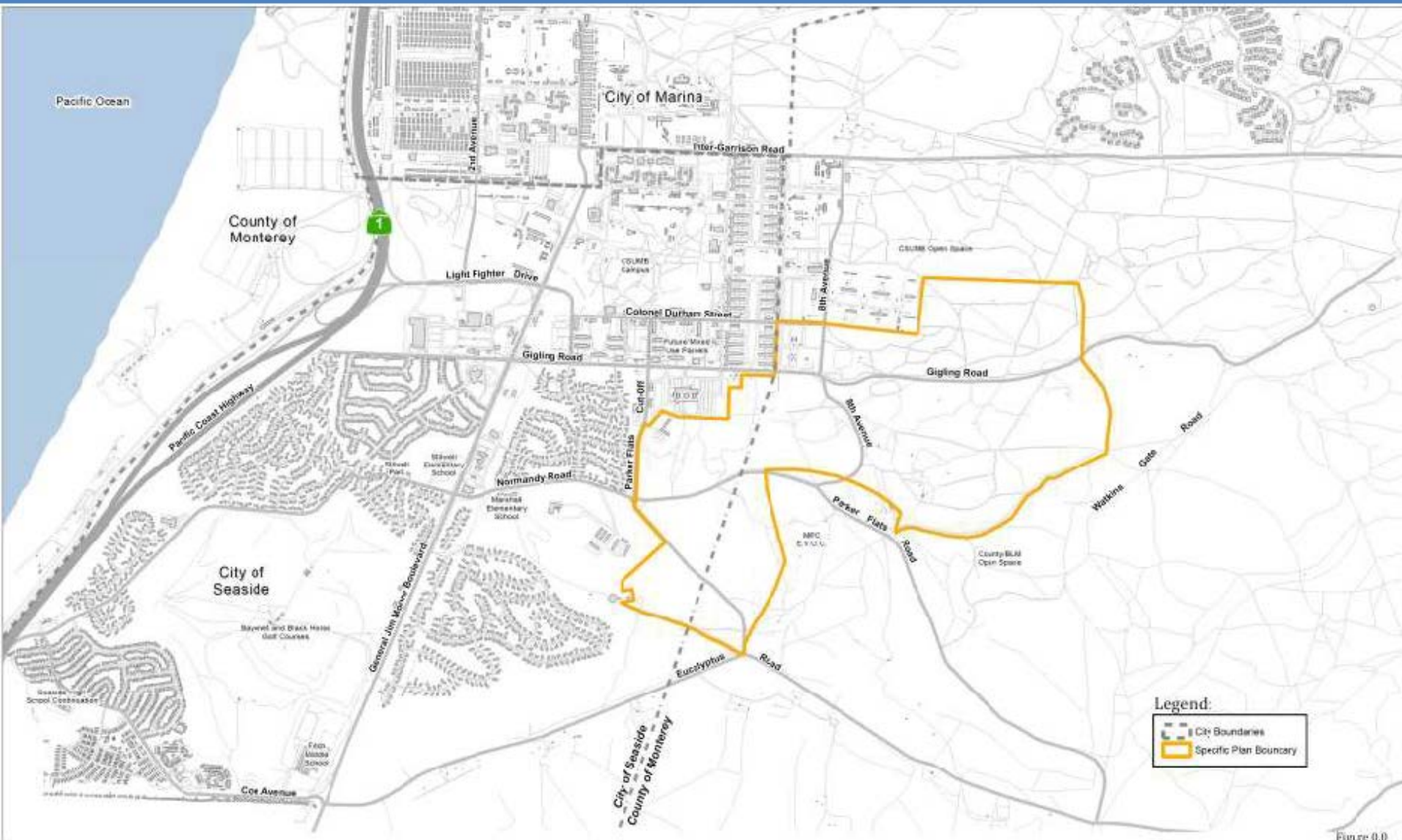
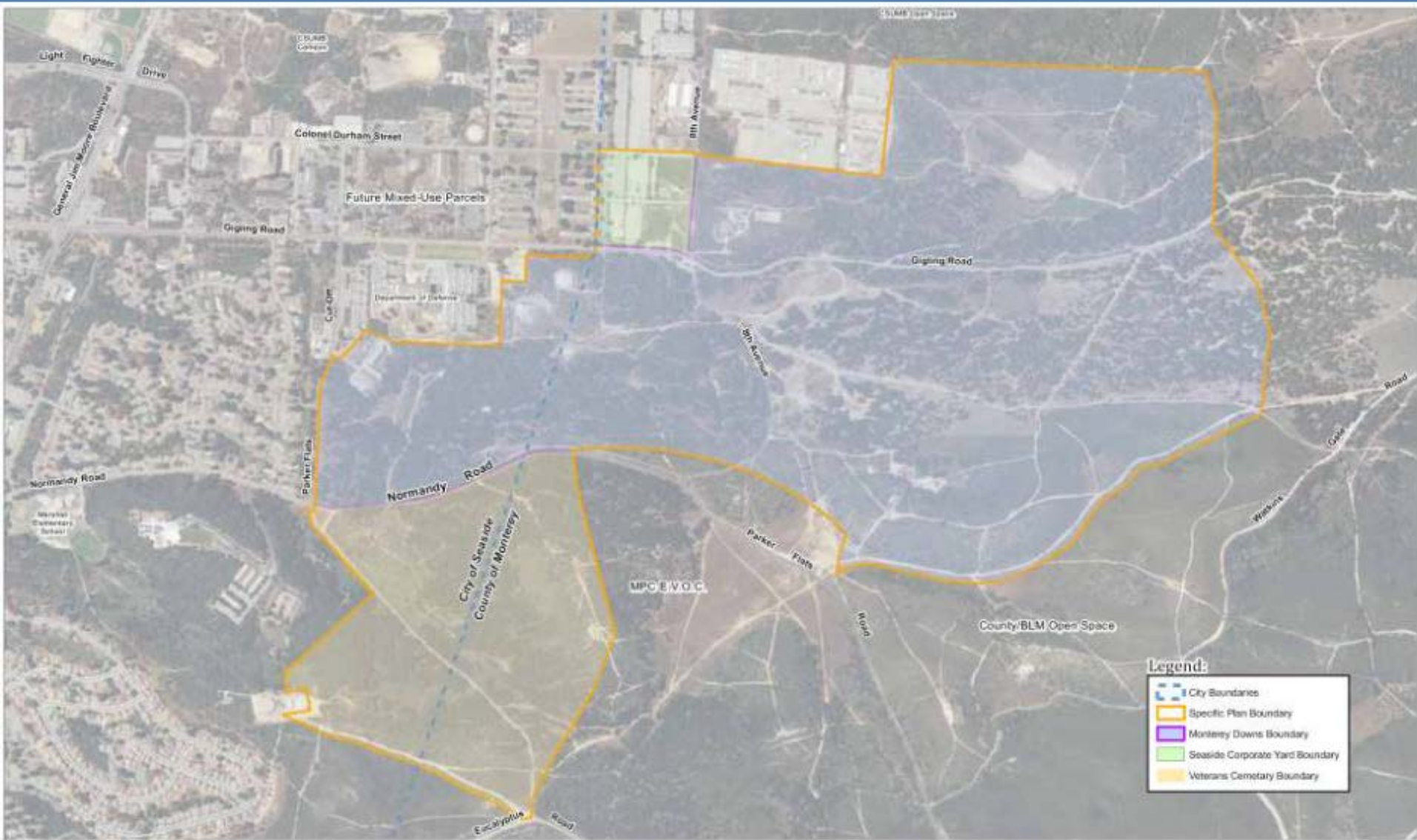


Figure 0.0





Legend:

- City Boundaries
- Specific Plan Boundary
- Monterey Downs Boundary
- Seaside Corporate Yard Boundary
- Veterans Cemetery Boundary

0 400 800 1,600 Feet



MONTEREY DOWNS Specific Plan



Aerial Photo & Boundary



Monterey Downs

- 3 ENA -September 16, 2010
 - Potential development of approximately 550 acres of land in the former Fort Ord. A portion of the proposed project (approximately 75 acres) is located within the jurisdiction of the City and a portion of the proposed project (approximately 475 acres) is located within the jurisdiction of the County.
 - On May 11, 2010, the Developer entered into an Exclusive Negotiating Rights Agreement (the “ENRA”) with the Redevelopment Agency of the County of Monterey for the portion of the proposed development on County lands.



CSUMB
Campus

CSUMB
Open Space

Army
Parcel

Future Mixed-Use Parcels

MST PBC Parcel/
Proposed Corp.
Yard

Dept. of
Defense

Monterey Downs

Current Planned
Corp. Yard

Endowment
Parcel

Veterans
Cemetery

MPC
E.V.O.C

County/BLM
Open Space

DEVELOPMENT AREA WITH
HABITAT RESTORATION OPPORTUNITY



Monterey Downs

3 ENA -September 16, 2010 A summary of the negotiated ENA terms follows.

- **Term.** The term of the ENA was for twelve (12) months (September 16, 2011) with the provision of up to four (4) three (3) calendar month extensions
- **CEQA.** City and County shall work collaboratively to prepare and certify an Environmental Impact Report, FORA Determination of Consistency and related studies for the Project.
- **Disposition of Real Property.** The Developer acknowledges the intent of the City under the MOU with the County and FORA to fund the Cemetery Endowment through the sale of all or part of the Endowment Parcel, and therefore desires that Endowment Parcel be sold first so that the City can obtain funds from the sale and then provide the funding of the Cemetery Endowment contemplated by the MOU.



Monterey Downs

3 ENA -September 16, 2010 A summary of the negotiated ENA terms follows.

- **Proposed Land Swap and Annexation.** Developer intends to work with the City, County, and Monterey Salinas Transit (“MST”) to obtain a different parcel (specifically, Public Benefit Conveyance Parcel No. L.2.4.2) for the City Corporation Yard. Additionally, the Developer shall assist with the annexation of Parcel No.L.2.4.2 into the City from the County. If the Developer and City are unable to negotiate a land swap with the County and MST exchanging Parcel No. L.2.4.2 for the Corporation Yard Area and annex Parcel No. L.2.4.2 to the City, the City plans to acquire and retain the initially contemplated City Corporation Yard Area.Potential development of approximately 550 acres of land in the former Fort Ord. A portion of the proposed project (approximately 75 acres) is located within the jurisdiction of the City and a portion of the proposed project (approximately 475 acres) is located within the jurisdiction of the County.



Monterey Downs



Project Management - EMC Planning Group Selection

- On December 15, 2011, staff released a Request for Qualifications (RFQ) for project management services for planning, environmental review and Fort Ord Base Reuse Plan (BRP) Consistency Analysis services for the proposed Monterey Downs and Horse Park & Central Coast Veterans Cemetery. The selected Consultant would act as an extension of City staff and would take the primary role overseeing the processing of the Project's land use entitlements and regulatory approvals, including environmental review.
- On February 16, 2012, the City of Seaside entered into a Professional Services Agreement with EMC Planning Group to provide project management services for the processing of land use entitlements and regulatory approvals including environmental review for the proposed Monterey Downs and Horse Park & Central Coast Veterans Cemetery



Monterey Downs

Current Status

- The City of Seaside has received the following applications from the Applicant:
 - ⦿ Specific Plan (SPL-12-01)
 - ⦿ Planning Area Boundary Amendment (PAA-12-01)
 - ⦿ Sphere-of-Influence Amendment (SOI-12-01)
 - ⦿ Rezoning (PZ-12-01), Annexation (ANX-1201)
 - ⦿ General Plan Amendment (GPA-12-01)
 - ⦿ Zoning Amendment (ZA-12-02)
 - ⦿ Tentative Subdivision Map (TM-12-01).



Monterey Downs

Current Status

- The County of Monterey has received no development applications for the proposed project.
- Open Houses at Oldemeyer Center 986 Hilby Avenue, Seaside
 - Ⓢ OPEN HOUSE #1 Tuesday, October 2, 2012, 6:00 to 8:00 PM
 - Ⓢ OPEN HOUSE #2 Saturday, October 6, 2012, 9:00 to 11:00 AM
- EIR Notice of Preparation Scoping Meeting, October 9th from 6:00 to 8:00 pm at Oldemeyer Center
- EIR released Spring 2013



Land Use Designations

- ❧ In 1996, the FORA Base Reuse Plan (BRP) was adopted. The BRP Land Use Map identified the area for the proposed Veterans Cemetery and the endowment parcel as Military Enclave with a "Veterans Cemetery" label denoted.
- ❧ County of Monterey's Land Use Plan - Fort Ord Master Plan dated October 24, 2006 map identifies the Veteran Cemetery location.



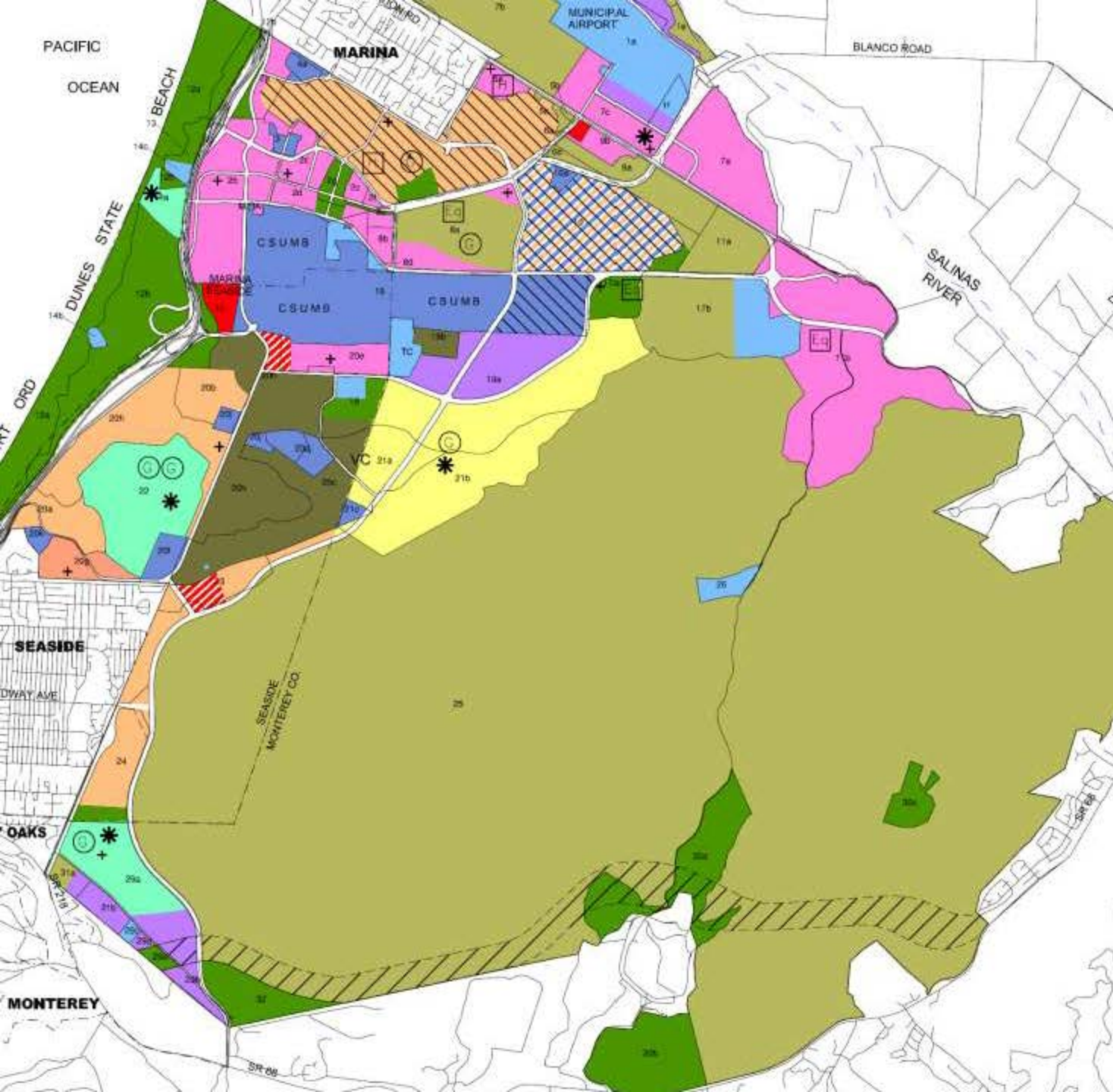
Land Planning	EDAW, Inc.
Market Analysis	EMC Planning Group, Inc.
Transportation Engineering	JHK and Associates
Civil Engineering	Reimer Associates
Fiscal Analysis	Angus McDonald Associates
Habitat Planning	Zander Associates
Public Communications	The Ingram Group
Community Development	Resource Corps International

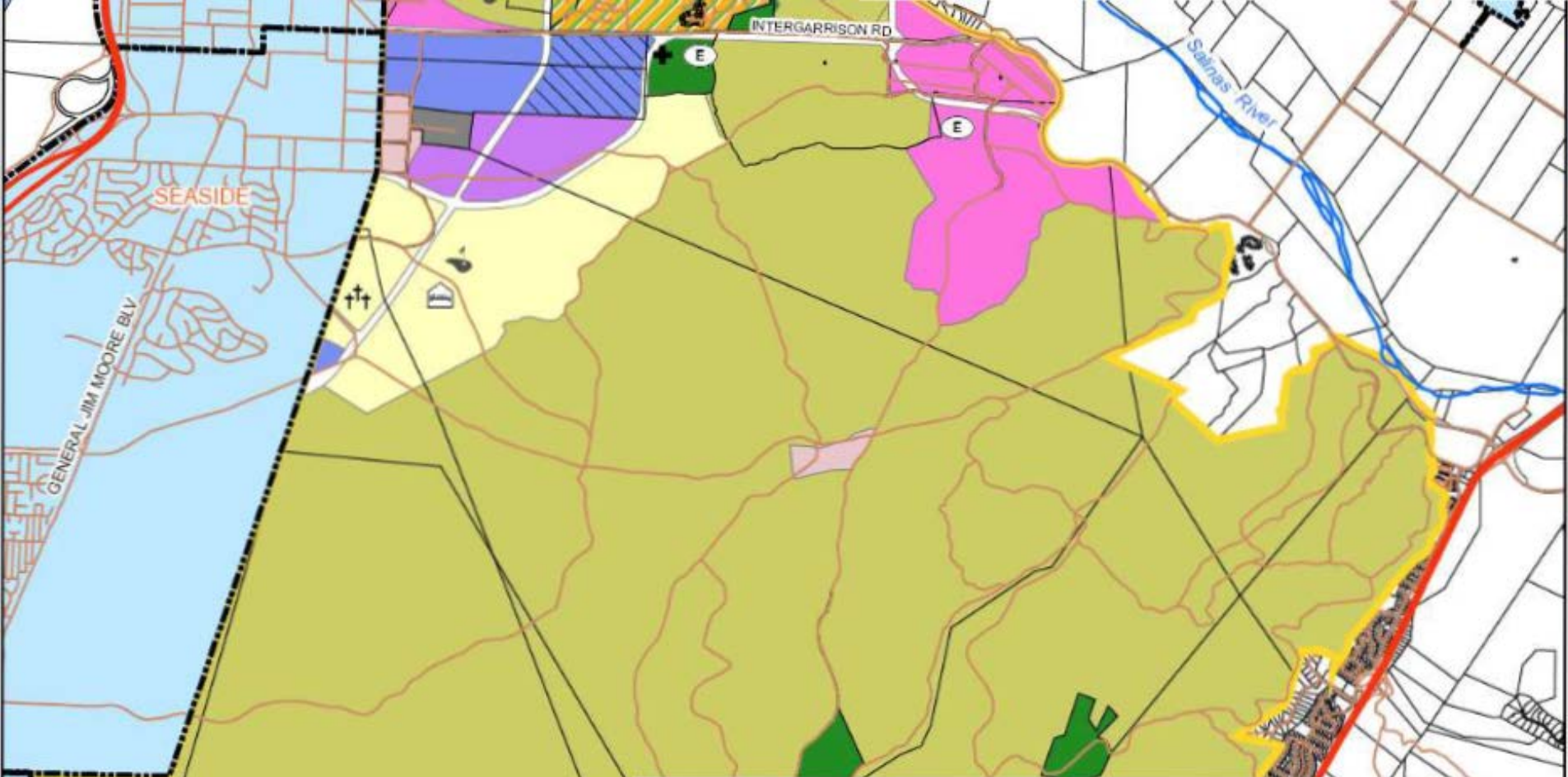
LEGEND:

- SFD Low Density Residential
- SFD Medium Density Residential
- MFD High Density Residential
- Residential IMB Opportunity
- May 88 System ROW Development with Restrictions
- Planned Development Mixed Use District
- Business Park/Light Industrial Office/R & D
- Convenience Retail
- Neighborhood Retail
- Regional Retail
- Value Servicing
- Golf Course Opportunity Site
- Hotel Opportunity Site
- Education Center Opportunity Site
- Open Space/Recreation
- Habitat Management
- School/University
- University Medium Density Residential
- Alternative High School Sites
- Public Facility/Institutional
- Military Enduse
- VC Veterans Cemetery

SHEET TITLE:
**LAND USE CONCEPT
ULTIMATE DEVELOPMENT**

		SOURCE: Area 2, 2004, 1999 Update Assesses The Projected 1999 Scenario Using 1999 2004, Inc. 1999	199900 3.3-1
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MONTEREY COUNTY

Land Use Plan

Fort Ord Master Plan



- | | | | |
|-------------------|---|---|------------------------------------|
| Highway | SFD Low Density Residential | School/University | Veterans Cemetery |
| Road | Residential Int'l Opportunities | University Medium Density Residential | Convenience Retail |
| River | Planned Development Mixed Use District | Regional Retail | Golf Course Opportunity Site |
| Community Area | Business Park/Light Industrial Office/R&D | Military Enclave | Hotel Opportunity Site |
| Incorporated City | Open Space Recreation | Public Facility/Institutional | Equestrian Center Opportunity Site |
| Parcel | Habitat Management | Highway 68 Bypass ROW, Development with Restriction | |

Map Prepared by Monterey County Planning Dept. October 24, 2006

Sources: Monterey County IT/GIS- Roads, City Limits, Monterey County Assessor- Parcels, Monterey County Planning Dept.- Planning Areas, Fort Ord Reuse Authority- Land Use

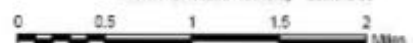
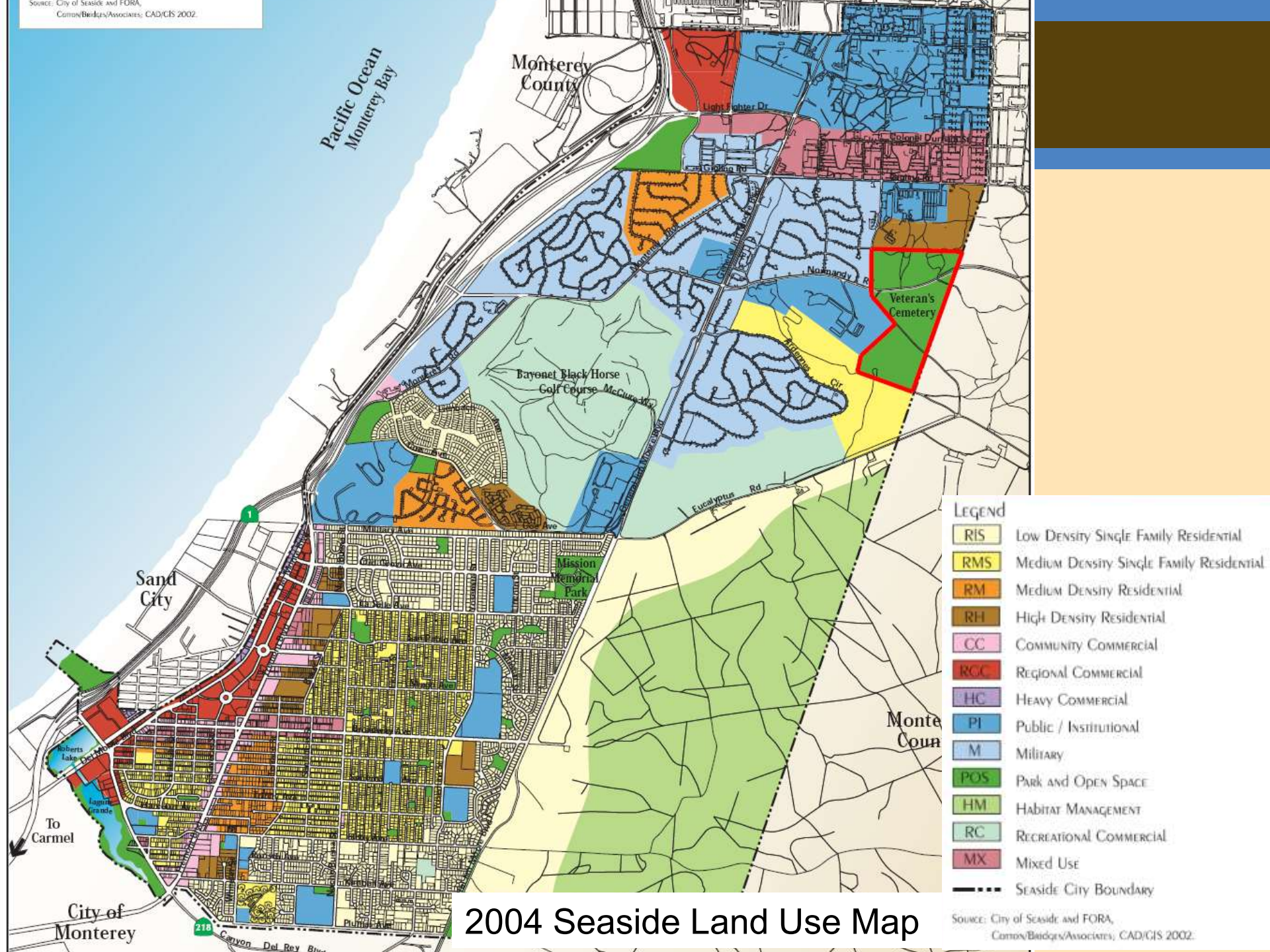


Figure #LU6

Land Use Designations

- 🐾 In August 2004 the City of Seaside approved its General Plan which identified the Veterans Cemetery.
 - This parcel is designated a Park and Open Space which is consistent with the city's only other cemetery, Mission Memorial Park.
 - FORA Board made a consistency determination that the Seaside General Plan was consistent with the Fort Ord Base Reuse Plan at their December 2004 meeting.





- LEGEND**
- RIS Low Density Single Family Residential
 - RMS Medium Density Single Family Residential
 - RM Medium Density Residential
 - RH High Density Residential
 - CC COMMUNITY COMMERCIAL
 - RCC REGIONAL COMMERCIAL
 - HC HEAVY COMMERCIAL
 - PI Public / INSTITUTIONAL
 - M Military
 - POS Park and Open Space
 - HM HABITAT MANAGEMENT
 - RC RECREATIONAL COMMERCIAL
 - MX Mixed Use
 - SEASIDE CITY BOUNDARY

2004 Seaside Land Use Map

Land Use Designations

3 In accordance with California state law, a comprehensive update to the Zoning Code was completed in 2006 to establish consistency with the 2004 General Plan.

- Staff was directed to complete an evaluation of the adopted Code within 5 years from its adoption and to present to the City Council any recommended changes based on staff's experience working with the Zoning Code.
- The area for the proposed Veterans Cemetery and the endowment parcel was designated as Open Space - Recreation, with a "Veterans Cemetery" label denoted on the Land Use Map.



Land Use Designations

- ❧ The Zoning Code, under the Open Space Recreation (OSR) Zoning District, does allow for the auxiliary use of an amphitheater proposed in the Central Coast Veteran's Cemetery Fort Ord final draft Development Master Plan as shown in Table 1.
- ❧ The chapel land use would be included in the definition of a cemetery in the text amendment.



Seaside Land Use Table

Table 1 – Allowed land Uses in OSR Zoning District

Land Use	Permit Required
Conference/convention facility	Use Permit
Golf Course	Use Permit
Hiking/riding trail	Permitted
Park, playground	Permitted
Public amphitheater	Use Permit
Lodging – Hotel	Use Permit
Utility facility	Use Permit



Land Use Designations

3 With respect to the endowment parcel, this area is currently designated as Park and Open Space (POS) in the General Plan and Open Space – Recreation (OSR) on the Zoning Map.

- Identified as a potential location for housing as part of the Monterey Downs Specific Plan land use proposal.
- A map amendment to the General Plan and Zoning Code must occur changing the designation from POS/OSR to a residential category to match the level of density being proposed.
- The applications for Monterey Downs include these required amendments.
- It is important that through this amendment process that the City retain flexibility under its land use designations because future development of these lands is driven in part by the types of projects future developers propose.



Land Use Designations

3 The Zoning Code update did not include a corresponding land use description for a cemetery under Section 17.26.030.B, Table 2-7 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of the Seaside Municipal Code (SMC).

- In accordance with Chapter 17.70 of the SMC (Definitions), a cemetery is defined as follows: "An Internment Establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full service mortuaries and funeral homes when accessory to a cemetery".



Land Use Designations

- 3 To move forward with the proposed Veteran's Cemetery, a text amendment would be required identifying cemeteries as a permitted land use under the Open-Space Recreation Zoning District.



Land Use Designations

- 3 A review and update of the 2006 Zoning Code is currently underway.
 - Multiple public workshops held in 2011 and 2012, City staff worked closely with the Planning Commission to develop a list of recommended amendments.
 - Staff is in the process of selecting a consultant to assist with the preparation of a final draft document that would be made available for public review in December 2012 and to assist in preparing CEQA documents.
 - Proposed text changes include adding cemeteries as an allowed use in the OSR Zoning District.



FORA Board Options

October 12, 2012 FORA Board Meeting Options:

1. Await legislative land use decisions and /or development entitlements submitted from Monterey County and/or City of Seaside.
2. Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel as a consideration in the BRP Reassessment Report as a potential action item for consideration in January 2013
3. Approve or adopt desired land use designation changes to the Base Reuse Plan (“BRP”) Land Use Concept Map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1 proposed land use designations.
4. Direct staff to provide the Board additional information, including a draft resolution, regarding a fourth option that would allow designation of the veteran’s cemetery parcel independent of the endowment parcel.



FORA Board Options # 1

Await legislative land use decisions and /or development entitlements submitted from Monterey County and/or City of Seaside.

Staff Analysis:

Currently underway with the processing of Monterey Downs application. Upon completion FORA will be requested to determine consistency with the BRP.



FORA Board Option #3

Approve or adopt desired land use designation changes to the Base Reuse Plan (“BRP”) Land Use Concept Map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1 proposed land use designations.

Staff Analysis:

Places a financial burden on the City/County to prepare the required CEQA review. Land use would be determined by FORA removing the County’s and/or the City’s land use jurisdiction. Currently zoned appropriately on the General Plan and further texts amendments are currently underway. Texts Amendments are anticipated to be completed and in effect in Spring 2013. The designation of the endowment fund parcel is dependent on the proposal of the developer for the site and would be processed as part of a proposed project on that site.



FORA Proposed Land Use Designations

Parcel Name (jurisdiction)	Approx. Acreage	Current Land Use Designation(s)	Proposed Land Use Designation(s)
Endowment Fund Opportunity Parcel (Seaside)	28.7	Open Space/Recreation	<i>SFD Low Density Residential</i>
Endowment Fund Opportunity Parcel (County)	1.7	SFD Low Density Residential	SFD Low Density Residential
Ancillary Parcels (Seaside)	1.5	Open Space/Recreation	<i>Office/R&D</i>
Ancillary Parcels (County)	2	SFD Low Density Residential	<i>Open Space/Recreation</i>
CCCVC (Seaside)	32.2	Open Space/Recreation	Open Space/Recreation
CCCVC (County)	52.2	SFD Low Density Residential	<i>Open Space/Recreation</i>
Development Area with Habitat Restoration Opportunity (Seaside)	30.40	Open Space/Recreation	Open Space/Recreation
Development Area with Habitat Restoration Opportunity (County)	15.5	SFD Low Density Residential	<i>Open Space/Recreation</i>



FORA Board Options # 4

Direct staff to provide the Board additional information, including a draft resolution, regarding a fourth option that would allow designation of the veteran's cemetery parcel independent of the endowment parcel. **(Based on City staff's attendance at the September 14 meeting)**

Staff Analysis:

Decreases acreage of the Veterans' Cemetery and eliminate the flexibility of the Veteran's to determine what and where certain uses would be located. May also lose funding mechanism required for the endowment funds required by the State. City currently in an ENA with a developer.



FORA Board Draft Option # 4

FORA Staff Proposal in Draft FOR A Board Agenda Packet for October 14 meeting:

In effect, the Board's action regarding a fourth option is a hybrid approach to the previous options #1-3, producing the following policy direction:

"Option 1" with regard to the Endowment parcels (rows "a-b" in Table 1, above): Under the previously established MOU among FORA, Seaside, and the County, Seaside will process entitlements (including applicable CEOA clearance) for any future legislative land use decisions and/or development entitlements on the endowment parcels. Seaside will complete its actions and then present its findings to the FORA Board for a determination of consistency with the Base Reuse Plan. As noted above, this approach is FORA's standard process for undertaking BRP revisions and making a determination of consistency';

And

"Option 2" with regard to the other parcels (rows "c-h" in the Table):

FORA will ensure that text and graphic amendments are included among the action items for Board consideration as part of the current BRP reassessment effort. *The purpose of the changes will be to reaffirm that these parcels are expressly designated as intended for future development of a Veterans Cemetery*, independent of other land-use decisions or designations. This action is consistent with the site's labeling for "VC - Veterans Cemetery" on the land use concept map in the published BRP (2001) and with the 2008 Veterans Cemetery master planning process, among other actions and decisions. This step does not preclude any particular land use being proposed for the adjacent endowment parcels, which would proceed consistent with the "Option 1" approach.



City Staff Recommendation

Option #2 -Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel as a consideration in the BRP Reassessment Report as a potential action item for consideration in January 2013.

Staff Analysis:

FORA currently reviewing and reassessing the BRP including policy directions and actions made by the FORA Board. Option #2 would acknowledge the action made by the FORA Board at their December 13, 1996 meeting and would require FORA to remedy the oversight through the Base Reassessment process.



City Staff Recommendation

It is recommended that the City Council approve the resolution to direct the city's Fort Ord Reuse Authority (FORA) Board representatives to vote for FORA staff's Option #2 – “Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel (as designated by the City) as a consideration in the BRP Reassessment Report as a potential action item for consideration in January 2013” and to request that the FORA Board acts on this item expeditiously by a date certain.



Comments/Questions

