

## A G E N D A

### AD HOC STATE VETERANS CEMETERY COMMITTEE SPECIAL MEETING

JULY 11, 2014  
10 a.m.

Las Lomas Community Park  
Multi-Purpose Room  
10 Federation Way  
Irvine, California 92603

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**Speaker's Form/Request to Speak:** If you would like to address the Committee on a scheduled agenda item, please complete the Request to Speak Form. Speaker's Forms are located on the table at the entrance to the Conference Room. Please identify on the card your name and the item on which you would like to speak and return to the Recording Secretary. The Request to Speak Form assists the Chair in ensuring that all persons wishing to address the Committee are recognized. Your name will be called at the time the matter is heard by the Committee.

**Please take notice that** the order of scheduled agenda items below and/or the time they are actually heard, considered and decided may be modified by the Chair or the Committee during the course of the meeting.

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#### CALL TO ORDER

#### ROLL CALL

CHAIRMAN:	JEFFREY LALLOWAY
VICE CHAIRMAN:	STEVEN CHOI
COMMITTEE MEMBER:	BILL COOK
COMMITTEE MEMBER:	STEPHEN JORGENSEN
COMMITTEE MEMBER:	ISABELLE KRASNEY
COMMITTEE MEMBER:	REPRESENTATIVE OF FIVE POINT COMMUNITIES MANAGEMENT, INC (TBD)

#### PLEDGE OF ALLEGIANCE

#### CITY MANAGER'S REPORT

**PUBLIC COMMENTS**

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Any member of the public may address the Committee on items within the Committee's subject matter jurisdiction, but which are not listed on this Agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda.

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**AD HOC COMMITTEE BUSINESS**

**1. Minutes**

**RECOMMENDED ACTION:**

Approve the minutes of a regular meeting of the Ad Hoc State Veterans Cemetery Committee held on June 13, 2014.

**2. Status of Assembly Bill 1453 Proposing a State Veterans Cemetery in Orange County**

**RECOMMENDED ACTION:**

Receive and file.

**3. Process and Requirements to Establish a State Veterans Cemetery**

**RECOMMENDED ACTION:**

Receive and file.

**4. Preliminary Site Suitability Matrix**

**RECOMMENDED ACTION:**

Committee discussion and direction.

**5. Ad Hoc Committee Meeting Calendar**

**RECOMMENDED ACTION:**

Determine next Ad Hoc Committee meeting date and agenda items.

**AD HOC COMMITTEE MEMBER COMMENTS**

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Committee comments are for the purpose of presenting brief comments or reports and are subject to California Government Code Section 54954.2 of the Brown Act.

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**ADJOURNMENT**

**NOTICE TO THE PUBLIC**  
**SUBMITTAL OF INFORMATION BY MEMBERS OF THE PUBLIC FOR**  
**DISSEMINATION OR PRESENTATION AT PUBLIC MEETINGS**

Media Types and Guidelines

1. Written Materials/Handouts:

Any member of the public who desires to submit documentation in hard copy form may do so prior to the meeting or at the time he/she addresses the Ad Hoc State Veterans Cemetery Committee. Please provide 15 copies of the information to be submitted and file with the Recording Secretary at the time of arrival to the meeting. This information will be disseminated to the Ad Hoc State Veterans Cemetery Committee at the time testimony is given.

2. Large Displays/Maps/Renderings:

Any member of the public who desires to display freestanding large displays or renderings in conjunction with their public testimony is asked to notify the Clerk of the Recording Secretary at (949)724-6240 no later than 10 a.m. on the day of the scheduled meeting so that an easel can be made available, if necessary.

3. Electronic Documents/Audio-Visuals:

Any member of the public who desires to display information electronically in conjunction with their public testimony is asked to submit the information to the Public Information Office (PIO) no later than 10 a.m. on the day of the scheduled meeting. To facilitate your request contact the PIO Office at (949)724-6253 or the City Manger's Office at (949)724-6240.

Information must be provided on CD, DVD, or VHS; or, emailed by 12:00 noon on the day of the scheduled meeting to [pio@ci.irvine.ca.us](mailto:pio@ci.irvine.ca.us). Members of the public will be asked to provide their name, identify the meeting and the agenda item to be addressed, and a daytime phone number.

The PIO office will notify the person submitting the information as soon as possible prior to the meeting if the information cannot be accessed or if the version provided is incompatible with the City's system. Every effort will be made by City staff to facilitate the presentation.

**CITY SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS**

It is the intention of the City of Irvine to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the City Manager's Office at (949) 724-6240.

Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II).

STATE OF CALIFORNIA)  
CITY OF IRVINE ) SS  
COUNTY OF ORANGE )

**COMMUNICATION DEVICES**

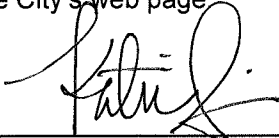
To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

**MEETING SCHEDULE**

Special meetings of this committee are determined by the Ad Hoc State Veterans Cemetery Committee. Agendas are available at the following locations:

- Las Lomas Community Park, Multi-Purpose Room, 10 Federation Way, Irvine, California 92603
- Police Department
- City's web page at [cityofirvine.org](http://cityofirvine.org)

I hereby certify that the agenda for the Special Ad Hoc State Veterans Cemetery Committee meeting was posted in accordance with law in the posting book located in the Public Safety Lobby of City Hall, One Civic Center Plaza, Irvine, California and on the door of the Multipurpose Room, Las Lomas Community Park, 10 Federation Way, Irvine, California on July 8, 2014 by 10:00 a.m. as well as on the City's web page



\_\_\_\_\_  
Recording Secretary

1.



## DRAFT M I N U T E S

### AD HOC STATE VETERANS CEMETERY COMMITTEE REGULAR MEETING

**JUNE 13, 2014**  
**2:30 p.m.**

Irvine Civic Center  
One Civic Center Plaza  
Conference and Training Center  
Irvine, California

#### **CALL TO ORDER**

A regular meeting of the Ad Hoc State Veterans Cemetery Committee was called to order on June 13, 2014, at 2:35 p.m. at Irvine Civic Center, 1 Civic Center Plaza, Conference and Training Center, Irvine, California by Committee Member Steven Choi.

#### **ROLL CALL**

PRESENT:	9	COMMITTEE MEMBER:	STEVEN CHOI
		COMMITTEE MEMBER:	JEFFREY LALLOWAY
		COMMITTEE MEMBER:	BILL COOK
		COMMITTEE MEMBER:	ISABELLE KRASNEY
		COMMITTEE MEMBER:	BRIAN MYERS
		EX-OFFICIO MEMBER:	SHARON QUIRK-SILVA
		EX-OFFICIO MEMBER:	TODD SPITZER
		EX-OFFICIO MEMBER:	DONALD WAGNER
		EX-OFFICIO MEMBER:	MARTIN PAINE (FOR MIMI WALTERS)
ABSENT:	1	COMMITTEE MEMBER	STEPHEN JORGENSEN

Also present were Sean Joyce, City Manager; Todd Litfin, City Attorney; Dan Jung, Assistant to the City Manager; and Katie Sipes, Program Assistant.

## **PLEDGE OF ALLEGIANCE**

Committee Member Choi led the Pledge of Allegiance.

## **ADDITIONS AND DELETIONS TO THE AGENDA**

There were none.

## **WELCOME AND INTRODUCTIONS**

Committee Member Choi welcomed Committee Members, Ex-Officio Members and the public, including veterans present. Committee Member Choi provided a brief background on the Ad Hoc Committee and Resolution 14-27 adopted by the Irvine City Council. Self-introductions were made by the Committee Members, Ex-Officio Members and staff.

## **PRESENTATION**

City Attorney Litfin provided a brief overview of the Ralph M. Brown Act and Conflict of Interest Code – Form 700 Filing provisions and responded to questions.

Discussion included: composition of a quorum, definition of and clarification that Ex-Officio members must comply with Brown Act laws, Ex-Officio member concerns that application of the Brown Act could interfere with their roles as State and County legislators and State Veterans Cemetery Committee discussions, alternatives to Ex-Officio membership, and that the City Council determined the Committee composition and may need to be revisited.

City Attorney Litfin was asked to prepare a written report regarding the issues raised.

## **COMMITTEE BUSINESS**

### **1. Select Chairperson and Vice Chairperson**

Committee Member Choi nominated Committee Member Lalloway to serve as Chairman. Committee Member Myers seconded the nomination.

**ACTION: Moved by Committee Member Choi, seconded by Committee Member Myers and unanimously carried by the voting members present (Committee Member Jorgensen absent) to close the nomination period and select Committee Member Lalloway to serve as Chairman.**

Chairman Lalloway nominated Committee Member Choi to serve as Vice Chairman. Committee Member Choi seconded the nomination.

Committee Member Krasney nominated Committee Member Cook to serve as Vice Chairman. Committee Member Cook seconded the nomination.

**ACTION: By consensus, the nomination period was closed.**

**ACTION: Committee Member Choi was selected to serve as Vice Chairman by the following roll call vote of the voting members present (Committee Member Jorgensen absent):**

Committee Member Choi: 3      Committee Members: Choi, Myers, and Lalloway

Committee Member Cook: 2      Committee Members: Cook and Krasney

**2. Ad Hoc Committee Overview and Scope of Work**

City Manager Joyce provided an overview of Resolution 14-27 adopted by the Irvine City Council and the Committee's scope of work as directed by the City Council.

Discussion included: the formality of the Committee meeting, consideration of different meeting formats, with Chairman Lalloway welcoming suggestions.

Zeke Hernandez spoke in support of a State Veterans Cemetery located at the Great Park.

**ACTION: Moved by Chairman Lalloway, seconded by Committee Member Myers to receive and file.**

**3. Status of Assembly Bill 1453 Proposing a State Veterans Cemetery in Orange County**

Ex-Officio Member Quirk-Silva provided an overview and status of Assembly Bill 1453 (AB1453) proposing a State Veterans Cemetery in Orange County. She also introduced John Spangler, Chief Consultant to the Assembly Committee on Veteran's Affairs; and Ex-Officio Member Wagner, a co-author of the proposed bill. Ex-Officio Member Quirk-Silva and Mr. Spangler responded to Committee Member questions.

Discussion included: outreach to the Governor's office, clarification of recent bill amendments, the need for a site analysis at possible locations, legislative deadlines, appropriation of funding and the need for an overview of the process to establish a State Veterans Cemetery.

**No action was taken.**

**4. Presentation by Five Point Communities Management, Inc.**

Committee Member Myers provided a presentation on behalf of Five Point Communities Management, Inc. about planning and legal opportunities and



constraints at Great Park sites and possible other sites in Orange County for a State Veterans Cemetery. Committee Member Myers responded to Committee Member questions.

Discussion included: Great Park land use/compatibility issues, other possible sites in Orange County that were presented, interest in the creation of a comparative matrix of the positives and negatives of noted sites, determining the evaluation scope and process in consideration of jurisdictional issues, and veterans' perspective on sites raised in the presentation.

Zeke Hernandez spoke in support of a Veterans Cemetery at the former El Toro site and encouraged the City of Irvine to take the lead.

A.D. Zelinko spoke in support of a Veterans Cemetery at the former El Toro site and suggested expediting site selection.

**No action was taken.**

**5. Update on Proposition 41 – Veterans Housing and Homeless Prevention Bond Act of 2014**

**ACTION: By consensus of the voting members present (Committee Member Jorgensen absent); the item was tabled to a future meeting.**

**6. Ad Hoc Committee Calendar**

City Manager Joyce indicated that staff would endeavor to complete a comparative matrix of sites identified at the meeting within 10-14 days for a June 27 meeting, but noted the likely need for additional time to complete the project.

Discussion included: next steps, future meeting format, moving the public comment period to the beginning of the agenda, minimum acreage, and a suggested alternative meeting date of July 11 in case the comparative matrix cannot be completed for the tentatively scheduled June 27 meeting.

**AD HOC COMMITTEE MEMBER COMMENTS**

There were none.

**PUBLIC COMMENTS**

There were none.

**ADJOURNMENT**

By consensus, the meeting was adjourned by Chairman Lalloway at 4:52 p.m.

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JEFFREY LALLOWAY, CHAIRMAN,  
AD HOC STATE VETERANS  
CEMETERY COMMITTEE

ATTEST:

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KATIE SIPES  
RECORDING SECRETARY

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DATE APPROVED

2.



# REQUEST FOR AD HOC STATE VETERANS CEMETERY COMMITTEE ACTION

**MEETING DATE:** JULY 11, 2014

**TITLE:** STATUS OF ASSEMBLY BILL 1453 PROPOSING A STATE  
VETERANS CEMETERY IN ORANGE COUNTY

City Manager

## RECOMMENDED ACTION

1. Receive and File.

## EXECUTIVE SUMMARY

Assembly Bill 1453 (AB 1453), if adopted, would direct the California Department of Veterans Affairs (CalVet), in voluntary cooperation with local government entities in Orange County, to design, develop, construct and equip a state-owned and operated Southern California Veterans Cemetery in Orange County. It would also direct CalVet to apply for federal Veterans Cemetery Grant Program funds for a State Veterans Cemetery in Orange County.

The following legislative actions occurred regarding AB 1453 since the Ad Hoc Committee's June 13 meeting:

- AB 1453 was amended by the author on June 19. One revision clarified that eligibility for interment at a State Veterans Cemetery in Orange County is "subject to specified requirements described in federal law," consistent with its original intent. Another amendment provided for the consistent use of "moneys" in the plural (similar to our use of "funds"). The attached copy of AB 1453 shows the amendments in italics and strikeout format (Attachment 1).
- The Senate Committee on Veterans Affairs approved AB 1453 on June 24.
- The Senate Appropriations Committee will consider AB 1453 on Monday, August 4. (The State legislature is on recess July 4 – August 3).

If the State Legislature approves AB 1453 by the August 31 deadline, the Governor will have until September 30 to sign or veto the bill.

## ATTACHMENT

1. Assembly Bill 1453

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1453**

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**Introduced by Assembly Member Quirk-Silva**  
**(Coauthors: Assembly Members Daly, Mansoor, and Wagner)**  
(Coauthors: Senators Correa and Wyland)

January 9, 2014

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An act to add Chapter 9.5 (commencing with Section 1410) to Division 6 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1453, as amended, Quirk-Silva. Southern California Veterans Cemetery.

The Department of Veterans Affairs (department) is created in state government and the Secretary of Veterans Affairs is the head of the department. Under existing law, the department, in voluntary cooperation with the Shasta County Board of Supervisors and the boards of supervisors of specified northern California counties, is required to design, develop, and construct a state-owned and state-operated Northern California Veterans Cemetery. Under existing law, the department, in voluntary cooperation with the Board of Supervisors of the County of Monterey, the City of Seaside, the Fort Ord Reuse Authority, and surrounding counties, cities, and local agencies, is required to design, develop, and construct the state-owned and state-operated veterans cemetery, which shall be located on the site of the former Fort Ord.

Existing federal law authorizes the Secretary of Veterans Affairs of the federal Department of Veterans Affairs to make a grant to any state for the purpose of establishing, expanding, or improving a veterans' cemetery owned by the state and operating and maintaining a veterans' cemetery.

This bill would require the department, in voluntary cooperation with local government entities in Orange County, to design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery. *The Subject to specified requirements described in federal law, the bill would make all honorably discharged veterans and their spouses and children eligible for interment in the cemetery. The bill would require the department to establish a fee to be charged for interment of veteran spouses and eligible children.*

The bill would create the Southern California Veterans Cemetery Master Development Fund, a continuously appropriated fund, and would require all moneys received for the design, development, construction, and equipment of the cemetery to be deposited in this fund. By creating a continuously appropriated fund, the bill would make an appropriation. The bill would also create the Southern California Veterans Cemetery Perpetual Maintenance Fund and would direct all moneys received for the maintenance of the cemetery, including those moneys received for the interment of a spouse or child, to be deposited in this fund.

The bill would make proposals for the construction, placement, or donation of monuments and memorials to the cemetery subject to review by a specified advisory committee and subject to final approval by the Secretary.

The bill would authorize the cemetery administrator to accept donations of personal property to be used for the maintenance, beautification, or repair of the cemetery. The bill would require cash donations to be deposited into the Southern California Veterans Cemetery Donations Fund, a continuously appropriated fund created by this bill, and would require the cash donations to be expended for the maintenance, beautification, and repair of the cemetery, as specified. By creating a continuously appropriated fund, the bill would make an appropriation.

The bill would require and authorize the department to adopt regulations, as specified.

The bill would declare the intent of the Legislature to appropriate funds in the annual Budget Act to support the department in carrying out the provisions of this bill. The bill would specify that if no

appropriation is made for these purposes, the department would not be required to comply with the provisions of this bill.

The bill would require the department to apply to the Veterans Cemetery Grants Program of the federal Department of Veterans Affairs for a grant of not more than an unspecified amount, which amount represents 100% of the estimated cost for designing, developing, constructing, and equipping the cemetery.

The bill would declare the intent of the Legislature to prohibit the expenditure of ~~money~~ *moneys* appropriated to the department until the department has received written approval of the grant request and a commitment from the federal Veterans Cemetery Grants Program that the funds appropriated under the grant are available for expenditure by the state, except as specified.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 9.5 (commencing with Section 1410) is  
2 added to Division 6 of the Military and Veterans Code, to read:

3  
4 CHAPTER 9.5. SOUTHERN CALIFORNIA VETERANS CEMETERY

5  
6 1410. (a) (1) The department, in voluntary cooperation with  
7 local government entities in Orange County pursuant to Section  
8 1412, shall design, develop, construct, and equip a state-owned  
9 and state-operated Southern California Veterans Cemetery, which  
10 shall be located in Orange County, California.

11 (2) The department shall oversee and coordinate the design,  
12 development, and construction of the cemetery.

13 (3) For purposes of this chapter, "department" means the  
14 Department of Veterans Affairs.

15 (b) (1) ~~All~~ *Subject to the eligibility requirements described in*  
16 *Section 2402 of Title 38 of the United States Code, as amended*  
17 *from time to time, all honorably discharged veterans and their*  
18 *spouses and children are eligible for interment in the cemetery.*  
19 *The department shall establish a fee to be charged for interment*  
20 *of veteran spouses and eligible children. The amount of the fee*  
21 *shall not exceed the reasonable costs to the department for*  
22 *interment in the cemetery.*

1 (2) Subject to Section 1418, for the purposes of this subdivision,  
2 the department shall adopt regulations to specify the eligibility  
3 requirements for interment in the cemetery.

4 (3) All fees received pursuant to paragraph (1) shall be deposited  
5 in the Southern California Veterans Cemetery Perpetual  
6 Maintenance Fund created pursuant to Section 1412.

7 1412. (a) For the purposes of Section 1410, all local  
8 government entities in Orange County may join together for the  
9 purpose of cooperating with the department in the design,  
10 development, construction, and equipment of the cemetery.

11 (b) All moneys received for the design, development,  
12 construction, and equipment of the cemetery shall be deposited in  
13 the Southern California Veterans Cemetery Master Development  
14 Fund, which is hereby created in the State Treasury.  
15 Notwithstanding Section 13340 of the Government Code, ~~money~~  
16 *moneys* in the fund ~~is~~ *are* continuously appropriated to the  
17 department for the purpose of designing, developing, constructing,  
18 and equipping the cemetery. Moneys appropriated by the  
19 Legislature for these purposes shall also be deposited in the fund.

20 (c) (1) Except as otherwise provided in Section 1416, all  
21 moneys received for the maintenance of the cemetery, including  
22 moneys received pursuant to subdivision (b) of Section 1410, shall  
23 be deposited in the Southern California Veterans Cemetery  
24 Perpetual Maintenance Fund, which is hereby created in the State  
25 Treasury. Any state funding for the annual maintenance of the  
26 cemetery shall be appropriated by the Legislature in the annual  
27 Budget Act.

28 (2) It is the intent of the Legislature that, after the construction  
29 of the cemetery, an estimated \_\_\_\_ dollars (\$\_\_\_\_) should be  
30 appropriated annually by the Legislature in the annual Budget Act  
31 or the participating southern California counties, or both, to the  
32 department for the operating costs of the cemetery.

33 (3) It is the intent of the Legislature that total expenditures for  
34 operations and maintenance should not be more than \_\_\_\_ dollars  
35 (\$\_\_\_\_) per fiscal year, as appropriated in the annual Budget Act.

36 1414. (a) Proposals for the construction, placement, or donation  
37 of monuments and memorials to the cemetery shall be subject to  
38 review by an advisory committee comprised of the cemetery  
39 administrator, representatives from local government entities within



1 Orange County, local veterans' service organizations, and others  
2 as approved by the secretary.

3 (b) All proposals for the construction, placement, or donation  
4 of monuments and memorials to the cemetery shall be subject to  
5 the final approval of the secretary.

6 (c) Subject to Section 1418, the department shall adopt  
7 regulations for the policies and procedures to be followed with  
8 respect to the construction, placement, donation, and approval of  
9 monuments and memorials proposed to be placed on the cemetery  
10 grounds.

11 1416. (a) Notwithstanding Section 11005 of the Government  
12 Code, the cemetery administrator, subject to the approval of the  
13 secretary, may accept donations of personal property, including  
14 cash or other gifts, to be used for the maintenance, beautification,  
15 or repair of the cemetery.

16 (b) Cash donations made pursuant to subdivision (a) shall be  
17 deposited into the Southern California Veterans Cemetery  
18 Donations Fund, which is hereby created. Notwithstanding Section  
19 13340 of the Government Code, ~~money moneys~~ in the fund ~~is are~~  
20 continuously appropriated to the department for the maintenance,  
21 beautification, and repair of the cemetery or, subject to the approval  
22 of the secretary, for a specified cemetery maintenance or  
23 beautification project designated by the donor.

24 1418. For purposes of carrying out the provisions of this  
25 chapter, the department may adopt regulations. All regulations  
26 adopted pursuant to this chapter shall be adopted pursuant to the  
27 Administrative Procedure Act (Chapter 3.5 (commencing with  
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
29 Code).

30 SEC. 2. It is the intent of the Legislature to appropriate funds  
31 in the annual Budget Act to support the Department of Veterans  
32 Affairs in carrying out the provisions of Chapter 9.5 (commencing  
33 with Section 1410) of Division 6 of the Military and Veterans  
34 Code. If no appropriation is made for these purposes, the  
35 Department of Veterans Affairs shall not be required to comply  
36 with the provisions of Chapter 9.5 (commencing with Section  
37 1410) of Division 6 of the Military and Veterans Code.

38 SEC. 3. (a) The Department of Veterans Affairs shall apply  
39 to the Veterans Cemetery Grants Program of the federal  
40 Department of Veterans Affairs for a grant of not more than 100

1 percent of the estimated cost for designing, developing,  
2 constructing, and equipping the cemetery.

3 (b) It is the intent of the Legislature that the ~~money~~ *moneys* to  
4 be appropriated in the annual Budget Act under Section 2 of this  
5 act ~~is~~ *are* not expended until the Department of Veterans Affairs  
6 has received written approval of the grant requested under  
7 subdivision (a) and a commitment from the federal Veterans  
8 Cemetery Grants Program that the funds appropriated under the  
9 grant are available for expenditure by the state, except it is the  
10 intent of the Legislature that the department may expend an amount  
11 necessary for completion of the grant proposal from the funds  
12 intended by the Legislature to be appropriated under Section 2.

3.



# REQUEST FOR AD HOC STATE VETERANS CEMETERY COMMITTEE ACTION

MEETING DATE: JULY 11, 2014

TITLE: PROCESS AND REQUIREMENTS TO ESTABLISH A STATE  
VETERANS CEMETERY

City Manager

## RECOMMENDED ACTION

1. Receive and file.

## BACKGROUND

Ad Hoc Committee Member Steve Jorgensen, Assistant Deputy Secretary for Veterans Memorials and Cemeteries with the California Department of Veterans Affairs (CalVet), will provide a presentation at the Ad Hoc Committee meeting.

4.



# REQUEST FOR AD HOC STATE VETERANS CEMETERY COMMITTEE ACTION

MEETING DATE: JULY 11, 2014

TITLE: PRELIMINARY SITE SUITABILITY MATRIX

  
\_\_\_\_\_  
City Manager

## RECOMMENDED ACTION

1. Ad Hoc Committee discussion and direction.

## EXECUTIVE SUMMARY

On March 11, 2014, the Irvine City Council adopted Resolution No. 14-27 expressing interest in providing at least 100 acres of land at the Orange County Great Park for purposes of creating a Southern California Veterans Memorial and Cemetery (Attachment 1). The Ad Hoc Committee scope of work included sorting through the issues raised by Five Point Communities Management, Inc. on March 11, 2014 (Attachment 2) and developing a proposal to the Irvine City Council of possible cemetery sites after evaluating land use implications, constraints, legal provisions/restrictions, opportunity cost, compatibility, stakeholder input and other factors deemed relevant by the Ad Hoc Committee and City Attorney.

On June 13, 2014, former Ad Hoc Committee member Brian Myers provided a presentation to the Ad Hoc Committee of potential sites and issues of siting a veterans cemetery at the Orange County Great Park. His presentation also included four alternative sites located outside the City of Irvine that are beyond the intent and purview of the Ad Hoc Committee. However, as requested by the Ad Hoc Committee, for comparative purposes, staff was directed to prepare a Preliminary Site Suitability Matrix (Attachment 3) of the following sites discussed at the aforementioned Ad Hoc Committee meeting:

- Orange County Great Park
- County of Orange/Great Park (100 acres)
- Seal Beach Naval Weapons Station
- Los Alamitos Joint Forces Training Center
- Tustin Legacy
- Rancho Capistrano

The matrix evaluates the following criteria and indicates whether sites appear feasible or whether more information is required:

- Size/Availability
- Existing Land Use
- Zoning
- Adjacent Land Uses
- Access
- Infrastructure
- Contractual Limitations
- Geophysical Constraints

Also consistent with the scope of work for the Ad Hoc Committee, the City Attorney's Office has completed a legal analysis of opportunities and constraints associated with developing a state veterans cemetery at the Orange County Great Park (Attachment 4).

### **ATTACHMENTS**

1. City Council Resolution No. 14-27
2. March 11, 2014 Letter from Five Point Communities Management, Inc.
3. Preliminary Site Suitability Matrix
4. City Attorney's Office Legal Analysis

Prepared by: Veronica Dolleschel, Senior Management Analyst  
Reviewed by: Dan Jung, Assistant to the City Manager

CITY COUNCIL RESOLUTION NO. 14-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE IN SUPPORT OF ASSEMBLY BILL 1453 AND THE ESTABLISHMENT OF THE SOUTHERN CALIFORNIA STATE VETERANS CEMETERY

WHEREAS, California is home to more veterans than any other state; and

WHEREAS, the majority of California's veterans live in Southern California; and

WHEREAS, the nearest currently open federal veterans cemetery to Orange County is the National Cemetery in Riverside, California; and,

WHEREAS, although the National Cemetery in Riverside is a beautiful resting place for veterans, due to various factors — distance from Orange County, regional geography, limited driving routes, and the population density of the region — the Orange County veterans, veterans from other Southern California coastal areas, and veterans' families find access to available National Veterans Cemeteries challenging; and,

WHEREAS, the two State Veterans Cemeteries are also distant from Orange County — the Northern California State Veterans Cemetery is located near Redding in Igo, California, and the Central Coast State Veterans Cemetery will be located in Monterey; and,

WHEREAS, Assembly Bill 1453 is pending in the California State Legislature, directing the California Department of Veterans Affairs to develop a master plan for a State-owned and operated Southern California Veterans Cemetery to be located in Orange County;

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY RESOLVE as follows:

SECTION 1. That the City of Irvine supports the passage of Assembly Bill 1453 and the establishment of a Southern California Veterans Cemetery in Orange County.

SECTION 2. That the City of Irvine expresses its strong interest in providing at least 100 acres of land at the Orange County Great Park (formerly the Marine Corps Air Station at El Toro), for purposes of creating a Southern California Veterans Memorial and Cemetery.

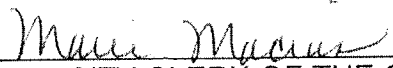
CC RESOLUTION 14-27



PASSED AND ADOPTED by the City Council of the City of Irvine at an adjourned regular meeting held on the 11<sup>th</sup> day of March 2014.

  
MAYOR OF THE CITY OF IRVINE

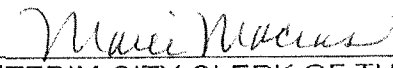
ATTEST:

  
INTERIM CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS  
CITY OF IRVINE )

I, Marie Macias, Interim City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at an adjourned regular meeting of the City Council of the City of Irvine, held on the 11<sup>th</sup> day of March 2014.

AYES:	4	COUNCILMEMBERS:	Agran, Krom, Lalloway and Choi
NOES:	1	COUNCILMEMBERS:	Shea
ABSENT:	0	COUNCILMEMBERS:	None

  
INTERIM CITY CLERK OF THE CITY OF IRVINE

March 11, 2014

Honorable Mayor Steven Choi  
CITY OF IRVINE  
One Civic Center Plaza  
Irvine, California 92606

RECEIVED

MAR 11 2014

CITY OF IRVINE  
CITY MANAGER'S OFFICE

CITY COUNCIL AGENDA

ITEM NO. 4.3

DATE: 3-11-14

Re: **Agenda Item 4.3 - Resolution Supporting a Veteran's Cemetery in Orange County**

Dear Mr. Mayor,

We have reviewed the memorandum and proposed resolution regarding the potential Veteran's Cemetery at the Orange County Great Park listed as Item 4.3 on the City Council Agenda Tuesday night. While we fully support the Orange County Veterans' effort to locate a California State Veterans Cemetery in Orange County, we urge you to more carefully consider City commitments to its location, specifically at the Orange County Great Park.

As a priority, we want to make certain that this proposal and any binding commitments to its location be filtered with consideration for land use compatibility, the size of the proposed project, impacts on infrastructure, traffic, consistency with surrounding neighborhood development, and a myriad of other issues. Irvine is renowned for its planning process and we encourage continuing its pattern of well studied and well thought out planning. There has been no study or joint planning effort on this concept and, frankly, we have not even been briefed on its intention since the item was just introduced this week. However, we are willing to engage in a study process with the City for potential sites in the City and the surrounding areas of the County.

As you are aware, one of the commitments of the December 2013 approvals was for Heritage Fields to undergo a \$2M planning effort and \$2M terraforming project for the Cultural Terrace and the 125-acre ARDA Transfer Site. This effort is just beginning and will be a perfect opportunity to discuss the need and potential issues of siting of a Veteran's Cemetery at the Great Park.

There are also a few issues related to our agreements with the City that are important to recognize as the City considers alternatives. The ARDA between the City and HFET has restrictions regarding the potential sale or lease of the City Property at the OCGP in the form of both land use and transactional constraints in Section 3.9. The ARDA, Section 3.9.2, has language that provides for land use restrictions on the 125-acre Transfer Site that were carefully considered by both parties. Further, there is language in Section 3.9.7 of the ARDA that establishes a process by which third party dispositions



of City Property at the OCGP can occur. The ARDA and other potential issues with agreements between HFET and the City need to be carefully considered prior the City making the commitments requested in Item 4.3 on tonight's agenda.

Again, while we fully support a resolution by the City of Irvine to support a proposed State Veterans Cemetery in Orange County, we respectfully encourage the City to consider a thoughtful planning process with us by forming a Committee with members of the City Council to discuss opportunities for this use at the Orange County Great Park and other alternative locations in Orange County.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Myers'.

Brian J. Myers  
Senior Vice President  
FIVE POINT COMMUNITIES MANAGEMENT, INC.  
Development Manager for Heritage Fields El Toro, LLC

Cc: Sean Joyce, City of Irvine City Manager  
Irvine City Council Members  
Emile Haddad, CEO  
Lynn Jochim, Executive Vice President  
Michael Alvarado, General Counsel

# Preliminary Site Suitability Matrix

		Size/ Available Area <sup>1</sup>	Existing Land Use <sup>2</sup>	Zoning <sup>3</sup>	Adjacent Land Uses <sup>4</sup>	Access <sup>5</sup>	Infrastructure <sup>6</sup>	Contractual Limitations <sup>7</sup>	Geophysical Constraints <sup>8</sup>
<b>Sites at Former MCAS EI Toro</b>									
A	OC Great Park			State cemetery assumed exempt from zoning	100 acres can be sited to avoid adjacency issues			Yes as to 688 acres; LIFOC* Ownership; Use Restrictions over 125-acre site (2017)	LIFOC* Issues
B	County 100-acre Site			State cemetery assumed exempt from zoning				Terms of agreement with Lowe Enterprises	LIFOC* Issues
<b>Additional Sites Suggested by Five Point Communities</b>									
C	Seal Beach Naval Weapons Station		City indicates blast arc constraints.	State cemetery assumed exempt from zoning	Potential residential adjacencies			Federal government	Potential water table issue
D	Los Alamitos Joint Forces Training Center		Potential Incompatibility with Accident Potential Zones	State cemetery assumed exempt from zoning	Potential residential adjacencies			Federal government	
E	Tustin Legacy			State cemetery assumed exempt from zoning	Potential residential adjacencies			Terms of agreements with developers	LIFOC* Issues/ Potential water table issue
F	Rancho Capistrano			State cemetery assumed exempt from zoning		Limited access due to train crossing. Improvement required.		Private ownership; Potential deed restrictions (requires research)	Sloped terrain

Appears Feasible
  More Information Required
  Does not Appear Feasible

**Criteria:**

- Size: Is site approximately 100 acres in size in order to serve public needs for the next 50 years?
- Existing Land Use: Do existing on-site land uses impact ability to locate State cemetery on site?
- Site Zoning: Does existing site zoning allow State cemetery use? Matrix assumes State cemetery is exempt from local zoning. See "Site Characteristics" section for specific zoning regarding individual sites.
- Adjacent Land Uses: Is site immediately adjacent to existing or proposed residential uses? Presupposes that non-residential uses are generally superior to residential uses for immediate adjacencies. Open spaces or institutional uses preferred; physical separation (buffer) should be provided from existing or proposed residential uses.
- Access: Can site take access directly off of an existing arterial highway?
- Infrastructure: Are utilities located on-site or immediately adjacent to site within existing or planned roadway.
- Contractual Limitations: Are there legal constraints or other contractual agreements in place to limit use of site as State cemetery?
- Geophysical constraints: Are there physical constraints that will limit use of the site as a State cemetery?

\* LIFOC - Lease in Furtherance of Conveyance. Term for former base property undergoing environmental remediation that is transferred as a leasehold until such time as site is determined appropriately suitable to transfer

## Site Characteristics:

### A. Great Park

- Size: Approx. 1,260 acres
- LU: Existing/future regional park, Former military base and accompanying structures
- Zoning: Orange County Great Park
- Adjacencies:
  - North- Residential/ Agriculture
  - South- Institutional (County 100-Acre Site)
  - East- Residential
  - West- Residential
- Utilities: For former base functions and surrounding uses
- Suitability for Veterans Cemetery: Conditionally permitted by zoning
- Contractual: Contractual agreement for development of 688 acres. Land use restrictions over remainder of Great Park which may not apply to State cemetery use

### B. County 100-Acre

- Size: Approx. 100 acres
- LU: Vacant military buildings
- Zoning: Institutional
- Adjacencies:
  - North- Developed/future Great Park
  - South- Industrial
  - East- Future mixed use
  - West- Future medical and science
- Utilities: For former base functions and surrounding uses
- Suitability for Veterans Cemetery: Zoning does not permit. State use exempt from zoning
- Contractual: Status of agreement between County and Lowe Enterprises

### C. Seal Beach NWS

- Size: Approx. 1,800 acres north of Westminster Ave; approx. 1,620 acres under agriculture uses
- LU: Munitions storage and maintenance, and associated buffer zones
- Zoning: Military
- Adjacencies:
  - North - Residential
  - South - Military
  - East - Residential
  - West- Residential
- Utilities: For base functions and surrounding uses
- Suitability for Veterans Cemetery: Site is in explosive safety zone. Public use may be precluded by federal regulations
- Contractual: Federal property

### D. Los Alamitos JFTC

- Size: Approx. 1,400 acres
- LU: Training center, Military airstrip
- Zoning: Community Facilities
- Adjacencies:
  - North- Residential
  - South- Residential/Golf
  - East- Residential/Golf
  - West- Residential
- Utilities: For base functions and surrounding uses
- Suitability for Veterans Cemetery: Cemetery allowed by zoning with CUP
- Contractual: Federal property

### E. Tustin Legacy

- Size: Approx. 1,600 acres. Approx. 1,000 acres undeveloped. Approx. 1,540 acres owned by City
- LU: Vacant, Residential, Commercial, Institutional, Hangars
- Zoning: MCAS Tustin Specific Plan District
- Adjacencies:
  - North- Residential
  - South- Industrial
  - East- Residential
  - West- Industrial
- Utilities: For former base functions and surrounding uses. New utilities on developed portions of property
- Suitability for Veterans Cemetery: Not listed in Zoning Ordinance. Unlisted uses may be allowed with a CUP subject to Director determination
- Legal: Does not appear to be over City property. DAs for private ownerships

### F. Rancho Capistrano

- Size: Approx. 170 acres
- LU: Private spiritual retreat center
- Zoning: Planned Community (TBD), 80% public/institutional and 20% assisted care
- Adjacencies:
  - North- Industrial
  - South- Agriculture
  - East- Freeway
  - West- Vacant
- Utilities: Yes
- Suitability for Veterans Cemetery: Cemetery allowed by zoning with CUP. Comp. Development Plan required
- OCTA concerned over potential conflict with overcrossing at Camino Capistrano
- Legal: Privately owned. Status of deed restrictions, if any

# MEMORANDUM

**TO:** Ad Hoc Veterans Cemetery Committee  
**FROM:** Jeffrey T. Melching, Assistant City Attorney  
**DATE:** July 3, 2014  
**FILE NO.:** 048170-0992  
**RE:** Agreements and Zoning Issues Relating to Potential Cemetery Siting

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## I. INTRODUCTION

This memorandum summarizes the existing contractual restrictions on the siting of a cemetery at the Orange County Great Park and/or on the 125.5 Acre "ARDA Transfer Site." In summary: (1) cemetery uses are not permitted on the 125.5 acres "ARDA Transfer Site" until December 27, 2017; (2) the City cannot currently allow cemetery development on the 688 acre area of the Orange County Great Park that it has contracted, with Heritage Fields, to develop with sports park, bosque, golf, wildlife corridor, and other park-like uses, and (3) there are no current contractual restrictions on the City's ability to permit cemetery uses in the area designated "Cultural Terrace" on the Great Park Master Plan.

A more detailed discussion of these issues is provided in outline format below.

## II. DISCUSSION

### 1. Amended and Restated Development Agreement ("ARDA") Land Use Restrictions:

When the City entered into the ARDA on December 27, 2010, it bound itself to special land use restrictions that were applicable to (1) the then-existing Orange County Great Park Property, and (2) 130.5 acres of land (outside the Orange County Great Park boundaries) that were to be transferred to the City (the "ARDA Transfer Site"). The ARDA Transfer Site was later divided into a two parcels – a five acre parcel at the corner of "LV" and "O" Street, and a 125.5 acre parcel bounded by "LQ" Street, "Z" Street, the Agua Chinon, and the Golf Course (a planned portion of the 688 acre area slated for development by Heritage Fields). For the remainder of this memorandum, the "ARDA Transfer Site" references pertain to the 125.5 acre parcel.

- i. ARDA Transfer Site (130.5 Acres): From and after December 27, 2017, the City may develop cemetery, mortuary, and funeral home uses on the ARDA Transfer Site. (ARDA § 3.9.2.)

- ii. **Orange County Great Park Property**: The ARDA acknowledges the City's right to develop "Institutional Uses," which are defined at page 12 of the ARDA to include cemetery, and mortuary/funeral home uses, on the remaining Great Park Property. (ARDA § 3.9.3.)
2. **Second Agreement with City of Irvine as Adjacent Landowner (ALA II)**: The City and Heritage Fields entered into the ALA II in November 2013. The ALA II gives Heritage Fields both the obligation *and the right* to develop 688 Acres with a variety of park-like uses including sports fields, a bosque, a golf course, a wildlife corridor, and additional park uses in the Upper Bee Canyon area. Development of this area is scheduled to take approximately five years. Therefore, no portion of the 688 acre area will be available for development for at least five years.

The remaining portion of the Orange County Great Park property is the area designed "Cultural Terrace" on the Great Park Master Plan. The ALA II requires that Heritage Fields provide \$2 million toward the funding of planning, feasibility, and related technical studies for the future development of that area. However, that funding obligation does not prohibit the City from independently pursuing cemetery, or other, development on all or some portion of the Cultural Terrace.

### III. **CONCLUSION**

The Cultural Terrace is the only area of the Orange County Great Park that is, from a contractual standpoint, currently available for cemetery development. The ARDA Transfer Site will become contractually available on December 27, 2017. The remaining Great Park property will not be available for at least five years.

**5.**

**Item 5**  
**Ad Hoc Committee Meeting Calendar**  
(No Staff Report)