RESOLUTION NO. 2016-95

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MARINA RECEIVING INFORMATIONAL PRESENTATION AND SETTING PUBLIC HEARING FOR JULY 6, 2016, ON PROPOSED INTENTION TO AMEND CHAPTER 3.26 OF THE MARINA MUNICIPAL CODE REGARDING MITIGATION FEES FOR NEW DEVELOPMENT WITHIN THE CITY OF MARINA

WHEREAS, at the regular meeting of July 17, 2007, the City Council held a public meeting to receive any public comments regarding the proposed update to the City's Public Facilities Impact Fee (PFIF) Study, and;

WHEREAS, at the regular meeting of August 7, 2007, the City Council passed and adopted Ordinance No. 2007-10, amending Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development, and;

WHEREAS, at the regular meeting of May 17, 2011, the City Council held a public meeting to receive any public comments regarding the proposed update to the City's PFIF study.

WHEREAS, at the regular meeting of June 7, 2011, the City Council passed and adopted Ordinance No. 2011-02, amending Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development.

WHEREAS, at the regular meeting of April 19, 2016, the City Council adopted Resolution 2016-50, making available the Development Impact Fee Study in accordance with Marina Municipal Code Chapter 3.26.

WHEREAS, at the regular meeting of April 19, 2016, the City Council adopted Resolution 2016-50, making available the Development Impact Fee Study in accordance with Marina Municipal Code Chapter 3.26.

WHEREAS, on May 3, 2016, the City Council adopted Resolution No. 2016-63, receiving informational presentation and setting public hearing for May 17, 2016 on proposed intention to amend chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina. The City Council added to the adopted motion for staff to provide an exhibit showing the effects on the updated impact fee schedule should the Cypress Knolls development agreement and associated impact fee contributions be removed.

WHEREAS, on May 17, 2016, the City Council adopted a motion that would amend Chapter 3.26 in the Marina Municipal Code with an updated impact fee schedule that did not include the Cypress Knolls development agreement and associated impact fee contributions. In order to comply with Chapter 3.26 and associated Government Codes, staff has provided an updated Impact Fee Study to the public 10 days prior to this public meeting and for Council consideration.

WHEREAS, the purpose of the Study is to re-evaluate and update the fees developed from the 2011 study to incorporate the adopted Capital Improvement Program (CIP) projects and additional recommended projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina:

1. Receiving an Informational Presentation and setting a public hearing for July 6, 2016, on proposed intention to amend Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of June 2016, by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Delgado
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: Brown
ABSTAIN: COUNCIL MEMBERS: None

_____
Bruce C. Delgado, Mayor

ATTEST:

_____
Anita Sharp, Deputy City Clerk

EXHIBIT A

FINAL REPORT

Development Impact Fee Study – 2016 Update

for the

CITY OF MARINA

Prepared by:

Kimley»Horn

Prepared: July 20, 2007

Updated: April 25, 2011

Updated: May 18, 2016

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Chapter 1
Development Impact Fee Analysis

Introduction

This report is the second update to the *2007 Development Impact Fee Study* (RBF Consulting, July 20, 2007). The first update was prepared in 2011, *Development Impact Fee Study – 2010 Update* (RBF Consulting, April 25, 2011). The 2007 report presented an update of the analysis of the need for facilities to accommodate new development in the City of Marina and addressed five City development impact fee programs: Public Building Facilities, Public Safety Facilities, Roadways, Intersections and Park Facilities. The City currently imposes development impact fees on new development for all five of these programs. The City of Marina recently completed an update of their Capital Improvement Program (CIP) and it is currently being adopted.

The purpose of the Development Impact Fee Study – 2016 Update is to re-evaluate and update the fees developed from the 2011 study to incorporate the adopted CIP projects and additional recommended projects.

Study Objectives

The City of Marina is a rapidly growing community with planned development in several areas of the City, most notably the 1500 acres of former Fort Ord, which will be developed over the next 15-20 years. In order to provide adequate public facilities, the City must update the development impact fee on a regular basis. This study updates five of the City's development impact fees, which are described in more detail in the following chapters.

This report does not address all fees that will be required from developers for improvements not included in the Fee Program. Fees such as those associated with schools, The Fort Ord Reuse Authority (FORA), farmland preservation, or habitat conservation plans, are outside the scope of this project and have separate development fee agreements with the City of Marina. Development associated with California State University – Monterey Bay (CSUMB) is excluded from the Fee Program due to the peremptory writ of mandate issued by the California Superior Court (see copy of writ in Appendix A and additional discussion in Fee Area section at the end of this chapter).

The *Regional Impact Fee Nexus Study Update* (Transportation Agency for Monterey County, March 26, 2008) identified funding for the following project on the City's CIP list: widening of Imjin Parkway from Reservation Road to Imjin Road.

Mitigation Fee Act

Over the last 30 years, the changing fiscal situation in California has steadily under-funded local infrastructure. Accordingly, many cities have adopted a policy of "growth pays its own way," requiring new development to fund infrastructure expansion through the imposition of public facilities fees, also known as development impact fees.

As a result of the widespread imposition of public facilities fees at the local level, the State Legislature passed the *Mitigation Fee Act* (Assembly Bill 1600) in 1988. The *Act*, contained in *California Government Code* Section 66000 *et seq*., established ground rules for the imposition and administration of impact fee programs. The *Act* became law in January 1989 and requires local governments to document the following when adopting an impact fee:

1. Identify the purpose of the fee;
2. Identify the use of fee revenues;
3. Determine a reasonable relationship between the use of the fee and the type of development paying the fee;
4. Determine a reasonable relationship between the need for the fee and the type of development paying the fee; and
5. Determine a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee.

In summary, a fee cannot be more than the cost of the public facility needed to accommodate the new development paying the fee, and the fee revenues can only be used for their intended purpose.

Organization of the Report

The first step in determining an impact fee begins with the selection of a planning horizon and the identification of projects needed to support the projected population and employment. These projections are used throughout the analysis of various facility categories.

Chapters 2 through 5 are devoted to documenting the following fees:

- Chapter 2 - Public Building Facilities Impact Fee - city hall, public works, and community center facilities
- Chapter 3 - Public Safety Facilities Impact Fee - police and fire facilities
- Chapter 4 - Transportation (Roadways & Intersections) Facilities Impact Fees
- Chapter 5 - Parks Facilities Impact Fee

Each chapter is organized under the following sections to clearly document the requirements of the *Mitigation Fee Act* discussed above:

- The chapter begins with a statement identifying the purpose of the fee by stating the types of facilities that would be funded.
- The *Service Population* section identifies whether only residents or both residents and businesses benefit from the facilities in the associated category. It identifies the appropriate population figures to use in the analysis, and also accounts for anticipated populations from those developments that have existing development agreements (DA's) with the City. For transportation facilities, the *Trip Generation* section defines the benefit relationship on the basis of daily vehicle trips rather than on service population.
- The *Facility Standards and Fee Schedule* section establishes a reasonable relationship between the need for the fee and type of development paying the fee. This section also establishes a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee. Using a common factor for facility costs per capita or level of service, the schedule ensures that each development project pays its fair share of total facility costs. For Transportation facilities, the *Proportionate Share and Fee Schedule* section defines the relationship based on land use types.
- The *Facility Costs to Accommodate Growth* section establishes a reasonable relationship between the use of the fee revenues and the type of development paying the fee. This section also estimates the total facility costs associated with new development over the planning horizon. These costs equal the revenues that would be collected through the impact fee. Programming of revenues to specific projects would be done through the City's annual capital improvement planning and budget process.
- The *Implementation* section provides recommendations for the ongoing administration of the fee. The recommendations are meant to ensure compliance with the *Act*, and to ensure that fees are adjusted for inflation.

Fee Area

The areas of the City to which the fees will apply are shown in **Figure A**. This area includes the current City of Marina General Plan Boundary. The fee area includes the following approved and pending projects:

- Airport Business Park
- Airport EDC Parcel
- California State University Monterey Bay Campus expansion
- Downtown Redevelopment Plan
- The Dunes
- Imjin Office Park (remaining phases)
- K-8 School, Marina High, Marina Joint Use Facility
- Marina Station
- Marina Heights

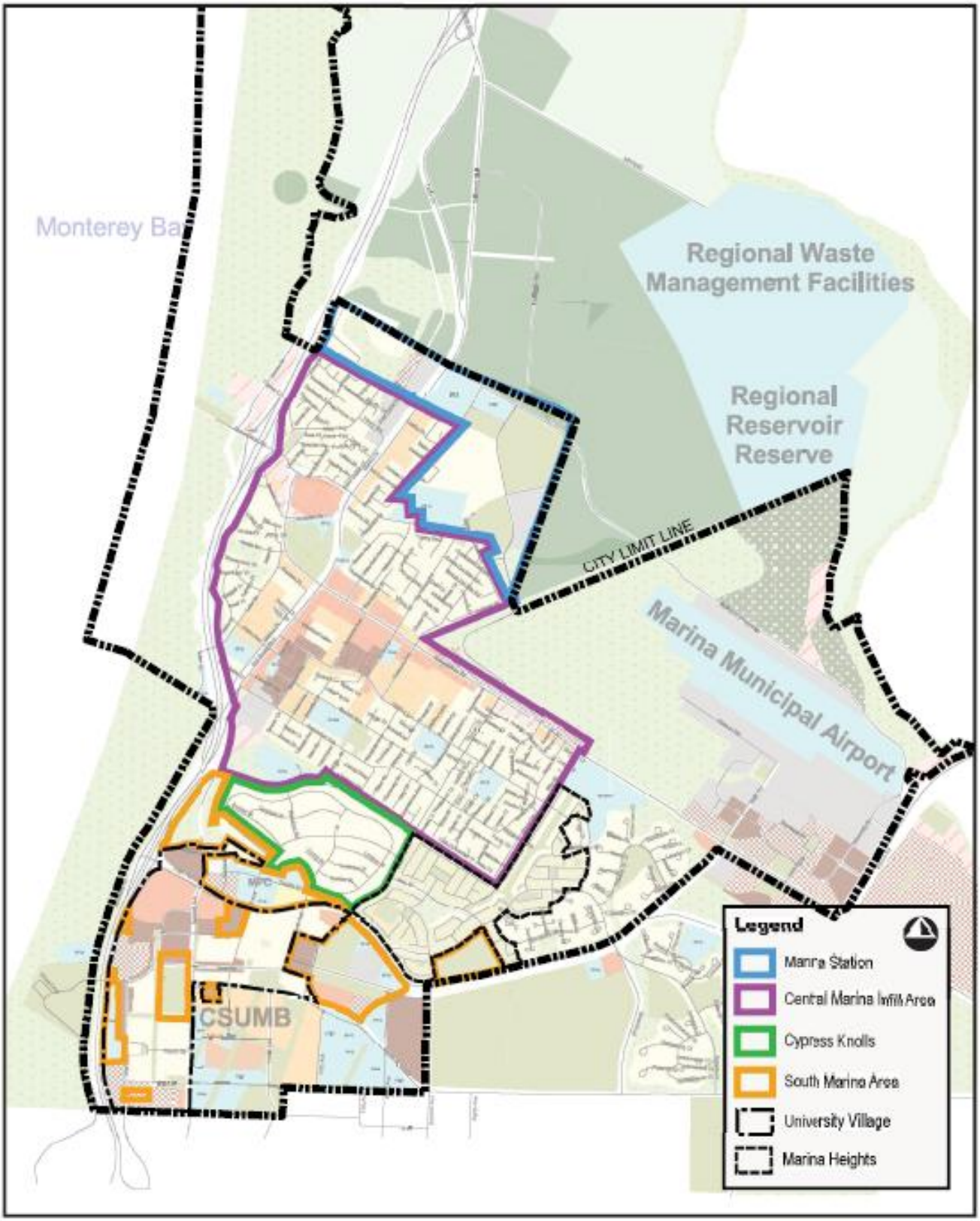
- MPC Satellite Campus Phase II
- MBEST

The fee area is anticipated to develop through the year 2020 and beyond. The Marina Heights and Dunes projects have separate Development Agreements with the City for payment of fees. Their contributions are thus subtracted from the total cost of establishing a nexus, and the remainder of the cost is divided between the new General Plan buildout projects.

As stated in the September 14, 2009 Peremptory Writ of Mandate from California Superior Court (a copy of Writ is included in Appendix A), California State University-Monterey Bay was directed by the CSU Trustees to take all measures to ensure that the campus trip counts do not exceed the mitigation threshold of 4,361 additional trips over the baseline traffic level. If the CSUMB trips near this mitigation threshold, CSUMB would be required to increase transportation demand management measures or limit development. In the event that CSUMB trips exceed the mitigation threshold of 4,361 trips, further environmental review will be required. CSUMB will be required to adopt a TDM plan to reduce vehicle trips, to seek approval from Trustees to exceed the 4,361 trip threshold, and report to the Chancellor, FORA, and City of Marina any measures or modifications to the TDM plan to address an increase in trip levels. Thus according to the writ, this commitment shall be construed as an enforceable mitigation measure under Public Resources Code §21081.6. Therefore, development associated with CSUMB was excluded from the Impact Fee Program due to the agreement outlined in the writ.

The list of all approved and pending projects included in the fee program are listed in **Table 1.1**.

Figure A: City of Marina Development Impact Fee Area Map



Population Projections

The population estimates for the approved and pending developments were estimated by applying density factors for the number of people per dwelling unit (DU) to each of the residential land uses. The number of workers was estimated using density factors based on the number of building square feet for each worker. The land use, population, and employment estimates are summarized in **Table 1.1**. It is estimated that the growth in the impact fee area will increase the City population by approximately 9,500 people and will generate about 5,500 new jobs.

Development Impact Fees

Table 1.2 presents a summary of the updated development impact fees for the City of Marina in 2015 U.S. Dollars. Chapters 2 through 5 of the report provide a detailed discussion of how these fees were calculated.

The estimated revenue projected with build-out of all approved and pending projects within each fee program is shown in **Table 1.3**.

Table 1.1: New Development Impact Fee Area Land Use and Population Estimates

Projects[1]	Single Family Units	Assisted Living Units	Multi-Family Units	Office/Research sq. ft	Retail Service sq. ft	Industrial sq. ft	Hotel Rooms	Resident Population	Worker Population
Airport Business Park				87,500		87,500		0	350
Airport EDC Parcel								0	0
Downtown/Imjin Office Park/Other (2011 DIF Update)			2,400	149,476	252,000			6,000	1,002
Downtown/Imjin Office Park/Other (Funded Since 2011 DIF Update)[2]	-4	-22	-174	-20,423				-468	-68
K-8 School, Marina High, Marina Joint Use Facility								0	0
Marina Station	816		688	143,808	60,000	651,624		3,923	1,034
MPC Satellite Campus Phase II								0	0
MBEST				676,000	287,000	326,000	150	0	3,180
Subtotal Units, sq. ft, and Beds	812	-22	2,914	1,036,361	599,000	1,065,124	150		
Density[3]	2.7	1.0	2.5	300	500	1,500	0.9		
Total Population[4]								9,455	5,498

Notes:

[1] Only housing and commercial projects included in DIF fee calculations for Public Buildings, Public Safety, and Parks. All projects included in DIF fee calculations for roadway and intersection improvement projects. Dunes, Marina Heights, and CSUMB projects have developer's agreements or other agreements to contribute fees and are not included in the DIF program.

[2] Includes: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

[3] Numbers are from the Keyser Marston Associates Report 4-A dated August 28, 2005. Non-residential numbers are based on number of square feet per employee averages commonly used in the industry.

[4] Estimated population derived by applying density factors to size of new development.

Table 1.2: Development Impact Fee Summary

Land Use	Public Buildings Fee	Public Safety Fee	Roadways Fee	Intersections Fee	Parks Fee	Total Fee[1]
Residential						
Single Family Dwelling Units	$3,702	$797	$ 6,981	$ 1,692	$ 8,017	**$ 21,189**
Senior Homes	$2,468	$531	$ 2,698	$ 654	$ 5,345	**$ 11,697**
Assisted Living - Senior	$1,371	$295	$ 1,936	$ 469	$ 2,969	**$ 7,041**
Multi-Family Dwellings	$3,428	$738	$ 4,876	$ 1,182	$ 7,423	**$ 17,647**
Mobile Home Park	$3,428	$738	$ 3,659	$ 887	$ 7,423	**$ 16,135**
Campground/RV Park	$3,428	$738	$ 1,980	$ 480	$ 7,423	**$ 14,049**
Non-residential						
Office/Research	$263	$492	$ 8,088	$ 1,960	$ -	**$ 10,803**
Retail/Service	$158	$295	$ 13,593	$ 3,295	$ -	**$ 17,340**
Industrial	$53	$98	$ 5,111	$ 1,239	$ -	**$ 6,501**
Hotel	$71	$133	$ 5,991	$ 1,452	$ -	**$ 7,647**
Church	$53	$98	$ 6,680	$ 1,619	$ -	**$ 8,450**
Day Care Center	$210	$394	$ 54,306	$ 13,163	$ -	**$ 68,072**
Animal Hospital/Veterinary Clinic	$315	$590	$ 34,610	$ 8,389	$ -	**$ 43,905**
Medical/Dental Office Building	$315	$590	$ 26,493	$ 6,421	$ -	**$ 33,820**
Casino/Video Lottery	$315	$590	$ 98,478	$ 23,869	$ -	**$ ***
Casino	$315	$590	$ 28,913	$ 7,008	$ -	**$ ***

Notes:

[1] Fee in this table refers to "fee per dwelling unit or mobile home park/campground/RV space," "fee per 1,000 square feet of building space or gaming space," and "fee per hotel room."

* Specifically for the Casino uses, the fees for Public Buildings, Public Safety, and Parks are based on the 1,000 square feet of gaming area, while Roadways and Intersection fees are based on 1,000 square feet of building space, excluding hotel uses.

Table 1.3: Estimated Impact Fee Revenue Summary by Program at Build-Out

Facility Type	Citywide Revenue
Public Facilities	$ 13,397,186
Public Safety	$ 3,602,444
Roadways	$ 55,019,251
Intersections	$ 13,335,666
Parks	$ 28,074,699
Total Revenue	**$ 113,429,246**
Notes: 2015 US Dollars	

Chapter 2
Public Building Facilities

This chapter presents an analysis of the need for public building facilities to accommodate new development in the City of Marina. These public buildings include city hall, public works and community center facilities. A fee is presented based on the cost of these facilities to ensure that new development provides adequate funding to expand these facilities to meet its needs.

Service Population

City Hall and Public works facilities serve both homes and businesses citywide. Consequently, a service population that includes both residents and workers reasonably represents the need for these facilities.

Community center facilities serve primarily residents in the City by providing space for recreation and similar programs. Consequently, a service population that only includes residents and not workers reasonably represents the need for these facilities. As population grows with new development, so does demand for recreation services provided by these facilities.

Table 2.1 shows the estimated future service population for public building facilities for 2020 and beyond. In calculating the service population, workers are weighted less than residents to reflect lower per capita service demand. Nonresidential buildings are typically occupied less intensively than dwelling units, so it is reasonable to assume that average per worker demand for services is less than average per-resident demand. The 0.24-weighting factor for workers is based on a 40-hour workweek divided by a total of 168 hours in a week.

Table 2.1: Public Buildings Facilities Fee – Population Projections

Timeframe	Residents	Workers	Ratio of Workers/ Residents	Equivalent Resident[1]	Total Service Population[2]
Total New Development (Table 1.1)	9,455	5,498	0.24	1,320	10,775

Notes:
[1] Equivalent resident calculated by multiplying workers by ratio of workers/residents.
[2] Total service population includes residents and equivalent residents.

Facility Standards and Fee

Per capita facility standards are used in calculating the impact fee to ensure a reasonable relationship exists between new development and the need for new city hall, public works, and community center facilities.

As indicated in the **Appendix B**, the 5-year Capital Improvement Project (CIP) list includes several public facilities buildings (Civic Center, Senior Center, and Dunes PBC Rehab) that will be funded by the impact fee program. The total funded cost for these facilities is presented in **Table 2.2**. As noted in the previous section Dunes and Marina Heights have developer agreements (DA) and will be contributing fees towards the Public Facilities program in addition to the other fee programs. Thus, their anticipated revenues were indexed for inflation (from Year 2010 to 2015 resulting in an average increase of approximately 8.7 percent) and credited against the total funded costs. The resulting balance was allocated to the approved and pending projects in the fee program.

The costs associated with the future City Hall and Public Works facilities were divided by the service population that included both residents and workers (equivalent residents) to obtain a per capita cost. Since the future community facilities will be used by residents only, the costs were divided by the service population that only included residents. The resulting cost per resident of $1,371.14 was obtained by adding the two costs attributable to residents i.e., costs for City Hall and Public Works facilities ($328.19) and costs for future community facilities ($1,042.95) together. The cost per worker is $78.77 (0.24 x 328.19).

The cost per capita was then multiplied by the density assumptions to determine a fee for each land use, as shown in **Table 2.3**. It should be noted that the Public Building Facilities fee for the Casino uses is based on the "gaming" area rather than total building space.

Facility Costs to Accommodate Growth

Table 2.4 provides an estimate of the total revenue that will be generated at build-out in 2020 and beyond. The City would maintain a reasonable relationship between new development and the use of fee revenues by funding a variety of projects to expand city hall, public works, and community center facilities during this period.

Implementation

The public buildings impact fee would be collected at the time of building permit issuance. To implement the fee the City should:

- Annually update a capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth;
- Comply with the annual and five-year reporting requirements of *Government Code 66000 et seq.;* and

- Identify appropriate inflation indexes in the fee ordinance and allow an inflation adjustment to the fee annually.

For the inflation indexes, the City should use separate indexes for land and construction costs. Calculating the land cost index may require use of a property appraiser every several years. The construction cost index can be based on the City's recent capital project experience or taken from any reputable source, such as the *Engineering News Record* (ENR).

Table 2.2: Public Buildings Unit Costs

Description	Service Population (Capita)	Cost	Cost per Capita
Future City Hall & Public Works Facilities (residents & resident equivalent)			
Amount to be Funded by Impact Fee Program (Civic Center)		$ 8,200,000	
TIF Fees Paid (02/13/2012 to October 26, 2015)[1]		$ (57,295)	
Contribution from Dunes Agreement[2]		$ (3,695,230)	
Dunes Fees Paid[3]		$ 341,396	
Contribution from Marina Heights Agreement[4]		$ (1,252,777)	
Subtotal Impact Fee Program Funding after Contributions (A)	**10,775**	**$ 3,536,093**	**$ 328.19**
Future Community Center Facilities (residents only)			
Amount to be Funded by Impact Fee Program (Senior Center, Dunes PBC Rehab)		$ 10,950,000	
TIF Fees Paid (02/13/2012 to October 26, 2015)[1]		$ (227,100)	
Contribution from Dunes Agreement[2]		$ (746,152)	
Dunes Fees Paid[3]		$ 137,310	
Contribution from Marina Heights Agreement[4]		$ (252,965)	
Subtotal Impact Fee Program Funding after Contributions (B)	**9,455**	**$ 9,861,093**	**$ 1,042.95**
Total Capita Cost per Resident: (A + B)			**$ 1,371.14**
Total Capita Cost per Worker: (A) x Weighting Factor (0.24)			**$ 78.77**

Notes:

[1] Fees paid include: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

[2] Anticipated contribution per developer agreement (see Exhibit D of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

[3] Dunes fees paid include: Dunes Housing Single Family Dwellings (75 units), VA clinic (148.401 KSF), University Village Multi-Family Dwellings (108 units).

[4] Anticipated contribution per developer agreement (see Exhibit E of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

Table 2.3: Public Buildings Development Impact Fee

Land Use	Units	Cost per Capita	Density[1]	Total Fee per Dwelling Unit or 1,000 sq. ft of Building Space[2]
Residential				
Single Family Dwelling Units	Dwelling Unit	$ 1,371.14	2.70	$ 3,702
Senior Homes	Dwelling Unit	$ 1,371.14	1.80	$ 2,468
Assisted Living - Senior	Dwelling Unit	$ 1,371.14	1.00	$ 1,371
Multi-Family Dwellings	Dwelling Unit	$ 1,371.14	2.50	$ 3,428
Mobile Home Park[3]	Space	$ 1,371.14	2.50	$ 3,428
Campground/RV Park[3]	Space	$ 1,371.14	2.50	$ 3,428
Non-Residential[4]				
Office/Research	1,000 sq. ft	$ 78.77	300	$ 263
Retail/Service	1,000 sq. ft	$ 78.77	500	$ 158
Industrial	1,000 sq. ft	$ 78.77	1500	$ 53
Hotel	Hotel Room	$ 78.77	0.90	$ 71
Church[5]	1,000 sq. ft	$ 78.77	1500	$ 53
Day Care Center[6]	1,000 sq. ft	$ 78.77	375	$ 210
Animal Hospital/Veterinary Clinic[7]	1,000 sq. ft	$ 78.77	250	$ 315
Medical/Dental Office Building[8]	1,000 sq. ft	$ 78.77	250	$ 315
Casino/Video Lottery[9]	1,000 gaming sq. ft	$ 78.77	250	$ 315
Casino[9]	1,000 gaming sq. ft	$ 78.77	250	$ 315

Notes:

[1] Density is "persons per dwelling unit" or "mobile home park/campground/RV space," "square foot per worker," "workers per hotel room," and "gaming square foot per worker).

[2] Fee in this table refers to "fee per dwelling unit" or "mobile home park/campground/RV space," "fee per 1,000 square feet of building space" or "per 1,000 square feet of gaming space," and "fee per hotel room."

[3] Assumed same density as Multi-Family Dwelling.

[4] Non-residential fees only pay for City Hall & Public Works facilities.

[5] Density estimated based on Synagogue data in ITE Trip Generation (Institute of Transportation Engineers, 9th Edition).

[6] Density estimated based on data in ITE Trip Generation (Institute of Transportation Engineers, 9th Edition).

[7] Assumed same density as medical office building.

[8] Density estimated based on Orange County Subarea Modeling Guidleines Manual, July 2005.

[9] Density assumed as an average from three casinos in Las Vegas, Nevada.

Table 2.4: Estimated Revenues Public Buildings Development Impact Fee

Description		Revenue
Citywide Fee Revenue (Future City Hall & Public Works Facilities)		
Serivce Population Growth (to 2020+)[1]		10,775
Citywide Facilities Cost per Capita[2]	$	328.19
Total Fee Revenue City Hall & Public Works	**$**	**3,536,093**
Citywide Fee Revenue (Future Community Center Facilities)		
Serivce Population Growth (to 2020+)[1]		9,455
Citywide Facilities Cost per Capita[2]	$	1,042.95
Total Fee Revenue City Hall & Public Works	**$**	**9,861,093**
TOTAL PUBLIC BUILDINGS DEVELOPMENT IMPACT FEE REVENUE	**$**	**13,397,186**

Notes:
[1] From Table 2.1
[2] From Table 2.2

Chapter 3
Public Safety Facilities

This chapter presents an analysis of the need for public safety facilities to accommodate new development in the City of Marina. A fee schedule is presented based on the cost of these facilities to ensure that new development provides adequate funding to meet its needs.

Service Population

Public safety facilities serve both homes and businesses citywide. Consequently, a service population that includes both residents and workers reasonably represents the need for these facilities.

Table 3.1 shows the estimated service population for public safety facilities for 2020 and beyond. In calculating the service population, workers are weighted less than residents to reflect lower per capita service demand. The 0.50-weighting factor for workers is based the estimated number of service calls per employee compared to a resident.

Table 3.1: Public Safety Facilities Fee - Population Projections

Timeframe	Residents	Workers	Ratio of Workers/ Residents	Equivalent Resident[1]	Total Service Population[2]
Total New Development (Table 1.1)	9,455	5,498	0.50	2,749	12,204

Notes:
[1] Equivalent resident calculated by multiplying workers by ratio of workers/residents.
[2] Total service population includes residents and equivalent residents.

Facility Standards and Fee

Per capita facility standards are used in calculating the impact fee to ensure a reasonable relationship exists between new development and the need for new public safety facilities.

Appendix B lists two projects, fire station and animal impound facility expansion, in the 5-year Capital Improvement Project list that will be funded by the impact fee program. The total funded cost for these facilities is presented in **Table 3.2**. Similar to the methodology presented for Public Buildings, revenues for the projects with DA agreements were credited against the Traffic Impact Fee funding totals.

The costs associated with the future Public Safety Facilities were divided by the service population that included both residents and workers (equivalent residents) to obtain a per resident cost of $295.19, as shown in **Table 3.2**. A weighting factor of 0.50 was applied to residential per capita costs to obtain the non-residential per capita costs. The cost per worker is $147.59 (0.50 x $295.19). The cost per capita was then multiplied by the density assumptions to determine a fee for each residential land use, as shown in **Table 3.3**. It should be noted that the

Public Safety Facilities fee for the Casino uses is based on the "gaming" area rather than total building space.

Facility Costs to Accommodate Growth

Table 3.4 provides an estimate of the total revenue that will be generated for public safety facilities at build-out in 2020 and beyond. The City would maintain a reasonable relationship between new development and the use of fee revenues by funding a variety of projects to expand public safety facilities during this period.

Implementation

The public safety facilities impact fee would be collected at the time of building permit issuance. To implement the fee the City should:

- Annually update a capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth;
- Comply with the annual and five-year reporting requirements of *Government Code 66000 et seq.;* and
- Identify appropriate inflation indexes in the fee ordinance and allow an inflation adjustment to the fee annually.

For the inflation indexes, the City should use separate indexes for land and construction costs. Calculating the land cost index may require use of a property appraiser every several years. The construction cost index can be based on the City's recent capital project experience or taken from any reputable source, such as the *Engineering News Record* (ENR).

Table 3.2: Public Safety Facilities Unit Costs

Description	Service Population (Capita)	Cost	Cost per Capita
Future Public Safety Facilities (residents & resident equivalent)			
Amount to be Funded by Impact Fee Program (Fire Station, Animal Impound)		$ 6,300,000	
TIF Fees Paid (02/13/2012 to October 26, 2015)[1]		$ (36,701)	
Contribution from Dunes Agreement[2]		$ (2,547,459)	
Dunes Fees Paid[3]		$ 71,702	
Contribution from Marina Heights Agreement[4]		$ (185,098)	
Subtotal Impact Fee Program Funding after Contributions (A)	**12,204**	**$ 3,602,444**	**$ 295.19**
Total Cost per Worker: (A) x Weighting Factor (0.50)			**$ 147.59**

Notes:

[1] Fees paid include: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

[2] Anticipated contribution per developer agreement (see Exhibit D of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

[3] Dunes fees paid include: Dunes Housing Single Family Dwellings (75 units), VA clinic (148.401 KSF), University Village Multi-Family Dwellings (108 units).

[4] Anticipated contribution per developer agreement (see Exhibit E of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

Table 3.3: Public Safety Facilities Development Impact Fee

Land Use	Units	Cost per Capita	Density[1]	Total Fee per Dwelling Unit or 1,000 sq. ft of Building Space[2]
Residential				
Single Family Dwelling Units	Dwelling Unit	$ 295.19	2.70	$ 797
Senior Homes	Dwelling Unit	$ 295.19	1.80	$ 531
Assisted Living - Senior	Dwelling Unit	$ 295.19	1.00	$ 295
Multi-Family Dwellings	Dwelling Unit	$ 295.19	2.50	$ 738
Mobile Home Park[3]	Space	$ 295.19	2.50	$ 738
Campground/RV Park[3]	Space	$ 295.19	2.50	$ 738
Non-Residential[4]				
Office/Research	1,000 sq. ft	$ 147.59	300	$ 492
Retail/Service	1,000 sq. ft	$ 147.59	500	$ 295
Industrial	1,000 sq. ft	$ 147.59	1500	$ 98
Hotel	Hotel Room	$ 147.59	0.90	$ 133
Church[5]	1,000 sq. ft	$ 147.59	1500	$ 98
Day Care Center[6]	1,000 sq. ft	$ 147.59	375	$ 394
Animal Hospital/Veterinary Clinic[7]	1,000 sq. ft	$ 147.59	250	$ 590
Medical/Dental Office Building[8]	1,000 sq. ft	$ 147.59	250	$ 590
Casino/Video Lottery[9]	1,000 gaming sq. ft	$ 147.59	250	$ 590
Casino[9]	1,000 gaming sq. ft	$ 147.59	250	$ 590

Notes:
[1] Density is "persons per dwelling unit" or "mobile home park/campground/RV space," "square foot per worker," "workers per hotel room," and "gaming square foot per worker).
[2] Fee in this table refers to "fee per dwelling unit" or "mobile home park/campground/RV space," "fee per 1,000 square feet of building space" or "per 1,000 square feet of gaming space," and "fee per hotel room."
[3] Assumed same density as Multi-Family Dwelling.
[4] Non-residential fees only pay for City Hall & Public Works facilities.
[5] Density estimated based on Synagogue data in ITE Trip Generation (Institute of Transportation Engineers, 9th Edition).
[6] Density estimated based on data in ITE Trip Generation (Institute of Transportation Engineers, 9th Edition).
[7] Assumed same density as medical office building.
[8] Density estimated based on Orange County Subarea Modeling Guidleines Manual, July 2005.
[9] Density assumed as an average from three casinos in Las Vegas, Nevada.

Table 3.4: Estimated Revenues Public Safety Development Impact Fee

Description		Revenue
Citywide Fee Revenue (Future Fire Station & Animal Impound)		
Serivce Population Growth (to 2020+)[1]		12,204
Citywide Facilities Cost per Capita[2]	$	295.19
Total Fee Revenue Public Safety Facilities	**$**	**3,602,444**
TOTAL PUBLIC SAFETY DEVELOPMENT IMPACT FEE REVENUE	**$**	**3,602,444**

Notes:
[1] From Table 3.1
[2] From Table 3.2

Chapter 4
Transportation Facilities

This chapter presents an analysis of the need for transportation facilities to accommodate new development in the City of Marina. These include both roadway and intersection projects. A fee schedule is presented based on the cost of these facilities to ensure that new development provides adequate funding to meet its needs.

Trip Generation

Transportation facilities serve both homes and businesses citywide. Consequently, trip generation rates based on both residential and non-residential land uses reasonably represents the need for these facilities.

Different development projects impact the transportation network at different rates based on the number of primary trips generated as indicated in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. The amount of daily primary trips generated by the approved and pending projects in the Traffic Impact Fee program were obtained from the Marina High School Traffic Impact Analysis (November 10, 2009), the Draft Environmental Impact Report for the Downtown Redevelopment Plan, or estimated using trip rates from ITE.

Table 4.1 presents the daily trips generated by the projects in the Traffic Impact Fee program. The projects are estimated to generate approximately 75,000 daily primary trips. These daily trip estimates are used in calculating fees for both roadways and intersections.

Transportation Projects Inventory

Appendix B contains the list of roadway and intersection improvement projects in the CIP program. The list also indicates which projects will or are expected to receive funding from other sources including FORA, TAMC, CSUMB, grants, and developers.

Table 4.2 summarizes the total roadway and intersection project costs that will be funded by the Traffic Impact Fee program, after accounting for contributions from Dunes and Marina Heights Developer Agreements. As noted in Chapter 1, the CIP list includes the funded TAMC roadway widening project on Imjin Parkway between Reservation Road and Imjin Road.

Transportation Development Impact Fee Calculations

To calculate the fee for transportation projects, the balance of the project costs (approximately $55 million for roadways and $13 million for intersections) were divided by the total number of trips generated in **Table 4.1** to get a cost per trip. These costs were then multiplied by the trip rates to determine the fee for each land use category, as shown in **Table 4.3**. It should be noted that the Transportation Facilities fee for the Casino uses is based on the total building space rather than “gaming” area.

This method of calculation assures that fairness exists between new and existing development and that new development only funds expanded facilities to maintain the current level of service standards.

Transportation Fee Summary

Table 4.3 provides a summary of the impact fees for roadway and intersection projects. **Table 4.4** provides an estimate of total revenues for transportation facilities that should be generated at build-out in 2020 and beyond.

Implementation

The transportation facilities impact fee would be collected at the time of building permit issuance. To implement the fee the City should:

- Annually update a capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth;
- Comply with the annual and five-year reporting requirements of *Government Code 66000 et seq.;* and
- Identify appropriate inflation indexes in the fee ordinance and allow an inflation adjustment to the fee annually.

For the inflation indexes, the City should use separate indexes for land and construction costs. Calculating the land cost index may require use of a property appraiser every several years. The construction cost index can be based on the City's recent capital project experience or taken from any reputable source, such as the *Engineering News Record* (ENR).

Table 4.1: Trip Generation for Transportation Development Impact Fee

Projects[1]	Primary Daily Trips (2011 DIF Update)[2]	Funded Since 2011 DIF Update[3]	New Daily Trips
Airport Business Park	585		585
Airport EDC Parcel (Golf Course)	3,676		3,676
Downtown/Imjin Office Park/Other	24,135	1,797	22,338
K-8 School, Marina High, Marina Joint Use Facility	5,193		5,193
Marina Station	25,837		25,837
MPC Satellite Campus Phase II	510		510
MBEST	16,894		16,894
Total Daily Trips	**76,830**	**1,797**	**75,033**

Notes:

[1] Dunes, Marina Heights, and CSUMB projects have developer's agreements or other agreements to contribute fees and are not included in the Traffic Impact Fee program.

[2] Daily trip estimates obtained from Marina High School Traffic Impact Analysis (November 10 , 2009), Draft EIR for Downtown Redevelopment Plan, or estimated.

[3] Includes: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

Table 4.2: Transportation Development Impact Fee per Unit Calculations

Description	Roadways	Intersections
Amount to be Funded by Impact Fee Program	$ 79,178,632	$ 26,739,000
TIF Fees Paid (02/13/2012 to October 26, 2015)[1]	$ (716,306)	$ (352,920)
Contribution from Dunes Agreement[2]	$ (21,982,149)	$ (13,677,867)
Dunes Fees Paid[3]	$ 1,493,147	$ 736,733
Contribution from Marina Heights Agreement[4]	$ (2,954,072)	$ (109,280)
Subtotal Impact Fee Program Funding after Contributions (A)	**$ 55,019,251**	**$ 13,335,666**
Total Number of Daily Trips (Table 4.1) (B)	**75,033**	**75,033**
Cost Per Trip (A / B)	**$ 733.27**	**$ 177.73**

Notes:

[1] Fees paid include: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

[2] Anticipated contribution per developer agreement (see Exhibit D of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

[3] Dunes fees paid include: Dunes Housing Single Family Dwellings (75 units), VA clinic (148.401 KSF), University Village Multi-Family Dwellings (108 units).

[4] Anticipated contribution per developer agreement (see Exhibit E of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

Table 4.3: Transportation Development Impact Fee Summary

Land Use	Units	Trip Rates[1]	Cost per Unit or 1,000 sq. ft of Building Space		Total Fee per Dwelling Unit, Hotel Room, or 1,000 sq. ft
			Roadways	Intersections	
Residential					
Single Family Dwelling Units	Dwelling Unit	9.52	$ 6,981	$ 1,692	$ 8,673
Senior Homes	Dwelling Unit	3.68	$ 2,698	$ 654	$ 3,352
Assisted Living - Senior	Dwelling Unit	2.64	$ 1,936	$ 469	$ 2,405
Multi-Family Dwellings	Dwelling Unit	6.65	$ 4,876	$ 1,182	$ 6,058
Mobile Home Park	Space	4.99	$ 3,659	$ 887	$ 4,546
Campground/RV Park[2]	Space	2.70	$ 1,980	$ 480	$ 2,460
Non-Residential					
Office/Research	1,000 sq. ft	11.03	$ 8,088	$ 1,960	$ 10,048
Retail/Service[3]	1,000 sq. ft	18.54	$ 13,593	$ 3,295	$ 16,887
Industrial	1,000 sq. ft	6.97	$ 5,111	$ 1,239	$ 6,350
Hotel	Hotel Room	8.17	$ 5,991	$ 1,452	$ 7,443
Church	1,000 sq. ft	9.11	$ 6,680	$ 1,619	$ 8,299
Day Care Center	1,000 sq. ft	74.06	$ 54,306	$ 13,163	$ 67,469
Animal Hospital/Veterinary Clinic[2]	1,000 sq. ft	47.20	$ 34,610	$ 8,389	$ 42,999
Medical/Dental Office Building	1,000 sq. ft	36.13	$ 26,493	$ 6,421	$ 32,914
Casino/Video Lottery[2]	1,000 sq. ft	134.30	$ 98,478	$ 23,869	$ 122,347
Casino[4]	1,000 sq. ft	39.43	$ 28,913	$ 7,008	$ 35,921

Notes:
[1] Trip Rates from ITE *Trip Generation* (Institute of Transportation Engineers, 9th Edition).
[2] Daily rates not available in ITE *Trip Generation*; Assumed PM rates times 10 to estimate daily rates.
[3] Primary trip rate per ITE Land Use Code 820.
[4] Trip rate from Graton Casino Traffic Impact Study (Graton Rancheria Casino and Hotel, 2011) per 1,000 sq. ft of casino, restaurants, food court, lobby, and other ancillary functions.

Table 4.4: Estimated Revenues Transportation Development Impact Fee

Description	Revenue
Citywide Fee Revenue Roadways	
Number of Daily Trips (to 2020+)[1]	75,033
Cost per Trip[2]	$ 733.27
Total Fee Revenue Roadways	**$ 55,019,251**
Citywide Fee Revenue Intersections	
Number of Daily Trips (to 2020+)[1]	75,033
Cost per Trip[2]	$ 177.73
Total Fee Revenue Intersections	**$ 13,335,666**
TOTAL TRANSPORTATION DEVELOPMENT IMPACT FEE REVENUE	**$ 68,354,917**

Notes:
[1] From Table 4.1
[2] From Table 4.2

Chapter 5
Parks Facilities

This chapter presents an analysis of the need for parks facilities to accommodate new development in the City of Marina. A fee schedule is presented based on the cost of these facilities to ensure that new development provides adequate funding to meet its needs.

Service Population

Parks facilities serve primarily residents in the City by providing space for recreation and similar programs. Consequently, a service population that only includes residents and not workers reasonably represents the need for these facilities. As population grows with new development, so does demand for recreation services provided by these facilities.

Table 5.1 shows the estimated service population for parks facilities for 2020 and beyond.

Table 5.1: Parks Facilities Fee - Population Projections

Timeframe	Residents	Total Service Population[1]
Total New Development (Table 1.1)	9,455	9,455

Notes:
[1] Only residential land uses pay park fees.

Facility Standards and Fee

Per capita facility standards are used in calculating the impact fee to ensure a reasonable relationship exists between new development and the need for new park facilities. A per capita cost was calculated based on the estimated cost of new park facility, as shown in **Table 5.2**. This cost was then multiplied by the density assumptions to determine a fee, as shown in **Table 5.3**.

This method of calculation assures that fairness exists between new and existing development and that new development only funds expanded facilities to maintain the current level of service standards.

Facility Costs to Accommodate Growth

Table 5.4 provides an estimate of the total revenue for park facilities (neighborhood, community and green belts/open space) that will be generated at build-out in 2020 and beyond. The City would maintain a reasonable relationship between new development and the use of fee revenues by funding a variety of projects to expand park facilities during this period.

Implementation

The parks facilities impact fee would be collected at the time of building permit issuance. To implement the fee the City should:

- Annually update a capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth;
- Comply with the annual and five-year reporting requirements of *Government Code 66000 et seq.;* and
- Identify appropriate inflation indexes in the fee ordinance and allow an inflation adjustment to the fee annually.

For the inflation indexes, the City should use separate indexes for land and construction costs. Calculating the land cost index may require use of a property appraiser every several years. The construction cost index can be based on the City's recent capital project experience or taken from any reputable source, such as the *Engineering News Record* (ENR).

Table 5.2: Parks Unit Costs

Description	Service Population (Capita)	Cost	Cost per Capita
Future Park Facilities (residents)			
Amount to be Funded by Impact Fee Program (parks)		$ 39,910,500	
TIF Fees Paid (02/13/2012 to October 26, 2015)[1]		$ (734,956)	
Contribution from Dunes Agreement[2]		$ (9,279,064)	
Dunes Fees Paid[3]		$ 1,036,680	
Contribution from Marina Heights Agreement[4]		$ (2,858,461)	
Subtotal Impact Fee Program Funding after Contributions	**9,455**	**$ 28,074,699**	**$ 2,969.30**
Total Capita Cost per Resident			**$ 2,969.30**

Notes:
[1] Fees paid include: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.
[2] Anticipated contribution per developer agreement (see Exhibit D of July 20, 2007 Development Impact Fee Study) and indexed for inflation.
[3] Dunes fees paid include: Dunes Housing Single Family Dwellings (75 units), VA clinic (148.401 KSF), University Village Multi-Family Dwellings (108 units).
[4] Anticipated contribution per developer agreement (see Exhibit E of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

Table 5.3: Parks Development Impact Fee

Land Use	Units	Cost per Capita	Density[1]	Total Fee per Dwelling Unit or 1,000 sq. ft of Building Space[2]
Residential				
Single Family Dwelling Units	Dwelling Unit	$ 2,969.30	2.70	$ 8,017
Senior Homes	Dwelling Unit	$ 2,969.30	1.80	$ 5,345
Assisted Living - Senior	Dwelling Unit	$ 2,969.30	1.00	$ 2,969
Multi-Family Dwellings	Dwelling Unit	$ 2,969.30	2.50	$ 7,423
Mobile Home Park[3]	Space	$ 2,969.30	2.50	$ 7,423
Campground/RV Park[3]	Space	$ 2,969.30	2.50	$ 7,423

Notes:
[1] Density is "persons per dwelling unit" or "mobile home park/campground/RV space."
[2] Fee in this table refers to "fee per dwelling unit" or "mobile home park/campground/RV space."
[3] Assumed same density as Multi-Family Dwelling.

Table 5.4: Estimated Revenues Parks Development Impact Fee

Description		Revenue
Citywide Fee Revenue		
Resident Population Growth (to 2020+)[1]		9,455
Citywide Facilities Cost per Capita[2]	$	2,969.30
Total Fee Revenue Parks Facilities	**$**	**28,074,699**
TOTAL PARKS DEVELOPMENT IMPACT FEE REVENUE	**$**	**28,074,699**

Notes:
[1] From Table 5.1
[2] From Table 5.2

Appendix A

California Superior Court Peremptory Writ of Mandate

FILED

SEP 14 2008

CONNIE MAZZEI
CLERK OF THE SUPERIOR COURT
DEPUTY
J. CEDILLO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MONTEREY

CITY OF MARINA, Petitioner, v. BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY, Respondents.	**Case No. M 41781** (Consolidated with M 41795) **STIPULATION TO DISCHARGE PEREMPTORY WRIT OF MANDATE; [~~PROPOSED~~] ORDER** Assignment for all purposes: Honorable Robert O'Farrell
FORT ORD REUSE AUTHORITY, Petitioner, v. BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY, Respondents.	

STIPULATION

Whereas, in May 1998, the Board of Trustees of the California State University ("CSU" or "Trustees") approved a campus master plan for CSU Monterey Bay ("CSUMB");

Whereas, the City of Marina ("Marina") and Fort Ord Reuse Authority ("FORA") thereafter brought action challenging the environmental impact report ("EIR") prepared for the CSUMB master plan;

Whereas, on May 11, 2007, following the California Supreme Court's decision in *City of Marina, et al. v. Board of Trustees* (2006) 39 Cal.4th 341 ("*City of Marina*"), the Court issued a peremptory writ of mandate ("writ") directing that CSU take those steps necessary to comply with *City of Marina*;

Whereas, CSUMB prepared a new EIR for a revised campus master plan, and CSU has certified the EIR and approved the revised master plan ("2007 Campus Master Plan");

Whereas, CSU now seeks an order discharging the writ; and,

Whereas, FORA and Marina seek certain clarifications with respect to the new EIR;

CSU, FORA, and Marina (collectively, the "Parties") hereby stipulate as follows:

1. By its resolution approving the CSUMB 2007 Campus Master Plan, the CSU Trustees directed that:

(i) CSUMB take all measures to ensure that the campus trip counts do not exceed the mitigation threshold of 4,361 additional trips over the baseline traffic level;

(ii) CSUMB prepare annual reports on the increase in average daily trips generated by the campus. Based on this data, the Chancellor will report the campus trip counts to the Trustees annually; and,

(iii) To the extent CSUMB vehicle trips draw near the mitigation threshold, the Trustees shall take measures to freeze trip generation below the mitigation threshold, including, but not limited to, requiring CSUMB to decrease impacts by increasing transportation demand management ("TDM") measures or, if that cannot be achieved, by limiting development. The Parties construe the term "near" as contained in this paragraph to mean within 5% of the mitigation threshold.

2. In the Fall 2008, CSUMB generated approximately 8,550 trips per day from off-campus to on-campus and from on-campus to off-campus. This number was determined by a combination of methodologies, including traffic tube counts and on-campus observational studies. That number is the baseline traffic level against which future increases in campus traffic will be measured.

3. In the event CSU determines, based on the CSUMB annual traffic reports, that CSUMB trips will exceed the mitigation threshold of 4,361 additional trips within the upcoming year, CSU will undertake further environmental review, consistent with the provisions of the California Environmental Quality Act, Public Resources Code §21000 et seq., ("CEQA") to assess the environmental impacts associated with such additional trips prior to exceeding said threshold.

4. Consistent with the Trustees resolution approving the CSUMB 2007 Campus Master Plan, CSUMB will:

(i) Adopt a TDM plan referred to in section 1(iii) to reduce vehicle trips; report annual traffic increases to the Chancellor, FORA, and Marina; and,

(ii) Seek approval from the Trustees to exceed the threshold of 4,361 additional trips,

(iii) Report to the Chancellor, FORA, and Marina any measures or modifications made to the TDM plan to address an increase in trip levels.

CSUMB's above commitment shall be construed as an enforceable mitigation measure under Public Resources Code §21081.6.

5. Additional mitigation measure 11-5.1, adopted by the Trustees May 13, 2009, as part of its approval of the 2007 CSUMB Campus Master Plan, does not preclude CSUMB from making direct payments to Monterey Salinas Transit in connection with programs developed as part of the TDM plan to be implemented pursuant to the MOU entered into between FORA and CSU.

6. The Statement of Overriding Considerations ("SOC") adopted by the Trustees May 13, 2009 relative to its approval of the CSUMB 2007 Campus Master Plan applies to the significant unavoidable impacts to: (i) on-campus roadways; (ii) off-campus transit facilities; and

(iii) off-campus water supply infrastructure facilities. The SOC does not apply to impacts relative to off-campus traffic impacts. As previously noted, the Trustees determined that to the extent CSUMB vehicle trips draw near (i.e., within 5% of) the 4,361 mitigation threshold, trip generation shall be frozen below the threshold. As a result, the 2007 CSUMB Campus Master Plan will not result in potentially significant impacts to off-campus roadways.

7. Prior to the commencement of development of Phase II of the North Campus Faculty/Staff housing, CSU shall request from the Legislature through the state budget process its fair-share of the costs to implement the Regional Urban Water Augmentation Project ("RUWAP"), determined to be $1,347,530. [See additional mitigation measure 7-2.2, adopted by the Trustees on May 13, 2009]

If the Legislature denies CSU's initial funding request, CSU shall:

(i) Resubmit the request during the following CSU budget cycle, and

(ii) Continue to resubmit the request annually until the funding is appropriated or until the Marina Coast Water District ("MCWD") commences construction of the RUWAP (or its replacement project), whichever comes first.

If the Legislature has not funded CSUMB's $1,347,530 fair-share costs when MCWD commences construction of the RUWAP or its replacement project, CSUMB shall seek authority from the Trustees to engage in discussions with representatives of FORA and Marina regarding the availability of alternative funding sources, if any, for CSU's $1,347,530 fair-share costs. CSUMB may seek CSU authorization to engage in such discussions prior to the time of commencement of construction of the RUWAP or its alternate project. The Parties acknowledge that the determination of the availability of any such alternative funding sources shall be consistent with state and federal law, the California Supreme Court's ruling in *City of Marina* and its progeny.

8. CSU shall request funding from the Legislature for its remaining fair-share of the costs to prepare the Habitat Conservation Plan ("HCP") for the former Fort Ord. That sum is expected to be $47,800. The costs to manage the CSU Borderlands property are expected to be $4,784.91 annually. [See additional mitigation measure 8-1.1, adopted by the Trustees May 13, 2009].

If the Legislature denies CSU's initial funding request, CSU shall:

(i) Resubmit the request during the following CSU budget cycle, and

(ii) Continue to resubmit the request annually until the funding is appropriated or until the HCP is completed and executed by all parties thereto, whichever comes first.

If the Legislature has not appropriated the funding at the time the HCP is executed, CSU shall seek authority from the Trustees to engage in discussions with representatives of FORA and Marina regarding the availability of alternative funding sources, if any, for CSU's one-time payment of $47,800 and its annual payments of $4,784.91. The Parties acknowledge that the determination of the availability of any such alternative funding sources shall be consistent with state and federal laws, the *City of Marina* and its progeny.

9. The Parties request that the Court discharge the writ.

10. If any party or its legally recognized successor in interest contends that another party has breached this Stipulation and Order, the party contending breach shall give the other party/parties written notice thereof. Within thirty (30) days of delivery of such notice, the Parties shall meet and confer in good faith to try to resolve the dispute. If the dispute is not resolved through the meet and confer process within sixty (60) days of the initial written notice of breach, the Parties shall submit the matter to non-binding mediation or some other form of non-binding Alternative Dispute Resolution ("ADR"), to be agreed upon by all Parties. If the Parties are unable to reach agreement on the appropriate ADR forum, the matter shall be submitted to non-binding mediation. The mediator shall be selected by mutual agreement. If the dispute is not resolved through ADR within nine (9) months of the initial written notice of breach, any party may file a judicial proceeding in the Superior Court of California, County of Monterey, to enforce this Stipulation. In that event, all parties waive discovery. The intent of the Parties in drafting this provision is that any dispute arising under this Stipulation be resolved by the least expensive and prompt means possible.

11. By executing this Stipulation, the signatories warrant that he or she has the legal authority to do so.

///

For CSU

September 2, 2009

James Main
Vice President for Administration & Finance
California State University, Monterey Bay

By: _____
James Main

Approved as to Form and Substance

Michael S. Haberkorn
Gatzke Dillon & Balance LLP

Attorneys for Respondent
Board of Trustees of the California State University

By: _____
Michael S. Haberkorn

Andrea M. Gunn
Office of General Counsel
The California State University, Office of the Chancellor

Attorneys for Respondent
Board of Trustees of the California State University

By: _____
Andrea M. Gunn

For FORA

September 2, 2009

Ralph Rubio
Chair
Fort Ord Reuse Authority

By: _____
Ralph Rubio

Approved as to Form and Substance

Sheri L. Damon
Damon Law Offices

Attorneys for Petitioner Fort Ord Reuse Authority

By: _____
Sheri L. Damon

For City of Marina

September 1, 2009

The Honorable Bruce Delgado
Mayor
City of Marina

By: _____
Bruce Delgado

Approved as to Form and Substance

Kenneth D. Buchert
Wellington Law Offices

Attorneys for Petitioner City of Marina

By: _____
Kenneth D. Buchert

ORDER

In light of the stipulation entered into among the parties, and for good cause shown, the Court hereby orders that the peremptory writ of mandate issued May 11, 2007, be discharged.

Dated: SEP 14 2009

KAY KINGSLEY

Judge of the Monterey County Superior Court

Appendix B

City of Marina CIP List

City of Marina

DRAFT 5 Year CIP Project List

Revised Date: May 2016

ID #	Fund #62		Funding	Project/Development Source	Development Mitigation No.	Cost Years	2015/2016 1	2016/2017 2	2017/2018 3	2018/2019 4	2019/2020 5	2020 to 2035 6-20	Remarks
		Traffic Intersections - FUNDED				**Total**							
TI 04		Del Monte & Marina Green Drive	Impact Fee	Marina Station	Mit. 4.13-3	$1,200,000						$1,200,000	Signalize or Roundabout
TI 06		Imjin Parkway & 3rd Avenue	Impact Fee	~~Cypress Knolls~~ Future Project	Mit. D-2, D-5, D-10	$1,200,000						$1,200,000	Signalize or Roundabout
TI 07		2nd Avenue & 3rd Street/Intergarrison	Impact Fee	Dunes	Mit. TR-5.8	$550,000						$550,000	Signalize changes and widen intersection
TI 08	701	Imjin Road & 8th Street	Impact Fee	Dunes	Mit. TR-5.7	$1,120,000		$48,000	$48,000			$1,024,000	Implement modern roundabout.
TI 09		Imjin Parkway & 4th Avenue	Impact Fee	~~Cypress Knolls~~ Future Project	Mit. D-3, D-6	$500,000						$500,000	Signalize and widen intersection
TI 11		California & 8th Street	Impact Fee	FOR A		$1,100,000						$1,100,000	Implement modern roundabout. **Tied to R 34 B**
TI 15	717	Reservation Road & SR1 Interchange (SB and NB terminal)	Impact Fee	Marina Station	Mit. 4.13-4, 4.13-9	$2,250,000						2,250,000	Signalize or Roundabout
TI 16		Imjin Parkway & Abrams Drive (West) near Marina Heights	By Developer	Marina Heights		N/A							Developer to improve the intersection (traffic signal)
TI 17		Reservation Road & Salinas Avenue	Impact Fee/FORA	Marina ~~Station~~ Heights/FORA ~~CIP~~	Mit. 4.13-11	$1,120,000						$1,120,000	Signalize or Roundabout. See R56 roadway project for Salinas Ave. extension.
TI 18		2nd Avenue & 8th Street	By Developer	Dunes		N/A							Signalize or Roundabout
TI 20		2nd Avenue & 10th Street	By Developer	Dunes		N/A							Signalize or Roundabout
TI 22A	727	Signalize the SB Highway 1 Ramps/12th Street/Imjin Parkway intersection (MM TR 1.3(b)).	Impact Fee	Dunes, Cypress Knolls	Dunes TR-1.3b, CK D-1	$400,000	$200,000	$200,000					Signalize SB Highway 1 off-ramp
TI 22B	727	Re-stripe the 12th Street/Imjin Parkway bridge over Highway 1 to accommodate two WB turn lanes and one EB lane (MM TR 1.3(b))	Impact Fee	Dunes	Mit. TR-1.3b	$26,000			$26,000				Provide two WB lanes on the Imjin SR 1 bridge
TI 22C	727	Convert SB Highway 1 off-ramp to become an off-ramp loop at the Highway 1 SB ramps/Imjin Parkway intersection (or functional equivalent) (MM TR 2.3(b))	Impact Fee	Dunes, Cypress Knolls	Dunes TR-3.2b, CK D-8	$2,000,000					$2,000,000		Convert the SB off ramp to a loop configuration, or functional equivalent
TI 23 A	727	Widen Highway 1 NB off-ramp at 12th Street to a two-lane ramp (or functional equivalent) (MM TR2.1(b)) + add signal. Close the median (or finctioal equivalent) at the Highway 1 NB ramps/Imjin Parkway intersection	Impact Fee	Dunes	Mit. TR-2.1b, TR-1.4b	$590,000	$295,000	$295,000					Widen the off ramp to accommodate two lanes at the ramp terminal.signal is not warranted.
TI 23 B	727	Widen Highway 1 SB on-ramp at 12th Street to a two-lane ramp (or functional equivalent) (MM TR 2.2(b))	Impact Fee	Dunes, Cypress Knolls	Dunes TR-2.2b, CK D-13	$500,000			$500,000				Widen the SB on-ramp to accommodate two lanes
TI 25		Imjin Parkway & California	Impact Fee	Dunes, Cypress Knolls	Dunes TR-3.4, 5.4, CK D-7	$2,500,000						$2,500,000	Signalize and restripe; change NBR to RTO & add 2nd EBL & WBL or Roundabout, including ROW acquisition
TI 26		California & Reindollar Avenue	Impact Fee	Dunes	Mit. TR-5.3	$1,054,000						1,054,000	Signalize ~~and restripe (Developer);~~ or Roundabout ~~(Impact Fee)~~
TI 27		Abrams Drive & Imjin Parkway (East)	By Developer	Dunes	Mit. TR-1.7	N/A							Install double left turn and right turn lanes on Imjin Pkwy, left and right turn lanes on Abrams Drive, signalize, and restripe. See Imjin Pkwy widening $2,000,000.
TI 28		Imjin Parkway & Marina Heights Drive	By Developer/Impact Fee	Marina Heights	Mit. 3.3	$870,000						$870,000	Signalize or Roundabout
TI 29	717	Del Monte Blvd & Beach Rd	$1,340,000 HSIP Grant $660,000 Impact Fee	CIP/AB1600, Marina Sta.	Mit. 4.13-5	$2,000,000	$1,000,000	$1,000,000					Widen/Construct new RR Gates and ~~signal intersection~~ Roundabout
TI 30		4th Avenue & Intergarrison	Impact Fee/CSUMB	Dunes, CSUMB	Dunes TR-1.8, 3.7	$675,000						675,000	Signalize or Roundabout. To be coordinated with CSUMB
TI 32		Imjin Parkway & Reservation Road	Impact Fee	Dunes, MH & MS	Dun. TR-1.2, 5.1, MS 4.13-8	$1,250,000						$1,250,000	Signalize changes and restripe; change NBR to RTO
TI 33	713	Imjin Parkway & 2nd Avenue	Impat Fee	Dunes, Cypress Knolls	Dun. TR-1.5 & 3.3, CK D-9	$4,307,000						$4,307,000	Signalize and restripe; two phasing of lane additions and widening; triple left turn lanes on NB 2nd Ave and WB Imjin Pkwy. Trigger - Phase II Building Permit
TI 34		Reservation Rd & Del Monte Blvd	Impact Fee	Marina Heights	Mit. 3.5	$106,000						$106,000	Rechannelization of intersection
TI 35		Reservation Rd & Blanco Rd	Impact Fee	Marina Sta.	Mit. 4.13-12	$151,000						$151,000	Rechannelization of intersection
TI 38A		De Forest Rd & Beach Rd	By Developer	Marina Station	Mit. 4.13-6	N/A							AWS and NB-SB left turn pockets
TI 39		California Avenue & Marina Heights Drive	Impact Fee	Marina Heights	Mit. 3.1	$870,000						$870,000	Signalize or Roundabout
TI 40		General Jim Moore & 1st Street	Impact Fee	CSUMB		$870,000						$870,000	Signalize or Roundabout. Requires CSUMB coordination
TI 49		Abrams Drive and Marina Heights Drive	By Developer	Marina Heights	Mit. 3.2	N/A							Signalize or Roundabout
TI 50		Preston Drive and Imjin Parkway	TAMC/Caltrans/Impact Fee	TAMC		$870,000						$870,000	Roundabout
		Traffic Intersections - UNFUNDED											
TI 42		8th St & 7th Ave & Intergarrison (3rd)	CSU	CSU DEIR		$399,000						$399,000	Signalize, Add EB/WB left-turn pockets, WB free right
TI 43		8th St & Intergarrison	CSU	CSU DEIR		$399,000						$399,000	Signalize, Add NB left and right-turn, WB/EB left-turn, LT channelization
TI 44		Abrams Dr & Intergarrison	CSU	CSU DEIR		$399,000						$399,000	Signalize, Add SB free right turn, 2nd SB left-turn
TI 45		2nd Ave & 1st St (Divarty St)	CSU	CSU DEIR		$399,000						$399,000	Signalize
TI 46		5th Ave & 8th St	CSU	CSU DEIR		$200,000						$200,000	Add right-turns on 5th, LT channelization
TI 47		Melanie Rd & Vista Del Camino Rd	TBD	PWS		$200,000	$100,000	$100,000					Regrading of intersection
TI 48		Del Monte Blvd & Reservation Rd	TBD	PWS		$100,000	$50,000	$50,000					Eliminate 2nd RT lane & island. Create 2nd NB lane
			Impact Fee Funding Subtotal (including Grant funding)			**$28,079,000**							
				HSIP Grant: TI 29		**$1,340,000**							
			Impact Fee Funding Subtotal (less HSIP Grant)			**$26,739,000**							
				Other Funding Subtotal (Including HSIP Grant)		**$3,436,000**							
				Traffic Intersection Subtotal		**$30,175,000**	**$1,645,000**	**$1,693,000**	**$574,000**	**$0**	**$2,000,000**	**$24,263,000**	

City of Marina

DRAFT 5 Year CIP Project List

Revised Date: May 2016

ID #	Fund #62		Funding	Project/Development Source	Development Mitigation No.	Cost Years Total	2015/2016 1	2016/2017 2	2017/2018 3	2018/2019 4	2019/2020 5	2020 to 2035 6-20	Remarks
		Roadways - FUNDED											
R 05	713	2nd Avenue Extension- Reindollar to Imjin Parkway	FORA	CIP/AB1600/FOR A		$ 9,900,000					$9,900,000		Construct new road between Imjin Parkway and Reindollar
R 28	714	Del Monte Blvd. - Beach Road to Marina Greens Drive	Impact Fee	Marina Station	Mit. 4.13-15	$1,856,000						$1,856,000	Construct sidewalk and pavement
R 28 B		Del Monte Blvd. - Sta. 42+00 to Sta. 48+00	Impact Fee	Marina StationPWS		$280,000		$280,000					Construct sidewalk, pavement & drainage improvements @ Cosky Dr.
R 34 A		8th Street - 2nd Avenue to California Avenue	By Developer	FORA/UVTIS		N/A							Reconstruct road to be completed by the Dunes Development
R 34 B	701	8th Street - California Avenue to Intergarrison	FORA	FORA		$7,000,000			$150,000	$150,000	$2,859,000	$3,841,000	Reconstruct road (see TI 08)
R 37		Patton (Abrams) Parkway - Del Monte to Crescent Avenue Ext.	FORA	FORA		$ 1,150,000						$1,150,000	Extention of Patton Parkway from 2nd Ave. Extension to Marina High School
R 46 A		Imjin Parkway - Reservation Road to Imjin Road	TAMC	05RTP, Dunes	Mit. TR-3.5	$2,200,000						$2,200,000	Install Class II bikelanes, sidewalk, ADA ramps, Intersection video cameras (Substantially Completed)
R 46 B		Imjin Parkway - Reservation Road to Imjin Road	TAMC/Impact Fee	05RTP, Dunes	TR-1.2, 1.6, 3.5, 3.6, 5.5, 5.6	$ 22,289,632	$400,000	$1,200,000	$800,000	$800,000	$19,089,632		Widen road to four lanes
R 46 C		Imjin Parkway - Imjin Road to 2nd Ave	TAMC/Abrams/Gas/ Impact Fee	PWS		$ 21,413,000						$21,413,000	~~Connect bike lane from Imjin Rd. to 2nd Ave.~~ Widen to 6-lanes. BRT excluded.
R 47		Imjin Parkway - Imjin Road to SR-1	Impact Fee	05RTP, Dunes, Cyp. Knolls	Dunes TR-1.5, CK D-15	$ -							~~Widen to six lanes (PSR equivalent to be conducted in upcoming year).~~ Included in R46.
R 49 A		Imjin Parkway (12th) & SR1 Interchange	Caltrans/Regional Fee/TAMC ~~Unfunded~~/Impact Fee	Caltrans TIP		$12,375,000						$12,375,000	Construct new interchange. On Caltrans Regional TIP
R 49 B		Del Monte & SR 1 Interchange	Caltrans/Regional Fee/TAMC ~~Unfunded~~/Impact Fee	Caltrans TIP		$12,375,000						$12,375,000	Construct new interchange. On Caltrans Regional TIP
R 55	717	Reservation Road - Beach to SR1	Impact Fee	PWS, Marina Station	Mit. 4.13-13	$ 1,735,000	$150,000	$150,000			$717,000	$718,000	Widen Roadway to the north and modify traffic signals
R 56	716	Salinas Avenue - Reservation Road to Carmel Avenue	FORA	FORA		$ 1,915,000						$1,915,000	Construct new 2 lane arterial
R 68		Sign Retroreflectivity Program	Abrams B	PWS		$ 91,200	$91,200						City wide sign inventory & upgrade as required by new FHWA standards
R 69		Pavement Management Program	Gas Tax/RSTP	PWS		$ 17,052,000	$2,000	$150,000	$1,300,000	$1,300,000	$1,300,000	$13,000,000	Complete MTC Pavement Condition Index on city streets to use for grant funding opportunities
R 70		Sidewalk and Pedestrian Improvement Management Program	Abrams B	PWS		$ 48,600						$48,600	City wide survey of sidewalk and pedestrian needs utilizing the PBMP
R 71		ADA Compliance Program	Abrams B	PWS		$ 48,600						$48,600	City wide survey of ADA compliance needs
R 74 B		Reservation Road - Seacrest Ave to Crescent Ave	Abrams B/Gas/RSTP	PWS		$ 510,000	$510,000						Resurfacing of roadway
R 29	710	Del Monte Blvd. - Beach Road to Reservation Road	Impact Fee	PBMP		$ 262,000						$262,000	Install Class II bikelanes and sidewalks. Moved from unfunded projects.
R 65		Reservation Road - Imjin Road to Blanco Road	Impact Fee	UVTIS		$ 8,193,000						$8,193,000	Widen to six lanes. Moved from unfunded projects.

City of Marina

DRAFT 5 Year CIP Project List

Revised Date: May 2016

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		Roadways - UNFUNDED											
R 46D		Imjin Pkwy Bus Way Reservation to Imjin Road				$ 6,268,966						$6,268,966	Bus way to be funded by MST/FTA.
R 06		Carmel Avenue - Crescent to Seacrest	TBD	PBMP		$ 725,000						$725,000	Fill in gap in sidewalk on both sides
R 10		Abdy Way - Cardoza to Healy	TBD	05RTP		$ 200,000						$200,000	Construct sidewalk and pavement
R 11		Eucalyptus Street - Reservation to Peninsula	TBD	05RTP		$ 550,000						$550,000	Construct sidewalk and pavement
R 12		Healy Avenue - Abdy Way to Marina Drive	TBD	05RTP		$ 109,000						$109,000	Construct sidewalk and pavement
R 13		Lake Drive - Lake Ct. to Reservation Road	TBD	05RTP		$ 101,000						$101,000	Construct sidewalk, pavement widening and stripe Class II Bikelane.
R 14		Lake Court - Lake Drive to end	TBD	PBMP		$ 406,000						$406,000	Install Class II bikelanes
R 15		Marina Drive - Beach Road to Healy	TBD	05RTP		$ 600,000						$600,000	Construct sidewalk and pavement
R 16		Marina Drive - Paddon Place to southern end	TBD	05RTP		$ 1,860,000						$1,860,000	Construct sidewalk and pavement
R 17		Michael Drive - Sells to Cosky	TBD	05RTP		$ 1,639,000						$1,639,000	Construct new street
R 18		Paddon Place - Lake Drive to Marina Drive	TBD	PBMP		$ 223,000						$223,000	Sidewalk fill gap on south side
R 20		Palm Avenue - Lake Drive to Del Monte	TBD	05RTP		$ 210,000						$210,000	Install Class II bikelanes and sidewalks
R 22A		Redwood Drive - 140'N of Hillcrest to Reindollar	TBD	05RTP		$ 403,936						$403,936	Construct sidewalk and pavement
R 23		Reindollar Avenue - Del Monte to Redwood	TBD			$ 936,000						$936,000	Construct sidewalk and pavement
R 23		Reindollar Avenue - Del Monte to Redwood	TBD			$ 936,000						$936,000	Construct intermittent sidewalk and pavement
R 25		Cardoza Avenue - Abdy Way to Ora	TBD			$ 700,000						$700,000	Construct sidewalk and pavement
R 25 A		Cardoza Avenue - Reservation Road to Abdy Way	TBD	PWS		$ 25,000	$25,000						Traffic Calming Measures
~~R 29~~	~~710~~	~~Del Monte Blvd. - Beach Road to Reservation Road~~	~~Impact Fee~~	~~PBMP~~		~~$ 262,000~~						~~$262,000~~	~~Install Class II bikelanes and sidewalks~~ Moved to funded projects.
R 26		Cardoza Avenue - Reservation Road to End	TBD	05RTP		$ 615,000						$615,000	Install Class II bikelanes
~~R 32~~		~~Beach Road - Del Monte to DeForest~~	~~Impact Fee~~	-		~~$ 2,152,000~~						~~$2,152,000~~	~~Construct sidewalk, widen pavement and stripe bikelanes.~~ Removed from the list.
R 33		California Avenue -8th Street to Imjin Parkway	Impact Fee			$ 1,980,000						$1,980,000	Reconstruct road
R 34C		8th Street Realignment	TBD	05RTP		$ -							Plan line realignment of 8th Street
R 35 B		Carmel Avenue - Crescent Avenue to Salinas Avenue	TBD	05RTP		$ 70,000						$70,000	Install Class II bikelanes
R 38	710	Del Monte Blvd. - Reindollar to Reservation	TBD	CIP/AB1600		$ 340,000						$340,000	Sidewalk fill gap on east side and install Class II bikelanes
R 40		Reservation Road - Salinas Avenue to Imjin Parkway	TBD	05RTP		$ 400,000						$400,000	Install Class II bikelane, North side only
R 41		Reservation Road Crescent Avenue to Del Monte Blvd.	TBD	05RTP		$ 2,704,000						$2,704,000	Traffic Calming Crescent to Del Monte
R 43		Seaside Cir. - Reservation to east end	TBD	05RTP		$ 101,000						$101,000	Construct sidewalk and pavement
R 44		Seaside Ct. - Reservation to west end	TBD	05RTP		$ 209,000						$209,000	Construct sidewalk and pavement
R 57		Reservation Rd Downtown Vitalization Plan	TBD	CIP/AB1600		$ -							(Unfunded per Council Resolution No. _____)
R 59		Imjin Road Widening Project - Imjin to 8th St	Impact Fee	CSUMB		$ 2,075,000						$2,075,000	Reconstruct and widen road to four lanes, Imjin Parkway to 8th Street
~~R 60~~		~~Crescent Ave South of Reservation~~	~~Impact Fee~~	~~PWS~~		~~$ 190,000~~						~~$190,000~~	~~Reconstruct curb, gutter, sidewalk on west w/ paveout and restriping.~~ Removed from the list.
R 61		2nd Avenue from 10th Street to Intergarrison (3rd St.)	Impact Fee	PWS		$ 92,000						$92,000	Remove class II bike lanes and restripe for two lanes each direction
R 64		Median Landscape Improvements	TBD	05RTP		$ 250,000						$250,000	Improve irrigation & landscape on medians throughout central Marina
~~R 65~~		~~Reservation Road - Imjin Road to Blanco Road~~	~~Impact Fee~~	~~UVTIS~~		~~$ 8,193,000~~						~~$8,193,000~~	~~Widen to six lanes.~~ Moved to funded projects.
R 66		InterGarrison - Abrams to Eastside	CSUMB	CSUMB		$ -							Improve to arterial standards
R 67		General Jim Moore - 8th to Inter-Garrison	CSUMB	CSUMB		$ -							Improve to arterial standards
R 72		Reservation Road - Salinas Ave. to Blanco Rd.	TBD	PWS		$ -							Construct median improvements
R 73		Imjin Parkway - 2nd Ave. to Reservation Rd.	TBD	PWS		$ -							Construct median improvements
~~R 74C~~		~~Reservation Road - De Forest to 500'E of Crescent Ave~~	~~TBD~~	~~PWS~~		~~$ 370,000~~						~~$370,000~~	~~Resurfacing of roadway~~ Completed as part of R 74B.
R 75		Flower Circle - Carmel Ave. to End	TBD	PWS		$ 95,000						$95,000	Resurfacing of roadway
R 76		Marina Drive - Drainage Improvements	TBD	PWS		$ 100,000	$100,000						Drainage Improvements in roadway
R 77		Reservation Rd. - 300ft. E of Crescent Ave.	TBD	PWS		$ 100,000	$100,000						Revise medians for new turn pocket
				Impact Fee Funding Subtotal (including Grant funding)		**$ 80,778,632**							
				Federal Grant: R 46B Design Fee Only		**$ 1,600,000**							
				Impact Fee Funding Subtotal (less Federal Grant)		**$ 79,178,632**							
				Other Funding Subtotal (Including Federal Grant)		**$66,539,302**							
				Roadways Subtotal		**$145,717,934**	**$1,378,200**	**$1,780,000**	**$2,250,000**	**$2,250,000**	**$33,865,632**	**$104,194,102**	

City of Marina

DRAFT 5 Year CIP Project List

Revised Date: May 2016

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		Parks - FUNDED											
P 02 A		Vince DiMaggion Park - ADA pathway improvements	MPRPD	BDS		$ 50,000	$10,000	$40,000					New/improved pathways & parking stalls to incorporate ADA access
P 03		Windy Hill Park	Impact Fees	PRMP		$ 177,500						$177,500	Construct restroom facilities & expansion – Marina Station Entitlements
P 05		Community Center Park - Modify per Youth Center Concept	Impact Fees	PRMP		$ 96,000	$96,000						Landscape design w/ turf, plants, irrigation and playground equipment
P 08		Park Site Marina Station Development (GPD)	Impact Fees	PRMP		$ 2,036,000						$2,036,000	Design and construct play fields, community park & recreational trails – Marina Station Entitlements
P 09		Large Recreational Conveyance Parcel Development	Impact Fees/Developer	PRMP		$ 7,283,000			$1,000,000	$3,141,500	$3,141,500		Design and construct park; located SW corner of 2nd Ave and 8th St – Dunes Entitlements
P 10		Small Recreational Conveyance Parcel	Impact Fees	PRMP		$ 3,202,000						$3,202,000	Design and construct park; located West of 2nd Ave and 3rd St – Dunes Entitlements
P 11	719	Preston Park Phase III Improvements	Impact Fees	PRMP		$ 6,200,000			$121,564	$6,078,436			Install lighting for baseball & soccer fields, add parking & tennis courts
P 11A		Preston Park Concession Building	11.126.65890	BDS		$ 17,900	$17,900						Exterior Painting Project
P 12		Abrams Park Development (Marina Heights)	Impact Fees/Developer	PRMP		$ 9,426,000			$673,000	$4,376,500	$4,376,500		Design and construct park (up to ~~$1,000,000~~ $1,500,000 by Developer) – Marina
P 16	601	Locke Paddon Park to Vince DiMaggio Park	Impact Fees	PRMP		$ 2,900,000					$2,900,000		Construct pedestrian ~~crosswalk with signal~~ Construct a pedestrian bridge or overcrossing
P 18		Hilltop Park (UV)	By Developer	UVEIR		$ 2,015,000		$50,000	$982,500	$982,500			Neighborhood park improvements – Dunes Entitlements
P 19		Community Park (GPD)	Impact Fee	PRMP		$ 8,540,000		$100,000	$1,900,000	$3,270,000	$3,270,000		Upgrade of the community park
P 25		Sport Center Stabilization	State Grant	UVEIR		$ 456,550	$456,550						Re-roofing & Exterior Painting to Roller Hockey, Swim Center & Chapel
P 26		Veterans Trail, Parks Master Plan Update	Impact Fee	Reso. 2016		$50,000	$50,000						Fort Ord Recreational Trail & Greenway, Parks Master Plan Update
		Parks - UNFUNDED											
P 01		Glorya Jean Tate Park	TBD	PRMP		$1,180,000			$1,180,000				Park & field improvements; ADA upgrade
P 06		Park Site Marina High School Joint Use - Fields	TBD	PRMP/ MPUSD MOU		$25,996,840						$25,996,840	Design and construct park/sport complex/joint use facility per Council Resolution No. 2007-111 for MPUSD MOU
P 13		Beach Access Improvements	TBD	PRMP		$106,000						$106,000	Improve beach access four locations
P 14		Mini Parks (GPD)	TBD	PRMP		$252,000		$126,000	$126,000				Integration of ponds and mini parks
P 15		Bike Paths and Trails	TBD	PBMP		$568,000		$141,000	$100,000	$100,000		$227,000	Improve or construct new bike paths and trail throughout City
P 20		Glorya Jean Tate Park Playground Upgrade	TBD	PWS		$40,000		$40,000					Playground equipment upgrade
P 21B		Community Center Playground Equipment Upgrade	TBD	PWS		$60,000			$60,000				Playground equipment upgrade
P 22		Windy Hill Park Playground Upgrade	TBD	PWS		$40,000		$40,000					Playground equipment upgrade
P 23		Di Maggio Park Playground Upgrade	TBD	PWS		$40,000		$40,000					Playground equipment upgrade
P 24		Vince DiMaggio Park - Retaining Wall	TBD	BDS		$28,000		$28,000					New retaining wall along norther property line
				Impact Fee Funding Subtotal		**$39,910,500**							
				Other Funding Subtotal		**$30,850,290**							
				Parks Subtotal		**$70,760,790**	**$630,450**	**$605,000**	**$6,143,064**	**$17,948,936**	**$13,688,000**	**$31,745,340**	
		Public Facilities (Structures) - FUNDED				**Total**							
F 03		Senior Center	Impact Fees/Developer	PRMP		$4,350,000			$1,450,000	$1,450,000	$1,450,000		Adjacent to Swimming Pool; Senior Center
F 05		The Dunes PBC Rehab.	Impact Fees	PRMP		$6,600,000		$2,200,000	$2,200,000	$2,200,000			Rehab. Building
F 11		Civic Center	Impact Fee	CIP/AB1600		$8,200,000		$8,200,000					Construct new building per General Plan
F 23		Council Chambers ADA Improvements	TBD/PEG Grant	BDS		$210,000						$210,000	ADA bathroom improvements, technology improvements and dias relocation
		Public Facilities (Structures) - UNFUNDED											
F 02	005	Community Center Bldg.	TBD	PRMP		$20,000		$20,000					Enhancements to entry and paint the interior and exterior of building
F 06		Banquet Facility Visitor Center	TBD	PRMP		$2,200,000						$2,200,000	Acquire land and rehab. Building
F 13		Demolition of Old Corp Yard	TBD	CIP/AB1600		$90,000		$90,000					Demolition of old corporation yard
F 14		City Hall Complex Rehabilitation	TBD	CIP/AB1600		$250,000		$250,000					Council Chamber remodel, finishes, ADA, HVAC, hazmat, pest control
F 15		Corp Yard Fuel Station	TBD	MRAPCD		$240,000		$240,000					Construct above ground fuel station at corp yard, vapor recovery
F 18		ES Building Rehabilitation	TBD	BDS		$150,000		$150,000					Rehabilitation and ADA upgrades to Engineering Services building on DX Road
F 19		Fifth Street Corporation Yard Shed Building	TBD	BDS		$10,000		$10,000					New construction of shed structure for storage of equipment and materials
F 20		New Electrical Service - City Hall	TBD	BDS		$25,000						$25,000	New electrical services
F 21		New Electrical Service - Community Center	TBD	BDS		$25,000						$25,000	New electrical services
				Impact Fee Funding Subtotal		**$19,150,000**							
				Other Funding Subtotal		**$3,220,000**							
				Public Facilities Subtotal		**$22,370,000**	**$0**	**$11,160,000**	**$3,650,000**	**$3,650,000**	**$1,450,000**	**$2,460,000**	
		Public Safety - FUNDED				**Total**							
PS 01	725	Fire Station No. 1	Impact Fees	CIP/AB1600		$5,430,000						$5,430,000	New Fire Station
PS 07		Animal Impound Facility Expansion	Impact Fees	CIP/AB1600		$870,000						$870,000	Expand facility to meet increase in population
		Public Safety - UNFUNDED											
PS 10		Police Station - Retaining Wall	TBD	BDS		$90,000	$90,000						New retaining wall at Police Station
				Impact Fee Funding Subtotal		**$6,300,000**							
				Other Funding Subtotal		**$90,000**							
				Public Safety Subtotal		**$6,390,000**	**$90,000**	**$0**	**$0**	**$0**	**$0**	**$6,300,000**	
				Impact Fee Funding Total		**$171,278,132**							
				Other Funding Total		**$104,135,592**							
				Grand Total		**$275,413,724**	**$3,743,650**	**$15,238,000**	**$12,617,064**	**$23,848,936**	**$51,003,632**	**$168,962,442**	

	Source Document		Source Document		Source Document		Legend
PRMP	Parks and Recreation Master Plan			PBMP	Pedestrian & Bicycle Master Plan	MPUSD	Monterey Peninsula Unified School District
05RTP	TAMC 2005 Regional Transportation Plan	CSUMB	California State University Monterey Bay – 2007 Master Plan	MHSP	Marina Heights Specific Plan	GPD	General Plan Designated
CIP/ AB1600	CIP Update & AB 1600 Report 2007	FORA	FORA Report Feb. 17, 2005	MPUSD MOU	Monterey Peninsula Unified School District MOU - May 2007	CEC	California Energy Commission
UVTIS	University Villages Traffic Impact Study	PDS	Planning Division Staff	MRAPCD	Monterey Regional Air Pollution Control District Phase II Vapor Recovery Compliance	TBD	To Be Determined
MHTIS	Marina Heights Traffic Impact Study	BDS	Building Division Staff			NPSAF	National Parks Services Activity Fund
MSTIS	Marina Station Traffic Impact Study	PWS	Public Works Staff	PSS	Public Safety Staff		
UVEIR	University Villages Environmental Impact Report	CSU DEIR	Cal State University Draft EIR	MPUSD TIS	MPUSD Traffic Impact Study		

Table 1.2: Development Impact Fee Summary

Land Use	Public Buildings Fee	Public Safety Fee	Roadways Fee	Intersections Fee	Parks Fee	Total Fee[1]
Residential						
Single Family Dwellings	$2,186	$269	$ 4,658	$ 2,299	$ 5,924	**$ 15,334**
Senior Homes	$1,457	$179	$ 1,806	$ 891	$ 3,949	**$ 8,282**
Assisted Living - Senior	$809	$99	$ 1,334	$ 658	$ 2,194	**$ 5,095**
Multi-Family Dwellings	$2,024	$249	$ 3,227	$ 1,592	$ 5,485	**$ 12,577**
Non-residential						
Office/Research	$648	$166	$ 5,359	$ 2,644	$ -	**$ 8,817**
Retail/ Service[2]	$389	$99	$ 9,706	$ 4,789	$ -	**$ 14,983**
Industrial	$216	$55	$ 3,393	$ 1,674	$ -	**$ 5,338**
Hotel	$130	$33	$ 3,977	$ 1,962	$ -	**$ 6,102**

[1] *Fee in this table refers to "fee per dwelling unit", "fee per hotel room", or "fee per 1,000 square feet of building space for non-residential land uses"*

June 3, 2016 Item No. **11a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 21, 2016

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-, RECEIVING INFORMATIONAL PRESENTATION AND SETTING PUBLIC HEARING FOR JULY 6, 2016, ON PROPOSED INTENTION TO AMEND CHAPTER 3.26 OF THE MARINA MUNICIPAL CODE REGARDING MITIGATION FEES FOR NEW DEVELOPLMENT WITHIN THE CITY OF MARINA

REQUEST:
It is requested that the City Council:

1. Consider adopting Resolution No. 2016-, receiving informational presentation and setting public hearing for July 6, 2016, on proposed intention to amend Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.

BACKGROUND:
At the regular meeting of July 17, 2007, the City Council held a public meeting to receive any public comments regarding the proposed update to the City's Public Facilities Impact Fee (PFIF) Study.

At the regular meeting of August 7, 2007, the City Council passed and adopted Ordinance No. 2007-10, amending Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development.

At the regular meeting of May 17, 2011, the City Council held a public meeting to receive any public comments regarding the proposed update to the City's PFIF study.

At the regular meeting of June 7, 2011, the City Council passed and adopted Ordinance No. 2011-02, amending Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development.

At the regular meeting of April 19, 2016, the City Council adopted Resolution 2016-50, making available the Development Impact Fee Study in accordance with Marina Municipal Code Chapter 3.26.

On May 3, 2016, the City Council adopted Resolution No. 2016-63, receiving informational presentation and setting public hearing for May 17, 2016 on proposed intention to amend chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina. The City Council added to the adopted motion for staff to provide an exhibit showing the effects on the updated impact fee schedule should the Cypress Knolls development agreement and associated impact fee contributions be removed.

On May 17, 2016, the City Council adopted a motion that would amend Chapter 3.26 in the Marina Municipal Code with an updated impact fee schedule that did not include the Cypress Knolls development agreement and associated impact fee contributions. In order to comply with Chapter 3.26 and associated Government Codes, staff has provided an updated Impact Fee Study to the public 10 days prior to this public meeting and for Council consideration.

ANALYSIS:

The Public Facilities Impact Fee Study (Study) report (**"EXHIBIT A")** updates all five (5) City public facilities impact fee programs for public building facilities, public safety facilities, roadways, intersections and parks.

The purpose of the Study is to re-evaluate and update the fees developed from the 2011 study to incorporate the adopted Capital Improvement Program (CIP) projects and additional recommended projects.

The updated calculations assume that Cypress Knolls will not be built and nothing would be built in its place. Any future development on Cypress Knolls will be subject to the City adopted impact fees and an Impact Fee Study update will be necessary at that time.

Neither FORA projects nor FORA fees are included in the City of Marina Public Facilities Impact Fees, this there is no "double collection" of fees for required improvements. The Public Facilities Impact Fees are based on future infrastructure requirements because of future development projects. These future projects are included in the current General Plan boundary of the City. No funds are collected for existing deficiencies. The Fees include the cost of Master Plan and Fee updates.

Chapter 3.26.070 of the Marina Municipal Code requires all fees and charges adopted or increased set by ordinance pursuant to Government Code Section 66016 and shall take effect sixty (60) days following adoption of the ordinance.

The following schedule of regular City Council meetings will satisfy the requirements of Chapter 3.26.070 in updating the fee schedule and ordinance:

- June 21, 2016 – The report will be given to the City Council satisfying MMC 3.26.070(B)(1). A public hearing date will be set at this meeting.

- July 6, 2016 – A public hearing will be held at which the ordinance revision will be introduced satisfying MMC 3.26.070(B)(4).

- July 19, 2016 – The second reading of the ordinance revision will be made along with adoption of the ordinance. The new fees would then become effective sixty (60) days after adoption (September 17).

FISCAL IMPACT:

Adoption of the proposed development impact fees will provide revenue to fund the development driven projects.

CONCLUSION:

This request is submitted for City Council's approval.

Respectfully submitted,

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Edrie Delos Santos, PE
Senior Engineer, Engineering Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

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Nourdin Khayata, PE
Acting City Engineer
City of Marina

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Layne P. Long
City Manager
City of Marina