

**MONTEREY COUNTY**  
**SUCCESSOR AGENCY**  
**LONG RANGE PROPERTY MANAGEMENT PLAN**

**Approved by the Oversight Board on:**

**April 17, 2014**



**MONTEREY COUNTY**  
**SUCCESSOR AGENCY**  
**LONG RANGE PROPERTY MANAGEMENT PLAN SUMMARY**

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**EXECUTIVE SUMMARY**

In 2012 the Redevelopment Agency of the County of Monterey, along with all other redevelopment agencies in the State, was dissolved pursuant to Assembly Bill 1x26. On January 10, 2012 the County Board of Supervisors elected to serve as the Successor Agency. The Successor Agency is charged with undertaking the activities required to unwind the affairs of the former Redevelopment Agency (RDA). The Successor Agency activities are overseen by an Oversight Board. On June 27, 2012, Governor Brown signed into law Assembly Bill 1484 (AB1484) that made substantial changes to the RDA dissolution process. One of the key components of AB1484 is the requirement that all successor agencies develop a Long Range Property Management Plan (LRPMP), which governs the disposition and use of all properties owned by the Successor Agency. Once approved by the Successor Agency, the LRPMP must be approved by the Oversight Board and submitted to the State Department of Finance (DOF) for review and a final determination.

On October 18, 2013 the Monterey County Successor Agency received a “Finding of Completion” letter from the DOF. That letter states that the LRPMP must be submitted to the DOF not later than April 18, 2014. This document is the LRPMP for the Monterey County Successor Agency.

The former Redevelopment Agency of Monterey County included three Project Areas: Castroville-Pajaro, Boronda, and portions of the former Fort Ord. Properties owned by the RDA at the time of dissolution and now owned by the Successor Agency include three (3) properties in Pajaro and Castroville and thirteen (13) properties on the former Fort Ord. No Successor Agency-owned properties are located in Boronda.

The Successor Agency currently owns a total of sixteen (16) properties that are subject to disposition under the Dissolution Act and are included in this Long Range Property Management Plan.

**Disposition Overview**

The Dissolution Act essentially provides for four forms of disposition of properties: 1) transfers for continued governmental use; 2) retention for development; 3) sale with proceeds going to the taxing entities; or 4) retention to meet an enforceable obligation.

## **1) Transfers for Continued Governmental Use:**

The Successor Agency proposes to transfer ten (10) properties to the County for continued governmental/public use. Their disposition is summarized below and further described in detail in the property profile section of this LRPMP, which includes compliance with the requirements set forth in Health and Safety Code Section 34191.5.

### **Porter Vallejo Mansion**

This property is being used for County offices, a public library, and a health clinic. The property has been used for governmental and public use since it was purchased by the former RDA in 1987. The County has continued to manage the property under a lease from the RDA. The LRPMP proposes to transfer this property to the County for continued public use.

### **Japanese Schoolhouse**

This property was acquired by the former RDA in 2000, restored and leased to the North County Recreation and Parks District for use as a community space. This building is well used for a wide range of community functions. The LRPMP proposed to transfer this property to the County for continuation of the existing public use.

### **Fort Ord Properties**

The properties on the former Fort Ord are subject to a complex set of policy documents and land use restrictions and agreements. Existing property boundaries do not correspond to land use designations, and habitat areas are found throughout the parcels. The limited areas that could potentially be developed are very constrained by adjacent restricted areas, water allocations, other infrastructure limitations, and relationships to other jurisdictions. These potential areas of development are not contained within single parcels and in some cases are a percentage of larger areas made up of multiple parcels with no specific development areas actually defined. It was never contemplated that the areas designated for potential development would be transferred or sold independent of other related planning activities taking place first in compliance with the *Fort Ord Base Reuse Plan* and other restrictions that are in place. The LRPMP therefore proposes that all the Successor Agency-owned properties located on Fort Ord be transferred to the County to be managed with other County-owned parcels in compliance with the policy documents and restrictive covenants as part of the overall Base Reuse Plan implementation.

Additionally, the Oversight Board noted that the certain parcels known as the “Landfill Border Parcels” (APN 031-101-040, 037-161-041, 031-101-056, and 031-101-042) are subject to numerous restrictions related to habitat management, and have been determined to be critical to the implementation of the base-wide habitat preservation, management, and open space provisions of the adopted Fort Ord Base Reuse Plan and related environmental policies and restrictions.

## **2) Retention by Successor Agency for Development**

There are no properties in the category.

## **3) Properties That Will Be Sold:**

The Successor Agency currently owns one property that will need to be sold. It is a .71 acre property that is generally within an agricultural property under private ownership in Pajaro across the railroad tracks from the new Pajaro Park. It is currently being farmed by the adjacent landowner without the benefit of a lease. The property was transferred to the former redevelopment agency as part of the land donation for the Pajaro Park. Since it is not part of the park project and has no development potential it is proposed to be sold to the adjacent land owner for fair market value.

## **4) Retention by the Successor Agency to Meet an Enforceable Obligation:**

The Successor Agency currently owns five (5) properties that must be retained to meet the obligations of the East Garrison Development and Disposition Agreement (DDA), entered into in 2005. The DDA specifies exactly what each of these properties is to be used for and how they ultimately transfer from the Successor Agency to another entity primarily for public facilities, artist studios and other public uses.

## INTRODUCTION

The former Redevelopment Agency of the County of Monterey (RDA) acquired a number of properties located within the Project Areas that transferred to the Successor Agency on February 1, 2012. A summary of the property profiles included in the Long Range Property Management Plan (LRPMP) are presented below. Referenced documents, such as Disposition and Development Agreements (DDAs) and Lease Agreements, are available for review upon request. The Successor Agency-owned properties that must be disposed of are grouped into three of the four allowed categories: 1) Properties that are proposed to be transferred to the County or other entity for continued public use and purpose; 2) Properties that are to be sold; and 3) Properties to be retained by the Successor Agency for a period of time in order to meet an “enforceable obligation” as approved by the State Department of Finance (DOF).

### *Overview of Fort Ord Properties*

Successor Agency-owned properties located on the former Fort Ord are subject to numerous policy documents, restrictions, agreements and land use covenants that are unique to this former military base. Multiple jurisdictions are involved at various levels. This complex set of circumstances requires special consideration related to disposing of the properties. Primary regulatory documents and other considerations are summarized below. Additional information is included in attachment A.

- All Successor Agency-owned properties on Fort Ord are subject to the 1997 Fort Ord Reuse Authority (FORA) *Base Reuse Plan* (BRP), which sets forth land use, infrastructure, and resource management requirements and restrictions base-wide. The cities of Seaside, Marina, Del Rey Oaks, and Monterey, the County, and other public entities such as CSUMB, UCSC, and BLM, all have properties subject to the BRP. As part of the adoption of the Base Reuse Plan a Final EIR was certified and contains specific mitigation measures, including requirements related to Base-wide infrastructure, habitat and open space. Due to resource constraints, water and residential units are allocated by jurisdiction under the BRP and FEIR.
- All Successor Agency-owned properties on Fort Ord are subject to a Base-wide Habitat Management Plan (HMP) also adopted in 1997. The HMP addresses federally-listed animal and plant species, and sets forth a complex program based on preservation and enhancement of specific habitat areas as mitigation for development in other areas.
- All Successor Agency-owned properties on Fort Ord are subject to an Implementation Agreement executed in 2001 and subsequently amended, which provides specific processes and provisions related to land transfers, property clean-up process, and financial obligations relating to property sales and lease proceeds. Specifically, FORA is entitled to 50% of all land sale and lease proceeds prior to distribution to other entities.

- Individual properties are subject to specific provisions in the deeds that transferred them from FORA to the former RDA. In some cases the deeds require prior approval of any sale or transfer by the U.S. Fish and Wildlife Service (USFWS).
- A draft Habitat Conservation Plan (HCP) has been completed and is expected to be adopted by all the participating jurisdictions this coming year. It provides requirements for protecting State-listed plant and animal species, and builds off the HMP relative to setting aside habitat areas as mitigation for development.
- Prior to transfer from the Army to FORA and then on to the receiving jurisdictions, all properties are cleared of contamination and hazardous materials (unexploded ordnance). The degree of remediation performed is specified dependent on the ultimate land use as provided in the Base Reuse Plan, with properties designated for future residential use having the highest degree of remediation, and properties designated for non-development (habitat reserve) having the lowest degree of remediation.
- Successor Agency-owned properties surrounding the Army-owned and currently active Landfill are restricted by a Landfill “Buffer Zone” intended to address groundwater and methane gas contamination. This Buffer Zone places restrictions on the types of land uses that are allowed to be developed.

## ***Property Profiles and Proposed Disposition***

### **Governmental Purpose Properties:**

The Dissolution Act distinguishes properties that are owned by the Successor Agency that are determined to be used as a qualifying governmental purpose. In these cases (as determined by DOF), the Oversight Board may direct the Successor Agency to “transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries, and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset” (Health and Safety Code section 34181(a)). The Monterey County Successor Agency owns two (2) properties in Pajaro and Castroville that meet this definition. In addition, properties on Fort Ord are subject to multiple policy and regulatory/restrictive documents and relate to an overall program for open space and habitat. As such the Monterey County Successor Agency considers these eight (8) properties to be governmental purpose properties. Therefore there are a total of ten (10) separate properties in this category.







**Japanese School** – (APN 030-102-003). This property totals approximately 0.2 acre located on the corner of Pajaro and Geil Streets in Castroville. The former RDA acquired the property in 2000 from the North Monterey County Unified School District. The property is developed with the 1,500 square foot historic Japanese Schoolhouse building. It has been used continuously as a community facility under RDA ownership since 2000. It was constructed and used as a Japanese-language and cultural school for many years by the local Japanese farmworker community. The property is adjacent to a neighborhood park owned and operated by the North County Recreation and Parks District (NCRPD). The former RDA spent approximately \$950,000 on renovations to the building and outdoor spaces, which include an historic interpretive display. In 2008 the facility was leased by the RDA to the NCRPD for \$1 per year for a term of 20 years with options to extend. The NCRPD uses the facility for a wide range of community events, classes, and meetings. This property is proposed to transfer to the County, under the terms of the existing lease, to continue the existing use.

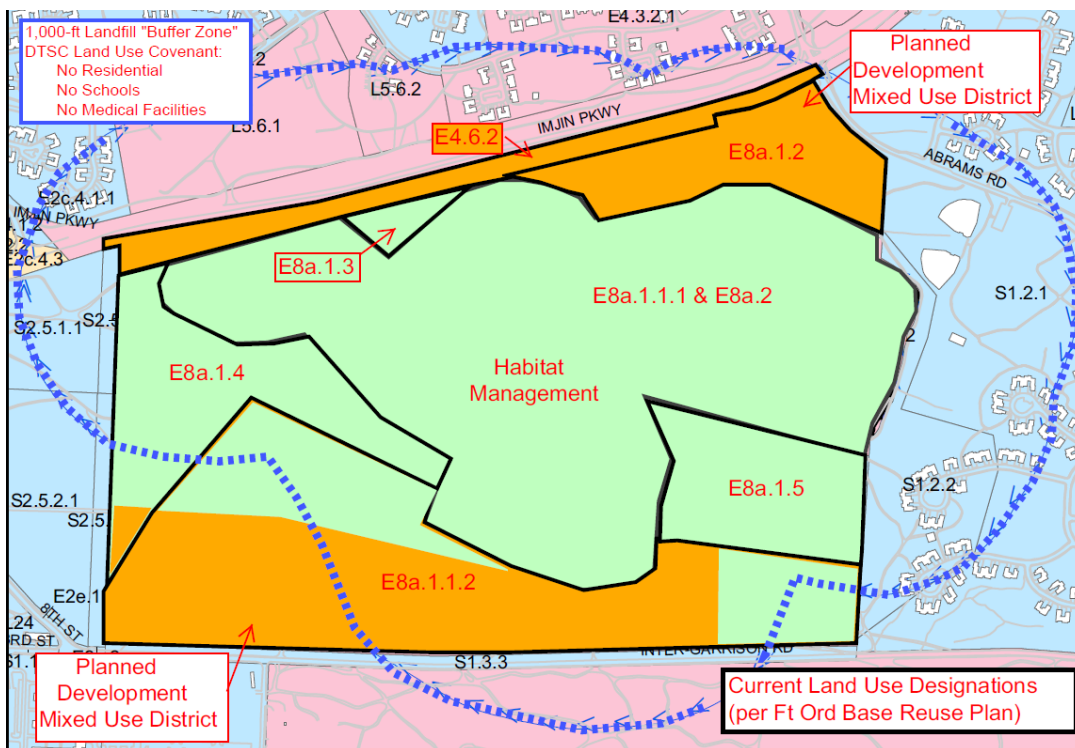
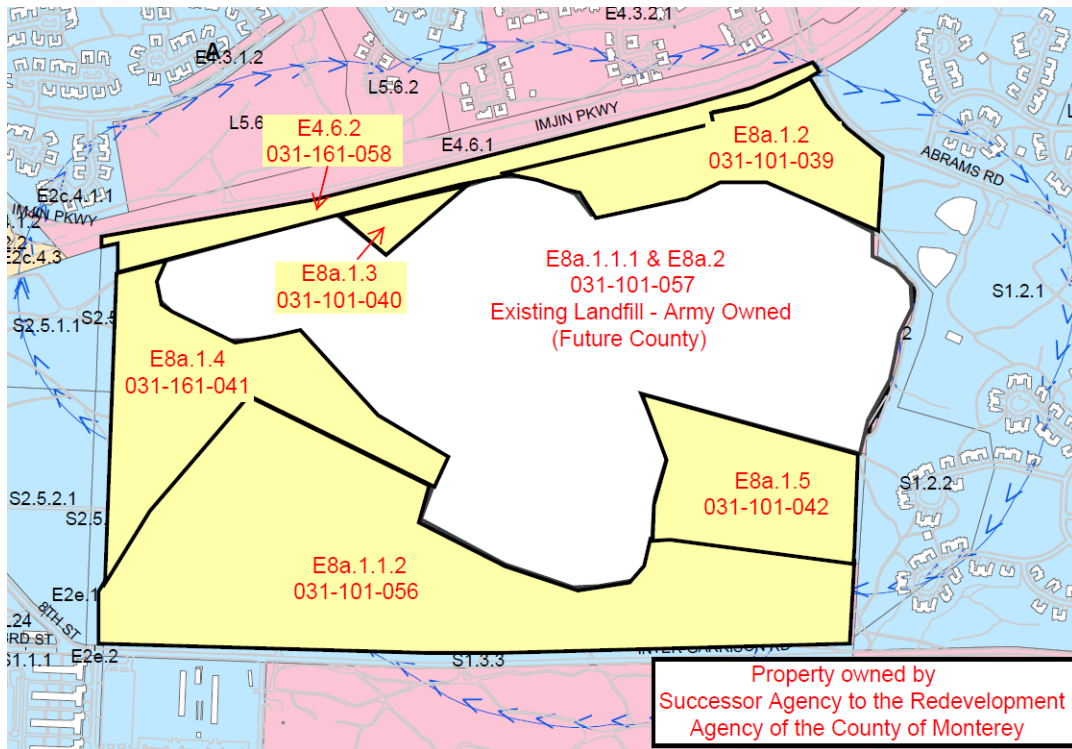






**Fort Ord Properties**

**“Landfill Border” Parcels**





**Fort Ord Landfill Border E8a.1.3** – (APN 031-101-040). This property is approximately 2.7 acres in size, located on the south side of Imjin Parkway, adjacent to the Army’s landfill, which is still in use. It was transferred to the former RDA by FORA in 2006. It is currently undeveloped and is designated as “Habitat Management Area” in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Basewide Habitat Conservation Plan (HCP). It is subject to the adopted Habitat Management Plan (HMP), the 1000-foot Closed Landfill Buffer Zone, a DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system addressing the adjacent landfill (a Superfund Site), and a 2008 Memorandum of Agreement regarding Habitat Management among the RDA, FORA, and Cypress Marina Heights LP. This property can only be used for habitat conservation, preservation, and restoration. This parcel is proposed to be transferred to the County to be managed in accordance with the habitat restrictions and requirements.

Additionally, the Oversight Board noted that this parcel is subject to numerous restrictions related to habitat management, and has been determined to be critical to the implementation of the base-wide habitat preservation, management, and open space provisions of the adopted Fort Ord Base Reuse Plan and related environmental policies and restrictions.



**Fort Ord Landfill Border E8a1.4** – (APN 031-101-041). This property is approximately 30.4 acres in size, and is located south of Imjin Parkway, adjacent to the westerly boundary of the landfill. It was transferred to the former RDA in 2006. It is currently undeveloped and is partially designated as Habitat Management Area (approx 28.7 acres) and partially as Planned Development Mixed Use (approx 1.7 acres) in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Basewide Habitat Conservation Plan (HCP). It is subject to the adopted Habitat Management Plan (HMP), the 1000-foot Closed Landfill Buffer Zone, the DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system, and a 2008 Memorandum of Agreement regarding Habitat Management among the Redevelopment Agency, the Fort Ord Reuse Authority, and Cypress Marina Heights LP. In 2009 the 1.7-acre “development” portion of this site was included in a formerly-proposed 58-acre light industrial subdivision and development project known as “Whispering Oaks”. This development was denied by the County Board of Supervisors, and no other development projects have been proposed since that time. This parcel is proposed to be transferred to the County to be managed in accordance with the habitat restrictions and requirements.

Additionally, the Oversight Board noted that this parcel is subject to numerous restrictions related to habitat management, and has been determined to be critical to the implementation of the base-wide habitat preservation, management, and open space provisions of the adopted Fort Ord Base Reuse Plan and related environmental policies and restrictions.





**Fort Ord Landfill Border E8a1.5** – (APN 031-101-042). This property is approximately 21.4 acres in size and is located between and adjacent to the southeast side of the landfill and the westerly side of the CSUMB housing development. It was transferred to the former RDA by FORA in 2006. It is currently undeveloped and is designated as “Habitat Management Area” in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Basewide Habitat Conservation Plan (HCP). It is subject to the adopted Habitat Management Plan (HMP), the 1000-foot Closed Landfill Buffer Zone, and a DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system. This property can only be used for habitat conservation, preservation, and restoration. This parcel is proposed to be transferred to the County to be managed in accordance with the habitat restrictions and requirements.

Additionally, the Oversight Board noted that this parcel is subject to numerous restrictions related to habitat management, and has been determined to be critical to the implementation of the base-wide habitat preservation, management, and open space provisions of the adopted Fort Ord Base Reuse Plan and related environmental policies and restrictions.





**Fort Ord Landfill “Shoe” E8a.1.1.2** – (APN 031-101-056). This property is approximately 85 acres in size and is located between the southerly side of the landfill and the north side of Intergarrison Road. It was transferred to the former RDA by FORA in 2007. The site is currently undeveloped. The property is partially designated as “Habitat Management Area” (approx 29 acres) and partially as “Planned Development Mixed Use” (approx 56 acres) in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Base-wide Habitat Conservation Plan (HCP). It is subject to the adopted Habitat Management Plan (HMP), the 1000-foot Closed Landfill Buffer Zone, and a DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system. In 2009 the development portion of the site was included in a proposed 58-acre light industrial subdivision and development known as “Whispering Oaks”. This development application was ultimately denied by the County Board of Supervisors in 2012. No other development projects have been proposed since that time. Potential uses are severely constrained by current land use restrictions. In addition, the property is depicted on exhibits in the FORA Base Reuse Plan as part of an open space/recreation corridor and contains significant oak woodland resources. This property is proposed to be transferred to the County to be managed in accordance with the habitat restrictions and requirements, and base-wide open space and recreational systems.

Additionally, the Oversight Board noted that this parcel is subject to numerous restrictions related to habitat management, and has been determined to be critical to the implementation of the base-wide habitat preservation, management, and open space provisions of the adopted Fort Ord Base Reuse Plan and related environmental policies and restrictions.



**Imjin Road Widening Parcel E4.6.2** – (APN 031-101-058) and **Ord Market Development Parcel E8a.1.2** – (APN 031-101-039). This property currently consists of two parcels. One parcel is approximately 16.3 acres in size and runs along the southerly frontage of Imjin Parkway between Abrams Drive and the northerly extension of 7<sup>th</sup> Avenue for the length of the closed landfill polygon (approximately 4,300 lineal feet). This property was transferred to the former RDA by FORA in 2006. Approximately 1.2 acres of this parcel is part of the Ord Market lease, and the remainder is undeveloped. The parcel is designated as “Planned Development Mixed Use” in the County General Plan, and the FORA Base Reuse Plan. It is subject to the 1000-foot Closed Landfill Buffer Zone, and the DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system.



The second property is approximately 21.3 acres in size and is located at the intersection of Imjin Parkway and Abrams Drive, adjacent to the old landfill on the former Fort Ord. It was transferred to the former RDA from FORA in 2006. 1.8 acres of the property is currently developed with the Ord Market and Gas Station/Car Wash. The remainder of the parcel is undeveloped. The entire parcel is designated in the County General Plan and the Fort Ord Reuse Authority Base Reuse Plan as “Planned Development Mixed Use”, and is zoned PQP (the undeveloped portion – which was the zoning when the Army owned it) and LCD-S (the portion developed with Ord Market).



In 2006 the former RDA entered into a Disposition, Development (DDA) and Lease Agreement with Darryl Choates for the 3.0-acre Ord Market site which consists of a food market/convenience store, a gas station and a car wash. That portion of the property was rezoned in 2008 as part of the approval of the land use entitlements for the Ord Market and Gas Station. The term of the DDA/Lease Agreement is 20 years (ending on August 22, 2026). There is no provision for a guaranteed right of extension. The DDA/Lease also provides the former RDA (now Successor Agency) with the right of Early Termination “for any reason whatsoever”; however, if the Successor Agency would want to terminate the Lease early for a reason other than “fault” of the Lessee, the Successor Agency would have to reimburse the Lessee for any unrecovered costs of the Premises improvements (e.g., gas tank installation) and the goodwill value of the business at the time of termination. The rent is structured in a way that allows a reduced rent for the first 10 years of the Lease (2006 to 2016), but transforms to a “fair market value” rent, based on appraisals, for the last 10 years (2016 to 2026). While the DDA/Lease provides the Lessee with the right to seek to sublease or assign its interests, the Lessee must obtain the written consent of the Successor Agency, which has “sole and absolute discretion” in determining whether or not to allow a sublease or assignment. The current rent is approximately \$3,400 per month with the County receiving 50% and FORA receiving 50% under the terms of the May 8, 2001 Fort Ord Implementation Agreement, Section 5(g).

The property is subject to a 1000-foot Closed Landfill Buffer Zone, and a Land Use Covenant by the California Department of Toxic Substances Control (DTSC) relating to contaminated groundwater and a methane recovery system.

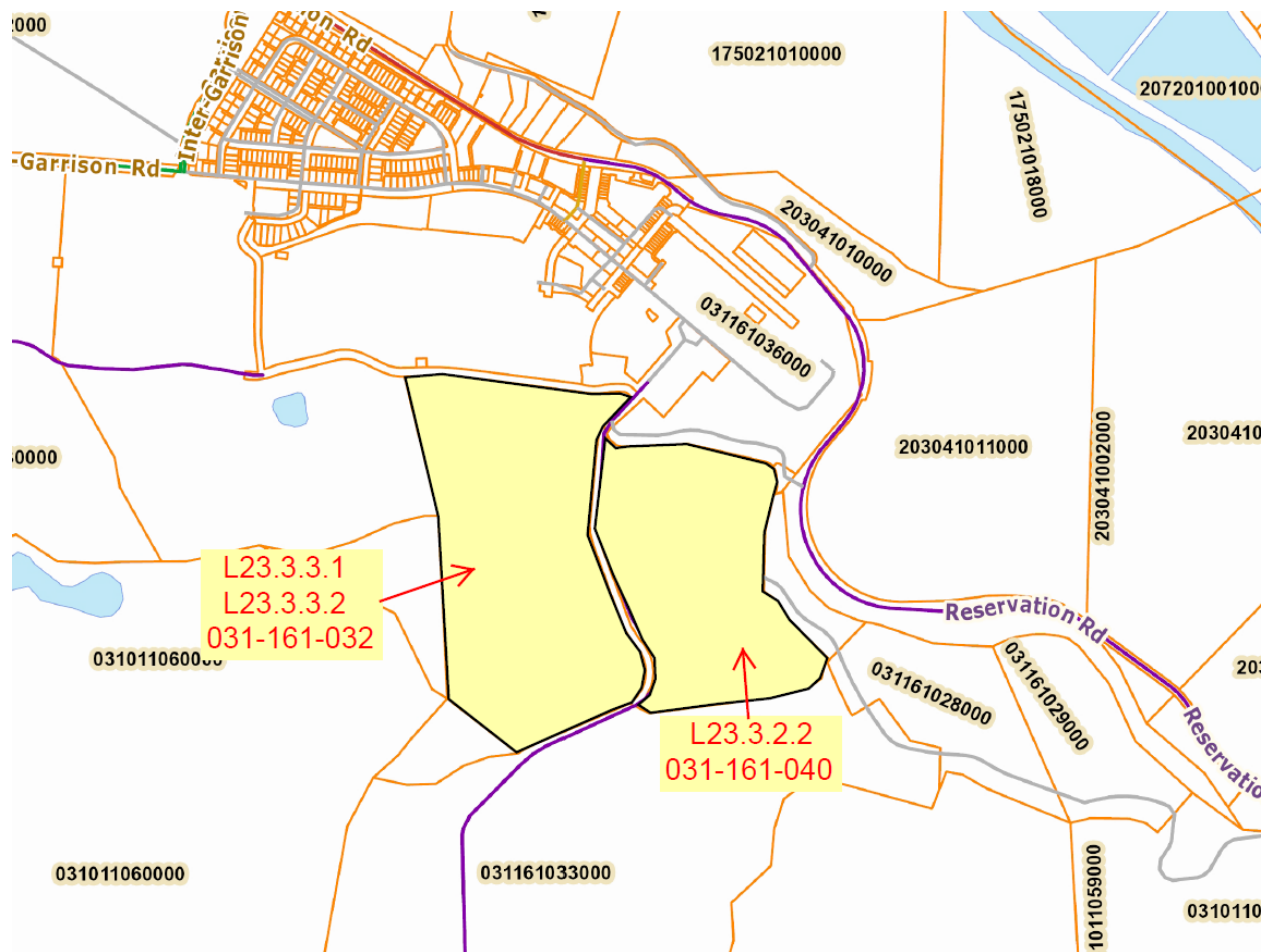
It is proposed that both properties transfer to the County and that the County process parcel to create the following parcels:

- Parcel 1: A 3-acre parcel consistent with the existing Ord Market Lease with an easement for the future roadway widening;
- Parcel 2: A 19.4 acre parcel that consists of the undeveloped area of the existing Ord Market parcel; and
- Parcel 3: A 16.2 acre parcel running along Imjin Parkway for a potential road widening project.

The existing leaseholder of the 3-acre Ord Market Lease (Parcel 1) would be provided with the first right to purchase the lease site for fair market value. The County would enter into a “Compensation Agreement” with FORA and the affected taxing entities to share in the land sale proceeds as they are entitled to. Parcels 2 would be retained by the County and managed in accordance with the Base Reuse Plan and habitat plans and restrictions. Parcel 3 would be retained by the County to preserve the opportunity to dedicate roadway right of way for widening the arterial Imjin Parkway if determined necessary in the future.



**East Garrison II Parcels L23.3.1, L23.3.2, and L23.3.2.2** – (APN 031-161-032 and 031-161-040). These properties total approximately 152 acres in size and are located southwest of Reservation Road, south of the 1,400-unit housing development under construction at East Garrison I, and north of the BLM lands, now a National Monument. These properties were transferred to the RDA by FORA in 2010. The properties are designated as “Planned Development Mixed Use” in the County General Plan and the FORA Base Reuse Plan. Originally, the East Garrison II Parcels were contemplated to be developed as an expansion to the East Garrison I Project, which is currently under construction. Future development of these parcels is severely constrained by the lack of water and residential unit allocation and other limitations related to the Reuse Plan. The parcels are also subject to certain requirements under the adopted HMP and the draft HCP related to habitat. In addition, the parcels are located adjacent to the new Fort Ord National Monument lands, and are subject to transfer restrictions in the deeds requiring prior approval by the USFWS. These properties are proposed to be transferred to the County to be managed in accordance with the Base Reuse Plan and habitat plans.

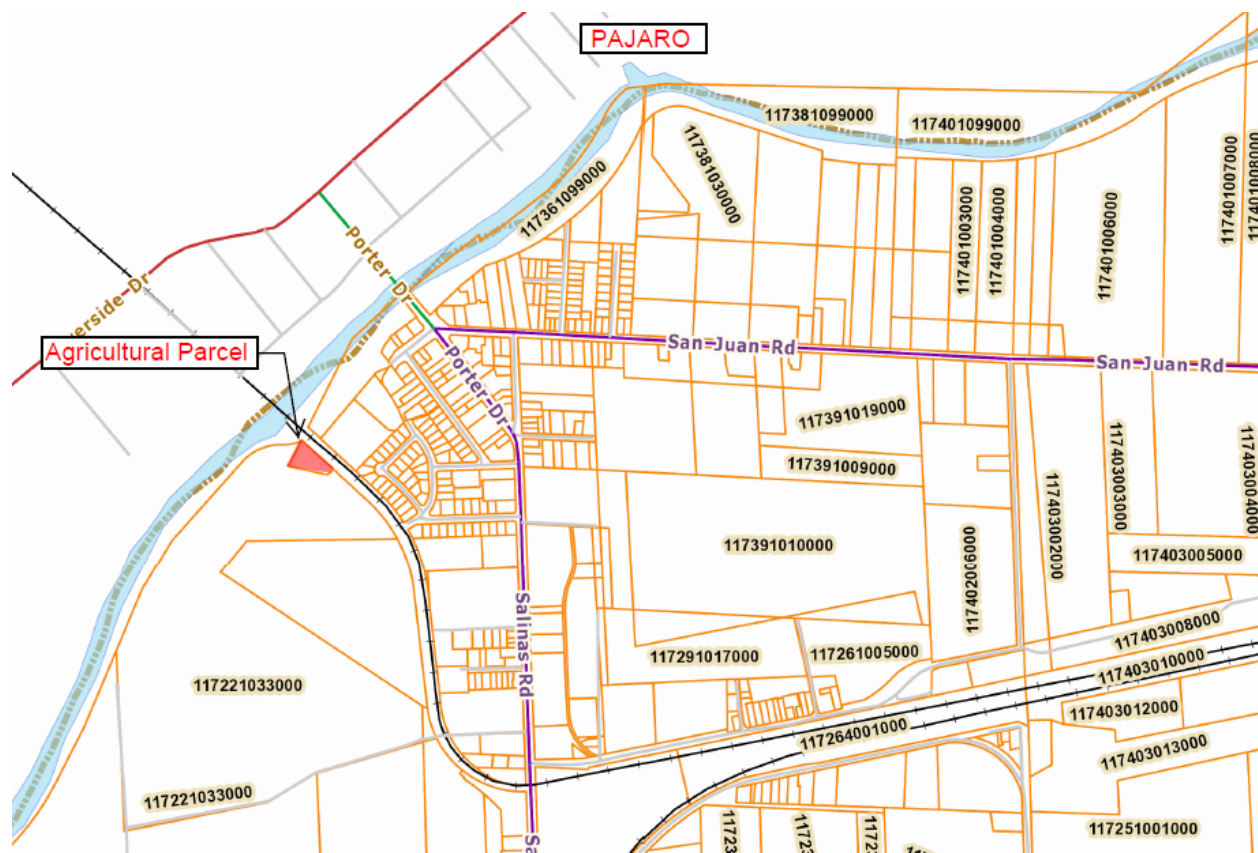




### Properties to be Sold:

The Dissolution Act requires that the Successor Agency dispose of any property it owns that is not approved to be transferred for a continued governmental use or to meet an enforceable obligation. The disposal is to be done “expeditiously and in a manner aimed at maximizing value” (Health and Safety Code section 34177(e)). The future sales of these properties may require environmental review under the California Environmental Quality Act (CEQA) for each property, depending on the specific circumstances. The Monterey County Successor Agency owns one (1) property that falls into this category:

**Pajaro Park Donation Ag Parcel** – (APN 117-221-034). This property is approximately 0.71 acre in size and is zoned F-40A/U, with a land use designation of “Prime Farmlands 40-160 acre minimum and Resource Conservation”, and is located at the edge of an agricultural field currently owned by Sakata Farms (APN 117-221-033). The parcel was acquired in 2010 by the former RDA as a separate legal parcel but part of the land donation from Granite Construction related to the development of the new Pajaro Neighborhood Park. Since it is not part of the park project, is not adjacent to any potable water supply or public access, and is currently being farmed by the surrounding land owner (without the benefit of a lease), this parcel is proposed to be sold to the adjacent land owner for fair market value.

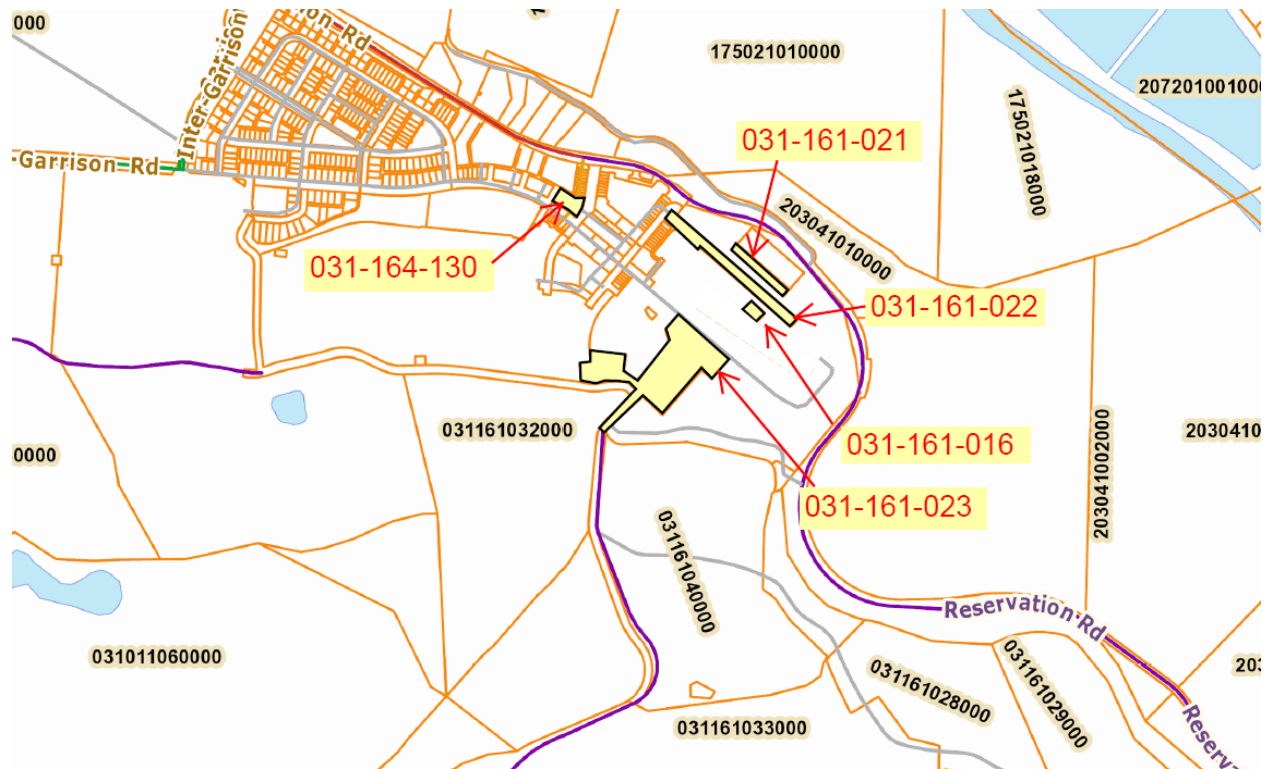






**Properties to be Retained for a Period of Time in Order to Meet Enforceable Obligations:**

The Dissolution Act allows properties to be retained for a while by the Successor Agency to meet an “Enforceable Obligation”. The East Garrison Development and Disposition Agreement (DDA), entered into in 2005, has been recognized by the DOF to be an Enforceable Obligation. The DDA requires that certain properties be retained by the Successor Agency for eventual transfer and development as a Historic District, Town Center and other public uses. Project documents refer to these properties as the “Redevelopment Agency Carve-Out Parcels” and are described below:





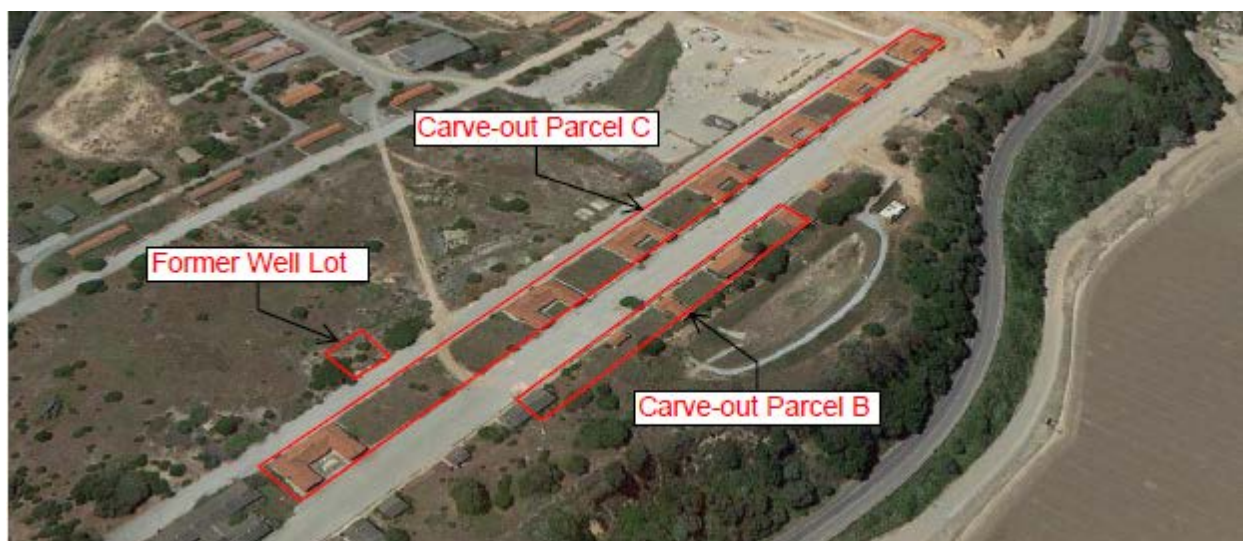
**East Garrison Carve Out Parcel A** – (APN 031-161-130). This property is approximately 0.59 acre in size. It is currently a vacant lot in the Phase 1 area of the East Garrison development. It was transferred to the former RDA by FORA in 2007. It is subject to the adopted East Garrison Specific Plan. The DDA requires that this property be retained by the Successor Agency to be developed as a future public library and sheriff field office as part of the Town Center before being transferred to an appropriate body such as the East Garrison Community Facilities District or the Monterey County Free Libraries.



**East Garrison Carve Out Parcel B** – (APN 031-161-021). This property is approximately 0.78 acre in size. It was transferred to the former RDA by FORA in 2007. It is currently developed with dilapidated historic buildings (old mess halls). It is subject to the adopted East Garrison Specific Plan and East Garrison Historic District covenants and policies. The DDA requires that this property be retained by the Successor Agency until transferred to an approved developer for restoration of the historic mess hall buildings for use as artist studios as part of the Historic District.

**East Garrison Carve Out Parcel C** – (APN 031-161-022). This property is approximately 2.39 acres in size and is currently developed with dilapidated historic buildings (old mess halls). It was transferred to the former RDA by FORA in 2007. It is subject to the adopted East Garrison Specific Plan and East Garrison Historic District covenants and policies. The DDA requires that this property be retained by the Successor Agency until transferred to an approved developer for restoration of the historic mess hall buildings for use as artist studios as part of the Historic District.

**East Garrison former MCWD Well Lot L35.8** – (APN 031-161-016). This property is approximately 0.14 acres in size and is currently developed with dilapidated historic buildings (old mess halls). It was acquired by the former RDA in 2007. In 2007 the Marina Coast Water District quitclaimed to the former RDA its easement rights to this site. The property is subject to the adopted East Garrison Specific Plan and East Garrison Historic District Covenants and Policies. The DDA requires that this property be retained by the Successor Agency for restoration of the historic mess hall buildings for use as artist studios as part of the Historic District pending ultimate development according to the DDA.



**East Garrison Carve Out Parcel D** – (APN 031-161-023). This property is approximately 8.29 acres in size and is currently developed with dilapidated historic and non-historic buildings (warehouses, theater, “battle simulation” building). It was transferred to the former RDA by FORA in 2007. It is subject to the adopted East Garrison Specific Plan and East Garrison Historic District covenants and policies. The DDA requires that this property be retained by the Successor Agency until transferred to an approved developer for demolition of the non-historic buildings and restoration of the historic buildings to be developed as artist studios and a public recreation facility as part of the Historic District.





## **ATTACHMENT A**

### **Successor Agency Long Range Property Management Plan March 5, 2014**

#### **SUPPLEMENTAL INFORMATION** **SUCCESSOR AGENCY PROPERTIES ON FORMER FORT ORD**

##### **Policies Governing Land Use and Property Disposal on former Fort Ord:**

- Deeds of Transfer from FORA to Redevelopment Agency
  - Provisions in Deed relating to HMP
- Fort Ord Base Reuse Plan, 1997
  - Multi-agency “general plan”-level policy to guide redevelopment of former Fort Ord after closure by US Army.
- Habitat Management Plan, 1997
  - Designates property and defines actions required to protect, preserve, and enhance habitats of federally-listed endangered plant & animal species as mitigation for proposed redevelopment activities in Base Reuse Plan.
- Implementation Agreement, 2001 (Amended 2009, 2013)
  - Requires County to contribute to FORA 50% of land sale proceeds at time of permanent use, to be applied to County share of Basewide Mitigation Measures & Basewide Costs.
- Habitat Conservation Plan (3<sup>rd</sup> Admin Draft 2012)
  - Designates properties and defines actions required to protect, preserve, and enhance habitats of State-listed endangered plant & animal species as mitigation for proposed redevelopment activities in Base Reuse Plan.
  - Goals, Objectives, and HCP Required Actions (p1-8): “... designation of 18,546 acres (over 66%) of the 27,838-acre installation as habitat reserve lands in large HMAs. Large...habitat parcels are being transferred to natural resource management agencies... Additional lands transferred to Monterey County...will be managed by the Fort Ord Regional Habitat Cooperative (Cooperative), a Joint Powers Authority (JPA), whose governing body is composed of designated officials from each of the Permit Applicants. The Cooperative will manage the lands for conservation, maintenance and beneficial enhancement of habitat...” (p.1-8)

## LANDFILL BORDER PARCELS

### Deeds

Three Deeds

E8a.1.2 (21.22 ac) & E8a.1.3 (2.68 ac) - 9/5/2006

E8a.1.4 (30.32 ac) & E8a.1.5 (21.55 ac) - 7/26/2007

E8a.1.1.2 (85.21 ac) - 7/26/2007

- **HMP Provisions in Deeds for E8a.2, -.3, -.4, -.5**
  - Grantee & all successors to comply with Implementation Agreement, particularly recording of a *Deed Restriction & Covenant* which requires any development to be subject the Base Reuse Plan, policies and programs of FORA , including its Master Resolution, and other applicable general plan and land use ordinances and regulations of the local agency which have been determined to be consistent with the BRP.
  - Grantee & successors to comply with HMP.
    - Properties are within designated HMP Development Areas. No resource conservation requirements are associated with the HMP for these parcels.
    - Implementation of HMP is suitable mitigation for impacts... No further mitigation will be required to allow development on the properties unless species other than the HMP target species are proposed for listing or listed.
    - Grantee...will cooperate with adjacent property owners in implementing mitigation requirements...for adjacent sensitive habitat areas.
- **HMP Provisions in Deed for E8a.1.1.2**
  - Grantee & all successors to comply with Implementation Agreement, particularly recording of a *Deed Restriction & Covenant* which requires any development to be subject the Base Reuse Plan, policies and programs of FORA , including its Master Resolution, and other applicable general plan and land use ordinances and regulations of the local agency which have been determined to be consistent with the BRP.
  - Residential Use Restriction – property to be used solely for commercial or industrial activities and not for residential, childcare facilities, nursing homes or assisted living facilities, or educational purpose for children K-12.purposes (Residential Lead-Based Paint Hazard Reduction Act of 1992).
  - Groundwater Restriction - Cannot access or use groundwater under property for any purpose. (VOCs from landfill)
  - HMP requirements
    - HMP is incorporated into the deed by reference. Deed requires the conservation in perpetuity of sensitive wildlife and plant species and their habitats consistent with the USFWS Biological Opinion.

- Parcel is subject to the specific use restrictions and/or requirements identified for the parcel in the HMP (Habitat reserve within the Development with Reserve Areas or Development with Restrictions)
- Any boundary modifications must be approved in writing by USFWS
- Property owner is responsible for implementing and funding the requirements in the HMP as applicable to the property
- Property owner shall include and make legally binding the provisions of the HMP in any deed, lease, right of entry, or other legal instrument by which Grantee divests itself of any interest in all or a portion of the Property. The covenants, conditions, restrictions and requirements of this deed and the HMP shall run with the land.
- Habitat management responsibility for the Property may only be transferred as a condition of the transfer of the Property, with the consent of the USFWS
- USFWS may require the establishment of a perpetual trust fund to pay for habitat management of the Property as a condition of transfer of habitat management responsibility from the property owner.
- USFWS can determine unilaterally if property owner is violating provisions of the HMP, can direct corrective action within 60 days, and can bring lawsuit to force compliance. If USFWS determines immediate action is required, they can pursue remedies without prior notice to the owner.
- Enforcement is at discretion of USFWS.

#### **FORA Base Reuse Plan - Chapter 3, Framework for the Reuse Plan**

- Chapter 3.3, *Land Use Concept: Ultimate Development Plan and Map*, includes Figure 3.3-1, *Land Use Concept Ultimate Development*. This map shows the general location of proposed land uses in the Landfill Parcel designated “Habitat Management” and “Planned Development Mixed Use District”
- Section 3.4.2, *Land Use Designations*
  - *Planned Development Mixed Land Use*: The use is intended to encourage the development of pedestrian-oriented community centers. They will contain a wide variety of residential detached and attached homes, commercial, various retail, professional office, cultural civic centers, parks, community centers, schools, churches, day care centers, transit centers, and entertainment uses. The typical development intensity for this use is a gross FAR of .35 and housing density of up to 20 dwelling units per acre. The highest FAR (.35) has been targeted at the Marina Town Center and UC MBEST to reflect these key locations within the former Fort Ord and their potential to play a significant long-range role in the reuse of the base.

- *Habitat Management Land Use:* This land use designation applies to all open space identified by the HMP as critical to survival of the natural communities and sensitive species. Limited uses include: ecological restoration and educational activities, and passive recreation such as hiking, nature study, horse and bike riding, and infrastructure services and facilities (water, power, and wastewater systems).
  - *Open Space/Recreation Land Use:* This land use designation includes all park land which will be publicly owned, including Fort Ord Dunes State Park, regional parks, community parks, and neighborhood parks not identified in the land use concept but designated as permitted use in all districts. Permitted uses in this district include: habitat management; active and passive public parks; commercial recreation such as golf, equestrian centers, public amphitheaters, etc; educational facilities; and a limited amount of supporting convenience retail uses.
- Table 3.4-1, *Permitted Range of Uses for Designated Land Use*, provides further detail regarding these land use designations:

Planned Development Mixed Use - Gross FAR to .35, Density to 20 DU's/Acre  
 This designation is intended to encourage the development of pedestrian-oriented community centers that support a wide variety of commercial, residential, retail, professional services, cultural and entertainment activities. The intent is to locate this designation near future transit facilities or along transit corridors, and near commercial and employment centers. This designation creates a transition from existing developed urban centers and lower density residential and institutional districts. The City or County containing the Planned Development Mixed Use land use designation shall have the authority in various parts or areas with such designation to prohibit some of the overall set of uses which might otherwise be allowable in the areas having such a designation upon making a finding that there will be no adverse traffic impacts.

Uses allowed within this land use designation include:

SFD detached & attached;  
 MFD;  
 convenience retail;  
 neighborhood retail;  
 regional retail  
 office/research and development uses;  
 entertainment uses;  
 commercial recreation;  
 parks;  
 community centers;  
 public buildings & facilities, including visitor centers, cultural centers, museums, transit centers, etc.  
 schools;  
 day care centers;  
 houses of worship;

business parks;  
light industrial development uses;  
open space/recreation uses; and  
visitor serving where designated.

#### Habitat Management

This designation has been applied to all open space identified by the Habitat Management Plan as critical to the survival of the natural communities and sensitive species at Fort Ord.

Uses allowed within this land use designation include:

habitat management;  
ecological restoration activities;  
environmental educational activities; and  
passive recreation activities, such as hiking, nature study, horse and bike riding.

- Chapter 3.6, *Conservation, Open Space, and Recreation Concept*, contains the following figures:
  - Figure 3.6-1, *Regional Open Space System*, shows a broad “Trail/Open Space Link” through the Landfill Parcel area
  - Figure 3.6-2, *Habitat Management Plan*, shows the Landfill Parcel designated “Development with Reserve or Restrictions”
  - Figure 3.6-3, *Open Space & Recreation Framework*, shows the capped landfill area designated “Other Public Open Space – Habitat Management”, and the adjacent landfill border property designated “California State Parks”
  - The discussion of “Other Public Open Space/Recreation-Oriented Lands on p.135 includes this statement: “...The Reuse Plan calls for a landfill cap design capable of supporting public commercial uses in support of the economic revitalization of the base. These commercial recreation uses include a golf course, a regional amphitheatre, and a regional equestrian center connected by trails to the BLM lands...”
- Chapter 3.10, *County of Monterey Planning Areas and Districts*, contains:
  - Section 3.10.2, *CSUMB/Recreational Planning Area*  
Monterey County Recreational/Habitat District: This District is comprised of two areas. The larger, approximately 340 acres, is the former landfill site. The smaller, approximately 88 acres, stretches both north and south of Intergarrison road. Both of these areas are reserved for a combination of habitat protection and recreational uses.

#### *Projected Land Uses for the Former Landfill:*

Open Space/Recreation Land Use. About 141 acres are reserved for park and open space at the former landfill site. This represents the area included in the



planned landfill cap. Region-serving recreation facilities, such as an amphitheater, are appropriate at this location.

Habitat Protection. About 142 acres are reserved for habitat management, including non-invasive and controlled passive uses such as hiking and equestrian trails.

Opportunity Sites. The landfill cap provides an opportunity to locate a range of commercial recreational uses, including a golf course, a region-serving equestrian center and a convenience retail center for up to 10,980 sq. ft. Approximately 50 acres located at the southwest corner of the former landfill site, adjacent to the Marina City limits and Inter-Garrison Road is suitable for office/R&D development by the University of California.

- Fig. 3.10-1 *County Planning Areas*, shows Landfill Polygon 8a included in the CSUMB/Recreation Planning Area, and designates its use as “Recreation/Habitat Protection”.

### **Habitat Management Plan**

- Chapter 4, Habitat Management for Disposal and Reuse:
  - Figure 4-1 *Habitat Management Plan Map* designates Landfill Polygon E8a.1 as “Development with Reserve Areas or Development with Restrictions”
  - Definition of “Development with Reserve Areas or Development with Restrictions”:  
“Some of the lands slated for development in the HMP contain inholdings of habitat reserve land or require development restrictions to protect habitat within or adjacent to the parcel. This management category is titled “Development with Reserve Areas or Development with Restrictions”. For development parcels that have habitat reserve areas within their boundaries, the management practices must be consistent with maintenance of the reserves. The inholding reserve areas are subject to the same management conditions described above for the Habitat Reserve category, including management by an entity acceptable to the USFWS. Some developed land must be managed as described for the specific parcel to include development restrictions or management action...”
  - Resource Conservation Requirements – Landfill Parcel (p4-46):  
“...A total of 227 acres of the landfill parcel, including the capped area, will be managed as an HMP Preserve area. After the 227 acres of the parcel to be managed as habitat has been determined, the boundaries of the polygon may be modified when determining locations for development in the remaining 81 acres.  
  
“Following land transfer from the Army, the recipient or an entity acceptable to the USFWS will manage 227 acres of the landfill parcel (including the completed landfill cap) as native habitat. The remaining 81 acres of the parcel will be available for development.”

- Appendix A, Agreement for the Revised Habitat Management Plan:
  - Paragraph (b): “...Following land transfer from the Army, UC or FORA will manage seventy-five percent (75%) of the landfill parcel (including the completed landfill cap) as habitat. The remaining twenty-five percent (25%) of the parcel will be available for development...”
  - Figure 5-11 Draft *Revised Habitat Management Plan*: “Landfill Parcel to be managed by UC or FORA for 75% Habitat and 25% Development”

### **DTSC Land Use Covenant**

- *Covenant to Restrict Use of Property – Environmental Restriction*. Recorded 2009 between the State Dept of Toxic Substances Control (DTSC) and the Redevelopment Agency of the County of Monterey.
- Covenant imposed by DTSC because of documented presence of methane in soil and volatile organic compounds (VOCs) in groundwater emanating from the landfill.
- Applies to property owned by Agency within the “1,000-foot landfill buffer zone” (approx 128 acres).
- Restricts certain types of development within the buffer zone:
  - No homes
  - No schools
  - No day care facilities
  - No hospitals
  - Building foundations to be designed to vent gases from the soil, install methane detection alarms, and provide annual inspection and monitoring reports to DTSC.

### **Draft Habitat Conservation Plan**

- Figure 3-1: Landfill Parcels is “Habitat Management Area”
- Figure 3-2: Borderland Categories – Landfill properties “Type 2”
- Figure 3-4: County is “Responsible Agency” for Landfill HMA
- Table 3-6: Landfill HMA totals 308 acres
- Table 3-9: Allowable land uses on Landfill Parcel include 81 acres “Allowable Development”, 226 acres “Preserved for Habitat Management”, and 0.5 acres “Road Corridors and Infrastructure”
- Section 3.3.2.8 details “Covered Activities” on Landfill Parcel
 

This 308-acre parcel is generally northeast of the main CSUMB campus, south of Imjin Parkway and north of Inter-Garrison Road (Figure 3-15). The Landfill Parcel is mostly undeveloped and is designated for habitat management (227 acres) and planned development as a mixed use district (81 acres) by the Fort Ord Base Reuse Plan, and as

development with reserve areas/restrictions by the Army's HMP. Development of these 81 acres is included as a covered activity under the HCP. The HCP proposes no development restrictions for these areas, apart from incorporating appropriate measures into boundary design to preserve and protect adjacent habitat areas (Section 5.4, *Measures to Avoid and Minimize Impacts*). The remainder of the landfill (227 acres) would be managed as an HMA. This includes 81 acres of capped landfill, another 42 acres of disturbed area, and 104 acres of native habitat (includes dirt roads). The Cooperative will be responsible for implementation of HCP required AMMs for Borderland parcels and mitigation measures on behalf of the County of Monterey.

Included within the HMA are those parcels identified in the *Memorandum of Agreement Regarding Habitat Management on Portions of the Landfill Site at the Former Fort Ord, California* (MOA). The MOA specifies that portions of parcels E8a.1.1.1, E8a.4, and E8a.1.1.2, and all of parcel E8a1.3 (totaling 58.8 acres) will be preserved and managed in perpetuity for sand gilia and maritime chaparral habitat values. Within the 58.8 acres, 14.5 acres (parcel E8a1.1.1) will be restored to provide sand gilia habitat. Management and restoration of the MOA specified parcels, as identified in the *Marina Heights Sand Gilia Mitigation Plan* (Attachment A of the MOA), will be funded by an endowment paid by Cypress Marina Heights, L.P. in an amount specified by CDFG.

Past use of the landfill area resulted in substantial disturbance from waste disposal and related activities as well as from more recent landfill remediation and closure activities (126 acres). However, many areas peripheral to the disturbance remain as native habitat (182 acres). Outside of the designated development parcels, remaining natural areas would be preserved and managed to promote the conservation of HCP species and natural communities. Disturbed areas of the landfill, including the capped areas, also provide opportunities for restoration, experimentation with restoration techniques, translocation of species, and other experimental habitat management related activities. However, the Army retains the right (and is obligated) to implement any remedial measures in the landfill area based on long-term monitoring associated with the landfill closure program.

- Section 3.2.2.2 details “Category 2 Borderlands - Designated Development Parcels at Urban/Wildland Interface”

This category expands the HMP Borderlands definition to include other designated development parcels that are adjacent to designated HMAs. These are undeveloped or partially developed parcels that abut the FONR, Marina Airport Habitat Reserve and Salinas River Habitat Area, East Garrison North Reserve, Habitat Corridor/Youth Camp, and the Landfill Parcel (Figure 3-2). In addition, the HCP includes the Del Rey Oaks Office Park, which has very specific HMP management requirements, as a Category 2 Borderlands. Land recipients with Category 2 Borderlands include FORA (as interim land manager), Board of Trustees of California State University (on behalf of the Monterey Bay), UCMBEST, County of Monterey, City of Marina, and City of Del Rey Oaks (Table 3-4 and Figure 3-2).

Most of the Category 2 Borderlands abut relatively small and isolated habitat areas that already have existing developed areas along other sections of their perimeters. Unlike Category 1 Borderlands, they are not adjacent to a large contiguous block of habitat like the NRMA.

## **EAST GARRISON II PARCELS**

### **Deed**

Deed Recorded 5/25/2010, L23.3.2.2 (63.67 ac), L23.3.3.1 (57.65 ac), L23.3.3.2 (31.62 ac)

- **HMP Provisions**

- Property owner shall not transfer or lease the Property or any portion thereof without inclusion of the Environmental Protection Provisions contained in the Deed herein to the extent applicable to the Property.
- Environmental Protection Provisions
  - HMP is incorporated in the Deed by reference. HMP requirements shall be part of any subsequent deeds.
  - Deed requires the conservation in perpetuity of the sensitive wildlife and plant species and their habitats consistent with the USFWS Biological Opinion.
  - These parcels are subject to the HMP requirements for Borderland Development Areas
  - The property owner is required to implement all HMP requirements applicable to this property
  - The property owner may not transfer, assign, or otherwise convey any portion of or interest in the property without prior written consent of the USFWS.
  - Habitat Management responsibility for the property may only be transferred as a condition of the transfer of the Property, with the consent of the USFWS.
  - USFWS can require the establishment of a perpetual trust fund to pay for habitat management of the property as a condition of transfer of habitat management responsibility from the owner.
  - USFWS has a reversionary interest in the property. If USFWS determines the property is not being managed in accordance with the HMP, USFWS may enter the property to correct the condition, in which case that portion of the property reverts to USFWS, at the property owner's cost.
  - USFWS can determine if property owner is violating the HMP, can direct corrective action within 60 days, and can bring a lawsuit to force compliance. If USFWS determines immediate action is required, it may pursue remedies without prior notice to the property owner.
  - Enforcement is at discretion of USFWS.

## **FORA Base Reuse Plan - Chapter 3, Framework for the Reuse Plan**

- Chapter 3.3, *Land Use Concept: Ultimate Development Plan and Map*, includes Figure 3.3-1, *Land Use Concept Ultimate Development*, which shows the East Garrison II parcels are designated “Planned Development Mixed Use District”
- Chapter 3.4, *Land Use Designations and Land Resources*, includes Section 3.4.2, *Land Use Designations*:
  - Planned Development Mixed Land Use*: The use is intended to encourage the development of pedestrian-oriented community centers. They will contain a wide variety of residential detached and attached homes, commercial, various retail, professional office, cultural civic centers, parks, community centers, schools, churches, day care centers, transit centers, and entertainment uses. The typical development intensity for this use is a gross FAR of .35 and housing density of up to 20 dwelling units per acre. The highest FAR (.35) has been targeted at the Marina Town Center and UC MBEST to reflect these key locations within the former Fort Ord and their potential to play a significant long-range role in the reuse of the base.
- Table 3.4-1, *Permitted Range of Uses for Designated Land Use*, provides further detail regarding these land use designations:
  - Planned Development Mixed Use - Gross FAR to .35, Density to 20 DU’s/Acre
  - This designation is intended to encourage the development of pedestrian-oriented community centers that support a wide variety of commercial, residential, retail, professional services, cultural and entertainment activities. The intent is to locate this designation near future transit facilities or along transit corridors, and near commercial and employment centers. This designation creates a transition from existing developed urban centers and lower density residential and institutional districts. The City or County containing the Planned Development Mixed Use land use designation shall have the authority in various parts or areas with such designation to prohibit some of the overall set of uses which might otherwise be allowable in the areas having such a designation upon making a finding that there will be no adverse traffic impacts.

Uses allowed within this land use designation include:

- SFD detached & attached;
- MFD;
- convenience retail;
- neighborhood retail;
- regional retail
- office/research and development uses;
- entertainment uses;
- commercial recreation;
- parks;
- community centers;
- public buildings & facilities, including visitor centers, cultural centers, museums, transit centers, etc.
- schools;

day care centers;  
houses of worship;  
business parks;  
light industrial development uses;  
open space/recreation uses; and  
visitor serving where designated.

- Chapter 3.6, *Conservation, Open Space, and Recreation Concept*, contains the following figures:
  - Figure 3.6-1, *Regional Open Space System*, shows the East Garrison II parcels are outside the BRP regional open space system.
  - Figure 3.6-2, *Habitat Management Plan*, shows the East Garrison II parcels designated “Development with Reserve or Restrictions”
  - Figure 3.6-3, *Open Space & Recreation Framework*, shows the East Garrison II parcels designated “Other Public Open Space – Recreation Oriented”.
  - The discussion of “Other Public Open Space/Recreation-Oriented Lands” on p.135 describes such intended uses on a number of parcels within the former Fort Ord, but does NOT discuss the area in which the East Garrison II parcels are located. The land use designation shown on Figure 3.6-3 appears to be in conflict with that shown on Figures 3.6-1 and 3.6-2.
- Chapter 3.10, *County of Monterey Planning Areas and Districts*, contains:
  - Fig. 3.10-1 *County Planning Areas*, shows the East Garrison II parcels to be included in the East Garrison District of the Reservation Road Planning Area.
  - Section 3.10.3, *Reservation Road Planning Area*
    - East Garrison District: The East Garrison District area is designated as a “Planned Development Mixed Use District.” The District is a total of approximately 751 acres. The HMP, however, limits development at the East Garrison to 200 acres. The remaining lands will be reserved in habitat management.
    - The Reuse Plan provides for a range of uses to accommodate then-competing visions for the development of this District, and indicates the land use objectives would be defined when the development plan for this district is determined. This determination took place with approval of the *Parker Flat Land-Use Swap Agreement* in 2002.

### **Habitat Management Plan**

- Chapter 4, *Habitat Management for Disposal and Reuse*:
  - Figure 4-1 *Habitat Management Plan Map* designates East Garrison II properties as “Development with Reserve Areas or Development with Restrictions”

- Definition of “Development with Reserve Areas or Development with Restrictions”  
 “Some of the lands slated for development in the HMP contain inholdings of habitat reserve land or require development restrictions to protect habitat within or adjacent to the parcel. This management category is titled “Development with Reserve Areas or Development with Restrictions”. For development parcels that have habitat reserve areas within their boundaries, the management practices must be consistent with maintenance of the reserves. The inholding reserve areas are subject to the same management conditions described above for the Habitat Reserve category, including management by an entity acceptable to the USFWS. Some developed land must be managed as described for the specific parcel to include development restrictions or management action...”
- Resource Conservation Requirements – East Garrison Polygon  
 “Up to 200 acres of total development, both existing and future, is allowed within the guidelines of this HMP for parcel E11b. The areas occupied by the sewage treatment plant and water tanks in subparcels E11b.9, E11b.10, and E11b.12 and the proposed road corridor shown in Figure 4-2 also may be developed in addition to the 200 acres. Where possible, development will be sited in areas that have existing development and in other areas that will minimize impact on HMP species and have less than 30% slopes. Siting of development will be considered with USFWS. The road corridor and 200-acre development area will be considered development areas with no habitat management restrictions. The remainder of the parcel will be managed as habitat reserve.”
- Appendix A, Agreement for the Revised Habitat Management Plan:
  - Figure 5-11 Draft *Revised Habitat Management Plan* designates East Garrison II properties as “Development with Reserve Areas”

### **Land Swap Agreement**

- *Memorandum of Understanding Concerning the Proposed East Garrison/Parker Flats Land Use Modification*, September 23, 2003
- Parties: U.S. Bureau of Land Management, U.S Dept of the Army, Fort Ord Reuse Authority, County of Monterey, Monterey Peninsula College
- One of its purposes was to “help resolve conflicting land-uses and conveyance requests” between MPC, BLM, and the County surrounding the MPC Public Safety Officer Training Facility in the East Garrison area. It was not drafted to amend the Base Reuse Plan, and it did not amend land use designations in the Base Reuse Plan.
- The LSA was intended to facilitate the relocation of MPC’s proposed Public Safety Officer Training Facility from East Garrison to Parker Flats Military Operations Urban Terrain (MOUT) facility. In order to implement the relocation, existing agreements between the Army and the Bureau of Land Management regarding Fort Ord activities and use of the MOUT facility needed to be modified. The MOU addressed these needed modifications. These modifications allowed the Army, through FORA and the County, to



transfer lands to MPC at the MOUT facility in Parker Flats rather than previously slated lands in the East Garrison area. The MOUT facility was previously slated to be transferred to BLM for ownership, maintenance, and operation.

- The LSA also amended the Habitat Management Plan (HMP). The HMP was prepared by the Army and is a supplemental document to the Base Reuse Plan that addresses habitat preservation and corridors on two-thirds of the former army base. The LSA included use designations. The HMP overlays the land uses and places restrictions on the use of property based upon habitat considerations. The HMP designates lands in four categories: habitat reserve, habitat corridor, development with reserve areas and restrictions, and development with no restrictions. Properties within the former Fort Ord are subject to the HMP and its restrictions in addition to the Base Reuse Plan land use designations and policies. For instance, a property designated for development with restrictions may have a Base Reuse Plan land use designation of Planned Development/Mixed Use but due to HMP restrictions, only a portion of the property might be appropriate for development with the remaining portion required by the HMP to be retained for habitat. The Base Reuse Plan requires recipients of former Fort Ord lands to comply with the HMP. (Base Reuse Plan, at page 356.)
- The LSA modified the HMP by moving habitat reserve areas from the East Garrison area to the Parker Flats area. The MOU, as executed in 2003 and as noted in the Fort Ord Master Plan “*Overall habitat Losses/Gains in Land Swap Agreement Table*”, removed the habitat reserve on 210 acres in the East Garrison area and in exchange overlaid a habitat reserve or habitat corridor designation on 463.2 acres in the Parker Flats planning area. The adjusted habitat reserve/habitat corridor area addressed a boundary issue at the MOUT facility, removed HMP habitat restrictions on a 210 acre portion of the East Garrison area and added HMP habitat restrictions to 463.2 acres of land within the Parker Flats area resulting in an overall net gain in habitat land of 246.7 acres. The LSA did not modify the Fort Ord Base Reuse Plan Land Use Designations. Projects must be evaluated based upon their consistency with the Fort Ord Base Reuse Plan, 2010 Monterey County General Plan and the HMP. Below is a summary and maps for both of the affected Planning areas.
- A biological assessment prepared by Zander Associates was attached to the LSA. Zander’s assessment refers to intent to develop residential units in the East Garrison area rather than Parker Flats; however, the Assessment was not a formal transfer of development potential or land use. The purpose of the Zander Assessment was to provide an evaluation of habitat areas to demonstrate that the HMP amendment would not alter the goals, objectives, and overall intent of the HMP and would afford an equivalent or greater protection for all habitat types and sensitive species not to amend any General Plan policies, assumptions, or land use designations. The parties to the Land Swap Agreement agreed to implement the conditions of the Zander Assessment, but as explained, these pertained to the habitat reserve boundaries of the HMP and other matters and did not amend or intend to amend the underlying land use designations of the Base Reuse Plan.

## **Draft Habitat Conservation Plan**

- Figures 3-1 and 3-11: East Garrison II parcels are “Designated Development Area”, and are not part of “East Garrison South Reserve” area
- Figure 3-2: East Garrison II parcels designated “Borderland Parcels”. Portions of edges of parcels have Category 1 and Category 2 borderland designations.
  - Category 1: Equivalent to Borderlands as Defined in HMP

This category follows the Borderlands designation included in the HMP, as revised through the East Garrison–Parker Flats land use modifications. The designation applies to development parcels...adjoining habitat areas in the...East Garrison areas that are currently undeveloped... The design and management requirements presented in Chapter 5 apply to all Borderlands parcels in this category...
  - Category 2: Designated Development Parcels at Urban/Wildland Interface

This category expands the HMP Borderlands definition to include other designated development parcels that are adjacent to designated HMAs. These are undeveloped or partially developed parcels that abut the...Youth Camp... Most of the Category 2 Borderlands abut relatively small and isolated habitat areas that already have existing developed areas along other sections of their perimeters...

ATTACHMENT B																						
Successor Agency: COUNTY OF MONTEREY																						
County: Monterey																						
LONG RANGE PROPERTY MANAGEMENT PLAN: PROPERTY INVENTORY DATA																						
No.	Property Type	Permissible Use	HSC 34191.5 (c)(2) Permissible Use Detail	HSC 34191.5 (c)(1)(A) Acquisition Date	HSC 34191.5 (c)(1)(A) Value at Time of Purchase	HSC 34191.5 (c)(1)(A) Estimated Current Value	HSC 34191.5 (c)(1)(A) Value Basis	HSC 34191.5 (c)(1)(A) Date of Estimated Current Value	SALE OF PROPERTY Proposed Sale Value	SALE OF PROPERTY Proposed Sale Date	HSC 34191.5 (c)(1)(B) Purpose for which property was acquired	HSC 34191.5 (c)(1)(C) Address	HSC 34191.5 (c)(1)(C) APN #	HSC 34191.5 (c)(1)(C) Lot Size	HSC 34191.5 (c)(1)(C) Current Zoning	HSC 34191.5 (c)(1)(D) Estimate of Current Parcel Value	HSC 34191.5 (c)(1)(E) Estimate of Income/Revenue	HSC 34191.5 (c)(1)(E) Contractual requirements for use of income/revenue	HSC 34191.5 (c)(1)(F) History of environmental contamination, studies, and/or remediation, and designation as a brownfield site	HSC 34191.5 (c)(1)(G) Description of property's potential for transit oriented development	HSC 34191.5 (c)(1)(G) Advancement of planning objectives of the successor agency	HSC 34191.5 (c)(1)(H) History of previous development proposals and activity
1	Public Building	Governmental Use	Porter-Vallejo Mansion. In continuous public use since acquisition. 9,624 sf three-story historic Porter-Vallejo Mansion currently housing a County Library, County offices, a Sheriff's field office, pre-school/day care program, and meeting space. Separate 3,385 sf building leased to Clinica de Salud del Valle de Salinas for use for non-profit medical clinic. Lease agreement expires in 2016, with option for two extensions of six years each. The County manages and maintains the property under a 1988 Lease Agreement with the RDA. This property is proposed to transfer to the County to continue the existing uses under the terms of the existing leases.	1987	Unknown	Unknown			Unknown	N/A	Porter-Vallejo Mansion. Public-serving uses: Redevelopment Agency offices, County library, Sheriff field office, pre-school/day care, senior center, non-profits, health clinic, etc.	29 Bishop St., Pajaro, CA	117-323-013	25,276 sf	HDR/HR	Unknown	Unknown	Unknown	Unknown	Minimal. Site is two blocks from nearest public bus line.		Repair of flood damage and historic renovation completed by Redevelopment Agency after the Great Flood of 1995.
2	Public Building	Governmental Use	The property is developed with the 1,500 sf historic Japanese Schoolhouse building. The building was constructed in the 1930s as a Japanese-language and cultural schoolhouse by the local Japanese farmworker community. The former RDA spent \$950,000 on renovations to the building and outdoor spaces, which include an historic interpretive display. The facility is leased to the North County Park & Recreation District to use for a wide range of community events, classes, and meetings. This property is proposed to transfer to the County to continue the existing use under the terms of the lease.	2000	Unknown	Unknown			Unknown	N/A	Community youth center	11199 Geil St, Castroville, CA	030-102-003	9,068 sf	CP	Unknown	Unknown	Unknown	Phase 1 Environmental Site Assessment performed in 2008. Lead-based paint & asbestos remediated prior to buiding restoration in 2009.	None. Site is at six blocks from nearest public bus line.		Historic renovation completed by Redevelopment Agency in 2009.
3	Other	Sale of Property	Ag "Remainder" parcel. The parcel is located entirely within an actively-farmed agricultural field. The Redevelopment Agency acquired the property as part of the land donation for the new Pajaro Neighborhood Park, but is separated from the park by the UPRR railroad right-of-way. The property is not adjacent to any potable water supply or public access, and is currently being farmed by the surrounding land owner (without the benefit of a lease). The parcel is proposed to be sold to the adjacent land owner for fair market value.	2010	Unknown	Unknown			Unknown	N/A	public park	Pajaro, CA	117-221-034	0.71 acre	F-40A/U	Unknown	Unknown	Unknown	Unknown	None. Site is not adjacent to any public road or right-of-way.	None	None
4	Vacant Lot/Land	Governmental Use	E8a.1.3. Undeveloped property adjacent to the US Army's landfill, which is still in use. Ddesignated for future use as "Habitat Management Area" in County General Plan, Fort Ord Reuse Authority-Base Reuse Plan, and FORA Draft Basewide Habitat Conservation Plan (HCP). Subject to adopted Habitat Management Plan (HMP), 1000-foot Closed Landfill Buffer Zone, DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system addressing the adjacent landfill (a Superfund Site), and 2008 Memorandum of Agreement regarding Habitat Management among RDA, FORA, and Cypress Marina Heights LP. The property can only be used for habitat conservation, preservation, and restoration. The parcel is proposed to be transferred to the County to be managed in accordance with the habitat restrictions and requirements.	2006	Unknown	Unknown			N/A	N/A	Habitat Management Area	Imjin Parkway, Former Fort Ord, Monterey County	031-101-040	2.7 acres	Habitat Management Area	Unknown	None	Fort Ord Reuse Authority to receive 50% of any land sale or lease proceeds, per May 8 2001 Implementation Agreement Section 5(g).	US Army Finding of Suitiability to Transfer (FOST) 2006	None. Property may not be deevloped	Use as Habitat Management Area is in compliance with policies of the former Fort Ord Redevelopment Project Area	None
5	Vacant Lot/Land	Governmental Use	E8a.1.4. Undeveloped property adjacent to the US Army's existing landfill, which is still in use. Partially designated as Habitat Management Area (28.7 acres) and partially as Planned Development Mixed Use (1.7 acres) in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Basewide Habitat Conservation Plan (HCP). Subject to adopted Habitat Management Plan (HMP), 1000-foot Closed Landfill Buffer Zone, DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system, and 2008 Memorandum of Agreement regarding Habitat Management among RDA, FORA, and Cypress Marina Heights LP. Parcel is proposed to be transferred to the County to be managed in accordance with the habitat restrictions and requirements.	2006	Unknown	Unknown			N/A	N/A	Habitat Management Area and Mixed-Use Commercial Development	Imjin Parkway, Former Fort Ord, Monterey County	031-101-041	30.4 scres	Habitat Management Area (28.7 acres), Planned Development Mixed Use (1.7 acres)	Unknown	None	Fort Ord Reuse Authority to receive 50% of any land sale or lease proceeds, per May 8 2001 Implementation Agreement Section 5(g).	US Army Finding of Suitiability to Transfer (FOST) 2006	None. Only 1.7 acres zoned for development, and that portion is not adjacent to any public road or right-of-way	Use as Habitat Management Area is in compliance with policies of the former Fort Ord Redevelopment Project Area	In 2009 the 1.7-acre "development" portion of this site was included in a formerly-proposed 58-acre light industrial subdivision and development project known as "Whispering Oaks". This development was denied by the County Board of Supervisors, and no other development projects have been proposed since that time.
6	Vacant Lot/Land	Governmental Use	E8a.1.5. Currently undeveloped. Designated as "Habitat Management Area" in County General Plan, FORA Base Reuse Plan, and FORA Draft Basewide Habitat Conservation Plan (HCP). Subject to adopted Habitat Management Plan (HMP), 1000-foot Closed Landfill Buffer Zone, and DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system. Property can only be used for habitat conservation, preservation, and restoration. Parcel is proposed to be transferred to the County to be managed in accordance with the habitat restrictions and requirements.	2006	Unknown	Unknown			N/A	N/A	Habitat Management Area	Intergarrison Road, Former Fort Ord, Monterey County	031-101-042	21.4 acres	Habitat Management Area	Unknown	None	Fort Ord Reuse Authority to receive 50% of any land sale or lease proceeds, per May 8 2001 Implementation Agreement Section 5(g).	US Army Finding of Suitiability to Transfer (FOST) 2006	None. Property may not be deevloped	Use as Habitat Management Area is in compliance with policies of the former Fort Ord Redevelopment Project Area	None
7	Vacant Lot/Land	Governmental Use	E8a.1.1.2. Currently undeveloped. 26 acres designated "Habitat Management Area", 56 acres designated "Planned Development Mixed Use" in County General Plan, FORA Base Reuse Plan, and FORA Draft Base-wide Habitat Conservation Plan (HCP). Subject to adopted Habitat Management Plan (HMP), 1,000-foot Closed Landfill Buffer Zone, and DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system. Potential uses are severely constrained by current land use restrictions. Property is depicted on exhibits in the FORA Base Reuse Plan as part of an open space/recreation corridor and contains significant oak woodland resources. Property is proposed to be transferred to the County to be managed in accordance with the habitat restrictions and requirements, and base-wide open space and recreational systems. .	2007	Unknown	Unknown			N/A	N/A		Intergarrison Road, Former Fort Ord, Monterey County	031-101-056	85 acres	Planned Development Mixed Use (56 acres), Habitat Management Area (29 acres)	Unknown	None	Fort Ord Reuse Authority to receive 50% of any land sale or lease proceeds, per May 8 2001 Implementation Agreement Section 5(g).	US Army Finding of Suitiability to Transfer (FOST) 2006	High Potential. Property is adjacent to FORA designated "Multi-Modal Corridor", the locatin of a future Bus-Rapid Transit facility currently being planned by the Transportation Agency for Monterey County.		In 2009 the 56-acre "development" portion of this site was included in a formerly-proposed 58-acre light industrial subdivision and development project known as "Whispering Oaks". The development was sponsored by Monterey-Salinas Transit, who proposed to construct a bus maintenance facility and agency administrative offices. This development proposal was denied by the County Board of Supervisors, and no other development projects have been proposed since that time.

LONG RANGE PROPERTY MANAGEMENT PLAN: PROPERTY INVENTORY DATA																						
			HSC 34191.5 (c)(2)	HSC 34191.5 (c)(1)(A)					SALE OF PROPERTY		HSC 34191.5 (c)(1)(B)		HSC 34191.5 (c)(1)(C)			HSC 34191.5 (c)(1)(D)	HSC 34191.5 (c)(1)(E)		HSC 34191.5 (c)(1)(F)	HSC 34191.5 (c)(1)(G)		HSC 34191.5 (c)(1)(H)
No.	Property Type	Permissible Use	Permissible Use Detail	Acquisition Date	Value at Time of Purchase	Estimated Current Value	Value Basis	Date of Estimated Current Value	Proposed Sale Value	Proposed Sale Date	Purpose for which property was acquired	Address	APN #	Lot Size	Current Zoning	Estimate of Current Parcel Value	Estimate of Income/Revenue	Contractual requirements for use of income/revenue	History of environmental contamination, studies, and/or remediation, and designation as a brownfield site	Description of property's potential for transit oriented development	Advancement of planning objectives of the successor agency	History of previous development proposals and activity
8	Vacant Lot/Land	Governmental Use	E4.6.2. Property is narrow (avg 160' wide) and long (4,300 lf), running along the southerly frontage of Imjin Parkway between Abrams Drive and the northerly extension of 7th Avenue for the length of the closed landfill polygon. Approximately 1.2 acres is part of the Ord Market lease. The rest is currently undeveloped. The parcel is designated as "Planned Development Mixed Use" in the County General Plan, and the FORA Base Reuse Plan. It is subject to the 1000-foot Closed Landfill Buffer Zone, and the DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system. Property to be transferred to the County to preserve the opportunity to dedicate roadway right of way for widening the arterial Imjin Parkway if determined necessary in the future.	2006	Unknown	Unknown			N/A	N/A		Imjin Parkway, Former Fort Ord, Monterey County	031-101-058	16.3 acres	Planned Development Mixed Use	Unknown	None	Fort Ord Reuse Authority to receive 50% of any land sale or lease proceeds, per May 8 2001 Implementation Agreement Section 5(g).	US Army Finding of Suitability to Transfer (FOST) 2006	None.		None
9	Vacant Lot/Land	Governmental Use	East Garrison II parcels. Currently undeveloped. Designated "Planned Development Mixed Use" in County General Plan and FORA Base Reuse Plan. Property was originally contemplated to be developed in residential use as an expansion to the East Garrison I project which is currently under construction. Future development of these parcels is severely constrained by the lack of water availability, residential unit allocation, and other limitations related to the FORA Base Reuse Plan. Property is also subject to certain requirements under the adopted HMP and the draft HCP related to habitat. In addition, the property is adjacent to the new Fort Ord National Monument, and is subject to transfer restrictions in the deeds requiring prior approval by the US Fish & Wildlife Service. These properties are proposed to be transferred to the County to be managed in accordance with the Base Reuse Plan and habitat plans.	2010	Unknown	Unknown			N/A	N/A	Residential Development	Barloy Canyon Road, Former Fort Ord, Monterey County	031-161-032 and 031-161-040	152 acres	Planned Development Mixed Use	Unknown	None	Fort Ord Reuse Authority to receive 50% of any land sale or lease proceeds, per May 8 2001 Implementation Agreement Section 5(g).	US Army Finding of Suitability to Transfer (FOST) 2010	Minimal. Site is not adjacent to any arterial road, public bus line, or future Multi-Modal Corridor.		None
10	Commercial	Governmental Use	E8a.1.2. Ord Market Commercial Development. 1.8 acres of 21.3-acre parcel has existing commercial development - remainder is undeveloped. Entire parcel designated Planned Development Mixed Use in County General Plan and FORA Base Reuse Plan. Property is zoned PQP (the undeveloped portion – which was the zoning when the Army owned it) and LCD-S (the portion developed with Ord Market). Property subject to 1000-foot Closed Landfill Buffer Zone, and Land Use Covenant by the California Department of Toxic Substances Control (DTSC) relating to contaminated groundwater and a methane recovery system. It is proposed that the property transfer to the County and that the County process a lot line adjustment to separate the Ord Market lease site from the rest of the property, provide the existing leaseholder first right to purchase the lease site for fair market value and enter into a "Compensation Agreement" with FORA and the affected taxing entities to share in the land sale proceeds as they are entitled to. The remaining property would be managed in accordance with the Base Reuse Plan and habitat plans and restrictions.	2006	Unknown	Unknown			N/A	N/A	Commercial Development	Imjin Parkway, Former Fort Ord, Monterey County	031-101-039	21.3 acres	19.8 acres PQP, 1.8 acres LCD-S	Unknown	The current rent is approximately \$3,400 per month with the County receiving 50% and FORA receiving 50% under the terms of the May 8, 2001 Fort Ord Implementation Agreement, Section 5(g).	Fort Ord Reuse Authority to receive 50% of any land sale or lease proceeds, per May 8 2001 Implementation Agreement Section 5(g).	US Army Finding of Suitability to Transfer (FOST) 2006	High Potential. Property fronts on the arterial Imjin Parkway, a primary roadway link between Salinas and the Monterey Peninsula. Imjin Parkway is being looked at for possible future Bus-Rapid Transit facility Transportation Agency for Monterey County.		1.8 acres of the property is currently developed with the Ord Market and Gas Station/Car Wash. In 2006 RDA entered into a Disposition, Development (DDA) and Lease Agreement with Darryl Choates for the 3.0-acre Ord Market site which consists of a food market/convenience store, a gas station and a car wash. That portion of the property was rezoned in 2008 as part of the approval of the land use entitlements for the Ord Market and Gas Station. The term of the DDA/Lease Agreement is 20 years (ending on August 22, 2026). There is no provision for a guaranteed right of extension. The DDA/Lease also provides RDA with the right of Early Termination "for any reason whatsoever"; however, if the Successor Agency would want to terminate the Lease early for a reason other than "fault" of the Lessee, the Agency would have to reimburse the Lessee for any unrecovered costs of the Premises improvements (e.g., gas tank installation) and the goodwill value of the business at the time of termination. The rent is structured to allow a reduced rent for the first 10 years of the Lease (2006 to 2016), but transforms to a "fair market value" rent, based on appraisals, for the last 10 years (2016 to 2026). While the DDA/Lease provides the Lessee with the right to seek to sublease or assign its interests, the Lessee must obtain the written consent of the Successor Agency, which has "sole and absolute discretion" in determining whether or not to allow a sublease or assignment.
11	Vacant Lot/Land	Fulfill Enforceable Obligation	East Garrison Carve-Out Parcel A. Currently vacant lot in Phase 1 area of East Garrison development. Subject to adopted East Garrison Specific Plan. DDA requires that this property be retained by the Successor Agency to be developed as a future public library and sheriff field office as part of the Town Center before being transferred to an appropriate body such as the East Garrison Community Facilities District or the Monterey County Free Libraries.	2007	Unknown	Unknown			N/A	N/A	Future library & Sheriff field office	East Garrison Development, Former Fort Ord, Monterey County	031-161-130	0.59 acre	Planned Development Mixed Use	Unknown	None	None	US Army Finding of Suitability to Transfer (FOST) 2007	None.		East Garrison Specific Plan 2005; Disposition & Development Agreement 2005
12	Vacant Lot/Land	Fulfill Enforceable Obligation	East Garrison Carve-out Parcel B. Currently developed with dilapidated historic buildings (old mess halls). Subject to adopted East Garrison Specific Plan and East Garrison Historic District covenants and policies. DDA requires that this property be retained by Successor Agency until transferred to an approved developer for restoration of the historic mess hall buildings for use as artist studios as part of the Historic District.	2007	Unknown	Unknown			N/A	N/A	Future artist studios	East Garrison Development, Former Fort Ord, Monterey County	031-161-021	0.78 acre	Planned Development Mixed Use	Unknown	None	None	US Army Finding of Suitability to Transfer (FOST) 2007	None.		East Garrison Specific Plan 2005; Disposition & Development Agreement 2005
13	Vacant Lot/Land	Fulfill Enforceable Obligation	East Garrison Carve-out Parcel C. Currently developed with dilapidated historic buildings (old mess halls). Subject to adopted East Garrison Specific Plan and East Garrison Historic District covenants and policies. DDA requires that this property be retained by Successor Agency until transferred to an approved developer for restoration of the historic mess hall buildings for use as artist studios as part of the Historic District.	2007	Unknown	Unknown			N/A	N/A	Future artist studios	East Garrison Development, Former Fort Ord, Monterey County	031-161-022	2.39 acres	Planned Development Mixed Use	Unknown	None	None	US Army Finding of Suitability to Transfer (FOST) 2007	None		East Garrison Specific Plan 2005; Disposition & Development Agreement 2005
14	Vacant Lot/Land	Fulfill Enforceable Obligation	East Garrison Carve-out Parcel D. Currently developed with dilapidated historic and non-historic buildings (warehouses, theater, "battle simulation" building). Subject to adopted East Garrison Specific Plan and East Garrison Historic District covenants and policies. DDA requires that this property be retained by Successor Agency until transferred to an approved developer for demolition of non-historic buildings and restoration of the historic buildings for use as artist studios and a public recreation facility as part of the Historic District.	2007	Unknown	Unknown			N/A	N/A	Future artist studios and public recreation facility	East Garrison Development, Former Fort Ord, Monterey County	031-161-023	8.29 acres	Planned Development Mixed Use	Unknown	None	None	US Army Finding of Suitability to Transfer (FOST) 2007	None		East Garrison Specific Plan 2005; Disposition & Development Agreement 2005
15	Vacant Lot/Land	Fulfill Enforceable Obligation	East Garrison MCWD Well Lot L35.8. Currently developed with dilapidated historic buildings (old mess halls). Subject to adopted East Garrison Specific Plan and and East Garrison Historic District covenants and policies. DDA requires that this property be retained by Successor Agency until transferred to an approved developer for restoration of the historic mess hall buildings for use as artist studios as part of the Historic District.	2007	Unknown	Unknown			N/A	N/A	Future artist studios	East Garrison Development, Former Fort Ord, Monterey County	031-161-016	0.14 acres	Planned Development Mixed Use	Unknown	None	None	US Army Finding of Suitability to Transfer (FOST) 2007	None		East Garrison Specific Plan 2005; Disposition & Development Agreement 2005

# **ATTACHMENT C**



DEPARTMENT OF  
**FINANCE**

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

October 18, 2013

Ms. Marti Noel, Redevelopment & Housing Assistant Director  
Monterey County  
168 West Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901

Dear Ms. Noel:

Subject: Request for a Finding of Completion

The California Department of Finance (Finance) has completed the Finding of Completion for the Monterey County Successor Agency.

Finance has completed its review of your documentation, which may have included reviewing supporting documentation submitted to substantiate payment or obtaining confirmation from the county auditor-controller. Pursuant to Health and Safety Code (HSC) section 34179.7, we are pleased to inform you that Finance has verified that the Agency has made full payment of the amounts determined under HSC section 34179.6, subdivisions (d) or (e) and HSC section 34183.5.

This letter serves as notification that a Finding of Completion has been granted. The Agency may now do the following:

- Place loan agreements between the former redevelopment agency and sponsoring entity on the ROPS, as an enforceable obligation, provided the oversight board makes a finding that the loan was for legitimate redevelopment purposes per HSC section 34191.4 (b) (1). Loan repayments will be governed by criteria in HSC section 34191.4 (a) (2).
- Utilize proceeds derived from bonds issued prior to January 1, 2011 in a manner consistent with the original bond covenants per HSC section 34191.4 (c).

Additionally, the Agency is required to submit a Long-Range Property Management Plan to Finance for review and approval, per HSC section 34191.5 (b), within six months from the date of this letter.

Please direct inquiries to Andrea Scharffer, Staff Finance Budget Analyst, or Chris Hill, Principal Program Budget Analyst, at (916) 445-1546.

Sincerely,

JUSTYN HOWARD  
Assistant Program Budget Manager

cc: Ms. Bertha Calderon, Redevelopment & Housing Project Analyst, Monterey County  
Ms. Julie Aguero, Auditor Controller Analyst II, Monterey County  
California State Controller's Office