



County of Monterey Planning Commission

Item No.6

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No. 6

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PLN030204-AMD2 - UCP East Garrison, LLC

Public hearing to consider a recommendation to the Board of Supervisors on the Amendment to PLN030204 consisting of an East Garrison Specific Plan Amendment, including modification to Appendix A - East Garrison Pattern Book; Vesting Tentative Map for the Final Phase affecting parcels within the Phase 1, Phase 2 and Phase 3 Final Maps; and an amendment to the approved Combined Development Permit to redistribute the allowed development resulting in a Final Phase consisting of a mixed-use Town Center building with 30,000 square feet of commercial space and 66 affordable apartment units above and 259 residential and live/work units.

Project Location: East Garrison Specific Plan, Former Fort Ord.

Proposed CEQA Action: Consider an Addendum, together with the previously certified Final Subsequent Environmental Impact Report (SCH#2003081086) for the East Garrison Specific Plan Project (FSEIR) (Resolution No. 05-264) pursuant to CEQA Guidelines Section 15164.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution recommending the Board of Supervisors:

- 1) Consider an Addendum, together with the Final Subsequent EIR (SCH#2003081086) for the East Garrison Specific Plan Project (Resolution No. 05-264) pursuant to CEQA Guidelines Section 15164;
- 2) Adopt a resolution amending the East Garrison Specific Plan, including Appendix A - East Garrison Pattern Book (Resolution No. 05-266);
- 3) Approve a Vesting Tentative Map for the East Garrison Final Phase to allow the re-subdivision of 20.25 acres consisting of Phase 1 Final Map Parcels T1.1 - T1.8, Phase 2 Final Map Parcels M2.10 and M2.11, and Phase 3 Final Map Parcels M3.1 - M3.6, resulting in 140 single family residential parcels, 119 Live/Work parcels, two Town Center Parcels, approximately 2.85 acres in Open Space parcels, and approximately 3.35 acres in right of way parcels;
- 4) Amend the Combined Development Permit (Board of Supervisor's Resolution 05-267) to allow the redistribution of allowed development resulting in the East Garrison Final Phase consisting of: a mixed-use Town Center building with 30,000 square feet of commercial space on the first floor and 66 Affordable Artspace apartment units above, 61 Residential Medium units, 79 Residential High units, and 119 Live/Work Rowhouses;
- 5) Adopt a Mitigation Monitoring and Reporting Plan; and
- 6) Consent to the First Amendment to the Amended and Restated First Implementation Agreement between the Successor Agency to the Redevelopment Agency of the County of Monterey amending the Disposition and Development Agreement.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 5 new conditions of approval, in addition to the 84 of the 265 conditions of approval applicable to the Approved Project.

PROJECT INFORMATION:

Owner: UCP East Garrison, LLC

Planning File Number: PLN030204-AMD2

Project Location: Two miles east of the City of Marina and 5.5 miles southwest of the City of Salinas along Reservation Road. The properties are located south of the intersection of Reservation Road and East Garrison Drive, Marina, Fort Ord Master Plan, East Garrison Specific Plan area.

APNs: Multiple

Zoning: SP-D (Specific Plan with Design Control Overlay District)

Parcel Size: Varying size

Plan Area: Fort Ord Master Plan, East Garrison Specific Plan area

Flagged and Staked: No

Project Planner: Anna Ginette Quenga, AICP, Principal Planner

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SUMMARY:

The East Garrison Specific Plan (“EGSP”) and Combined Development Permit was approved by the Board of Supervisors in 2005 and brief summary of the history and approvals is provided below. The final maps for Phase 1, Phase 2 and Phase 3 were approved by the Board of Supervisors and filed with the County Recorder’s Office in 2007, 2015 and 2017, respectively. Buildout of Phases 1 and 2 are nearly completed while Phase 3 is at approximately 70%.

The applicant proposes an amendment to the East Garrison Specific Plan and Combined Development Permit in order to allow the redistribution of the allowed uses and density and reconfigure the remaining commercial and residential development. A summary of the amendment is also provided below.

A detailed discussion is provided and attached as **Exhibit A**.

California Government Code Section 65453(a) requires specific plans to be prepared, adopted and amended in the same manner as a general plan, except that a specific plan may be amended as often as deemed necessary by the legislative body. Pursuant to Government Code Section 65354, the planning commission shall make a written recommendation on an amendment of a general plan and send said recommendation to the legislative body. Pursuant to Monterey County Code (MCC) section 21.76.030.A and B, the decision making body for a principal land use shall be the decision making body for the Combined Development Permit, and the Planning Commission shall act as the recommending body to the Board of Supervisors when said Board is the Appropriate Authority for the Combined Development Permit. In accordance with state law, the East Garrison Specific Plan amendment has been scheduled for a public hearing before the Planning Commission for consideration, review and recommendation. A draft Planning Commission resolution is provided and attached as **Exhibit B**.

East Garrison Specific Plan - Approved Project

The Monterey County Board of Supervisors approved the East Garrison Specific Plan and Combined Development Permit Project (“Approved Project”) (PLN030204) on October 4, 2005 (Resolution No. 05-267). The Approved Project included 1) amendments to the 1982 Monterey County General Plan (Policies 26.1.9 and A-1); 2) amendments to Monterey County Code Title 21 (Section 21.08.060); 3) adoption of the East Garrison Specific Plan; 4) approval of a Combined Development Permit; 5) adoption of a Mitigation Monitoring and Reporting Plan; 6) allocation of 470 acre-feet per year of water from the County’s 560 acre-feet per year (“AFY”) water allotment (also referred to as “FORA water allocation”) for the former Fort Ord; and, 7) a Development Agreement. The Combined Development Permit consisted of a Vesting Tentative Subdivision Map for the subdivision of the 244-acre project site; a Use Permit for tree removal; a General Development Plan; a Use Permit to allow development on slopes over thirty percent (30%); and, a Design Approval.

The Approved Project included up to 1,400 residential units (consisting of 780 single-family detached units, 227 townhouses, 280 condominium/loft/apartment units, and 113 live/work units) plus up to 70 accessory dwellings (dependent on water availability). In addition, the Approved Project also included up to 75,000 square feet (“sf”) of commercial space, and 11,000 sf of institutional uses. The Approved Project included up to 100,000 sf of artist studio space in 25 renovated historic buildings and approximately 50 acres of open space, parks, and natural areas.

On October 4, 2005, Board of Supervisor’s took the following actions:

- Certified and adopted the Final Subsequent Environmental Impact Report, including project-specific mitigation measures and a Statement of Overriding Considerations (Resolution No. 05-264);
- Approved General Plan text amendments (Resolution No. 05-265);
- Approved Zoning Ordinance text and map amendments (Ordinance No. 05000);
- Adopted the East Garrison Specific Plan (Resolution No. 05-266);
- Approved the Combined Development Permit (Resolution No. 05-267); and
- Approved a Development Agreement (Ordinance No. 05001).

Additional information, including reports and documents, associated with the East Garrison Specific Plan Project can be found at the County of Monterey HCD-Planning’s East Garrison webpage at the following address:

www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/library-current-major-projects/east-garrison

The Board of Supervisors subsequently amended the Combined Development Permit (PLN030204-AMD1) on February 11, 2020 (Resolution No. 20-037) and adopted an addendum to the EGSP Final Subsequent EIR, to amend Condition of Approval No. 184 (related to specificity of funding allocation for fees collected by Monterey Bay Air Resources District to mitigate Reactive Organic Gas and Nitrogen Oxide air quality impacts from the Approved Project), and approve an agreement between the County of Monterey and Monterey Bay Air Resources District.

On June 16, 2020, the Board of Supervisors considered an addendum to the EGSP Final Subsequent EIR and adopted Ordinance No. 5333 approving the First Amendment to the Development

Agreement to extend agreement for 15 years and establish fees on remaining building permits for the Approved Project to replace Fort Ord Reuse Authority's (FORA) Community Facilities District fees for the Developer's fair share funding of habitat management, and regional and County roadway improvements.

Successor Agency Agreements

On October 4, 2005, East Garrison Partners, LLC ("EGP") and the Redevelopment Agency of the County of Monterey, with the approval and agreement of the County of Monterey (Board of Supervisors Resolution No. 05-273), entered into a Disposition and Development Agreement ("DDA"). The DDA provides, among other things, for the construction of rental of affordable housing in each phase of the EGSP. On September 8, 2009, UCP East Garrison, LLC ("Developer") acquired the fee title to the East Garrison project that was subject to the DDA, and consequently, as successor-in-interest to EGP, assumed certain rights, interests and requirements under the DDA. The Redevelopment Agency of the County of Monterey has been succeeded by the Successor Agency to the Redevelopment Agency of the County of Monterey ("Agency"). On August 30, 2016, the Developer and Agency, with consent of the County, approved an Amended and Restated First Implementation Agreement to the Disposition and Development Agreement ("First Implementation Agreement").

Various affordable housing implementing agreements were identified in the DDA or subsequently determined needed by the Agency, and such agreements have been executed and amended as needed by the Agency, Developer and other relevant parties. The Proposed Project necessitates amendment (to be discussed below under *Proposed Amendments*) to the following affordable housing agreements:

- Completion Guaranty for Phase 3 (June 27, 2019);
- Inclusionary Housing Agreement for Moderate Income Inclusionary Units (June 20, 2007) and the First Amendment (February 8, 2022);
- East Garrison Phase 1 Workforce II Housing Letter Agreement (March 9, 2016)
- Designation of Workforce II Housing Agreement for Phase 1 (December 12, 2017) and the First Amendment (June 26, 2018) and Second Amendment (February 12, 2019); and
- Workforce Housing Agreement for the East Garrison Phase 2 and 3 (March 11, 2016).

These agreements can be found at the County of Monterey HCD-Planning's East Garrison webpage at the following address:

www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/library-current-major-projects/east-garrison.

Proposed Amendments

The Proposed Project (PLN030204-AMD2) consists of the Final Phase of the EGSP and includes amendments to the East Garrison Specific Plan and Combined Development Permit. The Proposed Project also includes a Vesting Tentative Map to facilitate construction of up to 325 total residential units, consisting of up to 259 residential for-sale units (consisting of 140 market rate single-family units and 119 live/work artist "rowhouses" of which 33 will be affordable to moderate-income households, 70 affordable to Workforce II households, and 16 will be sold at market rate) and 66 affordable rental apartments, as well as up to 30,000 sf of commercial/institutional/retail uses (including a

community courtyard), a one-acre Town Center Park, and a 4,000 sf library/sheriff's office. The Proposed Modification would result in the development of approximately 20.25 acres.

Overall, implementation of the Proposed Project would decrease the amount of development associated with buildout of the EGSP. More specifically, the Proposed Project would reduce the extent of residential development (by 16 total units) and commercial uses (reduce the maximum allowable commercial square footage from 75,000 sf to 30,000 sf). In summary, the amendment to the EGSP would:

- Revise unit counts and descriptions;
- Change the total acreage of residential and non-residential land use categories;
- Modify Figure 3.6, Land Use Plan map;
- Modify the development phases, including revised descriptions and graphics on as-built, current, and future development phases;
- Revise permitted land uses, building height limits, and signage restrictions;
- Modify the proposed network of streets, bicycle systems plan, and parking network;
- Update utility information; and
- Revise the proposed open space component of the Town Center.

The Draft Amended EGSP is attached as **Exhibit C** and can be accessed at the following web address: www.co.monterey.ca.us/home/showpublisheddocument/130062/638465439411530000

The Proposed Project also includes modifications to the East Garrison Pattern Book, specifically new lot and unit types, changes to previously defined unit and lot types, changes to materials, introduction of new architectural styles, and modifications to building designs. The Draft Amended Pattern Book is attached as **Exhibit D** and can be accessed at the following web address:

www.co.monterey.ca.us/home/showpublisheddocument/130060/638465439401400000

The Proposed Project would subdivide the existing lots to facilitate individual sale and/or lease of each of the proposed residential and live/work units and the remaining non-residential space under the final phase of development. The Proposed Project would also abandon some of the existing utility easements that were previously recorded as part of the Approved Project and dedicate new utility easements as part of the Proposed Project to serve the new lots. A detailed breakdown of the subdivision of the existing lots is provided in **Exhibit A**.

The Proposed Project would require an amendment to the East Garrison DDA via the First Implementation Agreement **Exhibit I**. These changes include amendments to the following:

- Reduction in Tax Increment Liabilities under the DDA
- Phasing Map (Attachment No. 1(B) to the DDA) to designate the remaining Final Phase development area;
- Product Size and Types (Exhibit 1 to Attachment No. 9 to the DDA) to update to reflect to modified product types, maximum unit size, and unit counts for the Final Phase.
- Schedule of Performance (Attachment No. 5 to the DDA) to memorialize the phased timing for completion of the Final Phase development;
- Workforce II Housing (Attachment No. 3, §§ A&B and Attachment No. 9, § 5 to the DDA) to allow the developer to satisfy all remaining Workforce II Housing obligations in the Final

Phase;

- Town Center (Attachment No. 4, § G(2); Attachment No. 9, § 6) to establish Town Center construction milestones to be linked to timing triggers associated to issuance of building permits for certain number of Final Phase market rate units;

Additionally, the Proposed Project would require amendment to certain affordable housing agreements. These changes include amendment to the following:

- First Amendment to the Completion Guaranty for Phase 3 (in draft) to increase the surety performance bond from an original amount of \$17,500,000 to a new amount of \$20,125,000 (an increase of 15%) and to extend the timeline for completion of the Phase 3 apartments from March 31, 2025 to December 31, 2029. See **Exhibit J**;
- Amendment to the Inclusionary Housing Agreement for Moderate Income Inclusionary will be needed to implement the Proposed Project to identify the new location of the units and allow for a reduced minimum unit size from 1,300 sf to 1,000 sf. This requirement is incorporated as a Condition of Approval;
- Amendment to the various Workforce II Housing agreements will be needed to implement the Proposed Project to allow the 70 remaining workforce units to be sold in the Final Phase. This requirement is incorporated as a Condition of Approval.

The Developer also wishes to designate Community Housing Improvement Systems and Planning Association, Inc., (CHISPA), who developed the Phase 2 Affordable Rental Apartment Project at East Garrison, as the Phase Three Affordable Apartment Developer. A Memorandum of Agreement between the Developer and CHISPA to be approved by the Agency is in draft and included as **Exhibit K**.

CEQA:

Following Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an Addendum was prepared to make minor technical changes to the certified FSEIR based on the proposed amendments to the East Garrison Specific Plan, Vesting Tentative Map and Final Map, and Combined Development Permit described above which does not include substantial changes to the project, so no major revisions to the previous EIR are required. The amendment does not allow any new development that was not previously approved under the previous EIR. See **Exhibits G and H** for additional information.

NEXT STEPS:

After the Planning Commission adopts a recommendation to the Board of Supervisors, County staff will schedule this item before the Board of Supervisors for a final decision.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- HCD - Planning
- HCD - Environmental Services
- HCD - Engineering Services
- Water Resources Agency

- Environmental Health Bureau
- Public Works, Facilities, & Parks Department
- Monterey County Sheriff's Office
- Monterey County Regional Fire District

Prepared by: Anna Ginette Quenga, AICP, Principal Planner

Reviewed by: Melanie Beretti, AICP, Acting Chief of Planning

Approved by: Craig W. Spencer, HCD Director

The following attachments are on file with HCD:

Exhibit A - Discussion

Exhibit B - Draft Resolution

Exhibit C - East Garrison Specific Plan Blueline

Exhibit D - East Garrison Specific Plan Revised Pattern Book

Exhibit E - Vesting Tentative Map

Exhibit F - Conditions of Approval/Mitigation Monitoring & Reporting Program

Exhibit G - Addendum No. 3 to the Final Subsequent EIR

Exhibit H - Final Subsequent EIR (SCH#2003081086) for the East Garrison Specific Plan
Project

Exhibit I - Draft First Amendment to the First Implementation Agreement

Exhibit J - Draft First Amendment to the Completion Guaranty for Phase 3

Exhibit K - Draft MOA between CHISPA and Developer for Phase 3

Exhibit L - Shared Parking Analysis

Cc: Front Counter Copy; Craig Spencer, Acting HCD Director, Melanie Beretti, AICP, Acting Chief of Planning; Anna Ginette Quenga, AICP, Principal Planner; UCP East Garrison, LLC, Applicant; Century Communities, Owner; Anthony Lombardo & Associates, Inc.; Interested Parties; East Garrison Residents; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN030204-AMD2.

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