

RESOLUTION NO. 2024-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA ALLOCATING 5.2 ACRE-FEET PER YEAR OF UNALLOCATED WATER IN THE FORMER FORT ORD AREA TO: 1) CITY-LED PROJECTS AND 2) MARINA KAI APARTMENTS (INTERIM, INC. PROJECT LOCATED AT 605 BAYONET CIRCLE).

WHEREAS, the City of Marina (City) was allocated 1,340 acre feet per year of potable water at the time of the closure of Fort Ord for areas within the City located within former Fort Ord; and
WHEREAS, of the 1,340 acre-feet of water per year allocated to the City, only 5.2 acre feet of water remains unallocated to any development; and

WHEREAS, Marina Coast Water District (MCWD) is in the process of developing additional water supplies that will be available for development projects in the City; and

WHEREAS, there are various City-led projects within the boundaries of the former Fort Ord for which an allocation of water has not been made, or for which an allocation previously made may not be sufficient, including but not limited to the following City-led projects: Sea Haven Park, Dunes City Park, and Cypress Knolls (hereinafter “City-led projects”); and

WHEREAS, the City Council desires to reserve and allocate the 5.2 acre feet of unallocated water to City-led projects; and

WHEREAS, in addition to reserving and allocating water to City-led projects, the City desires to allocate a portion of the unallocated water to a project which will serve the community by providing permanent supportive housing to those that are homeless or at risk of homelessness – the Marina Kai Apartments proposed to be developed by Interim, Inc. at 605 Bayonet Circle (“Interim Project”); and

WHEREAS, Interim, Inc., is a nonprofit organization that provides a unique combination of support services, housing and treatment for adults with mental illness in Monterey County, and operates five (5) sites in the City of Marina; and

WHEREAS, the Interim Project will involve demolishing an existing four-plex and development of a new 24-unit project, including 23 studio apartments and one (1) 1-bedroom resident manager unit; and

WHEREAS, the Interim Project has received necessary Design Review and Sign Permit approvals from the City’s Planning Commission; and

WHEREAS, the Marina Coast Water District (“MCWD”), the water purveyor for the City of Marina has verified the current water use for the existing four-plex as 1.32 acre feet per year (see Exhibit A); and

WHEREAS, the Interim Project will require an additional 2.14 acre feet per year of water above its current water allocation (see Exhibit A); and

WHEREAS, the allocation of 2.14 acre feet per year of water to the Interim Project will terminate and be reallocated to City-led projects if not used within five (5) years from the date herein, but such allocation shall no longer be subject to termination upon issuance of building permits to the project and commencement of construction of same; and

WHEREAS, the allocation of water itself by Council to as yet undefined City-led projects is not a project as that term is defined by the California Environmental Quality Act (CEQA). Additionally, the allocation of water itself is subject to the commonsense exemption (CEQA Guidelines 15061(b)(3)) given the fact that impacts are not reasonably foreseeable based on the allocation alone; and furthermore any specific projects relying on the allocation will undergo further environmental review at the appropriate time; and

WHEREAS, the Interim Project is not affected by the decision to allocate water to the project; moreover, such project has already been found and determined to be exempt by the Planning Commission under CEQA per Public Resources Code § 21080.40 (AB 1449), categorical exemption in CEQA Guideline (15302) (Class 2), and Public Resources Code § 21080(b) (for demolition permit) all as set forth Planning Commission Resolution 2024-12; and

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby:

1. Include the recitals set forth above in their entirety as if set forth herein.
2. Allocate the 5.2 acre feet per year of unallocated water in the former Fort Ord area as follows:
 - a. 2.14 acre feet per year of water to the Interim Project.
 - b. 3.06 acre feet per year of water to City-led projects.
3. The allocation of 2.14 acre feet per year of water to the Interim Project will terminate and be reallocated to City-led projects (as defined herein) five (5) years from the date herein, but such allocation shall no longer be subject to termination upon issuance of building permits to the project and commencement of construction of same.
4. Authorize the City Manager to undertake any actions necessary to carry out the allocations set forth herein, including providing documentation to MCWD or Interim, Inc., to confirm the allocation of water.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 1st day of October 2024, by the following vote:

AYES, COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



TECHNICAL MEMORANDUM

Subject: Marina Kai Apartments (Bayonet Circle)
Prepared For: Garrett Haertel, PE – District Engineer
Prepared by: Andrew Racz, PE – Senior Engineer
Date: May 3, 2024

BACKGROUND

Interim, Inc. has provided plans by Wald, Ruhnke & Dost Architects LLP to replace an existing 4-plex of attached townhomes located at 605-611 Bayonet Court on former Fort Ord land within the City of Marina with a 24-unit congregate housing apartment complex for at-risk adults (recently homeless, just out of rehab, etc.). Because the project will increase the intensity of water use at the site, additional water will need to be allocated by the City of Marina in order to permit the project.

PURPOSE

This memorandum analyzes the availability of water for the proposed development. The analysis compares the existing capacity assigned to the site with the calculated water use requirements of the new apartment project, based on MCWD Appendix C. The analysis then determines whether the increased demand can be met by unallocated Fort Ord water controlled by the City of Marina.

DISCUSSION

In April 2024, Interim submitted a site plan, floor plans, and an Appendix C water use analysis for a proposed 3-story, 24-unit apartment building to be located on Bayonet Circle in Marina. The site is currently occupied by four attached Army-era townhomes, which would be demolished to accommodate the new construction. Each of the four existing units is individually metered and assigned a pre-2020 water capacity of 1 EDU, or 0.33 AFY. Total existing capacity at the site is therefore $0.33 \times 4 = 1.32$ AFY.

The proposed Marina Kai Apartments consist of 24 studio units distributed over three floors, plus common areas on the ground floor including restrooms, an office, a community room, and laundry facilities. Project proponents completed an MCWD Appendix C worksheet, which is summarized in the table below. Because the apartment units are small in size (~400 sf), have limited kitchens (small 2-burner cooktop, no range or dishwasher), and will be occupied by single adults, the units are more similar in nature to those in an

assisted-living senior complex, rather than market-rate family apartments. This is the justification for assigning a use factor of 0.12 AFY to each unit.

Type of Use	Quantity	Use Factor (AFY)	Water (AFY)
Studio Apartments	24 units	0.12 /unit	2.88
Management Office	320 sf	0.0001 /sf	0.03
Community Room	328 sf	0.000092 /sf	0.03
Laundry (self-serve)	2 washers	0.202 /washer	0.40
Public Restrooms	2 toilets	0.058 /toilet	0.12
TOTAL			3.46

Summing the above, the proposed apartment building has a total water demand of 3.46 AFY. Crediting the 1.32 AFY of existing use already assigned to the site, the apartment project represents a net increase in water use of 2.14 AFY.

All new water use on former Fort Ord lands is controlled by the corresponding land use jurisdiction (LUJ). For Bayonet Circle, the LUJ is the City of Marina. Of the original 1,340 AFY allocation provided to the City at the time of base closure, MCWD calculates that 5.2 AFY remain unallocated and available for new projects.

CONCLUSIONS

Based on the above analysis, sufficient unallocated water remains available to the City of Marina to permit the proposed Marina Kai Apartments. MCWD recommends that Council/Planning allocate 2.14 AFY of water to support this development project.

September 27, 2024

Item No. **10f(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
October 1, 2024

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-,
ALLOCATING 5.2 ACRE-FEET PER YEAR OF UNALLOCATED WATER
IN THE FORMER FORT ORD AREA TO: 1) CITY-LED PROJECTS AND
2) MARINA KAI APARTMENTS (INTERIM, INC. PROJECT LOCATED
AT 605 BAYONET CIRCLE).**

REQUEST

It is requested that the Marina City Council:

1. Adopt Resolution No. 2024-, allocating the 5.2 acre feet per year of unallocated water in the former Fort Ord area as follows:
 - a. 2.14 acre feet per year of water to the Interim Project (as defined herein).
 - b. 3.06 acre feet per year of water to City-led projects.
2. The allocation of 2.14 acre feet per year of water to the Interim Project will terminate and be reallocated to City-led projects (as defined herein) five (5) years from the date of approval by Council, but such allocation shall no longer be subject to termination upon issuance of building permits to the project and commencement of construction of same.
3. Authorize the City Manager to undertake any actions necessary to carry out the allocations set forth herein, including providing documentation to MCWD or Interim, Inc., to confirm the allocation of water.

BACKGROUND

The City of Marina (City) was allocated 1,340 acre feet per year of potable water at the time of the closure of Fort Ord for areas within the City located within former Fort Ord. Of the 1,340 acre-feet of water per year allocated to the City, only 5.2 acre feet of water remains unallocated to any development. Marina Coast Water District (“MCWD”) is in the process of developing additional water supplies that will be available for development projects in the City including the former Fort Ord.

There are various City-led projects within the boundaries of the former Fort Ord for which an allocation of water has not been made, or for which an allocation previously made may not be sufficient, including but not limited to the following City-led projects: Sea Haven Park, Dunes City Park, and Cypress Knolls (hereinafter “City-led projects”). Additionally, Interim, Inc., a nonprofit organization that provides a unique combination of support services, housing and treatment for adults with mental illness in Monterey County has recently received Design Review and Sign Permit approvals from the City’s Planning Commission for its project located at 605 Bayonet Circle (“Interim Project”). Interim, Inc. operates five sites in the City of Marina. The Interim Project will serve the community by providing permanent supportive housing to those that are homeless or at risk of homelessness. As approved, the project will involve demolishing an existing four-plex and development of a new 24-unit project, including 23 studio apartments and one (1) 1-bedroom resident manager unit.

ANALYSIS

MCWD, the water purveyor for the City of Marina has verified the current water use for the existing four-plex located at 605 Bayonet Circle as 1.32 acre feet per year (see Exhibit A). The Interim Project will require an additional 2.14 acre feet per year of water above its current water allocation (id). The Interim Project is in the pre-development phase of the project. As such, it is recommended that the allocation of 2.14 acre feet per year of water to the Interim Project should terminate and be reallocated to City-led projects if not used within five (5) years from the date that Council approves this allocation. However, the allocation should vest, and no longer be subject to termination upon the issuance of building permits to the project and commencement of construction of the project.

The City of Marina has no more remaining unallocated water on the former Fort Ord area. Property owners of land in the former Fort Ord area who want to build or develop property will need to wait until MCWD who is the water purveyor has brought additional new water supplies on-line which they estimate could be by the end of 2025.

ENVIRONMENTAL DETERMINATION

The allocation of water itself to as yet undefined City-led projects is not a project as that term is defined by the California Environmental Quality Act (CEQA). Additionally, the allocation of water itself is subject to the commonsense exemption (CEQA Guidelines 15061(b)(3)) given the fact that impacts are not reasonably foreseeable based on the allocation alone; and furthermore any specific projects relying on the allocation will undergo further environmental review at the appropriate time.

The Interim Project is not affected by the decision to allocate water to the project; moreover, such project has already been found and determined to be exempt by the Planning Commission under CEQA per Public Resources Code § 21080.40 (AB 1449), categorical exemption in CEQA Guideline (15302) (Class 2), and Public Resources Code § 21080(b) (for demolition permit) all as set forth Planning Commission Resolution 2024-12.

FISCAL IMPACT:

None.

Prepared by:

René Alejandro Ortega
City Attorney
City of Marina

REVIEW/CONCUR:

Layne Long
City Manager
City of Marina