



Monterey County

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Board Report

Legistar File Number: RES 16-051

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Matter Type: BoS Resolution

Adopt a resolution to:

- a. Certify that the County of Monterey has considered the *Mitigated Negative Declaration for the California State University Monterey Bay Transportation Demand Measure Projects (SCH # 2016051017)* dated July 25, 2016;
- b. Grant an Easement to the Trustees of the California State University, on behalf of California State University, Monterey Bay, over 1.4 acres of County-owned former Fort Ord land (APN 031-101-056-000) Landfill Border Parcel E8a.1.1.2 to accommodate CSUMB's construction of a traffic roundabout at the intersection of 8th Avenue and Intergarrison Road;
- c. Authorize the Chair of the Board to sign the Grant of Easement; and
- d. Adopt the *County of Monterey Mitigation Monitoring and Reporting Program*.

RECOMMENDATION

It is recommended that the Board of Supervisors of the County of Monterey adopt a resolution to:

- a. Certify that the County of Monterey has considered the *Mitigated Negative Declaration for the California State University Monterey Bay Transportation Demand Measure Projects (SCH # 2016051017)* dated July 25, 2016;
- b. Grant an Easement to the Trustees of the California State University, on behalf of California State University, Monterey Bay, over 1.4 acres of County-owned former Fort Ord land (APN 031-101-056-000) Landfill Border Parcel E8a.1.1.2 in conjunction with CSUMB's construction of a traffic roundabout at the intersection of 8th Avenue and Intergarrison Road;
- c. Authorize the Chair of the Board to sign the Grant of Easement; and
- d. Adopt the *County of Monterey Mitigation Monitoring and Reporting Program*.

SUMMARY

California State University Monterey Bay (CSUMB) owns Intergarrison Road in the vicinity of 8th Avenue on the former Fort Ord, and is preparing to construct a new traffic roundabout at this intersection. A portion of the project will require construction activity outside CSUMB's existing road right-of-way on the adjacent County-owned property (APN 031-101-056-000) Landfill Border Parcel E8a.1.1.2 (previously known as "Whispering Oaks"). CSUMB has requested the County to grant an Easement over 1.4 acres of this property to accommodate the construction and maintenance of the improvement.

The impact of the construction on the subject 1.4 acres, when mitigated as proposed by CSUMB, is consistent with the uses approved for this property by the Base Reuse Plan, the Habitat Management Plan, and by the State Department of Finance in the Long Range Property Management Plan.

DISCUSSION

On August 23, 2016 the Board of Directors of the Successor Agency to the Redevelopment Agency of the County of Monterey conveyed the 85.0-acre (APN 031-101-056-000) Landfill Border Parcel E8a.1.1.2 (“Parcel”) to the County via Quitclaim Deed, and Board of Supervisors of the County of Monterey accepted the Parcel.

California State University Monterey Bay (CSUMB) owns 8th Avenue and the portion of Intergarrison Road, adjacent to the aforesaid County-owned property. CSUMB wishes to construct a new traffic roundabout with bike lanes at the intersection of 8th Avenue and Intergarrison Road, referred to herein as “CSUMB Project”. The CSUMB Project is intended to improve traffic safety and circulation through and around its campus resulting from developments existing and proposed on the former Fort Ord properties surrounding the campus.

Construction of the CSUMB Project at 8th Avenue and Intergarrison Road will require CSUMB’s contractor to perform construction work outside CSUMB’s existing road right-of-way on 1.4 acres of the adjacent County-owned property (“County Project Component:”). CSUMB has requested the County grant an Easement over 1.4 acres of this property to accommodate the construction and maintenance of the improvement.

The CSUMB Project is a needed infrastructure improvement for the Parcel to be utilized per the Base Reuse Plan, Long Range Property Management Plan, and other guiding plans and policies dictating its use. The County Project Component is consistent with the Base Reuse Plan which identifies the Development Capacity of the lands at the former Fort Ord. In land within Monterey County’s jurisdiction, 96 acres are reserved for area-wide roadway right-of-ways to accommodate the long-range circulation requirements within the former Fort Ord lands. The CSUMB Project builds on the existing transportation network to improve circulation and help calm traffic along Intergarrison Road, and helps preserve sufficient right-of-way to at the intersection to serve long-range build-out.

The County and the Fort Ord Reuse Authority (FORA) will realize value from the CSUMB Project. The Project includes improvements to existing bike lanes which will improve pedestrian and bicycle access to the Parcel. The CSUMB Project and implementation of CSUMB’s Mitigation Monitoring and Reporting Program maintains the open space and recreation use of the County-owned property and is consistent with the Monterey County Successor Agency Long Range Property Management Plan approved by the Oversight Board April 17, 2014 and approved by the State Department of Finance on December 31, 2015. The CSUMB Project does not change the County’s ability to access the Parcel for land management purposes, as the project reconstructs the existing driveway into the property to provide continued vehicular access. Further, the CSUMB Project does not change the overall value of the County’s property from the standpoint of future utilization in accordance with the Base Reuse Plan and aforementioned land use restrictions and possible future uses of County’s property.

Construction-related activities expected in the easement area include:

- Clearing and grubbing, including removal of coast live oak trees;
- Grading, including cuts and fills;
- Construction, maintenance, and removal of a temporary traffic bypass roadway;
- Construction and continued maintenance of permanent structural stormwater control measures including storm drain pipelines and outfall structures;
- Construction and continued maintenance of paved private driveway improvements;
and
- Oak woodland restoration.

CSUMB adopted a Mitigated Negative Declaration (“MND”) for its intersection improvement project. The County submitted comments to CSUMB prior to the close of the public comment period on June 6, 2016. CSUMB filed the Notice of Determination for the MND on July 25, 2016. As a responsible agency, the County must consider the MND as part of the action to grant an easement to the property and adopt the County’s Mitigation Monitoring and Reporting Plan (County MMRP) for this project.

While CSUMB is generally exempt from County land use regulations for this project, the CSUMB Project is located partially within the area of Monterey County regulated by the National Pollution Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), Order No. 2013-0001-DWQ, NPDES No. CAS000004, and CSUMB is therefore subject to stormwater requirements adopted by the Central Coast Regional Water Quality Control Board (Resolution No. R3-2013-0032). CSUMB is also subject to requirements related to unexploded ordnances on lands within the County’s jurisdiction at the former Fort Ord. Accordingly, County is requiring a grading permit to ensure CSUMB’s compliance with State stormwater regulations and land use restrictions related to unexploded ordnances on Army transferred lands in the former Fort Ord. In conjunction with CSUMB’s stormwater permit, CSUMB will execute a statement of responsibility to assume responsibility for the operation and maintenance of the structural stormwater control implemented as part of this project.

The Easement will grant permission to CSUMB to enter the County’s property to accommodate the construction and maintenance of the proposed improvement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

CSUMB is the lead agency for this project, and has considered and adopted a MND. As a responsible agency, the County is considering the MND as part of this action, and the attached draft resolution finds that no additional environmental review is needed for the grant of the easement.

OTHER AGENCY INVOLVEMENT

The Office of the County Counsel has reviewed the Resolution and Easement as to form. Under the Implementation Agreement between FORA and County (dated May 8, 2001), the County submitted a Transaction Worksheet to FORA for the granting of the Easement, and FORA staff has not objected.

FINANCING

The recommended action will have no impact on the County General Fund. Staff costs associated with permit processing and inspections will be paid by fees paid by CSUMB; should CSUMB request a fee waiver and reimbursement of these fees, staff costs will be covered in the adopted budget for FY2016-17. Staff costs for processing and evaluating CSUMB's compliance with the easement terms and County MMRP are covered in the RMA adopted budget for FY2016-17. CSUMB will pay all costs related to design, construction, and maintenance of the intersection roundabout project.

Prepared by: G.H. Nichols, P.E., Special Projects Engineer
Reviewed by: Melanie Beretti, RMA Special Programs Manager
Benny J. Young, PE, Interim Director of Public Works & Facilities
Approved by: Carl P. Holm, AICP, Director of Resource Management

The following attachments are on file with the Clerk of the Board:

- Attachment 1 - Vicinity Map
- Attachment 2 - Resolution
- Attachment 3 - Easement