

**EXHIBIT M, ATTACHMENT B**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA PURSUANT TO CHAPTER 18.62, MONTEREY COUNTY CODE, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE COUNTY AND EAST GARRISON PARTNERS I, LLC, FOR THE EAST GARRISON SPECIFIC PLAN DEVELOPMENT.**

*County Counsel Synopsis*

*California Government Code sections 65864-65869.5 and Chapter 18.62 of the Monterey County Code authorize the County to enter into development agreements with persons having legal or equitable interests in real property for the development of the property. Government Code section 65867.5 and Section 18.62.12 of Chapter 18.62 require that any such development agreement be approved by ordinance. This ordinance would approve and authorize the execution of a development agreement between the County of Monterey and East Garrison Partners I for the development of approximately 244 acres of land located within the East Garrison Specific Plan area. The development agreement sets forth certain development standards for the development of the project commonly known as East Garrison and the obligations of both East Garrison Partners I and the County.*

The Board of Supervisors of the County of Monterey ordains as follows:

**SECTION 1. FINDINGS AND DECLARATIONS.**

1. The County and East Garrison Partners I, LLC, a California limited liability company (“applicant”) have negotiated a Development Agreement (“Development Agreement”), attached to this ordinance as **Exhibit 1**.
2. The Development Agreement relates to the development of that certain real property consisting of approximately 244 acres of land located within the East Garrison Specific Plan Area, more particularly described in **Exhibit A-1** to the Development Agreement (“the Property”). East Garrison Partners I, LLC has legal and contractual interests in the Property and proposes to develop the Property with a planned community consisting of up to 1470 residential units, up to 75,000 square feet of mixed-use neighborhood commercial use, 11,000 square feet of institutional uses, up to 100,000 square feet of cultural and public facilities, and approximately 50 acres of open space and parks, as more particularly described in **Exhibit C** to the Development Agreement and commonly known as East Garrison (the “Project”).
3. On September 30, 1982, the Board of Supervisors of the County of Monterey (“County”) adopted a county-wide General Plan (“General Plan”). On November 20, 2001, the Board of Supervisors adopted a General Plan Amendment to incorporate the provisions of the Fort Ord Reuse Plan that were applicable to the unincorporated area of the former

Fort Ord.

4. On August 16, 2005, the Board of Supervisors certified a Final Environmental Impact Report (FEIR) (Resolution No. \_\_) and approved a Combined Development Permit for the Project (Resolution No. [REDACTED]), including a Vesting Tentative Subdivision Map and Use Permits for development on slopes in excess of 30 percent and tree removal (“Project Approvals”), subject to conditions of approval (“Conditions of Approval”). East Garrison Partners I, LLC proposes to develop the Property in accordance with the terms and conditions of the Development Agreement and the Combined Development Permit.
5. The provisions of the Development Agreement are consistent with the Monterey County General Plan, Greater Monterey Peninsula Area Plan, and the approved East Garrison Specific Plan (“the Plans”). The Monterey County General Plan was amended to incorporate provisions of the Fort Ord Reuse Plan in 2001. The Reuse Plan had designated East Garrison as a Planned Development, Mixed Use area. The October, 2003 Monterey County General Plan Housing Element describes East Garrison as one of the opportunity sites for new housing. On July 26, 2005, the Board of Supervisors adopted the East Garrison Specific Plan covering approximately 244 acres (Resolution No. [REDACTED]). The Development Agreement is consistent with these Plans because it incorporates the Project Approvals, which approvals have been found to be consistent with all applicable plans. Furthermore, the Development Agreement incorporates all of the Conditions of Approval attached to the Project by the County, which assure that the applicant must adhere to all of the provisions that ensure consistency with applicable plans. Finally, the Development Agreement contains certain public benefits listed in Section 7, below, which further advance objectives of the Plans and which could not have been obtained in the absence of the Development Agreement.
6. The tentative map application prepared for East Garrison included written verification by the Marina Coast Water District of sufficient water supply in compliance with Government Code section 66473.7.
7. The Development Agreement is in the public interest. It provides greater assurance of compliance with all County requirements and the Conditions of Approval than would be the case in the absence of the Development Agreement. Further, as listed in Section 7 below, the Development Agreement provides public benefits which would not have been possible in the absence of the Development Agreement.
8. The Development Agreement provides public improvements and benefits that would not otherwise be obtained through other applicable development approval processes. Those public benefits include:
  - A. Provide for the redevelopment of the former East Garrison site.
  - B. Further the purposes of the Redevelopment Plan, including eliminating and preventing blight, strengthening the economic base of the Project Area, and achieving the Project Objectives as outlined in Section 110 of the Redevelopment

Plan. The Project will provide increased tax revenue for the Agency for use in the Project Area, including tax increment funds available for use within the East Garrison Specific Plan area.

- C. Provide for the rehabilitation, reuse, preservation and maintenance of historic buildings.
- D. Construction of twenty percent (20%) deed-restricted affordable (very low, low and moderate income) housing, including within the twenty percent (20%), two percent (2%) more low-income housing units than required by the County Code.
- E. Provide ten percent (10%) "Workforce II" housing, in addition to the requirements for twenty percent (20%) for very low, low and moderate income deed restricted housing.
- F. Result in removal of hazardous materials, including remediation/removal of soil contaminated with lead-based paint.
- G. Provide up to THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) for public facilities, including a fire station (pursuant to an agreement with Salinas Rural Fire District) that will serve the project site as well as provide protection for areas within the Salinas Rural Fire District boundaries, including UC MBEST, the Bureau of Land Management lands, CSUMB, and provide aid to the cities of Marina and Salinas. The THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) will also contribute to other public facilities such as a library and a Sheriff's Community Field Office, as determined by the Agency.
- H. Provide infrastructure improvements that can be utilized by regional users, such as Laguna Seca County Park, the Bureau of Land Management, and future users of County and other agency lands within the former Fort Ord. Improvements include:
  - i. Regional access improvements identified in the Fort Ord Reuse Authority Capital Improvement Program,
  - ii. Regional improvements to Reservation Road and to its intersection with Davis Road, and
  - iii. Contribution of pro-rata funding toward regional transportation improvements identified in the Final Subsequent EIR.
- I. Structure the East Garrison Community operations and maintenance such that roads, drainage, law enforcement, parks, open space, lighting, transit, and fire services provided within the community are fully funded by the community and does not affect the County's General Fund.
- J. Provide needed market-rate housing to help meet local demand and growth projections identified by the State Department of Housing and Community Development and the Association of Monterey Bay Area Governments. The Monterey County General Plan Housing Element, dated October 2003, identified East Garrison as one location where housing demand could be met.

9. The Development Agreement is consistent with all of the requirements of Chapter 18.62. of the Monterey County Code, except as otherwise specifically herein. The application for this Development Agreement is a “pending application” within the meaning of chapter 18.62 and therefore is exempt from certain sections of Chapter 18.62. Except for those requirements of Chapter 18.62 from which the Development Agreement application is exempt, the County has reviewed and processed the Development Agreement in accordance with the requirements of Chapter 18.62, including recommendation by the Planning Commission after a duly noticed public hearing and review by the Board of Supervisors at a duly noticed public hearing. The provisions of the Development Agreement are consistent with the requirements of Chapter 18.62.

## **SECTION 2. AMENDMENT OF LAND USE ENTITLEMENTS; EXECUTION OF DEVELOPMENT AGREEMENT**

1. Notwithstanding the provisions of Chapter 18.62.140.B, and as a specific exception to those provisions with respect to the East Garrison project only, any future amendment to the land use permits or entitlements for the East Garrison project shall be incorporated in the Development Agreement without the need to amend the Development Agreement; provided that any development or other action under any such future amendment shall be subject to the rules, regulations, official policies, standards and specifications in effect on the effective date of the amendment.
2. Notwithstanding the provisions of Chapter 18.62.120.E, and as specific exception to those provisions with respect to the East Garrison project only, execution of the Development Agreement by the equitable owner(s) of the property subject to the Development Agreement, East Garrison Partners I, LLC, through its constituent members Woodman Development Company, LLC and Lyon East Garrison Company I, LLC, shall be sufficient to satisfy the provisions of Chapter 18.62.120.E.

## **SECTION 3. APPROVAL OF DEVELOPMENT AGREEMENT**

The Board of Supervisors hereby approves the Development Agreement by and between the County of Monterey and East Garrison Partners I, LLC, attached to this ordinance as Exhibit 1. The Board also hereby authorizes the Chair of the Board of Supervisors to execute the Development Agreement, provided that, consistent with the requirements of section 18.62.120 of the Monterey County Code, the Chair of the Board shall not execute the Development Agreement until it has been approved as to form by County Counsel and executed by East Garrison Partners I, LLC .

## **SECTION 4. RECORDATION AND BINDING EFFECT**

- A. No later than 10 days after the effective date of the Development Agreement, the Clerk to the Board of Supervisors shall cause to be recorded with the County Recorder, at East Garrison Partners I, LLC’s expense, a fully executed copy of the Development Agreement, which shall include a legal description of the property subject thereto, and this ordinance approving the development agreement.

B. The burdens of the Development Agreement shall be binding upon, and the benefits of the Development Agreement shall inure to, all successors in interest to the parties to the agreement.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective on the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED this 16<sup>th</sup> day of August, 2005, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Butch Lindley, Chair  
Monterey County Board of Supervisors

Attest:  
LEW BAUMAN, Clerk  
to the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
Charles McKee, County Counsel

By: \_\_\_\_\_  
Deputy