



# Monterey County

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## Board Report

Legistar File Number: RES 15-005

January 27, 2015

**Introduced:** 1/20/2015

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** BoS Resolution

Adopt Resolution to:

- a. Authorizing and directing the Director of the County Resource Management Agency to submit an application for a grant of \$988,000 under U.S. Federal Lands Access Program (FLAP) to fund the design, environmental review, permitting, and construction of parking, trailhead, and trail improvements on County-owned property to facilitate safe access to the Jerry Smith Trail in the former Fort Ord;
- b. Accepting the pledge from the East Garrison Public Finance Authority of up to \$300,000 to provide the local (non-federal) match for the requested grant;
- c. Authorizing the Resource Management Agency Director to execute all grant application-related documents, including a Reimbursable Agreement of a maximum of \$10,000 within fifteen days of project short list notification;
- d. Certifying that the County will commit to maintain the facilities for the life of the facilities or 20 years, whichever is greater; and
- e. Certifying that the County will provide an in-kind matching contribution in the form of construction of the road surface improvements to West Camp Street as described in the grant application.

### **..Report**

#### **RECOMMENDATION:**

It is recommended that the Board of Supervisors adopt a resolution (attached):

- a. Authorizing and directing the Director of the County Resource Management Agency to submit an application for a grant of \$988,000 under U.S. Federal Lands Access Program (FLAP) to fund the design, environmental review, permitting, and construction of parking, trailhead, and trail improvements on County-owned property to facilitate safe access to the Jerry Smith Trail in the former Fort Ord in substantially the form attached as Exhibit A;
- b. Accepting the pledge from the East Garrison Public Finance Authority of up to \$300,000 to provide the local (non-federal) match for the requested grant;
- c. Authorizing the Resource Management Agency Director to execute all grant application-related documents, including a Reimbursable Agreement of a maximum of \$10,000 within fifteen days of project short list notification;
- d. Certifying that the County will commit to maintain the facilities for the life of the facilities or 20 years, whichever is greater; and
- e. Certifying that the County will provide an in-kind matching contribution in the form of construction of the road surface improvements to West Camp Street as described in the grant application.

#### **SUMMARY:**

Monterey County is eligible to apply for a Federal transportation grant under the Federal Lands

Access Program (FLAP). Under FLAP requirements, the Board of Supervisors is requested to adopt a resolution:

- 1) committing to maintain the improvements for the life of the facility or not less than 20 years, whichever is longer;
- 2) endorsing that matching funds will be available and identifying the timing and availability; and
- 3) authorizing staff to execute a reimbursable agreement of not more than \$10,000 within 15 days of project short listing, which is expected to happen in March or April of 2015. Grant applications must be submitted no later than January 30, 2015.

Staff recommends that the County apply for a grant in the amount of \$988,000, with a local (non-federal) match of up to \$300,000 (total project cost estimate \$1,288,000). The grant funds would pay for work preparatory to construction (design, environmental review, permitting process) for a trail access parking area within the County's "Travel Camp" property in the former Fort Ord, and install improvements to trails, including the Jerry Smith Trail, which provide northerly access to the Fort Ord National Monument.

A minimum local (non-federal) match of 11.7% is required; however, additional points are awarded for matching funds above the minimum. The minimum match for this project would be \$150,696. Staff proposes a match of \$300,000 that equates to approximately 23.3%. This match would be provided by the East Garrison Public Finance Authority (EGPFA) in the form of in-kind improvements on West Camp Street by the East Garrison developer as part of the Phase 2 infrastructure improvements anticipated for completion by early 2016, provided that the Authority pledges the funds pursuant to an action scheduled for the Authority's consideration under a separate item on this agenda. In the unlikely event that the developer fails to complete the Final Map for Phase 2, funding for the construction of West Camp Street would be available from Special Tax funds collected within the East Garrison CFD and being held for infrastructure acquisition. By separate action on its agenda for January 27, the EGPFA is being requested to commit up to \$300,000 available in CFD2006-01 Special Tax Fund as back-up funds in the event that the developer fails to construct the improvements in a timely manner.

As an alternative, staff evaluated using this grant to develop a trail access parking area on County-owned property ("Parcel L5.7") adjacent to the intersection of Intergarrison Road and Schoonover Road where there is currently informal parking is presently taking place. Staff does not recommend this alternative because it would involve significant environmental considerations (e.g. removal of oak trees) and technical considerations (reservation of right-of-way for the future Eastside Road) that complicate the site, adding potential cost and time to implement the project. In addition, the only matching fund source staff has identified would be use of the County General Fund. In this case, the County could reduce its matching amount (\$100,000) but that would affect the competitiveness of the application by reducing possible scoring points.

If the grant is approved, preliminary funding for design, engineering, and environmental work will be available in FY 2015-16. Construction funds will not be available until FY 2016-17. If the grant is awarded to the County, staff would return to the Board to consider acceptance of the grant.

**DISCUSSION:**

The Federal Lands Access Program (FLAP) was established by the Moving Ahead for Progress in the 21st Century (MAP-21), the new Federal transportation funding legislation. Between \$71 Million and \$130 Million will be available for projects in California over the next five to seven years. The goal of FLAP is to improve transportation facilities that provide access to, are adjacent to, or are within Federal lands. When the former Fort Ord base was closed in 1997, about 15,000 acres (of the 28,000 total) was set aside for transfer to the U.S. Bureau of Land Management (BLM). In 2012, the BLM lands were designated as the Fort Ord National Monument. The western portion of these lands is still held by the U. S. Army for munitions cleanup, but the eastern portion has been transferred to BLM and opened for public use.

BLM has constructed two formal, improved trail heads and parking areas to provide southerly access to the National Monument. Northerly access is limited to informal roadside parking, including a popular spot at the north end of the Jerry Smith Trail within the public right-of-way of Inter-garrison Road near Schoonover Road. This informal parking evolved when Inter-garrison Road was closed to vehicular traffic. After Intergarrison Road was re-opened to through traffic, the County installed stop signs and pavement markings to improve public safety on an interim basis until a permanent solution could be developed. If the proposed new parking facility is constructed, this informal trail access area would be permanently closed to parking. The grant application includes funds for barricades to close off this area from parking.

The Fort Ord Base Reuse Plan identifies a proposed future trail access parking area head in the general area of Inter-garrison and Schoonover Roads (Parcel L5.7). In addition, the County recently received a letter from the Fort Ord Reuse Authority (FORA) Post Reassessment Advisory Committee (PRAC) requesting the County to pursue avenues to implement a safe trail access parking lot in this area. The property in this area is heavily forested with large oak trees. The FORA Basewide Mitigation Capital Improvement Plan also includes the future construction of a new arterial roadway (Eastside Road) through this property.

Inter-garrison Road is a two-lane “collector” road which extends from Reservation Road (East Garrison) to 2nd Avenue (CSUMB). There is no designated parking for the northerly access to the Jerry Smith Trail, but there is room for eight to ten vehicles to park on the existing road shoulder, which is used as informal parking. Through traffic is expected to increase on Inter-garrison Road from about 1,000 ADT today to over 7,000 ADT as development of California State University Monterey Bay and private commercial and residential developments continue over the next several years. Relocation and formalization of a trail access parking facility will provide a preferred alternative to the informal roadside parking.

Staff is proposing to develop a formal trail access parking area within the County-owned “Travel Camp” property in the former Fort Ord, which is very near the Jerry Smith Trail. Selecting this location instead of the area where the informal parking area is now taking place would eliminate the need for any tree removal, and avoid potential conflict with the alignment of the future Eastside Road, so that improvements for this trail head are not impacted by future construction.

Proposed project improvements would include constructing:

- approximately 1,200 feet of paved street improvements on future West Camp Street

within the East Garrison development, to include bike lanes and curb, gutter and sidewalks.

- a paved parking lot with capacity for 25 vehicles, and a ½-acre all weather gravel parking area capable of accommodating horse trailers and overflow vehicular parking,
- two trail head kiosks,
- restroom(s) and applicable infrastructure,
- trail repairs and improvements and planting,
- physical barrier to prevent roadside parking on Inter-garrison Road, and
- directional and safety signage.

The exact location of the proposed parking area within the Travel Camp property will be determined after preliminary engineering and environmental studies are conducted, which would be funded by the grant.

The cost of improvements to the existing Watkins Gate fire road, the trail head parking area, and the nearby system of trails, including the Jerry Smith Trail, is expected to be \$1,288,000. Matching funds required under the FLAP program will be the cost of surface improvements to West Camp Street as described above, estimated at \$300,000. This match is more than the minimum required under FLAP, but matching in excess of program requirements funds result in additional grant application score points.

These matching funds will be provided in the form of in-kind improvements on West Camp Street made by the East Garrison developer as part of the East Garrison Phase 2 infrastructure improvements subsequent to the execution of agreements required under FLAP. The East Garrison Development and Disposition Agreement provides for acquisition of public improvements via Mello-Roos bonds to be issued by the East Garrison Community Facilities District. The proposed improvements to West Camp Street are among the improvements subject to acquisition. Issuance of the Mello-Roos bonds is currently not under consideration by the East Garrison Public Financing Authority and is not a prerequisite of the match requirement.

County staff is currently processing the East Garrison Phase 2 Final Map, which is expected to be presented to the Board of Supervisors for approval in approximately March of 2015. Construction of the eligible portion of the improvements (travel lanes, curb, gutter, and sidewalk) is anticipated in the late fall, winter, and early spring of 2015/16. Acquisition by the County of the public improvements installed by the East Garrison developer, such as the portion of West Camp Street contemplated in this grant application, is provided for in the East Garrison Development and Disposition Agreement. Dedication of public improvements to the County by the developer is a requirement of the East Garrison Tentative Map.

In the unlikely event that the East Garrison developer fails to complete the Phase 2 Final Map process, construction of the road segment by the County would still be feasible. Funding for the cost of building the road would come from East Garrison Mello-Roos Special Tax funds to offset the amount of bonds to be issued or to pay directly for public infrastructure. West Camp Street is a project eligible for acquisition via CFD proceeds. The East Garrison Public Financing Authority (EGPFA) is being asked to pledge up to \$300,000 from that fund if the developer does not complete the improvements in a timely manner.

The Board's action authorizing the grant application is not a project under the California Environmental Quality Act (CEQA) because it does not commit the County to the project. If the County is awarded the grant, staff will return to the Board to consider acceptance of the grant. If the grant is awarded and accepted, one of the tasks the grant would fund is environmental review of the proposed project under the National Environmental Policy Act (NEPA).

**OTHER AGENCY INVOLVEMENT:**

FLAP requires a support form from the applicable Federal Land Management Agency. In this case, that agency is the U.S. Bureau of Land Management (BLM). Staff is working closely with the local BLM officials who have indicated full support of this application.

By separate action, the East Garrison Public Financing Authority is being requested to commit up to \$300,000 available in CFD2006-01 Special Tax Fund as back-up funds in the event that the developer fails to construct the improvements in a timely manner.

The Board of Supervisors Fort Ord Committee considered the concept of the grant application on December 10, 2014. While the Committee expressed support for pursuing the grant opportunity, details of the scope of work, financing, or grant requirements were not fully known at the time. The Fort Ord Committee requested that a meeting with stakeholders be held prior to bringing the grant application to the Board of Supervisors. This meeting is scheduled for January 20, 2015 as requested. Details of the meeting will be provided to the Fort Ord Committee on January 26, 2015.

**FINANCING:**

There could be an impact to the General Fund if the East Garrison Public Finance Authority (EGPFA) does not approve the pledge of matching funds, or if the Board selects a different site for the proposed project. A minimum local (non-federal) match of 11.7% is required; however, additional points are awarded for matching funds above the minimum. The minimum match for this project would be \$150,696 for a grant of \$988,000.

The trail access parking facility and other improvements would be built with funds from the Federal Grant (\$988,000) and a local (non-federal) match of \$300,000 (23.3%). This match would be provided in the form of in-kind improvements on West Camp Street, which is an obligation of the East Garrison developer as part of the Phase 2 improvements that are anticipated for completion by early 2016.

The East Garrison developer is required to build this road segment as part of East Garrison Phase 2. Under the East Garrison Development and Disposition Agreement, the East Garrison CFD is expected to acquire up to \$20 Million of public facilities constructed by the developer from bonds issued by the East Garrison Community Facilities District (EGCFD), under the Mello-Roos Community Facilities District Act. Consideration by the EGCFD of the bond issuance will not occur until the developer meets the strict criteria established in the County debt issuance policy. All debt resulting from these bonds will be secured by the CFD special tax imposed in East Garrison and will not be a debt burden on the County General fund or any other fund of the County. The East Garrison CFD is currently collecting Special Taxes aimed

at paying for the cost of acquiring public infrastructure from the developer. Should the developer fail to build the road, the County, subject to approval by the East Garrison Public Financing Authority, can cause the road to be constructed using Special Tax funds which will be available in the East Garrison CFD Special Tax Fund.

The FLAP grant application documents require that if the grant application is short-listed for further consideration for grant award, within fifteen days of short list notification the County must enter into a maximum \$10,000 Reimbursable Agreement for the completion of project scoping by Central Federal Lands that will result in more accurate project scope, schedule, and budget. If the Programming Decisions Committee (PDC) of the California FLAP and the County agree with the resulting project scope and cost, then a subsequent project Reimbursable Agreement will be required within ninety days from approval of funding.

The FLAP grant application documents require the County to obligate to maintain the facility for its expected life or 20 years, whichever is greater. The costs and funding for this obligation have not yet been determined.

Prepared by: Carlos Urrutia, Management Specialist

Approved by: Carl P. Holm, AICP, Acting Director Resource Management Agency

Attachments:

Resolution

Exhibit A Grant Application, with maps

cc: Board of Supervisors, County Counsel (W. Strimling), N. Chiulos, N. Nichols, C Urrutia, Economic Development (S Spaur), County Parks (J Akeman), County Sheriff, BSF (M Bellinger, J Long), FORA (M. Houlemard, S. Endsley, J. Garcia, J Metz, S Cook), BLM (E. Morgan), CSUMB (A Spear, K Saunders), MPC (V Nakamura), UC (G Bice), City of Marina (L Long), City of Seaside (D Ingersoll), City of Del Rey Oaks (D Dawson), City of Monterey (E Caraker), Doug Yount, MORCA (H Stern), LandWatch (A White), Keep Fort Ord Wild (M. Erickson)