

ORDINANCE NO. 1082

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
APPROVING THE CAMPUS PLAN 2010 MASTER PLAN AMENDMENT FOR THE SAN
FRANCISCO THEOLOGICAL SEMINARY**

WHEREAS, the San Francisco Theological Seminary (SFTS), founded in 1871 is one of eleven theological institutions of the Presbyterian Church (U.S.A.) and the only one located on the West Coast and in March 1889, the 21-acre SFTS property was donated to the church by Arthur Foster; and

WHEREAS, over the years, the Seminary has acquired single-family detached houses, duplexes, apartment buildings and vacant lots in the Towns of San Anselmo and Ross; and

WHEREAS, the current General Plan designation for the Seminary campus is "Special Use Area." This designation is specifically for the Seminary and the Seminary is the only "Special Use Area" in Town. The Seminary campus is currently zoned Specific Planned Development (SP-D). The rezoning action by the Town in 1990 approved a zoning district specifically for the Seminary that allows both the existing and proposed uses [academic enclave with single family and high density housing]; and

WHEREAS, in adopting the 1990 SFTS Master Plan, the Town created a list of allowed uses on Seminary lands; and

WHEREAS, on August 10, 2010 SFTS submitted an application, the Campus Plan 2010 Master Plan Amendment (MPA), to amend the 1990 San Francisco Theological Seminary Master Plan; and

WHEREAS, the general intent of the MPA for the SFTS is to adapt to changes in patterns of enrollment and the economy by consolidating all housing onto the campus itself and sell all off-campus housing. The MPA proposes the construction of a student village consisting of four student apartment buildings totaling 17 units, two flexible-use townhome buildings totaling five units, and five faculty single-family and duplex buildings totaling seven units. All residential construction would occur in three separate areas located on the lower campus, near the base of Seminary Hill. The design of each building will resemble single family residences with similar exterior treatments that would be compatible with existing residences on the campus. Full implementation of the MPA would result in a total of 103 residential units on campus, whereas today there are a total of 142 on-and off-campus units. The MPA proposes the demolition and removal of five non-historic residences, tennis courts, and a storage facility to accommodate the new construction. The MPA also proposes to utilize green building construction practices; and

WHEREAS, all of the proposed changes within the MPA to the Master Plan fall into the land use categories described in the 1990 SFTS Master Plan; and

WHEREAS, applications for specific development projects within the MPA that require Planning Entitlements (i.e. design review for new construction, use permits for demolition, grading permits, etc.) will be submitted for review and approval by the Town of San Anselmo's Planning Commission and/or Planning Department staff prior to submittal for a building permit; and

WHEREAS, the Town retained Nichols Berman, Environmental Planners, to prepare an Initial Study. The goal of the Initial Study is to evaluate potential environmental impacts of the proposed MPA pursuant to the California Environmental Quality Act (CEQA) and determine if potential impacts could be avoided or substantially reduced to a level of insignificance with mitigation measures adopted as conditions of approval; and

WHEREAS, a Draft Mitigated Negative Declaration has been prepared and mitigation measures identified to avoid, substantially reduce, or compensate for the environmental impacts identified in the areas of Air Quality, Biology, Cultural Resources, Geology and Soils, Hazards / Hazardous Materials, Hydrology / Water Quality and Noise. These mitigation measures have been agreed to in writing by the applicant and incorporated as draft conditions of approval; and

WHEREAS, on November 7, 2011 the Planning Commission held a public hearing, heard public testimony and unanimously forwarded a recommendation that the Town Council approve the Mitigated Negative Declaration, the Mitigation Monitoring Program and the Campus Plan 2010 Master Plan Amendment for the SFTS.

NOW, THEREFORE, the Town Council of the Town of San Anselmo does here by find:

A. Mitigated Negative Declaration

The Master Plan Amendment will not have a significant adverse impact on the environment.

The Town retained Nichols Berman, an environmental consulting firm to prepare an Initial Study of potential environmental impacts. As a result of the Initial Study, staff determined that all potential impacts can be avoided or substantially reduced to a level of insignificance, with mitigation measures adopted as conditions of approval. A Draft Mitigated Negative Declaration has been prepared and mitigation measures identified to avoid, substantially reduce, or compensate for the environmental impacts identified in the areas of Air Quality, Biology, Cultural Resources, Geology and Soils, Hazards / Hazardous Materials, Hydrology / Water Quality and Noise. These mitigation measures have been circulated as required by CEQA, agreed to in writing by the applicant and incorporated as draft conditions of approval.

B. Master Plan Amendment

The original 1990 Master Plan does not list specific findings required to amend the plan. As discussed above, the MPA is consistent with the five conceptual goals of the original plan. Below is a discussion of how the MPA meets the required findings for a General Plan Amendment.

- i. *The Master Plan Amendment will not have a significant adverse impact on the environment.*

As discussed above, and in the Initial Study, all potential impacts will be mitigated to a level less than significant and therefore a draft Mitigated Negative Declaration has been prepared.

- ii. *The Master Plan Amendment is deemed to be in the public interest.*

Amending the Master Plan to propose the construction of a student village consisting of four student apartment buildings totaling 17 units, two flexible-use townhome buildings totaling five units, and five faculty single-family and duplex buildings totaling seven units is deemed to be in the public interest because it will provide student and faculty housing that is within walking distance of classrooms and offices, thereby reducing vehicle trips and air pollution. The Economic Impact Summary submitted by the applicant indicates a number of positive economic impacts the MPA will have on the community (Volume 1- page I-85). Finally, the amendment will allow the seminary to adapt to changes in patterns of enrollment and the economy and continue to be an asset to the Town of San Anselmo.

- iii. *The Master Plan Amendment is consistent with the San Anselmo General Plan.*

The San Anselmo General Plan states the primary land use goal for the Town is the conservation of the small town character of the community and its close relationships with the natural beauty of its setting. Other goals, objectives, and policies call for new development to be integrated harmoniously into existing neighborhoods and projects that accommodate the housing needs of socially and economically diverse population, preservation of unique and natural characteristics, and preservation of historical resources. The proposed project is consistent with the goals, policies, and objectives of the General Plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Council approves the Mitigated Negative Declaration and Master Plan Amendment with the conditions of approval found in Exhibit A.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the Town of San Anselmo, County of Marin, State of California.

Within fifteen (15) days after adoption, the Town Clerk shall also post in the office of the Town of San Anselmo, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for or against the Ordinance.

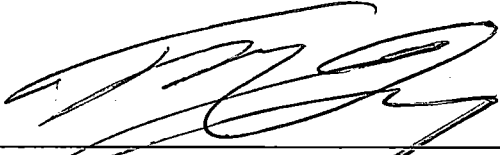
THE FOREGOING ORDINANCE No. 1082 was introduced at a regular meeting of the San Anselmo Town Council on the 13th day of March, 2012 and was adopted at a regular meeting on the 27th day of March, 2012 by the following vote:

AYES: Councilmembers: Coleman, Kroot, Lopin


NOES: None

ABSENT: Councilmembers: Greene, McInerney

ABSTAIN: None



Tom McInerney, Mayor



Barbara Chambers, Town Clerk

Attachments:

1. Exhibit A - Conditions of Approval

EXHIBIT A

CONDITIONS OF APPROVAL

1. Council approval is based on the plans and materials titled "Campus Plan 2010 - A Master Plan Amendment for the SFTS", date stamped received by the San Anselmo Planning Department on October 24, 2011. Any future significant modification to the Master Plan requires an amendment approved by the Town Council.
2. Applications for specific development projects within the "Campus Plan 2010 - A Master Plan Amendment for the SFTS" that require Planning Entitlements (i.e. design review for new construction, use permits for demolition, grading permits etc.) shall be reviewed and approved by the Town of San Anselmo's Planning Commission and/or Planning Department Staff prior to submittal for a building permit.
3. The property owner shall indemnify and hold harmless the Town of San Anselmo and its officers and/or employees in the event of any legal action related to or arising from the granting of this approval and shall cooperate with the Town in the defense of any such action, and shall indemnify the Town for any award of damages and/or attorneys' fees and associated costs that may result.
4. As part of the design review submittal the applicant shall provide a detailed final drainage plan for review and approval by the Town Engineer. The final drainage plan may include the following:
 - a. Impervious surfaces. An accounting of all impermeable and permeable surfaces and the runoff coefficients used to determine runoff. This shall include the amount of asphalt, roofs, concrete, open and landscaped areas, and porous pavement coverage.
 - b. Runoff coefficients. Runoff coefficients shall be justified to the satisfaction of the Town Engineer.
 - c. Runoff timing. Additional analysis shall be used to justify the timing of the runoff leaving the site so as to not increase peak discharges in the adjacent residential drainage system. Detention basin times shall be taken into account for this analysis.
 - d. Drainage Details. Drainage details such as inlets and outlets from all detention areas and pipes shall also be shown and their function shall be accounted for in the final drainage plan.
 - e. Maintenance and Operation. The maintenance and operation requirements of all drainage facilities shall be documented.
 - f. Stormwater Management System. The final drainage plan shall provide final flow numbers to justify the final design of the stormwater management system.

- g. Timing of Installation. A discussion of the timing of the installation of each element of the final drainage plan.
- h. The drainage plan shall be updated for each development phase of the Master Plan.
- i. A study of the following:
 - Additional bioretention for drainage water from parking lots or other areas to insure a negative change to peak run off rates.
 - A study and/or plan to redirect water from Bolinas Avenue to other streets.
 - Frontage improvements to the stormwater drainage system on Bolinas Avenue and/or other frontage improvements as defined by the Town of San Anselmo Municipal Code.

5. Prior to issuance of any building permit the applicant shall submit a Vegetation Management Plan to be reviewed and approved by the Planning Department and the Ross Valley Fire District.
6. All mitigation measures identified in the Initial Study by Nichols Berman, listed below, shall be incorporated into this project.

Air Quality Mitigation Measure C.4

The following measures recommended by the BAAQMD shall be incorporated into all construction contracts and grading specifications associated with the project:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times;
- All trucks to maintain at least two feet of freeboard and all hauling trucks to be covered pursuant to governing agency requirements. Dust-proof chutes shall be used as appropriate to load debris onto trucks during demolition;
- Sweep as necessary (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for ten days or more);
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles;
- Limit traffic speeds on any unpaved roads to 15 mph;

- Replant vegetation in disturbed areas as quickly as possible;
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site;
- Visibly post signs indicating that idling times for all diesel-powered construction equipment shall be limited to five minutes per California State Law (Title 13, Section 2485 of the California Code of Regulations);
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications; and
- Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. This person shall respond to air quality complaints and take any necessary corrective action within 48 hours.

Biological Mitigation Measure D.1(a)

To the extent feasible, trees and shrubs in the construction zones or as part of implementing the VMP shall be trimmed or removed between September 1 and January 31 to reduce potential impacts to nesting birds. If trees and shrubs must be removed during the period from February 1 to August 31, a qualified wildlife biologist shall conduct preconstruction surveys for nesting birds. Prior to initial disturbance of vegetation within the work zones, the biologist shall carefully search all trees and shrubs within 300 feet of the work zones. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work location to the nest shall be estimated. Minimum construction avoidance zones shall be established around any active nests, based on the species involved, with a minimum 300-foot setback established for raptors and a 75-foot setback for non special-status birds. If active nests are closer than these distances and there is a potential for destruction of a nest or substantial disturbance to nesting birds due to construction activities or vegetation removal, a plan to monitor the behavior of the nesting birds during construction shall be prepared by the biologist and submitted to the California Department of Fish and Game for review and approval. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is completed and the young have fledged, at which time the nest is no longer considered in active use and can be destroyed if located within a tree or shrub to be removed as part of construction or vegetation management.

Biological Mitigation Measure D.1(b)

A qualified biologist shall conduct a pre-construction survey for bats in any wood or concrete structure to be demolished or to be substantially remodeled. Bats shall either be determined to be absent or shall be flushed from roost locations prior to building demolition or during initiation of any substantial remodel work. If flushing from buildings is necessary, it shall be done by the biologist during the non-breeding season from October 1 to March 31. When flushing bats, structures shall be modified and construction work conducted in a way that avoids harming individual bats, and

torpid bats shall be given time to completely arouse and fly away. During the maternity season from April 1 to September 30, prior to building demolition or initiation of substantial remodel work, the biologist shall determine if a bat nursery is present at any of the scheduled work locations identified as potentially containing roosting bats. If an active bat nursery is present, disturbance of bats shall be avoided until the biologist determines that breeding is complete and young have grown to the point where they can survive independently of the roost location. If a maternity roost is encountered, the biologist shall consult with the CDFG over appropriate restrictions on timing of construction, and need for any replacement roosting habitat.

Cultural Resources Mitigation Measure E.1(a)

The project sponsor shall prepare documentation of 53 Seminary Road consisting of the following:

- Written history of the property. This shall consist of the existing evaluation prepared by Archaeological Resource Service on DPR 523 forms dated May 25, 2011. The narrative history shall be printed on archival paper.

- Plans and drawings of the property. This shall consist of existing plans (if available) and elevation drawings (shown on sheets prepared by Existing Conditions Drafting, LLC of San Francisco). If floor plans are not available, sketch plans with overall and major room dimensions shall be prepared. The plans and drawings shall be printed on archival paper.

- Photographs of the property. This shall consist of digital photographs submitted as follows:

Be first generation.

Tagged Image File Format, file extension .tiff or .tif: Original-capture .tiff or raw converted to .tiff.

Have a pixel array (also referred to as pixel depth or pixel dimension) of at least 3000 x 2000.

Have a resolution of 300 ppi (pixels per inch).

Be RGB color mode. RGB color mode provides maximum detail even when printed in black-and-white.

- CD-Rs or DVD-Rs submitted with the electronic images should be:

Recorded on CD-R gold or DVD-R gold disks.

Labeled with the name of the property, names of the county and State where the property is located, and date of the photographs. If the label is handwritten, disks and cases should be labeled with CD/DVD labeling markers, not with permanent markers.

Label image files with sequential numbers and the name of the historic resource.

- Photographs shall be accompanied by a photographic index with the following information:

Name of the building or street address.

County and state where the property is located.

Name of the photographer.

Date of photograph.

Description of view indicating direction of camera.

Photograph number must be the same as the image number. Use this number to identify the vantage point on an accompanying sketch map.

The documentation shall be submitted to the Town of San Anselmo and Historical Commission for review and approval. Following approval, the documentation shall be submitted to the San Anselmo Historical Museum and Town of San Anselmo Library.

Cultural Resources Mitigation Measure E.1(b)

To protect historic resources from indirect impacts during construction activities, the project sponsor shall prepare a plan establishing procedures to protect historic resources, which would be implemented by the contractor. The plan shall include:

- A requirement for the placement of fencing and signs around historic resources to identify them as sensitive resources to be avoided.
- Instructions given to construction workers about the significance of the historic resources around which they will be working including guidelines for operation of construction equipment adjacent to historic resources.
- Procedures for reporting any damage to historic resources caused during construction. At a minimum, any damage would be reported to the Town of San Anselmo. A written report would be provided noting the historic resource, nature and extent of the damage and proposed repairs. All repairs would be accomplished in a manner consistent with the Secretary of the Interior's Standards for Rehabilitation.

Cultural Resources Mitigation Measure E.2

Prior to construction activities, the street lamp base together with an area five feet in diameter shall be identified by fencing and signs. Due to the limited surface visibility (i.e., dense vegetation), a qualified archaeological consultant shall be present during, or immediately following the clearance of all surface vegetation at this location to conduct additional survey. If the archaeological consultant identifies any indication of subsurface archaeological resources, such as foundation features related to the gymnasium, additional background research shall be conducted, prior to any earth disturbing activities, in an attempt to properly identify and evaluate the resource for its

potential for eligibility for listing in the CRHR. Complete identification and evaluation of the resource could potentially require subsurface archaeological excavation. The archaeological consultant shall make a recommendation as to what further action, if any, is warranted. The recommendation shall be made to a representative selected by the Town of San Anselmo. Based on the information and recommendation submitted, the Town's representative, in consultation with the Town of San Anselmo, may require, if warranted, specific additional measures to be implemented by the project sponsor.

Cultural Resources Mitigation Measure E.3

In the event any unique paleontological or geologic resource is discovered on the site, work shall be halted in the vicinity until a qualified paleontologist or geologist inspects the discovery and, if necessary, implements plans for further evaluative testing and / or retrieval of endangered materials.

Cultural Resources Mitigation Measure E.4

In the event of an accidental discovery or recognition of any human remains, the following steps should be taken as per CEQA Guidelines 15064.5(e): There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until (A) the Marin County Coroner is contacted to determine no investigation of the cause of death is required, and (B) the coroner determines the remains to be Native American. The coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of (with appropriate dignity) the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

In the event the NAHC is unable to identify a most likely descendent, or the most likely descendent fails to make a recommendation within 24 hours after being notified by the NAHC, or the landowner or his authorized representative rejects the recommendation of the descendent and the mediation by the NAHC fails to provide measures acceptable to the landowner, then the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. This mitigation should be a condition of project approval and applied to all grading and construction permits.

Geology and Soils Mitigation Measure F.1

A design level geotechnical investigation, as well as proper foundation engineering and construction shall be performed in accordance with the recommendations of a Registered Geotechnical Engineer or Civil Engineer experienced in geotechnical design and a Registered Structural Engineer or Civil Engineer experienced in structural design. The design level geotechnical investigation report shall include recommendations for retaining wall and foundation design.

Project development shall meet requirements of the California Building Code Vol. 1 and 2, 2010 Edition, including the California Building Standards, 2010 Edition, published by the International Conference of Building Officials, and as modified by the amendments, additions and deletions as adopted by the Town of San Anselmo. Incorporation of seismic construction standards would reduce the potential for catastrophic effects of ground shaking, such as complete structural failure, but would not completely eliminate the hazard of seismically induced ground shaking.

Geology and Soils Mitigation Measure F.2

The project applicant shall complete an Erosion Control Plan to be submitted to the Town in conjunction with the Grading Permit Application. The Erosion Control Plan shall include winterization, dust, erosion, and pollution control measures conforming to the Association of Bay Area Governments' (ABAG) Manual of Standards for Erosion and Sediment Control Measures, with sediment basin design calculations. The Erosion Control Plan shall describe the "best management practices" (BMPs) to be used during and after construction to control pollution resulting from both storm and construction water runoff. The Erosion Control Plan shall include locations of vehicle and equipment staging, portable restrooms, mobilization areas, and planned access routes.

Recommended soil stabilization techniques include placement of straw wattles, silt fences, berms, and gravel construction entrance areas or other control to prevent tracking sediment onto city streets and into storm drains.

Public Works staff or representatives shall visit the site during grading and construction to ensure compliance with the grading ordinance and plans, and note any violations, which shall be corrected immediately.

In accordance with the Clean Water Act and the State Water Resources Control Board (SWRCB), the applicant shall file a Storm Water Pollution Prevention Plan (SWPPP) prior to the start of **construction**. The SWPPP shall include specific best management practices to reduce soil erosion. This is required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

Hazards and Hazardous Materials Mitigation Measure H.2

A licensed asbestos and lead paint contractor shall perform a survey of any buildings to be renovated prior to work being done and any contaminated material shall be

removed and disposed into an authorized landfill by the licensed contractor. Additionally, samples of ash residue and surface soil in the vicinity of the old incinerator shall be sampled and tested by a State certified analytical laboratory prior to removal or construction. Implementation of this mitigation measure will reduce this impact to a less-than-significant level.

Hydrology and Water Mitigation Measure I.1

The Town of San Anselmo participates in MCSTOPPP, and the proposed project shall adhere to the MCSTOPPP guidelines. All Marin municipalities prohibit non-stormwater discharges to storm drains and require residents and businesses to use Best Management Practices (BMPs) to minimize the amount of pollutants in runoff.

MCSTOPPP municipalities must comply with specific requirements and standards in a National Pollutant Discharge Elimination System permit covering small municipal separate storm sewer systems (MS4s) throughout California (Phase II permit). Requirements of the Phase II permit include:

- Discharge Prohibitions (i.e. prohibition of discharges of material other than storm water to waters of the U.S.).
- Effluent Limitations.
- Storm Water Management Program (SWMP) Requirements.
- Reporting Requirements and Monitoring.

The proposed project shall conform to MCSTOPPP Stormwater Control Plan requirements which may include:

- Specific structural source controls, which aim to reduce pollutants from outdoor activities,
- Conformance to a Low Impact Development (LID) approach,
- Treatment of runoff prior to discharge through flow dispersal or infiltration, and
- Peak flows controlled to pre-development rates.

Hydrology and Water Mitigation Measure I.2

The applicant shall implement a finalized Stormwater Pollution Prevention Plan (SWPPP), which shall include a drainage and erosion control plan for the construction phase of the project. This plan shall be finalized prior to obtaining a building permit from the Town of San Anselmo.

The finalized SWPPP shall include strategies to minimize any impacts from erosion and sedimentation during grading and site construction. The SWPPP shall include proper winterization methods and adequate phasing to cover the entire term of

proposed construction. The project description shows a three phased construction schedule:

Phase 1 – July 2012 through December 2015

Phase 2 – April 2017 through December 2017

Phase 3 – June 2020 through November 2030

The SWPPP shall be updated prior to Phase 2 and again prior to Phase 3. During Phase 3, the SWPPP shall be updated every three years.

The most appropriate control method, as recommended by the San Francisco Bay Area Regional Water Quality Control Board, shall be used. The plan may include, but is not limited to, the following methods:

- Restricting grading to the dry season, if necessary and practical; protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding; protecting downstream storm drainage inlets from sedimentation;
- Using silt fencing and straw wattles to retain sediment on the project site; use of temporary water conveyances and water diversion structures to eliminate surface runoff; and,
- Other suitable measures outlined in the Association of Bay Area Governments' (ABAG) Manual of Standards for Erosion and Sediment Control Measures or the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual; in case of a conflict between the two Manuals, the latter shall prevail.
- After construction is complete, all drainage culverts shall be inspected for accumulated sediment. If sediment accumulation has occurred, it is the applicant's responsibility to clear all drainage structures of debris and sediment.

Noise Mitigation Measure L.4

The following measures shall be incorporated into all project construction specifications.

- Restrictions on idling of construction equipment and trucks.
- Limit shall be applied to noise from construction workers radios so as not to be audible off the site.
- At all times during grading and construction, stationary noise-generating equipment shall be located as far as practical from sensitive receptors and placed so that emitted noise is directed away from nearby residences.

- Designate a disturbance Coordinator for the duration of applicant-implemented construction. The disturbance coordinator shall:

- Receive and act on complaints about construction disturbances throughout the construction process.

- Determine the cause(s) and implement remedial measures as necessary to alleviate significant problems.

- Clearly post his/her name and phone number(s) on a sign at each construction site.

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