



FORT ORD REUSE AUTHORITY

920 2nd Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 | Fax: (831) 883-3675 | www.fora.org

REGULAR MEETING

FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, November 13, 2015 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CLOSED SESSION

- a. Conference with Legal Counsel-Potential Litigation, Gov. Code Section 54956.9(e)(2): FORA-Marina Coast Water District Dispute Resolution
- b. Conference with Legal Counsel-Potential Litigation, Gov. Code Section 54956.9(e)(2): FORA Prevailing Wage Issues/Exposure

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

7. CONSENT AGENDA

ACTION

- a. Approve October 9, 2015 Minutes ([pg. 1-4](#))
- b. Base Reuse Plan Reassessment Report: Category III Status ([pg. 5-12](#))
- c. Ad-Hoc Committee Policy Regarding Authority Counsel Requests ([pg. 13](#))
- d. Oak Woodland Conservation Planning ([pg. 14-18](#))

8. BUSINESS ITEMS

- a. Regional Urban Design Guidelines ([pg. 19-58](#)) INFORMATION/ACTION
 - i. Provide direction regarding approval of Draft Regional Urban Design Guidelines
 - ii. Amend Dover, Kohl and Partners Contract
- b. Marina Coast Water District/FORA Facilities Agreement Dispute ([pg. 59-62](#)) ACTION
Resolution – 2nd Vote
- c. Fort Ord Reuse Authority Prevailing Wage Program ([pg. 63-65](#)) INFORMATION/ACTION
- d. Monterey Bay Charter School Traffic Impact Agreement ([pg. 66-68](#)) INFORMATION/ACTION

9. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Board on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes. Comments on agenda items are heard under the item.

10. EXECUTIVE OFFICER'S REPORT

INFORMATION

- a. Outstanding Receivables ([pg. 69](#))
- b. Habitat Conservation Plan Update ([pg. 70](#))
- c. Administrative Committee ([pg. 71-77](#))
- d. Post Reassessment Advisory Committee ([pg. 78-81](#))
- e. Veterans Issues Advisory Committee ([pg. 82-84](#))
- f. Water/Wastewater Oversight Committee ([pg. 85-87](#))
- g. Travel Report ([pg. 88-89](#))
- h. Public Correspondence to the Board ([pg. 90](#))

11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT BOARD MEETING: December 11, 2015

Persons seeking disability related accommodations should contact FORA 48 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Chanel 25. The video and meeting materials are available online at www.fora.org.



FORT ORD REUSE AUTHORITY

BOARD OF DIRECTORS REGULAR MEETING MINUTES

Friday, October 9, 2015 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

1. CALL TO ORDER

Chair O'Connell called the meeting to order at 2:00 p.m.

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Chair O'Connell.

3. CLOSED SESSION

Conference with Legal Counsel - Existing Litigation, Gov. Code 54956.9(a)-1 Case *Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA)*, Case Number: M114961

The Board adjourned into closed session at 2:02 p.m. Chair O'Connell requested public to leave meeting area in order to expedite the closed session meeting. No public comment was received.

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board reconvened into open session at 2:06 p.m.

Authority Counsel, Jon Giffen, announced there was no reportable action taken by Board. No public comment was received.

ROLL CALL

Voting Members Present: (*alternates) (AR: entered after roll call)

Mayor Edelen (City of Del Rey Oaks)	Supervisor Parker (County of Monterey)
Mayor Rubio (City of Seaside)	Supervisor Potter (County of Monterey)
Mayor Pendergrass (City of Sand City)	Councilmember Beach (City of Carmel)
Mayor Gunter (City of Salinas)	Councilmember Haffa (City of Monterey)
Mayor Pro-Tem Oglesby (City of Seaside)	Councilmember Lucius (City of Pacific Grove) AR
Supervisor Phillips (County of Monterey)	Councilmember Morton (City of Marina)

Ex-officio (Non-Voting) Board Members Present: Dr. Eduardo Ochoa (CSUMB), Erica Parker (29th Assembly Dist); Donna Blitzler (UCSC), Andre Lewis, (CSUMB) AR; Lisa Rheinheimer* (Monterey-Salinas Transit), Hugh Hardin (U.S. Army), Bill Collins (Fort Ord BRAC Office), Director Le (Marina Coast Water District), Erica Parker (CA Assembly member Stone), and PK Diffenbaugh (MPUSD).

Absent: Nicole Charles (CA Senator Monning); Alec Arago (20th Congressional Dist.); and Vicki Nakamura (Monterey Peninsula College) and Debbie Hale (TAMC).

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Sale of Preston Park to City of Marina

Mr. Houlemard announced the sale of Preston Park and City of Marina being the owner of Preston Park Housing. He also noted CSUMB's Request for a Letter of Support for EDA i6 Grant. He said a copy of the I6 Grant Letter of Support sent to CSUMB was distributed to Board members. He added that FORA had a visit from Cal Environmental Protection Agency and Grant Copeland and Arsenio Mataka were the representatives. Copies of communications received were a letter from Tony Lombardo sent to the Board and an email from Ron Chesshire regarding Item 8c.

There was no public comment.

6. CONSENT AGENDA

- a. Approve September 11, 2015 Minutes
- b. Base Reuse Plan (BRP) Post-Reassessment Report
Categories 1 and 2 Consultant Recommendation
- c. Environmental Services Cooperative Agreement Quarterly Update
- d. Ad Hoc Advisory Task Force to Review & Recommend Authority Counsel Requests Policy
- e. Economic Development Progress Report.

MOTION: Mayor Rubio moved, seconded by Councilmember Lucius to approve all Consent Agenda items as presented.

MOTION PASSED UNANIMOUSLY.

Board received no comments from the public.

7. BUSINESS ITEMS

- a. Water Augmentation Program Planning Update
Steve Endsley provided a presentation to Board and answered questions of board questions. Mr. Endsley said FORA was asked by Monterey Regional Water Pollution Control Agency (MRWPCA) to authorize the 3-party augmentation planning process. He said joining this process would allow agency to obtain additional funding options. He asked Board to endorse the Pure Water Project and note the timeline to sensitive items and added that two resolutions were included to endorse pure water project and the second for a planning process. Paul Sciuto, general manager for MRWPCA, answered Board member questions and said his board approved the final EIR.

A request for information showing broader water planning process that includes water being used, different water supply options and financing was asked by a board member. Mr. Endsley responded that Staff could bring this information on a monthly basis, if Board requests it.

Board was requested to approve each motion individually.

MOTION#1: Mayor Rubio moved, seconded by Mayor Edelen, to approve the Pure Water Monterey Groundwater Replenishment Project Resolution (8a ii) as presented.

MOTION PASSED UNANIMOUSLY.

MOTION #2: Mayor Rubio moved, seconded by Supervisor Phillips, to authorize the resolution for FORA's participation in three-party joint water augmentation planning process (8a iii) as presented.

A Substitute Motion was presented by Supervisor Parker:

SUBSTITUTE MOTION: Moved by Supervisor Parker, seconded by Councilmember Morton, to defer action on this item and not commit any monies until there is clarity on water rights issues, water agreements and information on other sources of water to benefit Fort Ord be brought back in January.

Board unanimously approved calling for the question on substitute motion.

ROLL CALL WAS TAKEN:

Ayes: Beach, Haffa, Morton, Parker

Noes: O'Connell, Lucius, Edelen, Gunter, Oglesby, Pendergrass, Phillips, Potter, Rubio:

Abstentions: None.

MOTION FAILED.

ROLL CALL WAS TAKEN ON MOTION #2:

Ayes: O'Connell, Edelen, Gunter, Oglesby, Pendergrass, Phillips, Potter, Rubio

Noes: Beach, Haffa, Lucius, Morton.

Abstentions: None.

MOTION RECEIVED MAJORITY APPROVAL (2ND VOTE REQUIRED at next meeting):

Board member Haffa proposed a separate motion. Chair O'Connell recommended that it be brought at next meeting.

b. MCWD/FORA Facilities Agreement Dispute Resolution – 2nd Vote

Authority Counsel recommends given the variety of options out there for Board to consider and direct Executive Officer and Authority Counsel that discussion of this item be moved to a future agenda meeting under closed session.

The Board received comments from other board members.

MOTION: Supervisor Potter moved, seconded by Mayor Gunter, matter be continued to a future item under a closed session return this item at future meeting and the Executive Committee also consider it under closed session.

MOTION PASSED UNANIMOUSLY.

c. Fort Ord Reuse Authority Prevailing Wage Program

Executive Director introduced this item. Robert Norris presented information and responded to Board questions. Mr. Houlemard added that FORA already asks jurisdictions (through Master Resolution) to abide by this and that to implement enforcement would be at a considerable cost. He also noted receipt of the email from Mr. Chesshire.

The Board received comments from other board members expressing concern with FORA has an obligation in taking away from other agencies on the prevailing wage compliance and that it should be agencies' obligations.

MOTION: Mayor Rubio moved, seconded by Supervisor Potter to approve the List (Attachment B to staff report) pending further investigation on the compliance manager in question.

MOTION PASSED UNANIMOUSLY.

The Board received public comments.

d. Caretaker Costs Policy

Jonathan Garcia provided a presentation to Board and answered questions of Board. He said approval of an allocation of \$150,000 out of CIP funds was requested, but any allocation not used would be used for other requestors who might need additional funds. Mr. Houlemard stated that adjustments requested by Administrative Committee, City of Seaside's comments, jurisdictions and Board members were addressed and adjusted as received from all jurisdictions.

MOTION: Mayor Rubio moved, seconded by Councilmember Oglesby to approve the item as presented.

MOTION PASSED UNANIMOUSLY.

The Board received no public comments.

8. PUBLIC COMMENT PERIOD

The Board received comments from the public.

Member Oglesby requested a closed session be added at next Board meeting addressing the complaint.

9. EXECUTIVE OFFICER'S REPORT

Mr. Houlemard reminded Board members of the Annual Report they received. He also added the conference at Anchorage Alaska he and Josh Metz attended where important information was provided regarding regional economic growth. He added the other items listed under the Executive Officer's are for information only. Board accepted the reports.

- a. FY 2014/15 Annual Report
- b. Outstanding Receivables
- c. Habitat Conservation Plan Update
- d. Administrative Committee
- e. Post Reassessment Advisory Committee
- f. Regional Urban Design Guidelines Task Force
- g. Veterans Issues Advisory Committee
- h. Travel Report
- i. Public Correspondence to the Board

10. ITEMS FROM MEMBERS

None.

11. ADJOURNMENT

Chair O'Connell adjourned the meeting at 4:02 pm.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Base Reuse Plan (BRP) Reassessment Report: Category III Status	
Meeting Date:	November 13, 2014	ACTION
Agenda Number:	7b	

RECOMMENDATION(S):

Accept a report regarding BRP Reassessment Report Category III work plans.

BACKGROUND:

The 2012 BRP Reassessment Report (Reassessment Report) identified Category III items as Implementation of BRP Policies and Programs. The Reassessment Report found certain Category III items incomplete. For instance, the BRP identifies Fort Ord Reuse Authority (FORA) as responsible for completing the Regional Urban Design Guidelines (RUDG). See item 8a for related discussion.

FORA staff met with individual jurisdiction representatives on identified Category III items and received status updates. The discussion of this report summarizes individual work plans to implement Category III items.

DISCUSSION:

FORA Work Plan

The Reassessment Report identified six Category III items for FORA. After further review, staff found one item complete. FORA is making progress on the remaining five items and facilitating jurisdiction completion of their items related to trails and oak woodland conservation planning. FORA staff provided a work plan status report to the Administrative Committee at its November 3, 2015 meeting (**Attachment A**).

County of Monterey Work Plan

After coordinating with the County Resource Management Agency (RMA), County staff identified Category III items that were complete, incomplete, partially complete, ongoing, and not applicable (see summary table below). The County's work plan is to include Category III items in its General Plan implementation program list. On an annual basis, County staff seeks direction from the County Board of Supervisors to prioritize completion of individual implementation program items. Implementation of the remaining County Category III items will depend on County Board of Supervisors prioritization. County staff's comments on Reassessment Report Category III items are available at the following website:

http://www.fora.org/Admin/2015/Additional/MontereyCounty-CategoryIII-Comments_101714.pdf

County Cat. III Status Summary	
8	Complete
40	Incomplete
4	Partially Complete
7	Ongoing
3	Not Applicable

City of Seaside Work Plan

After coordinating with the Seaside Resource Management Services Department, Seaside staff provided feedback similar to County Planning regarding completion of Category III items (see summary table below). Seaside's work plan is to include Category III items in the scope of its next General Plan Update, which is scheduled for initiation this coming Winter. Seaside staff's comments on Reassessment Report Category III items are available at the following web site:

<http://www.fora.org/Admin/2015/Additional/Seaside-CategoryIII-Comments-110314.pdf>

Seaside Cat 3 Status Summary	
2	Complete
31	Incomplete
5	Partially Complete
3	Ongoing
1	Not Applicable

City of Marina Work Plan

After coordinating with the Marina Planning Department, Marina staff provided feedback similar to County and Seaside regarding completion of Category III items (see summary table below). Marina's work plan is yet to be determined. Marina staff's comments on Reassessment Report Category III items are available at the following web site:

<http://www.fora.org/Admin/2015/Additional/Marina-CategoryIII-Comments-031615.pdf>

Marina Cat 3 Status Summary	
16	Complete
20	Incomplete
1	Partially Complete
3	Ongoing
5	Unaddressed
2	Not Applicable

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget.

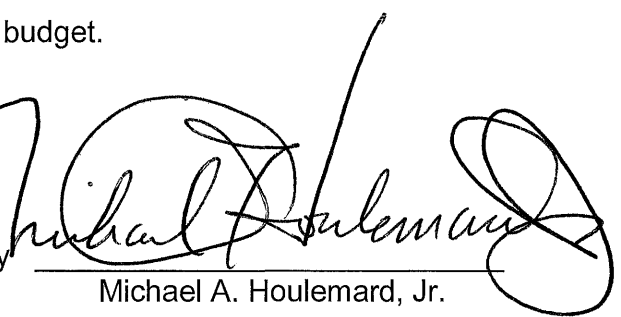
COORDINATION:


City of Seaside, County of Monterey, City of Marina

Prepared by


Jonathan Brinkmann

Approved by

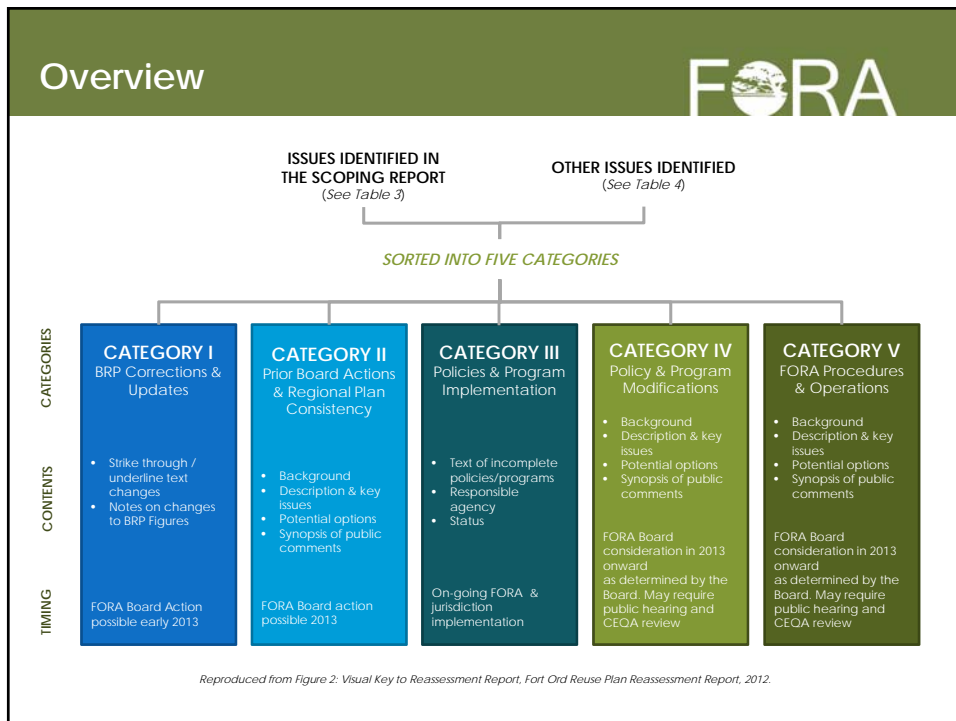

Michael A. Houlemard, Jr.

Fort Ord Reuse Authority 

Base Reuse Plan (BRP) Reassessment Report: Category III Status

Presentation to
FORA Administrative Committee
November 3, 2015

Jonathan Brinkmann, Principal Planner



Category III Status




- **Policies and programs previously identified in the Reassessment Report as incomplete**
 - Some incomplete as triggering events have yet to occur (i.e. *specific plans & entitlements*)
 - Others non-contingent triggering events toward completion (i.e. *Regional Urban Design Guidelines, Trail Planning*)
 - *Category III Details see FRR p3.32-3.68*

Cat III: Implementation of Policies & Programs – Jurisdiction Specific work plans




- **Entities with remaining Category III Items**
 - *FORA*
 - *County of Monterey*
 - *City of Seaside*
 - *City of Marina*
 - *City of Del Rey Oaks*

FORA Work Plan Status 

- *Remaining Cat III Items*

Item	Status
Residential Design Guidelines	In progress
Commercial Design Guidelines	In progress
Coordinate to designate truck routes	Incomplete
Designate truck routes in commercial zones	Incomplete
FORA develops Master Drainage Plan	Complete
Draft policies to implement Design Guidelines for bluff development	In progress
Trails Planning	In progress
Oak Woodland Conservation Plan	In progress

Monterey County Work Plan Status 

- County work plan: include incomplete Category III items in General Plan implementation program list. Board of Supervisors prioritize list items.

8	Complete
40	Incomplete
4	Partially Complete
7	Ongoing
0	Not Addressed
3	Not Applicable

- Full report available online:
http://www.fora.org/Admin/2015/Additional/MontereyCounty-CategoryIII-Comments_101714.pdf

Category III Item Example		FORA	
Program	Status	Reassessment Notes	Jurisdiction's Notes
Residential Land Use Program B-2.1: The County shall revise zoning ordinance regulations on the types of uses allowed in the County districts and neighborhoods, where appropriate, to ensure compatibility of uses in the Fort Ord planning area.	Incomplete	The County's East Garrison Specific Plan included a zoning amendment for the specific plan area. Consistency determination on 1/12/06. The County has not otherwise amended its zoning ordinance in regard to Fort Ord.	Pending: Zoning Ordinance updates that address this policy are on the County's implementation program.


City of Seaside work plan status

FORA

- Seaside work plan: include incomplete Category III items in the scope of its next General Plan Update - scheduled to begin this coming Winter.

Seaside Cat III Status Summary	
2	Complete
31	Incomplete
5	Partially Complete
3	Ongoing
0	Not Addressed
1	Not Applicable


- Full report available online: <http://www.fora.org/Admin/2015/Additional/Seaside-CategoryIII-Comments-110314.pdf>

City of Marina work plan status 

- Marina work plan: yet to be determined

Marina Cat III Status Summary	
16	Complete
20	Incomplete
1	Partially Complete
3	Ongoing
5	Unaddressed
2	Not Applicable

- Full report available online:
<http://www.fora.org/Admin/2015/Additional/Marina-CategoryIII-Comments-031615.pdf>

City of Del Rey Oaks work plan status 

- Del Rey Oaks work plan: yet to be determined
 - Triggering events have yet to occur
 - Development planning of office park parcel adjacent to the Natural Area Expansion reserve (Frog Pond expansion) must occur first.

Cat III: Next Steps FORA

- **Cat III**
 - FORA Items:
 - Board receives Category III work plan status
 - Board considers RUDG adoption
 - Trails working group, PRAC, and Board review/consider Fort Ord Trails Blueprint
 - FORA begins Oak Woodland Conservation Planning consultant selection process
 - Jurisdictions' Items:
 - Completion of remaining Category III Items

Questions? FORA



FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Ad Hoc Committee Policy Review regarding Requests for Authority Counsel

Meeting Date: November 13, 2015
Agenda Number: 7c

INFORMATION

RECOMMENDATIONS:

Receive Ad Hoc Advisory committee recommendation on policy regarding requests for legal opinions/reviews of Authority Counsel.

BACKGROUND/DISCUSSION:

The Ad-Hoc Advisory Committee ("Committee") met on 11/2/15 and provided a recommendation to the Executive Committee who met on 11/3/15. The Ad-Hoc Committee discussed: 1) the implications of potential policy options beginning with standard attorney/client practice; 2) jurisdictional policies that may address prioritization; and, 3) special considerations that may be warranted given the volume of legal support requests. The Committee also noted that:

- Board members represent their respective Cities/Agencies, and those members have access to their Cities'/Agencies' Counsel when legal questions arise.
- Public requests should be addressed through the Board whenever possible.
- A triage mode will be used to decipher how these requests are to be addressed.

The Ad-Hoc Committee recommended, and the Executive Committee concurred, in the following practice for prioritizing requests for opinions/reviews of Authority Counsel:

1. All FORA Board-directed items are first priority.
2. Individual Board requests on FORA matters under current review are second in priority.
3. The Executive Committee review and recommend the priority for requested legal opinions monthly with Authority Counsel and the /Executive Officer.

FISCAL IMPACT:

None.

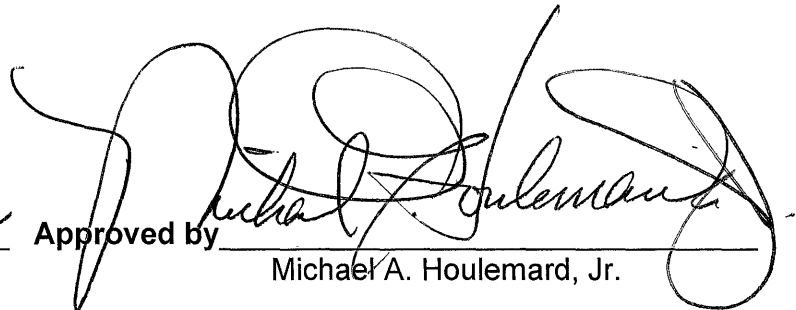
COORDINATION:

Executive Committee

Prepared by


Jon Giffen

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Oak Woodland Conservation Planning	
Meeting Date: November 13, 2015	ACTION
Agenda Number: 7d	

RECOMMENDATION(S):

Receive a report on the Oak Woodland Conservation Planning project.

BACKGROUND/DISCUSSION:

When FORA staff met with County of Monterey (County) and City of Seaside (Seaside) staff regarding status of Base Reuse Plan (BRP) Reassessment Report Category III items, staff discussed a number of Category III items that affected multiple jurisdictions such as Trails and Oak Woodland Conservation Planning. FORA staff organized an Oak Woodland Working Group consisting of current and future land owners in areas identified in BRP Biological Resources Policy B-2, Program B-2.1, and Program B-2.2 for Seaside (**Attachment A**) and County (**Attachment B**) (see map [**Attachment C**]). The working group recommended that FORA facilitate oak woodland conservation planning through a consultant contract. The primary deliverables from the consultant would be:

1. One map identifying the designated oak woodland conservation area in Seaside and one map identifying the same in County.
2. One oak management and monitoring plan for Seaside and one for County.

As another project component, FORA proposes to provide support to the California Department of Veterans Affairs' (CDVA's) California Central Coast Veterans Cemetery (CCCVC) by assisting their efforts to mitigate their oak woodland impacts. Specifically, CDVA identified site development impacts of 2.93 acres to oak woodland habitat in its Final Initial Study and Mitigated Negative Declaration, and Environmental Assessment and Finding of No Significant Impact dated August 12, 2014.

Due to replanting 113 native coastal live oak trees on site, CDVA will plant another 362 oak trees (estimated at 2.22 acres) off-site as a mitigation measure. FORA staff and the selected oak woodland consultant would identify and secure a suitable mitigation site, and support plans to implement oak tree plantings.

As the next planning steps, FORA staff is reviewing a draft Request for Proposals (RFP) to contract a consultant to prepare an oak woodlands plan as described in this report. Staff anticipates to schedule an Oak Woodland Working Group meeting in November / December to review the draft RFP to release in December 2015.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget.

COORDINATION:

City of Seaside, County of Monterey, Oak Woodland Working Group, CDVA

Prepared by 

Ted Lopez

Approved by 

Michael A. Houlemard, Jr.

~~Firebreaks should be designed to protect structures in Polygon 31b from potential wildfires in Polygon 31a. Barriers should be designed to prohibit unauthorized access into Polygon 31a. [Topic III-85]~~

~~Responsible Agency: Del Rey Oaks~~

~~Status — Del Rey Oaks: Deed restrictions require implementation and compliance with HMP habitat management requirements. MOA and HMP Implementing/Management Agreement with FORA also requires compliance with HMP requirements. To date, no development adjacent to habitat areas is approved.~~

Biological Resources Policy B-2: As site-specific development plans for a portion of the Reconfigured POM Annex Community (Polygon 20c) and the Community Park in the University Planning Area (Polygon 18) are formulated, the City shall coordinate with Monterey County, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas on the south of the landfill polygon (8a) in the north.

Program B-2.1: For lands within the jurisdictional limits of the City that are components of the designated oak woodland conservation area, the City shall ensure that those areas are managed to maintain or enhance habitat values existing at the time of base closure so that suitable habitat is available for the range of sensitive species known or expected to use these oak woodland environments. Management measures shall include, but not limited to maintenance of a large, contiguous block of oak woodland habitat, access control, erosion control and non-native species eradication. Specific management measures should be coordinated through the CRMP. [Topic III-86]

Responsible Agency: Seaside

Status – Seaside: An oak woodland conservation area has not been designated. Planning for Polygon 20c recently commenced with the City's processing of the Monterey Downs, Monterey Horse Park, and Veterans' Cemetery projects.

Program B-2.2: For lands within the jurisdictional limits of the City that are components of the designated oak woodland conservation area, the City shall monitor, or cause to be monitored, those areas in conformance with the habitat management compliance monitoring protocol specified in the HMP Implementing/Management Agreement and shall submit annual monitoring reports to the CRMP. [Topic III-87]

Responsible Agency: Seaside

Status – Seaside: An oak woodland conservation area has not been designated, therefore, no monitoring has occurred.

~~**Biological Resources Policy B-2:** As site specific planning proceeds for Polygons 8a, 16, 17a, 19a, 21a, and 21b, the County shall coordinate with the Cities of Seaside and Marina, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas on the south, the oak woodland corridor in Polygons 17b and 11a on the east, and the oak woodlands surrounding the former Fort Ord landfill in Polygon 8a on the north. Oak woodlands areas are depicted in Figure 4.4-1~~

~~**Program B-2.1:** For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County shall ensure that those areas are managed to maintain or enhance habitat values existing at the time of base closure so that suitable habitat is available for the range of sensitive species known or expected to use those oak woodland environments. Management measures shall include, but not be limited to maintenance of~~

Category III

Firebreaks should be designed to protect structures in Polygon 31b from potential wildfires in Polygon 31a. Barriers should be designed to prohibit unauthorized access into Polygon 31a. [Topic III 85]

Responsible Agency: Del Rey Oaks

Status—Del Rey Oaks: Deed restrictions require implementation and compliance with HMP habitat management requirements. MOA and HMP Implementing/Management Agreement with FORA also requires compliance with HMP requirements. To date, no development adjacent to habitat areas is approved.

Biological Resources Policy B-2: As site specific development plans for a portion of the Reconfigured POM Annex Community (Polygon 20c) and the Community Park in the University Planning Area (Polygon 18) are formulated, the City shall coordinate with Monterey County, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas on the south of the landfill polygon (8a) in the north.

Program B-2.1: For lands within the jurisdictional limits of the City that are components of the designated oak woodland conservation area, the City shall ensure that those areas are managed to maintain or enhance habitat values existing at the time of base closure so that suitable habitat is available for the range of sensitive species known or expected to use these oak woodland environments. Management measures shall include, but not limited to maintenance of a large, contiguous block of oak woodland habitat, access control, erosion control and non native species eradication. Specific management measures should be coordinated through the CRMP. [Topic III 86]

Responsible Agency: Seaside

Status: For area has not been designated. Planning for Polygon 20c recently commenced with the City's processing of the Monterey Downs, Monterey Horse Park, and Veterans' Cemetery projects.

Program B-2.2: For lands within the jurisdictional limits of the City that are components of the designated oak woodland conservation area, the City shall monitor, or cause to be monitored, those areas in conformance with the habitat management compliance monitoring protocol specified in the HMP Implementing/Management Agreement and shall submit annual monitoring reports to the CRMP. [Topic III 87]

Responsible Agency: Seaside

Status—Seaside: An oak woodland conservation area has not been designated, therefore, no monitoring has occurred.

Biological Resources Policy B-2: As site-specific planning proceeds for Polygons 8a, 16, 17a, 19a, 21a, and 21b, the County shall coordinate with the Cities of Seaside and Marina, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas on the south, the oak woodland corridor in Polygons 17b and 11a on the east, and the oak woodlands surrounding the former Fort Ord landfill in Polygon 8a on the north. Oak woodlands areas are depicted in Figure 4.4-1

Program B-2.1: For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County shall ensure that those areas are managed to maintain or enhance habitat values existing at the time of base closure so that suitable habitat is available for the range of sensitive species known or expected to use those oak woodland environments. Management measures shall include, but not be limited to maintenance of

Category III

large, contiguous block of oak woodland habitat, access control, erosion control and non-native species eradication. Specific management measures should be coordinated through the CRMP. [Topic III-88]

Responsible Agency: County

Status – Monterey County: An oak woodland conservation area has not been designated. HMP habitat/development designations were revised for some of these polygons as part of the East Garrison/Parker Flats Land Swap Agreement (LSA). Planning for this area is being conducted by the City of Seaside on behalf of Monterey County, as the City processes the application for the Monterey Downs, Monterey Horse Park, and Veterans' Cemetery projects.

Program B-2.2: For lands within the jurisdictional limits of the County that are components of the designated oak woodland conservation area, the County shall monitor, or cause to be monitored, those areas in conformance with the habitat management compliance monitoring protocol specified in the HMP Implementing/Management Agreement and shall submit annual monitoring reports to the CRMP. [Topic III-89]

Responsible Agency: County

Status – Monterey County: An oak woodland conservation area has not been designated. HMP habitat/development designations were revised for some of these polygons as part of the East Garrison/Parker Flats Land Swap Agreement (LSA).

Biological Resources Policy C-2: The [jurisdiction] shall encourage the preservation and enhancement of oak woodland elements in the natural and built environments. Refer to Figure 4.4-1 for general location of oak woodlands in the former Fort Ord.

Program C-2.1: The City shall adopt an ordinance specifically addressing the preservation of oak trees. At a minimum, this ordinance shall include restrictions for the removal of oaks of a

certain size, requirements for obtaining permits for removing oaks of the size defined, and specifications for relocation or replacement of oaks removed. [Topic III-90]

Responsible Agency: Seaside

Status – Seaside: The City's tree ordinance, Chapter 8.54 of the municipal code, does not specifically address oak trees or oak woodland.

Program C-2.2: [Marina] **Program C-2.5** [Seaside] **Program C-2.4** [County] Where development incorporates oak woodland elements into the design, the [jurisdiction] shall provide the following standards for plantings that may occur under oak trees; 1) planting may occur within the dripline of mature trees, but only at a distance of five feet from the trunk and 2) plantings under and around oaks should be selected from the list of approved species compiled by the California Oaks Foundation (see Compatible Plants Under and Around Oaks). [Topic III-91]

Responsible Agencies: Marina, Seaside, County

Status – Marina: The City's tree ordinance, Chapter 17.51 of the municipal code, does not specifically address oak trees or oak woodland.

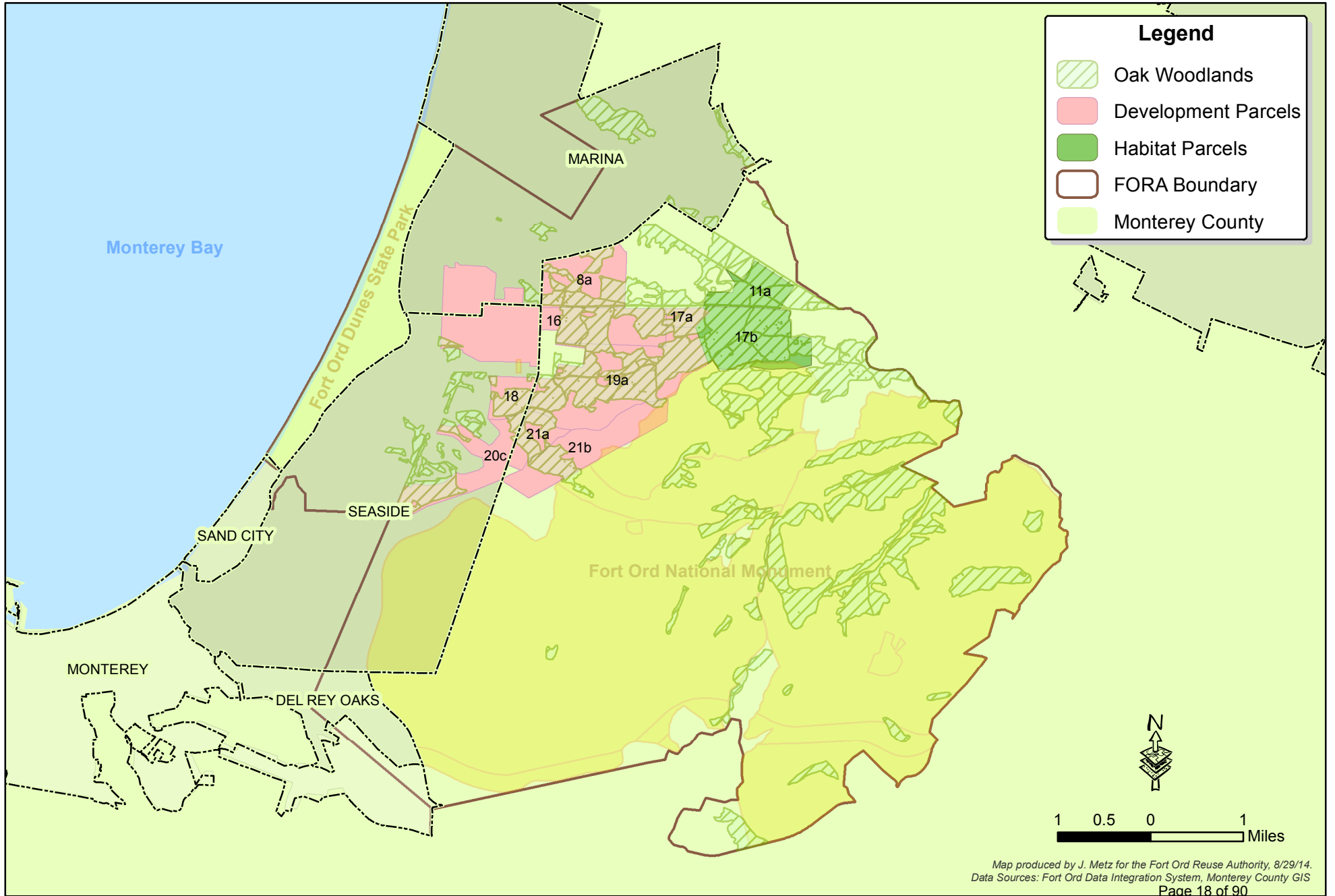
Status – Seaside: The City's tree ordinance, Chapter 8.54 of the municipal code, does not specifically address oak trees or oak woodland.

Status – Monterey County: The County's tree ordinance, Chapter 16.60 of the County code, restricts the removal of oak trees. Replacement planting standards are not included in the code.

Biological Resources Policy D-2: The [jurisdiction] shall encourage and participate in the preparation of educational materials through various media sources which describe the biological resources on the former Fort Ord, discuss the importance of the HMP and



Oak Woodlands Conservation Planning Areas on the former Ford Ord, Monterey County, CA



FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Regional Urban Design Guidelines

Meeting Date: November 13, 2015

Agenda Number: 8a

INFORMATION/ACTION

RECOMMENDATION(S):

- i. Provide direction regarding approval of Draft Regional Urban Design Guidelines (RUDG).
- ii. Amend Dover, Kohl and Partners Contract.

BACKGROUND:

The RUDG completion was identified as a distinct 1997 Base Reuse Plan (BRP) implementation action (**Attachment A**), along with the full range of former Fort Ord economic recovery policies. Initially, the RUDG was to be a FORA obligation – especially the Highway 1 Design Guidelines that crossed or impacted several jurisdictions and the region. The following lists key actions related to this BRP policy:

- In May 1999, the Fort Ord Reuse Authority (FORA) Board voted to proceed with jurisdictional approach to base wide redevelopment (including creation of RUDG);
- In March 2005, the Board approved the Highway 1 Design Guidelines as the first RUDG action;
- The 2012 Reassessment Report identified RUDG completion for Gateways, Town & Village Centers, Regional Circulation Corridors and Trails as an incomplete Reuse Plan requirement;
- In spring 2013, the Post Re-assessment Advisory Committee (PRAC) recommended RUDG completion as a FORA action; and
- The Board approved FY 2013/2014 and FY 2014/2015 budgets and FORA Staff Work plans including RUDG completion.

During 2014, the Board empaneled the RUDG Task Force to oversee RUDG consultant recruitment, advising and project completion. Following a national search, Dover, Kohl & Partners (DKP) along with an interdisciplinary team was selected. In November DKP and FORA staff completed a series of stakeholder interviews during a preliminary Site Visit. In February 2015, DKP and FORA staff, completed a 10-day public design process leading to draft RUDG. Staff and the lead design consultant presented a project status update at the April 10 Board Meeting.

In May 2015, the FORA Board requested Authority Counsel clarify FORA RUDG authority and legal framework (**Attachment B**). The Authority Counsel memorandum sets forth the following clarifications:

- Development of RUDG for the Highway 1 Corridor (approved 2005), Town & Village Centers, Gateways, Regional Circulation Corridors, and Trails are required as distinct implementation actions under the Reuse Plan;
- The RUDG are to focus on issues of visual quality and character;
- Approved RUDG will establish standards for future consistency determinations; and
- The RUDG do not override prior/current consistency determinations, redefine land use designations, or local zoning and General Plans.

Following the February 2015 charrette, staff, consultants and the RUDG Task Force undertook a robust review and revision process leading to the current administrative DRAFT RUDG policy document. The Task Force met on 12 separate occasions and reviewed 6 administrative DRAFT revisions. Along with Task Force members, the public review and revision process has included representatives from FORA's

development community, regional agencies, members of the public, building and trade representatives, and California State University Monterey Bay Master Planning team (among others).

DISCUSSION:

i. Approval Direction

On November 2, 2015 FORA staff and consultants presented a DRAFT RUDG policy document to the Board and the public during a Special Workshop and (2) Open House sessions. The staff Board workshop presentation reviewed the project history, legal and policy context (**Attachment C**). RUDG team members answered questions and received direct Board and public feedback. Key Board feedback included:

- Request for detailed document editorial ensuring policy language is clear, intentional, consistent and specific.
- Provide for Gen Jim Moore Blvd. future centers to be determined by City of Seaside planning.
- Distinguish “employment center” status at UCMBEST from “residential” centers.
- Strengthen Economic Development narrative: depict connection between design quality and economic vitality, housing mix and regional economic realities.
- Addition of Policy Application language to specify where RUDG apply.
- Clarification that the adopted RUDG document addresses “other areas to be determined.”

The RUDG Task Force met on November 3, 2015 to follow-up from the Nov 2 Workshop/Open House and provide additional staff/consultant direction for RUDG completion. Task Force input reinforced messages from the Board and deliberated or voted on the following additional key points:

- Continue to strengthen BRP-RUDG language and content.
- Include RUDG contextual content and consultant reports as Appendices.
- Clarify how RUDG will be implemented/evaluated during consistency determinations.
- Clarify language on RUDG flexibility for jurisdictions/developers.
- Strengthen Definitions section.

City of Seaside submitted additional written comments indicating their strong desire to sustain the current DRAFT RUDG format and content, while making the requested refinements and addressing comments from the most recent Board workshop and Task Force meetings (**Attachment D**). Any additional Board direction is welcome.

ii. Contract Amendment

FORA entered into contract with Dover, Kohl & Partners for completion of the RUDG on August 8, 2014 following a competitive recruitment process (**Attachment E**). The initial contract term expired on September 30, 2015 and was extended under the Executive Officer’s authority to November 30, 2015. However, there is now need to further extend the contract term and funding due to greater than expected public engagement and necessary draft revisions.

There is about \$30,000 remaining in the original contract; the additional contract authority needed to complete the project is \$70,000.

The following table summarizes contract amendment deliverables, proposed schedules and costs. Previously contracted tasks (\$30K) are highlighted in grey.

RUDG Scope of Work Additions

Deliverables	Proposed Schedule	Cost Estimate
Draft RUDG v7 (response to November Board Workshop & Task Force meeting)	December 9	\$15,000
RUDG Task Force meeting to review v7	December 16	\$10000
Draft RUDG v8 (response to December RUDG Task Force meeting)	January 13	\$15,000
RUDG Task Force meeting review v8	January 20	\$10000
Final Draft RUDG	February 2	\$15,000
Board considers RUDG adoption	February 12	\$10000
Board RUDG adoption - 2 nd vote (potential)	March 12	\$10000
FORA and Jurisdiction staff implementation training	April 5	\$15,000
Total		\$100,000

FISCAL IMPACT:

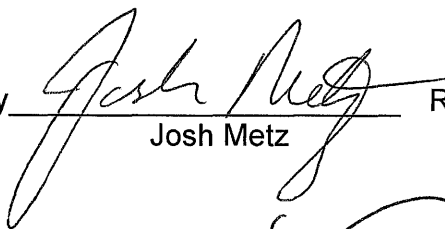
Reviewed by FORA Controller 

The original DKP \$444,910 contract (funded by the FY 14-15 annual budget) would be increased to not to exceed \$514,910. The approved FY 15-16 budget includes sufficient funding for the proposed \$70K amendment.


COORDINATION:

RUDG Task Force, Administrative Committee and Dover, Kohl & Partners

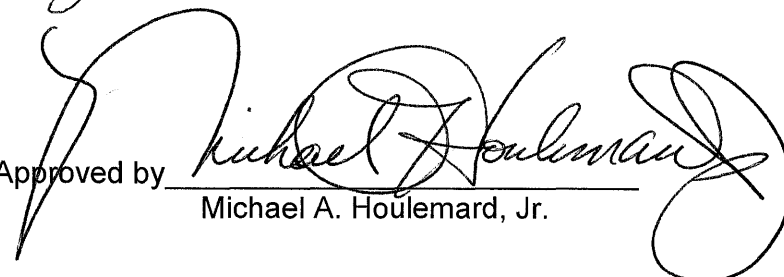
Prepared by


Josh Metz

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.

Key Milestones

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1. FORA Act
2. Base Reuse Plan: Design Principle 6
3. Board policy on jurisdictional design implementation
4. Board approves Highway 1 Design Guidelines
5. Reassessment Report – Outstanding RUDG
6. Fort Ord Colloquium
7. 2014 Work Plan – RUDG Completion
8. Task Force – Competitive RFP
9. Board Approves Dover, Kohl (DKP) Selection
10. DKP Site Visit
11. 2015 Design Charrette
12. Task Force – DRAFT RUDG Development
- 13. DRAFT RUDG for Board Workshop**
- 14. Final RUDG for Board Approval**
- 15. RUDG Implementation Training**

MEMORANDUM

Kennedy, Archer & Giffen
A Professional Corporation

DATE: April 1, 2015
TO: Fort Ord Reuse Authority
FROM: Authority Counsel
RE: Regional Urban Design Guidelines

I. Issues:

This memorandum explores the scope of planning authority vested in the Fort Ord Reuse Authority (“FORA”) by the Regional Urban Design Guidelines (“RUDG”). To frame the issue, this memorandum specifically responds to questions that FORA Senior Planner Josh Metz posed to Authority Counsel in a February 23, 2015 email (“February 23 Email”). It also addresses a subsequent, related document that FORA’s Planning Department (namely, Steve Endsley, Jonathan Garcia, and Josh Metz) addressed to Authority Counsel entitled “RUDG Legal Questions Needing FORA Authority Counsel Opinion.” We have distilled from those two documents the following questions, followed by a summary of our conclusions:

A. What are “guidelines” and are they “mandatory”?

Generally, guidelines create standards that may be used to determine whether a local jurisdiction’s land use plan, zoning ordinances, and implementation acts are consistent with FORA’s Base Reuse Plan (“BRP”). In that sense, they are “mandatory.” But there are, as discussed below, limitations on the scope of such guidelines.

B. What is the difference between “guidelines” and “zoning”?

The relationship between the “guidelines,” including the RUDG, and zoning can be summarized as follows: FORA establishes guidelines pursuant to its authority under the FORA Act and BRP. The local jurisdictions must account for such guidelines when submitting its proposed land use plans, zoning, and implementing actions. FORA must then determine the consistency of such plans, zoning, and actions with those guidelines (and other requirements of the BRP), the process for which is set forth in the FORA Act and Article 8.01 of the Master Resolution. Accordingly, the RUDG are not zoning plans or zoning ordinances; only the local jurisdictions can establish those under the FORA Act.

C. Will FORA-approved guidelines limit local jurisdiction planning authority?

Yes, but only to the extent the guidelines are within their proper scope and follow the process for land use planning articulated in the FORA Act. Namely, the RUDG are limited in scope to matters of “visual importance/visual character,” and further that RUDG cannot impose requirements inconsistent with a local jurisdiction’s land use plan, zoning ordinances, implementation action, etc. after FORA has determined the same to be consistent with its BRP.

We therefore conclude RUDG can be implemented as a mandatory standard for local jurisdictions regarding matters of visual importance by which FORA can measure future consistency determinations.

II. Analysis

A. What are “Guidelines” and Are They Mandatory?

The February 23 Email first asks, “What are ‘guidelines’?” The RUDG Legal Questions Needing FORA Authority Counsel Opinion narrows the issue somewhat, by asking “What is FORA’s Regional Urban Design Guidelines (RUDG) legal authority?” And both the February 23 Email and the RUDG Legal Questions Needing FORA Authority Counsel Opinion ask: are the RUDG “mandatory?” This memorandum addresses those related questions together.

1. Definition of “Guidelines”

The term “guidelines” is not a legal term of art and has no particular legal meaning. Merriam-Webster defines a guideline as “a rule or instruction that shows or tells how something should be done.”¹ An alternative definition is “an indication or outline of policy or conduct.”² Though somewhat ambiguous, the former definition appears to provide a mandatory “rule,” whereas the latter may suggest something more permissive.³ But a dictionary definition does little to answer what “guidelines” means in this context, and is not dispositive of the issue of whether the RUDG are “mandatory.” It is therefore more instructive to focus on the source and substance of the RUDG, namely, the “Design Principles” set forth in the BRP.

2. Legal Authority for the RUDG

The legal authority for the BRP is set forth in the FORA Act at Government Code section 67675. That section obligates FORA to create the BRP, accounting for “[a] land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land ... and other natural resources[.]” Such authority encompasses the power to proscribe design guidelines.

¹ <http://www.merriam-webster.com/dictionary/guideline>

² *Ibid.*

³ See also “*Pirates of the Caribbean, Curse of the Black Pearl*” (Captain Barbossa: “[T]he code is more what you’d call ‘guidelines’ than actual rules”.)

The BRP provides for “Major Provisions of the Reuse Plan,” and “Context and Framework” for the BRP. (BRP, § 1.2.1, p. 3.)⁴ “The Framework for the Reuse Plan establishes the broad development considerations that link the various Reuse Plan elements to the land use jurisdiction into an integrated and mutually supporting structure.” (BRP, § 1.2.1, p. 8; see also art. 3.0, p. 55.) Part of that Framework is a “Community Design Vision,” which sets forth six specific “Design Principles.” (BRP, § 1.2.1, pp. 8-9; see also § 3.1, p. 56.) Design Principle no. 6 provides:

Design Principle 6: Adopt [RUDGs]. The visual character of the former Fort Ord will play a major role in supporting its attractiveness as a destination for many visitors every year. Maintaining the visual quality of this gateway to the peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire peninsula. [RUDG] will be prepared and adopted by FORA to **govern the visual quality of areas of regional importance within the former Fort Ord.**

(BRP, § 1.2.1, p. 9; see also § 3.1.1, p. 61.)

The “full” version of Design Principle no. 6 provides:

Adopt [RUDGs]. The **visual character** of the Monterey Peninsula plays a major role in supporting the area’s attractiveness as a destination for many visitors every year. ... **Maintaining the visual quality of this gateway to the Peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire Peninsula.** [RUDGs] will be prepared and adopted by FORA as a separate implementation action to **govern** the visual quality of the following areas of regional importance. The guidelines will address the State Highway 1 Scenic Corridor, the freeway entrances to the former Fort Ord ... from the State Highway 1 ..., areas bordering the public [sic] accessible habitat-conservation areas, major through roadways such as Reservation Road and Blanco Road, as well as other areas to be determined. **The urban design guidelines will establish standards for road design, setbacks, building height, landscaping, signage, and other matters of visual importance.”**

(BRP, § 3.1.1, p. 61.)

The BRP therefore provides that the RUDG shall “govern” and shall “establish standards” for certain elements. (BRP, § 3.1.1, p. 61.) Those elements relate to the visual quality of certain areas. However, at least within that scope and subject to the processes

⁴ All references to the BRP are to volume 1, unless otherwise specified.

applicable to land use consistency determinations, the “guidelines” that the BRP sets forth in the RUDG “govern” and “establish standards,” and are mandatory on the local jurisdictions.

B. Differences and Relationship Between “Guidelines” and “Zoning”?

A memorandum prepared on September 3, 2013 by FORA Special Counsel Alan Waltner,⁵ discussed the relationship between “zoning” and FORA’s authority to govern land use. This memorandum will not repeat that one, save to highlight the discussion at pages 2 to 3, where Counsel pointed out that “zoning” is within the authority of the local jurisdictions, not FORA; FORA’s authority is to determine whether land use plans, zoning ordinances, implementing actions, etc. are consistent with the BRP, including design guidelines.

FORA has the authority and obligation to create the BRP, including “[a] land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space, and other natural resources within the area of the base.” (Gov’t Code, § 67675.) “[A]fter the board has adopted a reuse plan, a member agency with jurisdiction within the territory of Fort Ord may adopt and rely on the [BRP], including any amendments therefor, for purposes of its territory ... as its local general plan for purposes of Title 7 until January 1, 1996.” (Gov’t Code, § 67675.1.) Also, “[a]fter the board has adopted a [BRP], each county or city with territory occupied by Ford Ord shall submit its general plan to the board,” which (a) certifies after a public hearing that it is intended to be carried out pursuant to the FORA Act and (b) “contains, in accordance with guidelines established by the board, materials sufficient for a thorough and complete review.”⁶ (Gov’t Code, § 67675.2.) Within 90 days of the local jurisdiction submitting its general plan, FORA must determine that plan is consistent with the BRP. (Gov’t Code, § 67675.3, subd. (c).) Then, “[w]ithin 30 days after the certifications of a general plan or amended general plan, or any portion thereof, the board shall, after consultation with the county or a city, establish a date for that county or city to submit the zoning ordinances, zoning district maps, and where necessary, other implementing actions applicable to the territory of Ford Ord.” (Gov’t Code, § 67675.4.) The local jurisdiction then submits to FORA those zoning ordinances, zoning district maps, and other implementing actions – such RUDG (see Design Principle no. 6 at BRP, § 3.1.1, p. 61 [RUDGs “will be prepared and adopted by FORA as a *separate implementation action*”]) – and FORA must determine whether those zoning ordinances, maps, and implementation actions conform with the BRP. (Gov’t Code, § 67675.5.)

Accordingly, the relationship between the “guidelines,” including the RUDG, and zoning can be summarized as follows: FORA establishes guidelines, as “other implementing actions,” pursuant to its authority under the FORA Act and BRP. The local jurisdictions must account for such guidelines when submitting its proposed land use plans, zoning, and implementing actions. FORA must then determine the consistency of such plans, zoning, and actions with those

⁵ That memorandum can be found here: <http://www.fora.org/Board/2013/Packet/Additional/091313AlanWaltner.pdf>

⁶ See also Article 8.01 of the Master Resolution, providing for the BRP and FORA’s determinations of local jurisdictions’ legislative land use decisions.

guidelines (and other requirements of the BRP), the process for which is set forth in the FORA Act and Article 8.01 of the Master Resolution.

C. Will FORA-approved Guidelines Limit Local Jurisdiction Planning Authority? And What is the Scope of the RUDG Project?

Will FORA-approved guidelines limit local jurisdiction planning authority? As just discussed, FORA-approved guidelines limit local jurisdiction in the sense that the local jurisdictions must account for such guidelines and that FORA may reject local jurisdiction's land use plans and zoning if they do not comply with such guidelines. However, FORA's authority is not unlimited in this regard. Namely, the authority is limited by (1) prior consistency determinations, to the extent that they overlap with RUDG; and (2) the limited scope of RUDG (visual quality and characteristics).

1. FORA-approved Guidelines Generally Cannot Contradict Previously Enacted Land Use or Zoning Laws that FORA has Already Found to be Consistent with the BRP

First, as discussed in the memoranda of then Authority Counsel (Jerry Bowden) on Dec. 3, 2012 and on November 14, 2013, "[o]nce a local plan has been found consistent with the [BRP], the FORA Act does not permit the [BRP] to be amended if the amendment would negate the consistency finding," pursuant to Government Code section 67675.8⁷ (Jerry Bowden Memo, 11/14/2013, p. 1.) Accordingly, if a newly enacted RUDG imposed a requirement inconsistent with a pre-approved (by FORA) local jurisdiction land use plan or zoning ordinance, the local jurisdiction's land use plan or zoning ordinance should prevail over the new RUDG. As such, RUDG would only limit local jurisdiction's land use on matters that have not already been the subject of a FORA consistency determination.

2. The BRP Limits the Scope of RUDG

Another limitation on the RUDG is that those guidelines address "visual character." As discussed above, the BRP establishes a Framework delineating broad policy considerations. Part of that Framework is a "Community Design Vision," which sets forth six specific "Design Principles." (BRP, § 1.2.1, pp. 8-9; see also § 3.1, p. 56.) As quoted above, Design Principle no. 6 provides:

⁷ This memorandum does not comment on the correctness of that opinion, but will note that the then Authority Counsel recognized that section 67675.8 was ambiguous and that an alternative meaning was possible. (Jerry Bowden Memo, 12/3/12.) That alternative meaning was that section 67675.8 only imposed limitations on amendments to the BRP where the amendment would affect a single jurisdiction, as opposed to base-wide affects. Indeed, a plain reading of the statute suggests that result. Mr. Bowden found that result anomalous, since the FORA Act would thereby "address the narrow case of single agency amendments and not the broader case of base-wide amendments." (Jerry Bowden Memo, 12/3/12; see also Jerry Bowden Memo, 11/14/13.) In other words, if section 67675.8 only applies to cases where the BRP amendments apply to a single jurisdiction, there would be little else preventing FORA from making amendments with basewide effect.

Design Principle 6: Adopt [RUDGs]. The visual character of the former Fort Ord will play a major role in supporting its attractiveness as a destination for many visitors every year. Maintaining the visual quality of this gateway to the peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire peninsula. [RUDG] will be prepared and adopted by FORA to govern the visual quality of areas of regional importance within the former Fort Ord.

(BRP, § 1.2.1, p. 9; see also § 3.1.1, p. 61.)

Similarly, the “full” version of Design Principle no. 6 provides:

Adopt [RUDGs]. The visual character of the Monterey Peninsula plays a major role in supporting the area’s attractiveness as a destination for many visitors every year. ... Maintaining the visual quality of this gateway to the Peninsula and where necessary enhancing it is of regional importance to ensure the economic vitality of the entire Peninsula. [RUDGs] will be prepared and adopted by FORA as a separate implementation action to govern the visual quality of the following areas of regional importance. The guidelines will address the State Highway 1 Scenic Corridor, the freeway entrances to the former Fort Ord ... from the State Highway 1 ..., areas bordering the public [sic] accessible habitat-conservation areas, major through roadways such as Reservation Road and Blanco Road, as well as other areas to be determined. The urban design guidelines will establish standards for road design, setbacks, building height, landscaping, signage, and other matters of visual importance.

(BRP, § 3.1.1, p. 61.) The last sentence gives examples of the matters to which the RUDG pertain. Though RUDG are not limited to those specific examples (“... and other matters of visual importance”), RUDG do appear limited to matters of “visual character,” “visual quality,” or “visual importance” of the type listed as examples.⁸

a. Highway 1 Design Corridor Treatment

The RUDG Legal Questions Needing FORA Authority Counsel Opinion inquires “how were issues handled in Hwy 1 Guidelines?” Two points may be made here. First, the Design Guidelines set forth at article 2.0 of the Board approved (2005) Highway 1 Design Corridor Design Guidelines can generally be described as “visual” in character, including landscaping and other elements to promote conservation (§ 2.2.3), use of native plants (§ 2.2.4), setbacks (§

⁸ Another potential limitation on the RUDG is a geographic limitation. Design Principle no. 6 lists the specific geographic areas to which the RUDG are expected to apply. However, it also encompasses (as quoted above) “other areas to be determined.” Thus, the BRP does not actually limit RUDG to those specific geographic areas, provided that it make a determination that maintaining the visual qualities in those areas will serve the purposes laid out in Design Principle no. 6.

2.2.5), compatible signage and common themes to promote a connected quality (§ 2.2.6), greenbelts (§ 2.2.7), common minimum standards for medians lighting, and open spaces (§ 2.2.8), common gateway look and feel (§ 2.2.9), designs that promote walkable streets such as street furniture (§ 2.2.10), building design features (§ 2.2.11), particular signage (§ 2.2.13), viewsheds (§ 2.2.14), etc. Thus, the Highway 1 Design Corridor Design Guidelines are generally limited in scope to the matters set forth in BRP Design Principle 6, i.e., “visual” matters.

Second, the process for enforcing the designs called for in the Highway 1 Design Corridor Design Guidelines recognizes the process of consistency reviews, discussed above. For instance, the first paragraph of the Highway 1 Design Corridor Design Guidelines addresses that treatment:

This document provides a set of design guidelines for the creation of design standards and zoning ordinances by jurisdictions with authority by jurisdictions with authority along the 3-mile California Highway 1 stretch of the former Ford Ord. These guidelines will also serve as the basis for *future* [FORA] consistency determination review of legislative, land use, and project approvals submitted by affected jurisdictions, as required by state law.

(Highway 1 Design Corridor Design Guidelines, § 1.1, p. 1 (italics added).) Later, at section 1.6 beginning on page 7, the Highway 1 Design Corridor Design Guidelines discusses how they fall within the Design Review Process, including consistency determinations under the FORA Act and article 8.01 of the Master Resolution, and including development entitlement reviews under the BRP.

In closing, the Highway 1 Design Corridor Design Guidelines recognize that they must comply with the scope of the BRP’s provision for design guidelines and with the process for FORA’s review process set forth in the FORA Act, Master Resolution, and BRP.

b. The Scope of the RUDG Project with Dover, Kohl & Partners (“DKP”)

The RUDG Legal Questions Needing FORA Authority Counsel Opinion penultimately inquires “what is [the] scope of [the] RUDG project?” As addressed above, the scope of RUDG is visual quality.

FORA’s Request for Proposals for Regional Urban Design Guidelines (“RFP”) identifies Design Principle no. 6, i.e., creation of RUDG, as the focus of that scope of work. (RFP, p. 18 of 29.) As discussed above, Design Principle no. 6 relates principally to visual characteristics. Other design principles, it should be noted, relate to more “substantive” land use considerations, such as establishment of mixed-use development patterns (no. 3), establishing diverse neighborhoods (no. 4), and encouraging sustainable development (no. 5.)

The RFP then identifies two “top level” goals: (1) completion of RUDG focusing on Town & Village Centers, Regional Circulation Corridors, Trails and Gateways on the former Ford Ord; and (2) Development of a strategic implementation plan to guide FORA and its member jurisdictions on integrating RUDG into planning processes.” In order to achieve those goals, the RFP contemplates the design professional “understand[ing] in detail existing land use and design regulations,” while recognizing that “local land use jurisdictions ... retain [] local control over all land use policies.” (RFP, pp. 18-19 of 29.) The “Key Deliverables” section of the RFP also appears to recognize the scope of RUDG. (RFP, p. 21 of 29.)

Form Based Code examples to be provided by the consultant under the contract are meant to serve as a visual representation of already allowed land uses in the BRP and are meant for illustrative purposes only. As noted above, the State has granted purview over Zoning to the FORA jurisdictions, and so insofar as Form Based Codes could substitute for a jurisdiction's Zoning Code, staff is recommending that those aspects of the Scope be provided to the jurisdiction's on an optional basis

III. CONCLUSION

The RUDG can be implemented as a mandatory standard for local jurisdictions regarding matters of visual importance by which FORA can measure future consistency determinations.

REGIONAL URBAN DESIGN Task Force Meetings **FORA**
Fort Ord Reuse Authority

- Feb 23, 2015
- March 3
- March 23
- April 2
- April 23
- May 1
- May 21
- June 25
- August 18
- August 27
- September 3
- September 10
- October 12
- November 3

REGIONAL URBAN DESIGN Comments **FORA**
Fort Ord Reuse Authority

- Open Public Meetings
- Board (6 reports)
- Task Force (14) since Feb 2015
- City of Seaside County
- Monterey County
- City of Marina

REGIONAL URBAN DESIGN City of Seaside **FORA**
Fort Ord Reuse Authority

- "It is unclear how the guidelines will be implemented and utilized to evaluate future projects/plans to determine (BRP) consistency" – Aug 25 Comments
 - See Policy Application section in updated DRAFT RUDG (addresses comment)
 - Implementation and Jurisdiction adoption training is a final stage in RUDG project.
- "The BRP identifies the design guidelines to be developed for areas of regional importance, it defines these areas as Highway 1 scenic corridor, 12th Street and Main Gate areas, major through roadways such as Reservation and Blanco. General Jim Moore/Broadway, General Jim Moore Eucalyptus and Surplus II do not fit within the BRP description. These areas should be removed as centers and gateways." – Oct 16 Comments
 - BRP Design Principle 6 language leaves flexibility by including the following language: "...major through roadways such as Reservation Road and Blanco Road, as well as other areas to be determined"
 - "such as" indicates the paragraph 2, page 61 through roadways list is not comprehensive
 - General Jim Moore is a major through roadway
 - Center and gateway designations at Broadway & Eucalyptus reflect the expected future use of these locations as regional traffic nodes and current use as entry points to the former Fort Ord
 - Surplus II is considered part of the University oriented development shown in BRP p61 graphic.
- "The City of Seaside is looking for a palette of designs that could include signs, structural elements, landscaping, statues, major works of public art or any landmark feature or element that would help orient people and identify the City's entrances." – Oct 16 Comments
 - Options for gateway & wayfinding signage included in the current DRAFT RUDG document (addresses comment)

REGIONAL URBAN DESIGN FORA Fort Ord Reuse Authority

Monterey County

- Definition of Public Spaces lack opportunity for active adult recreation uses. Limiting these uses to Parks at the edge of the center may result in users driv(ing) rather than walk(ing). - Oct 12 Comments
- Clarifying language included in the current DRAFT RUDG document
- Front Face Fronts (Guideline) - Point here is what we see from certain points of view (e.g. streetscapes). However, there are cases where there may be elevations facing the National Monument. In cases like this, there should be guidelines about treatment of the elevation regardless of the orientation." - Aug 25 Comments
- Clarification - removed technical term "elevation" and include flexibility for site constraints
- "Large projects (500+ units, 100+ acres) should incorporate multiple building types as well as multiple style and color/material pallets. Mixing these three criteria results in a larger variation. For example: 3 types, 3 styles, 3 color/material pallets results in 27 possible designs in addition to reversing designs." - Aug 25 Comments
- We see the benefits of this visually, however the Guidelines avoid "style" discussion at the request of the RUDG Task Force

REGIONAL URBAN DESIGN FORA Fort Ord Reuse Authority

1994 FORA Act:

- Empowers FORA Board with responsibility of making consistency determinations between local plans/entitlements and Reuse Plan
- Zoning authority remains purview of local jurisdictions

Ref: Authority Counsel Memo April 2, 2015 (included in packet)

REGIONAL URBAN DESIGN FORA Fort Ord Reuse Authority


Design Principles

1. Create a *unique identity* for the community around the *educational institutions*
2. Reinforce the *natural landscape* setting consistent with *Peninsula character*
3. Establish a *mixed-use development* pattern with *villages* as focal points
4. Establish *diverse neighborhoods* as the building blocks of the *community*
5. Encourage *sustainable practices* and environmental conservation
6. Adopt regional design guidelines

1997 Reuse Plan: Context & Framework, Vol1, p. 56-61

REGIONAL URBAN DESIGN FORA Fort Ord Reuse Authority

Design Guidelines



“Urban design guidelines will establish standards for **road design, setbacks, building height, landscaping, signage, and other matters of visual importance**”

1997 Reuse Plan: Context & Framework, Vol1, p. 61

REGIONAL URBAN DESIGN FORA Fort Ord Reuse Authority

April 2, 2015, Authority Counsel Memo:

- Development of RUDG for the Highway 1 Corridor (approved 2005), Town & Village Centers, Gateways, Regional Circulation Corridors, and Trails are **required as distinct implementation actions** under the Reuse Plan;
- RUDG are to focus on issues of **visual quality and character**;
- RUDG will establish **standards for future consistency determinations**; and
- RUDG do not override **prior/current consistency determinations, redefine land use designations, or local zoning and General Plans**.

REGIONAL URBAN DESIGN FORA Fort Ord Reuse Authority

Today's Meeting

1. Presentation of the current DRAFT RUDG;
2. Opportunity for questions and discussion; and
3. Opportunity to engage staff and consultants with direct Board feedback in preparation for bringing an actionable DRAFT document at a future Board meeting.

REGIONAL URBAN DESIGN

FORA
Fort Ord Reuse Authority

DRAFT RUDG Contents

1. Introduction and Policy Application;
2. Base Reuse Plan Focus Areas;
3. Regional Urban Design Guidelines; and
4. Definitions.

REGIONAL URBAN DESIGN

FORA
Fort Ord Reuse Authority

Significant Advances

1. Context/process content separation from policy language and graphics;
2. Policy clarification for the range of project status that exist on the former Fort Ord;
3. Strengthened narrative connecting existing BRP policies and the RUDG;
4. Refined the RUDG to follow national best practices and improve local application; and
5. Response to jurisdiction, agency, and community member input



CITY OF SEASIDE
440 Harcourt Avenue
Seaside, CA 93955

RESOURCE MANAGEMENT SERVICES
Telephone (831) 899-6825
FAX (831) 899-6211

November 3, 2015

Michael Houlemard
Executive Director
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

**RE: Regional Urban Design Guidelines (RUDG) Draft (10.28.15) Review
Comments**

Dear Mr. Houlemard:

This letter provides as an attachment city staff comments on the proposed Regional Urban Design Guidelines (RUDG) draft version 10.28.15. The attachment is in a comment list format which is page specific in order for the consultant to refer to the sections of concern. Please feel free to share and distribute this letter and the attachment to the RUDG Committee members and to the consultant.

In addition, listed below are general comments and areas of concerns that we would appreciate your consideration.

- It is our preference that the document stands alone without references made from certain technical work done such as Design Ford Ord or the Economic Analysis. They can be referred to as "Resources". However, incorporating them into the document will only "muddy" the document unless caveats are written to be clear as to how these technical reports are to be used in the context of getting consistency approvals. Should the Board decide to incorporate them as Appendices, the Policy Application section should be clear as to their applicability in the consistency approval process.
- Economic Development page needs to be re-written to focus on existing conditions and future benefits of RUDG and not land use. It should provide a tie with why "good design" is required. If statements such as those remain, they should be substantiated and then tied into why RUDG is important.
- Based on the Policy Application Section applicability, it is clear as to when the entire document as written would be applied. What is not clear is how consistency is determined. There is a need for a checklist/threshold for approval to provide more guidance and assurance to planning staff and developers. Consideration should be made with regards to feasibility constraints such as topography, existing or lack of infrastructure, land use/clean up levels, etc. and how each of these

November 3, 2015

Michael Houlemard

Page 2 of 2

RE: RUDG Draft (10.28.15) Review Comments

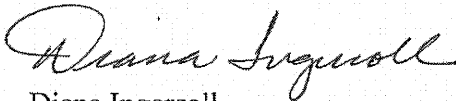
would be weighted. This should be a part of the document and not come after approval.

- It is requested by our FORA Board Member that all references to “secondary” should be removed and left up to the jurisdictions to decide its feasibility as a center, gateway or corridor. Otherwise, there is a need to provide a clear definition of “Primary” vs “Secondary” and how the guidelines applies differently to each type.

We would like to take this opportunity to thank FORA staff and the consultant team for working with us with regards to the comments and concerns that we have brought forth. This most recent document has advanced us closer to successfully completing the regional guidelines. With the development and addition of a clear implementation path, we will have the effective tools that would advance the Base Reuse Plan’s economic development recovery program component. We respectfully request that the document not have a wholesale revamping so that we may quickly come closer to our goal and that only refinements would be needed in the next iteration.

Please contact me, or Lisa Brinton, Community and Economic Development Services Manager at 831-899-6883 or lbrinton@ci.seaside.ca.us should you have any questions or wish to further discuss the issues raised in this letter.

Sincerely,



Diana Ingersoll

Deputy City Manager-Resource Management Services

Attachment:

City of Seaside Staff Comments 11.3.15 Regional Urban Design Guidelines (RUDG) Draft (10.28.15)

Cc:

Josh Metz, FORA Economic Development Manager
Mayor and City Council
John Dunn, City Manager
Lisa Brinton, Community and Economic Development Services Manager
Rick Medina, Senior Planner
Tim O’Halloran, P.W. Services Manager/City Engineer

City of Seaside
 Staff Comments – November 3, 2015
 Regional Urban Design Guidelines (RUDG) Draft 10.28.15

1	Page 1.2	The definition Section in Chapter 4 needs to provide definitions for mixed-use development pattern and Sustainable Building Practices
2	Page 1.4	First sentence should refer to “proposed development:” rather than former development to be cohesive, attractive and sustainable.
	Page 1.4	There is still concern with how consistency with the guidelines will be determined. Matrix/checklist/evaluation form needs to be included in the RUDG. Design Fort Ord should be incorporated if it is going to be used as a reference.
3	Page 1.5	Under Build-Out of the Base Reuse Plan, what data/information was used to support the following conclusions: <ol style="list-style-type: none"> 1. That growth assumptions have proven overly optimistic, 2. That no single project will replace the army’s regional economic generator, and 3. FOR A’s inability to complete redevelopment projects has been constrained by a weaker than projected regional real estate market. <p>City staff does not find correlation between these economic issues and the adoption of Regional Design Guidelines. These factors relate primarily to land use and should be removed from the discussion of design guidelines.</p>
	Page 1.5	City staff does not see how the Housing Market Findings related to the adoption of Design Guidelines. What is the reasoning for including the value of homes in the discussion of design guidelines? Additionally, what predicates that the design guidelines should be tied to the absorption of retirees and second home buyers in the analysis of the Design Guidelines.
	Page 1.5	Again, City staff is unclear with how the specified commercial real estate market findings would relate to the adoption of Design Guidelines. Is the inference to these findings that certain development would not be appropriate? If this is case, these factors are land use decisions which do not relate to the adoption of Design Guidelines.
	Page 1.5	Data and analysis needs to be provided to illustrate whether or not the proposed RUDG will affect the economic feasibility of proposed development.
4	Page 2.3	City staff finds that the Broadway/General Jim Moore Boulevard area should be removed as a defined “Center” and secondary gateway.
5	Page 2.4	General Jim Moore Boulevard/Broadway Ave is not a center and should be removed from table.
6	Page 2.12	Broadway and Eucalyptus should be removed from the gateway table.
7	Page 2.14 and Page 2.17	Broadway Ave, and General Jim Moore Blvd. and Eucalyptus and General Jim Moore Blvd. are not planned gateways. This designation should be left to the discretion of the jurisdiction. Add CSUMB wayfinding signage at Broadway and General Jim Moore Blvd. and San Pablo Ave. and General Jim Moore Blvd.

	Page 2.14	How is a secondary gateway defined?
8	Page 2.18	How will development adjacent to Eastside Parkway be addressed in terms of building placement when dealing with topographical grade changes and less urban environment (e.g trails, veteran’s cemetery)? Example provided on Figure 2.23 and Figure 2.24 is in the context of an urban environment. Exception should be provided when dealing with a topographical grade change, particularly when fronts are to face Eastside Parkway
	Page 2.24	Under Item 2, is the term best trails meant to reflect that it is desired to provide trails which are multi-use but would not preclude a development from providing a single use trail.
	Page 2.24	The use of “every” under item 3 should be removed.
10	Page 3.17	Many absolute terms are used in this section on lighting.
11	Page 3.19	Principle 5: internal connectivity of 140 intersections per square mile is too dense. The Portland example is only 102.
12	Page 3.20	Last paragraph contains a “shall” instead of should.
13	Page 3.26	Not all commercial shop fronts should be required to be covered with either arcades or marquees. This should be encouraged to create architectural interest, but not mandatory for all buildings.
14	Page 3.37	More clarification regarding the requirement that formal trails shall be paved to provide ADA access
15	Page 3.41	Incorrect Seaside City logo is used. It should be round blue and white circle.
16	Page 3.47	Wayfinding should also be applied to trails.
17	Page 3.23	It should be clarified if a “Specific Plan” would be required for projects with 500 units or more or on 100 acres in order to provide the diversified mix of development.
18	Page 3.29	Principle 1 should be clarified to specify whether the public plaza or playground is to be located within the new development or permitted as a dedication off-site.. A project should only need to comply with either the ¼ mile standard for a small public plaza or playground or ½ mile standard for a green, square, or park. As written, project shall comply with both. What is the threshold for requiring the public plaza, playground or green requirement for an existing development? Should be tied to minimum unit count or acreage. Can dedication or in-lieu fees be provided?
19	Page 3.35	The Coastal Area category does not provide for trails in an urban form. A sub-category for an Urban form should be added to the discussion of the Coastal Area.
20	Page 4.2	Include definitions for the following: Village, Sustainable Building Practices, Trail - Single-Use and Multi-Use, Public Plaza, Green Secondary Gateway

Agreement for Professional Services

This Agreement for Professional Services (hereinafter referred to as "Agreement") is by and between the Fort Ord Reuse Authority, a public corporation of the State of California (hereinafter referred to as "FORA") and The Image Network, Inc., DBA: Dover-Kohl and Partners (hereinafter referred to as "Consultant").

The parties agree as follows:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide FORA with Regional Urban Design Guidelines and Process services as described in Exhibit "A." Such services will be at the direction of the Executive Officer of FORA or the Executive Officer's designee.

2. TERM. Consultant shall commence work under this Agreement effective on August 11, 2014 and will diligently perform the work under this Agreement until September 30, 2015 or until the work as described in Exhibit A is complete, whichever comes first. The term of the Agreement may be extended upon mutual concurrence and amendment to this Agreement.

3. COMPENSATION AND OUT OF POCKET EXPENSES. The overall maximum amount of compensation to Consultant over the full term of this Agreement is not-to-exceed \$444,910 (Four Hundred Forty-four Thousand Nine Hundred Ten Dollars), including out-of-pocket expenses. FORA shall pay Consultant for services rendered pursuant to this Agreement at the times and in the manner set forth in Exhibit "A."

4. FACILITIES, SUPPLIES AND EQUIPMENT. Except to the extent provided to the contrary in Article III, Consultant shall arrange for the use of or provide all facilities, supplies and equipment necessary to perform the professional services rendered pursuant to this Agreement. At the Executive Officer's request, Consultant shall arrange to be physically present at FORA facilities to provide professional services at least during those mutually agreed hours/days noted in the attached Scope of Services (Exhibit "A").

5. GENERAL PROVISIONS. The General Provisions set forth in Exhibit "B" are incorporated into this Agreement. In the event of an inconsistency between said general provisions and another term or condition of this Agreement, the other term or condition shall control only insofar as it is inconsistent with the General Provisions.

6. EXHIBITS. All exhibits attached hereto are incorporated herein.

IN WITNESS WHEREOF, FORA and CONSULTANT execute this Agreement as follows:

FORA

CONSULTANT

By _____
Michael A. Houlemard, Jr.
Executive Officer
Date

By _____
Joseph Kohl
Dover-Kohl & Partners
Authorized Principal
Date

SCOPE OF SERVICES

ARTICLE I

SCOPE OF WORK

Dover, Kohl & Partners with the assistance of sub-consultant firms Alta Planning + Design (Multi-Modal Transportation Planning), HELIX (Environmental Planning), Strategic Economics (Market Analysis), and notable experts Bruce Freeman, President Castle & Cooke, John Rinehart, Vice President Castle & Cooke Florida, Peter Katz, Jeff Speck, AICP, CNU-A, LEED-AP, Honorary ASLA, and Bill Lennertz of the National Charrette Institute shall perform the following tasks and provide the noted associated deliverables while completing the development of new regional urban design guidelines (RUDG) for the former Fort Ord, Monterey County, CA.

PHASE 1 - EXISTING CONDITIONS ANALYSIS (MONTHS 1 – 3)

Evaluating the existing conditions of the former Fort Ord and the political structures, regulations and existing development approvals is an integral part of the planning process. During this phase, the project team will become more familiar with the Fort Ord area, including its infrastructure, geography, and political and economic needs. By conducting a thorough evaluation with a fresh set of eyes, the team will set the stage for a more implementable set of design guidelines, and formulate a more comprehensive strategy to best suit the needs of the relevant jurisdictions.

1.0 Project Background Discussions

Key members of the consultant team shall work with FORA staff and representatives to gain in-depth understanding of the history, concerns, and political nature of the project and individual municipalities. The conversion of the base has been complex and the better understanding the consultant team has of the issues, the better they can be addressed throughout the development of the RUDG. *This may occur in person prior to Task 1.1 or as a conference call or internet-assisted meeting.*

1.1 Project Start-up Meeting (includes FORA Taskforce)

The Project Start-up Meeting creates shared learning and agreements between the project management team and key partners. During the meeting, the participants confirm project expectations, guiding principles, or the whys behind the RUDG project, develop quantifiable objectives and measures and complete a stakeholder analysis showing who needs to be involved, including their key issues and wins. The result is a focused team approach that will guide the project through the inevitable hurdles that it faces on the way to approvals. *This meeting is tentatively scheduled to occur in coordination with the September 19, 2014¹ FORA Board Meeting. An alternative would be for this meeting to occur in coordination with Task 1.4.1 NCI Charrette System 101.*

1.2 Review Existing Plans & Reports

The former Fort Ord falls under the jurisdiction of many plans: the overarching Base Reuse Plan; each municipality and campus plan; and regional mobility plans. The plans are in various stages of creation, adoption, and implementation, and therefore, must be thoroughly understood to ensure the new guidelines will seamlessly integrate with existing regulations. Existing Plans and Reports shall be provided to the Consultant by FORA staff.

1.3 Preliminary Technical Analysis

The Dover-Kohl team will perform an initial analysis of existing conditions:

¹ Specific dates mentioned in this scope of work are tentative and must be mutually verified with FORA, the Consultant, and the sub-consultant team to ensure availability of key members and ensure all deadlines can be met. All attempts to meet these dates shall be made and if alternative dates are necessary, all attempts will be made to stay on the overall project schedule and to coordinate events and meetings with regularly scheduled Board meetings.

1.3.1 Create Analysis & Base Maps (including Urban Analysis)

The team will utilize ArcView GIS, aerial and ground level photography, land use surveys, and expertise provided by FORA staff in order to acquire the necessary information to create a series of Analysis Maps for the Fort Ord area. Spatial data may come from FORA itself, through the municipalities, or other sources such as educational institutes.

Utilizing this information, Dover-Kohl will produce a series of base maps of the planning area to supplement maps already created by FORA staff to be used throughout the Charrette in Phase 2 by the design team and members of the public. The project team will use and transfer the compiled data used to FORA, along with all maps and resulting analysis.

Information to be mapped may include existing land uses, open space, zoning, easements, property boundaries, ownership, topography, environmental conditions, and building condition. Maps will be of both regional and individual municipality scale.

1.3.2 Economic Analysis

In preparation for the Charrette, Strategic Economics will evaluate Monterey County's historic and projected household and employment growth trends in order to understand the types of households and industries that are projected to experience short- and long-term growth. Strategic Economics will look at the implications of these trends for the types and phasing of new development that can be expected at Fort Ord. The market overview will also consider preliminary place-making and design strategies to increase residential and commercial market demand to be captured at Fort Ord, such as designing pedestrian-friendly, transit-accessible districts with a minimum amount of local-serving retail and services so that residents and workers can easily access their daily needs on foot or bicycle.

Strategic Economics' experience in other regions has shown that population and employment growth modeling methods and results can vary significantly among sources. For example, economic and demographic projections from commercial vendors like Woods & Poole are often more closely tied to employment growth than projections generated by many regional councils of government (COGs). Accordingly, Strategic Economics will compare alternative demand forecasts, such as projections produced by the Association of Monterey Bay Area Governments (AMBAG), California Employment Development Department (EDD), and/or Woods & Poole. The analysis will also evaluate historic and projected employment by industry in order to understand which sectors of the economy are expected to grow, and implications for the potential phasing of office, retail, and other commercial development at Fort Ord. In addition, Strategic Economics will consider the sources of potential housing demand in Fort Ord, including existing Monterey County residents forming new households, new households moving to the County to live and work there, retirees, second home buyers, and commuters to Silicon Valley.

1.3.3 Transportation Analysis

Transportation in the area is largely car-dependent, but the success of towns and villages relies on walkability and ease of mobility. Alta Planning + Design will examine transportation opportunities from the perspective of all modes of travel. Speeds and volumes on existing thoroughfares will be studied to better understand the community character and transportation needs.

1.3.4 Environmental Analysis

HELIX will observe the existing environmental conditions and opportunities, one of the major "E's" addressed in the Reassessment Plan. Environmental protection is a priority for the Fort Ord region, and the Dover-Kohl team firmly supports this. HELIX will determine sensitive areas and consider potential impacts of new and existing developments.

1.4 Public Involvement Plan

The Dover-Kohl team and FORA staff will determine the best mechanisms for outreach to individuals and groups in the Fort Ord area. A strategy for soliciting public input and establishing on-going outreach throughout the process will be addressed. The team can also assist in the creation and upkeep of a project Facebook page as well as regular updates to a project website. Dover-Kohl will assist in the design of flyers, posters, banners, postcards, mailers, and press releases (which will be distributed to the media, neighborhood associations, business associations, and community organizations among others). FORA shall be responsible for the distribution and mailing of all notices, postcards, mailers and press releases.

1.4.1 NCI Charrette System 101 (Orientation Workshop)

This seminar will prepare FORA staff, community leaders, the FORA Board and RUDG Taskforce for the upcoming charrette. To some, a charrette is simply a short meeting at which people brainstorm and perhaps sketch ideas; to others the charrette process is synonymous with a series of public design sessions over multiple days. The 101 seminar provides an overview for how the pre-charrette and charrette process will work for the Fort Ord RUDG project. Participants will leave with a shared understanding of the special aspects of the charrette process making them informed champions and participants. *The seminar is approximately three hours. This orientation workshop is tentatively scheduled for October 17, 2014.*

1.4.2 Video Documentation of Charrette

The planning process will be documented in the form of a video from the initial site visit through the creation and adoption of the design guidelines. Creating a video will detail the process and guidelines clearly and transparently, minimizing confusion or miscommunications between the many involved stakeholders.

1.4.3 Continuous Public Updates

The team will use multiple outlets to keep the general public informed, interested, and involved. Important events will be publicized through social media and regular online updates.

1.4.4 Web-enabled decision Support Tool

MindMixer is an online tool that functions as a virtual town hall, encouraging participants to share ideas and collaborate. Interested individuals can also keep up with the project as it progresses, allowing the team to gauge the response to emerging ideas. The online approach allows the team to expand the Charrette process, and reach a broader audience than just those who physically attend public meetings. As the plan becomes more developed throughout the planning process, Metroquest will be integrated along with the MindMixer platform to allow people to study development alternatives. Visuals and 3D elements will be used to help identify priorities and explore how priorities are affected by planning decisions.

1.5 Site Visit

Key members from the Dover-Kohl team, including principal Victor Dover, Project Director Jason King, Bill Lennertz from the National Charrette Institute and representatives from Strategic Economics and Alta Planning + Design, will travel to Fort Ord for meetings with FORA staff, the Taskforce, confidential interviews, a site tour with FORA staff, and to conduct a public information session on the benefits of Form-Based Codes. *The site visit is currently tentatively scheduled to occur November 12 – 18, 2014 and will include an update to the FORA Board at its November 18 meeting.*

1.5.1 Team Meeting / FORA Taskforce Update Meeting

The Dover-Kohl team will meet with FORA staff and the Taskforce to review Preliminary Technical Analysis results/outcomes and other base data. The site visit tasks and objectives will be reviewed and a detailed outline of the charrette and proposed charrette events will be presented.

1.5.2 Site Tour

Along with FORA staff, Dover-Kohl will tour and examine Fort Ord's existing conditions, as well as the urban form, network of streets, blocks and lots, building types, and building patterns of the site and surrounding communities. The analysis will include a review of existing land use, density, transportation issues, urban design elements, and development issues. The team will assess, measure, and document existing building types, building placement relative to the street, building massing, scale, height, primary facade transparency, sidewalks, plantings, lighting, signage, spatial enclosure, and level of street life activity, creating a preliminary foundation for design guidelines tailored to the region.

1.5.3 Confidential Interviews

A key to success of the Fort Ord project is to have a clear understanding of the people, their interests and issues. The most efficient and effective way to learn what is truly going on in the community is for the consultant team to hold a series of confidential interviews. The purposes of the interviews are to:

- Establish and/or reinforce a sense of trust and confidence in the project team.
- Determine overall willingness to participate in and support the project.
- Uncover underlying community issues that otherwise might not be available to the project sponsor, e.g. resistance to implementation.
- Build peoples interest in participating in the charrette.

Selecting Interviewees

Interview groups of up to five people are created according to viewpoints. These often include public officials, jurisdictional staff, property owners, appointed officials, and other selected interest groups.

Interview Process

The project management team establishes the interview schedule. Invitation letters are sent three weeks prior to the interviews, which are held at a neutral location, such as a hotel, in three small rooms. Staff may receive people in the lobby, but are not present in the interview rooms. Consultant members of the project management team run the interviews. Each interview lasts 50 minutes or less, allowing the team a 10-minute break before the next group arrives.

Follow-up

After the interviews, the recorder's notes are distributed to the interviewers for review and revisions. The findings are shared with the project sponsor and the interviewees and ultimately with the public, usually on the project website.

1.5.4 Review of Best Practices Utilizing Form-Based Codes (Public Education Session)

The uniqueness of each municipality and region means that a variety of design guidelines and forms may be used in the Fort Ord area. In the application of form-based guidelines it is important to assess the physical and regulatory environment to determine the most applicable type. During the site visit our team will conduct a public educational session about the best practices in form-based codes. The team also includes other notable experts in the realm of planning, who will be available to assist in the review of best practices, establishing the ideal planning principles for FORA and the Fort Ord area. This public meeting should be held in the evening so that more people can attend after regular work hours.

SERVICES & DELIVERABLES INCLUDED IN PHASE 1

- FORA Taskforce Project Start-up Meeting
- Review of Existing Plans & Reports to ensure Integration with Guidelines
- Preliminary Technical Analysis
 - Data products including GIS layers, imagery, & basemaps
 - Economic Analysis
 - Transportation Analysis
 - Environmental Analysis
- Orientation Workshop
- Video Documentation
- Website Updates
- Web-enabled decision support tool (MindMixer & Metroquest)
- Site Visit
 - FORA Taskforce Update Meeting
 - Site Tour
 - Confidential Interviews
 - Review of Best Practices utilizing Form-Based Codes (Public Education Session)

PHASE 2- CHARRETTE (APPROX. MONTHS 4 TO 6)

Phase 2 consists of a 2-week charrette on-site in the Fort Ord area. This charrette is the centerpiece of our public participation process. Dover-Kohl will lead a series of public meetings, design sessions, stakeholder interviews, and technical meetings to engage the community, each municipality, and major property owners to form the framework for the design guidelines. The hands-on nature of the charrette and the opportunity to interact with differing perspectives allows issues to be quickly identified and resolved. Municipal staffs, FORA officials, and other key individuals will be involved throughout various meetings, workshops, and presentations. The website will be continually updated, and video documentation will continue. To best meet the needs of the community, we suggest that the charrette be held during the academic year. *Tentative dates for the charrette are January 5-16, 2015.*

The tentative Charrette dates include the opportunity to update the FORA board at a mid-point during the charrette, however, all FORA board members will be encouraged to attend all public meetings including the Kick-off/hands on and the Work-in-progress presentation. Final dates will be selected based on availability the Consultant, Sub-Consultants, and FORA representatives. If possible, the charrette should be held during the school session in order to encourage participation of university students to ensure the Guidelines will develop the types of places they would want to participate in.

2.1 FORA Taskforce Update

Prior to the official charrette kick-off, the Dover-Kohl team will meet with the FORA Taskforce to review what will be presented to the public, go over the hands-on design session, and review objectives for a successful charrette.

2.2 Charrette Kick-Off Event & Hands-On Design Session

On the first day of the charrette, Dover-Kohl will lead a Community Wide Kick-off Event to mark the official start of the design process. The event will feature a "Food For Thought" presentation to educate the public on the principles and components of form-based codes, land use planning, the various tools which can be included to shape community form and character, a review of experiences in peer communities, and an outline of elements that will be addressed in the Design Guidelines.

Immediately following the Kick-off Presentation, the meeting will transition to a Hands-on Design Session. Participants will divide into small table groups and oriented to base maps of the Fort Ord region. Each table will have a facilitator from the Dover-Kohl team or FORA staff to assist participants in design exercises.

Participants will use the base maps of both the overall region and more detailed maps of specific areas that they are most concerned with to illustrate how they might like to see the overall areas evolve in the future by describing the uses, open spaces, building design and type, landscaping, street design, housing options, parking, and services, as well as key transportation concerns.

A separate exercise will also be included to focus on the metrics used by form-based codes to regulate development form and the way buildings face public spaces such as streets. This will help educate and familiarize participants in how Form-Based Codes work and what they do and do not regulate.

At the end of the workshop, a spokesperson from each table will report the findings and major points to the entire assembly. The goal of the Hands-on Design Sessions is to forge a community consensus on the desired form and character of future development in region.

Keypad polling, exit surveys, and one word cards may be incorporated throughout the event to calculate and present public opinion on selected topics identified during the site visit and from previous planning sessions.

Multiple Hands-on Sessions: Depending on the political situation, multiple hands-on sessions may be held in order to focus on specific areas within the region at different events.

2.3 Open Design Studio

Following the Hands-on Design Session, the planning team will work in an Open Design Studio, in or near the Fort Ord area, for the duration of the Charrette. The team will work on-site to integrate the information gathered during Phase 1 with the input gained during the Hands-on Design Session to lay the groundwork for the Guidelines and regulating plan while continuing to gather community input. Key stakeholders, FORA staff and the public will be encouraged to stop in throughout the Charrette as new ideas emerge and to check on the growth of the project's details.

The following tasks will be completed in the Open Design Studio:

2.3.1 Stakeholder Meetings

While working on-site, the Dover-Kohl team will lead technical meetings with government agencies and local experts to address housing, open space, transportation, and other relevant topics. The purpose of these meetings is to review the emerging vision and receive immediate focused feedback from all stakeholders. Additional meetings with key stakeholders such as local municipalities, chamber of commerce, major property owners, neighborhood associations, and other local stakeholders may be held to ensure their plan objectives are reflected.

2.3.2 Synoptic Surveys

During the charrette the design team will survey the best parts of the region and local municipalities. These places will be measured and photographed. The synoptic surveys will be used to create the metrics of the Regional Urban Design Guidelines. By measuring the existing great places that exist and codifying them, it makes the guidelines specific to the region and each individual municipality. It will create a regional cohesiveness while maintaining individual identity.

2.3.3 Draft Illustrative Plan, Regulating Plan & Visualizations

During the Charrette week, the design team will create an Illustrative Plan of urban design characteristics such as massing, density and land use, transportation options, open space and recreation, and economic development opportunities.

The Illustrative Plan will be used as a guide to create the Regulating Plan that will be used in the guidelines to delineate differing intensities of development and that can be tailored to each jurisdiction and specific location cohesively.

Visualizations will provide "change over time" sequences of infill proposals, redevelopment strategies, and streetscape improvements. Visualizations will be utilized to show the draft metrics of the Design Guidelines which will affect building placement and street design to create a cohesive regional identity while responding locally to development patterns and intensities.

The Illustrative Plan, Regulating Plan and Visualizations will be accessible throughout the Charrette to allow casual feedback, and will be presented at the end of the Charrette for more formal community input.

2.3.4 Draft Template of Regional Urban Design Guidelines

Form-Based Codes and Regulations can take on numerous forms depending on how they fit in with existing regulations. They could be a separate overlay or they could become integrated within existing municipal regulations. Working with FORA and the individual municipalities will determine the best way to produce the guidelines. A template of the guidelines will be produced during the charrette.

2.3.5 Web Based Decision Support Development

Throughout this process, we will continue to use MindMixer, with the public discussing their opinions on the various draft drawings, plans and sketches produced during the open design studio period.

The team will also make use of online scenario modeler Metroquest. Metroquest provides a simple visual format that allows users to determine how their priorities and design ideas may influence their surroundings. Following the charrette the plans and regulations can be explored in more detail through the MindMixer and Metroquest platforms.

2.3.6 Multimodal Transportation Analysis

Transportation analysis by Alta Planning + Design will cover the full spectrum of transportation options, including pedestrian, bike, commuter rail, vehicular, and other transportation options. The transportation analysis will supply methods for pedestrian and vehicular connectivity, access to open spaces, and streetscape improvements throughout the region.

Street Standards will be produced for new and existing streets within the Fort Ord area. The Street Standards will illustrate by street type the physical conditions within the street, such as right-of-way, sidewalks, street trees, parking, build-to lines for new development, and building heights, where appropriate. These standards will become a part of the Regional Urban Design Guidelines.

2.3.7 Economic Analysis

Building on the findings from the pre-charrette market overview, Strategic Economics will evaluate the potential impact of the design guidelines on the development feasibility of different building types. Depending on the level of effort desired by FORA, this analysis could take the form of a qualitative assessment based on developer interviews and an evaluation of recent development projects, or a

quantitative pro forma analysis testing the financial feasibility of different residential and commercial building types (e.g. small lot single-family, single family attached, townhouses, 4-5 story apartments, local- and regional-serving retail, and/or medical office).

Strategic Economics will use the findings from the feasibility analysis to recommend strategies for achieving the fiscal, economic development, and other goals that FORA, the cities, and other land use authorities have set for the base reuse process.

Strategic Economics will also assist in the creation of an implementation strategy that considers the extent to which new development can be expected to cover the cost of basic infrastructure, place-making, affordable and workforce housing, and other needed improvements, and identifies other potential sources of funding and financing as required.

In addition, analysis in the form made popular by Peter Katz will be performed. This analysis will compare different development patterns and the return they bring to a municipality.

2.3.8 Practical Developer Analysis

John Reinhart and Bruce Freeman of Castle & Cooke will substantiate the analysis provided by Strategic Economics and the proposed illustrative and regulating plan. They will ensure that the Fort Ord guidelines are realistic in creating a region that is attractive for future private investment and development projects.

2.3.9 Environmental Analysis

HELIX will work closely with the planning team and FORA staff to identify potential issues and evaluate potential environmental effects. Should the analysis identify potential impacts, HELIX will work with the planning team and FORA staff to develop planning goals, objectives and/or policies to include in the Tools and Master Plan to reduce or avoid potential impacts.

Where sufficient information is not available to incorporate explicit planning solutions, HELIX will formulate mitigation measures which can be implemented as more detailed development and infrastructure plans are prepared within the Fort Ord area. These mitigation measures will include performance standards to provide guidance and flexibility on how the mitigation measures are designed and implemented to reduce potential environmental impacts to a level that is less than significant. Helix will also assist in meeting NEPA/CEQA requirements as applicable under the 1991 BRAC decision. All documents and deliverables will be subject to revision as needed by FORA.

2.4 Work In Progress Presentation

At the conclusion of the Charrette, the planning team will present the charrette work at a "Work-in-Progress" presentation. At this presentation, the team will present ideas generated to date including the Draft Illustrative Plan, Regulating Plan, and visualizations of the character of proposed development. A summary of economic, transportation, & environmental impacts, and an outline of elements to be contained in the Design Guidelines will be presented, highlighting the opportunities for quality development.

A question and answer session will generate responses from the public and municipal officials. The Work-in-Progress presentation will be provided to FORA for inclusion on the project website.

During the Work-in-Progress presentation, keypad polling will be utilized in order to generate real-time survey results and opinion polls from members of the audience. We can track response information and view results during the presentation. Keypad polling can help us understand if the plan is on the right-track.

SERVICES & DELIVERABLES INCLUDED IN PHASE 2

- FORA Taskforce Update
- Kick-off Presentation with “food-for-thought” & Hands-On design session
- Open Design Studio
 - Stakeholder Meetings
 - Synoptic Surveys
 - Illustrative Plan, Regulating Plan & Visualizations
 - Draft Template of RUDG
 - Web-Based Decision Support Tool Development for Design Concepts -- Use of cutting edge-visualization to depict scenarios and proposed projects
 - Regular Web Updates and extensive outreach
- Refined Technical Analysis
 - Multimodal Transportation
 - Economic
 - Developer
 - Environmental
- Work-In-Progress Presentation

PHASE 3- POST-CHARRETTE

Phase 3 includes the creation, revisions and presentations of the Regional Urban Design Guidelines. Building on the physical analysis performed, the community input received, and the framework developed with FORA in Phase 2, the Dover-Kohl team will create the Draft Fort Ord Form-Based Zoning Tool options that meet the needs of the Base Reuse Plan.

3.1 Preparation of Draft Guidelines & Master Plan (Approximately 8 to 10 weeks following the charrette)

Following the Charrette, the Dover-Kohl team will return to their offices to draft the RUDG. The Guidelines will help shape development within the area in the manner envisioned by the community during the Charrette process. Recalling that the base principle of a Form-Based Code is that design is more important than use, the guidelines will be used as regulatory a tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of place that welcomes economic recovery.

Simple and clear graphic prescriptions for street standards, building height, how buildings are placed on sites, and building elements (e.g. location of windows, doors, etc.) are used to control development. Land use is not ignored, but regulated using broad parameters that can better respond to market economics, while also prohibiting undesirable uses.

The RUDG will be user-friendly, highly visual, and will serve to encourage future redevelopment in an organized manner and further the goals and vision established by the community and the Base Reuse Plan. The document will likely include an Overview, Regulating Plan, Urban Standards, General Standards, Street Standards, and Architectural Standards. Prescribed Design Guidelines will be illustrated in the Form-Based documents, to ensure they are easily understood and help the community understand the regulations of the new Tools.

3.2 Regular FORA Taskforce Updates

Throughout the drafting of the RUDG and Master Plan, the Dover-Kohl team will hold regularly recurring meetings with the FORA Taskforce to provide updates on the status of the code development and to solicit feedback on the details of the code.

As necessary, regular meetings with jurisdictional staffs will also continue to ensure the acceptance and understanding of the guidelines as they are being developed and refined.

A monthly or bi-monthly call can be scheduled in order to regularly update FORA staff and the Taskforce on the progress of the RUDG and Master Plan as it is being developed.

3.3 Presentations of the Draft RUDG & Master Plan

Key members of the Dover-Kohl team will travel to Monterey Bay to present the Master Plan Report and Design Guidelines to the public and other stakeholders. This presentation could be a region-wide meeting, special meeting/open house or at official public hearings for the municipalities. As necessary, Dover-Kohl can present the plan to multiple groups including at the regularly scheduled FORA Board meeting. The team members will be available to answer questions and explain the details of the plan and implementation recommendations.

The presentation should be scheduled approximately nine to eleven weeks following the conclusion of the charrette and in coordination with a regularly scheduled Board meeting.

3.4 Preparation of Final RUDG & Master Plan

The Tools and Guidelines will be revised based on comments received from the public, FORA staff and city officials (**2 rounds of revisions**). Dover-Kohl will submit the Draft form-based Tools and Design Guidelines to FORA and provide revisions to the document to create the Draft Master Plan Report that will be available to the public.

FORA and city officials shall have up to 30 days to provide comments and feedback on each of the drafts submitted. To the extent practicable (as determined in coordination with FORA staff), comments shall be consolidated and specific to provide clear direction during revisions. The Consultant will require two to three weeks to complete requested revisions, depending on the extent of the revisions requested.

3.5 Presentations of Final RUDG & Master Plan

The proposed scope of services has described the tasks necessary to create RUDG and Form-Based Tools for Fort Ord. If necessary, the Dover-Kohl Team can also assist FORA by participating in additional public meetings and public hearings leading to adoption of these regulations. Dover-Kohl will present these Guidelines in multiple locations, ensuring that all municipalities understand the content of the plan, with the intent of initiating the implementation process. The implementation strategy may again include MindMixer, to evaluate public response.

The presentation of the Final RUDG and Master Plan shall be scheduled in coordination with the completion of the second round of revisions and with a regularly scheduled Board meeting. As part of these presentations, the Board may be asked to accept the RUDG and Master Plan in order to lend support to the documents at they go to individual municipalities for approval.

3.5.1 Final Video Presentation

The team will finish the prescribed video, creating a project summary spanning from the very first team meeting to the creation of the final documents. This video can be used for publicity purposes, as well as for creating a simple means of visualizing the outcome of the plan.

3.6 Initiation of RUDG Implementation

Dover-Kohl will present the Guidelines in multiple locations, ensuring that all municipalities understand the content of the plan, with the intent of initiating the implementation process. The implementation strategy may again include MindMixer, to evaluate public response.

These meetings shall occur in coordination with the presentations of the Final RUDG and Master Plan. This includes one official meeting per individual municipality. Additional adoption meetings may be necessary depending on individual municipality processes and comfort with the proposed RUDG and shall be considered additional services.

3.7 Training Sessions

The Dover-Kohl team will lead one or more training workshops which would highlight the principles of the Design Guidelines and Tools, and train FORA and municipal staff on how to properly administer the new Guidelines for Fort Ord. At this time, the team will compile all pertinent data and transfer it into the hands of the FORA staff, including geospatial data, base files of all deliverable, and raw public input from Metroquest and MindMixer.

Training Sessions should be scheduled in coordination with presentations of the plans as possible to help FORA and municipal staff become more familiar with the guidelines and how they would be administered before, or as, they are being adopted.

SERVICES & DELIVERABLES INCLUDED IN PHASE 3
--

- Preparation of Draft RUDG & Master Plan
- FORA Taskforce Updates
- Presentations of Draft RUDG & Master Plan
- Revisions to create Final RUDG and Master Plan (2 rounds)
- Presentation of Final RUDG & Master Plan
- Presentation of Project Film
- Initiation of RUDG Implementation
- Training Sessions

FINAL WORK PRODUCTS:

- Regional Urban Design Guidelines (Form-Based Code)
- Implementation / Adoption Strategy
- Copies of all Presentations
- Video Documentation
- All technical data including:
 - GIS data
 - Map files
 - Raw Work Product Documents
 - Statistical Data from Web-Based Products

ARTICLE II

Format of Final Work Products

Consultant shall provide final work products to FORA, as follows:

- A. **Written & Graphic Documents.** Written and Graphic documents shall be printed in an appropriate hard-copy format on paper and digitally stored in an appropriate computer format such as on compact disc. Consultant will provide FORA with up to two (2) printed copies on paper and a two (2) digital copies.

- B. **Additional Copies.** Additional copies of written or graphic documents, or any portion of such documents, may be provided at the cost of reproduction, including an additional fee for services at the hourly rates indicated below in Article V of this Agreement.

ARTICLE III

Responsibilities of the Client

The Consultant's completion of tasks herein within a timely basis is contingent on FORA's cooperation in providing available information and its participation with respect to certain project activities. FORA shall be responsible to the Consultant for the timely performance of the following tasks:

- A. Provide, on a timely basis, the Base Information requested in Article IV.
- B. Provide supplementary information that may be reasonably requested from time to time during the course of the Project.
- C. Provide, supplies, equipment and facilities necessary to create an effective site visit, public meetings, and public workshop as requested below:
 1. For the public workshop/meetings, an appropriately sized room to accommodate the public with the required audio/visual equipment. The space must be a large, high-ceilinged room that will accommodate along the walls displays of several maps. The Consultant must have access to lighting controls and be able to darken the room. The room should be equipped with a projection screen no smaller than nine feet by twelve feet (9x12 ft.) and a working public address or sound system with microphone hook-ups. FORA shall also provide one (1) wireless "lavalier" clip-on microphone and one (1) wireless hand-held microphone. The auditorium and equipment should be made available to the Consultant, as needed.
 2. For the confidential interviews during the site visit should be held at a neutral location, such as a hotel, in three small rooms.
 3. For Recording of all public meetings and workshops.
 4. Provide additional table facilitators as needed for the hands-on workshop. The Consultant will provide at minimum seven (7). There should be one (1) facilitator per every ten (10) attendees to the workshop. The Consultant can accommodate seventy (70) attendees.
 5. Provide a reasonable estimate for the attendance of the public events during the charrette. Create an RSVP list, if possible.
 6. Provide a project coordinator as a single point of contact for FORA.
 7. FORA Staff will attend and participate in project meetings upon the request of the Consultant.
 8. Provide public outreach throughout the project and soliciting the attendance of third parties whose participation the Client considers important including municipal staff and leaders from each jurisdiction within the study area.
 9. Make reasonable efforts to insure the attendance of a majority of elected officials, stakeholders, and investors at the charrette presentations.
 10. Provide appropriate meeting room(s) for the Charrette meetings, workshops, presentations, and studio workspace, including securing the space.
 11. Provide necessary refreshments for public involvement events.
 12. Promptly tender payment of all valid invoices.

ARTICLE IV

Base Information

In accordance with the Scope of Services, the Consultant requests that FORA provide at minimum the following Base Information:

- A. *SCALE BASE MAP INFORMATION*, in digital format, indicating existing conditions of the project area and context, including significant features above and below the ground, environmental constraints, archaeological sites, utility locations, etc. Maps should specifically include ArcGIS information of the project area indicating any property lines, easements, and any existing building footprints and heights, roadways, sidewalks, driveways, curbs and curb cuts, alleys, and traffic control devices, street signage, and current parking. The Consultant will work with FORA's GIS Services to obtain necessary base map information.
- B. *AERIAL PHOTOGRAPHS*, preferably in color, in plan view and at the largest possible scale.
- C. *RELEVANT EXISTING REGULATIONS*, which may constrain zoning, land use, or previous development proposals envisioned or supported by this Project, and relevant published comments of local government officials and administrators regarding such constraints for all municipalities and jurisdictions.
- D. *OTHER RELEVANT DATA*, including pertinent portions of previous local zoning approvals, covenants, and previous site studies, traffic studies, infrastructure studies, market feasibility studies, historical background, etc.

Upon commencement of the Project, FORA shall provide the Consultant with the above information. FORA represents to the Consultant that it may depend upon the accuracy and completeness of the information so provided. If FORA is unable to provide any of the requested information, it shall immediately contact the Consultant to determine whether such information is reasonably necessary and how such information might otherwise be obtained. If the Consultant considers the requested information reasonably necessary for the project and FORA remains unable to provide such information, then the Consultant may not prepare or obtain such information as an additional service without the specific written approval of FORA.

ARTICLE V

Payments and Additional Services

- A. **Payments.** Consultant shall submit monthly invoices to FORA for professional services rendered to date on a monthly basis. Invoices shall include percent completion per task and shall cover professional services completed and reimbursable expenses incurred to the date of the invoice. Such invoices shall be paid in 30 days following review and approval by FORA.

Typical reimbursable expenses include travel (including transportation, food, and lodging), reproduction expenses, mailing, long-distance telephone, or any other miscellaneous or out-of-pocket expenses reasonably contemplated by the scope of services for this project. Dover, Kohl & Partners bills reimbursable expenses at cost and does not add any administrative fees. The reimbursable budget to complete the proposed scope of services for this project is estimated to be \$60,000.

- B. **Additional Services.** Additional services that FORA may authorize and which Consultant has not expressly agreed to provide, unless subject to a written change order, shall be considered outside the scope of this Agreement. Such additional services shall be billed to Client at the hourly rates indicated below in Section C of this Article. Consultant will present FORA with a monthly invoice for additional fees whenever additional services have been provided. No additional services may be provided without the specific written approval of FORA.

- C. Hourly Rate Schedule.** Where this Agreement provides for FORA's payment to Consultant of compensation on an hourly basis, professional fees shall accrue and compensation shall be paid in accordance with the following hourly rate schedule.

- D. Direct Expenses.** Consultant shall be reimbursed for reasonable business expenses if consistent with FORA expense policies and IRS guidelines and directly incurred pursuant to the terms of this agreement. Invoices for expenses must contain detailed itemizations and any expense of \$50.00 or more must be accompanied by an itemized receipt.

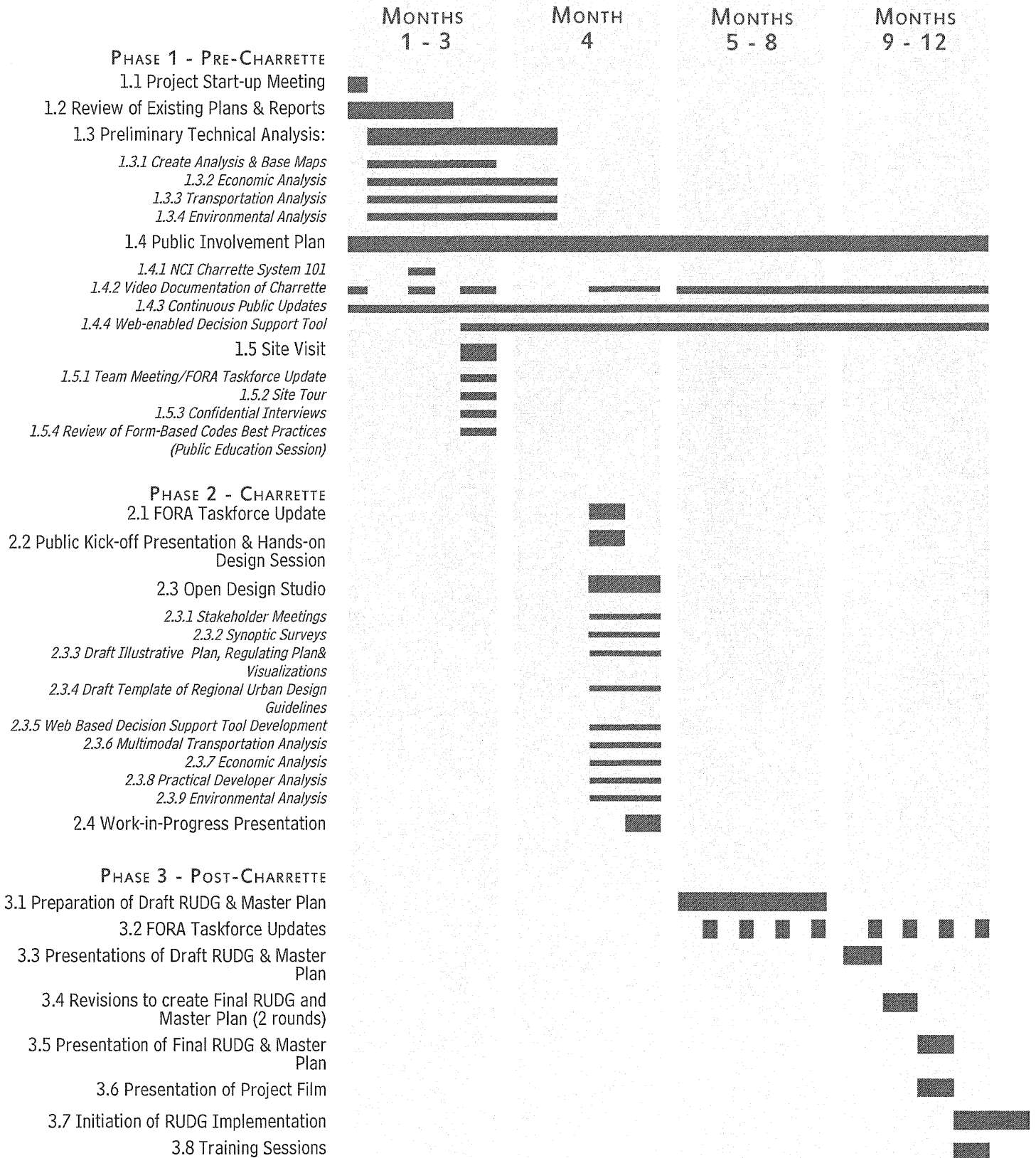
COST PROPOSAL

		Hourly Rate	Phase I (Hours)					Phase II (Hours)				Phase III (Hours)							Total Hours	Proposed Cost
			Task	1.1	1.2	1.3	1.4	1.5	2.1	2.2	2.3	2.4	3.1	3.2	3.3	3.4	3.5	3.6		
Dover, Kohl & Partners	Victor Dover	\$375	2				34	8	4	86	6	4		4		4		20	172	\$64,500
	Project Director	\$150	2	24	16	24	34	8	4	94	6	24	35	8	8	8	16	48	343	\$53,850
	Director of Design	\$140						8	4	94		12			8				126	\$17,640
	Town Planner	\$90	2	24	24	72	34		4	102	10	32			24	24	16		376	\$33,840
	Town Planner	\$90							4	102		32			24				162	\$14,580
Alta	Principal	\$210	2								4			4				10	\$2,100	
	Managing Engineer	\$165	2	24			34			90		25		25				200	\$33,000	
	Project Engineer	\$100		32							32			32				96	\$9,600	
Strategic Economics	Principal	\$190	2	14			34			90	4			4				142	\$28,120	
	Sr. Associate	\$170	2	24							24			24				74	\$12,580	
	Associate.	\$120		24							32			32				88	\$10,560	
Helix	Principal Planner	\$205	2	8			19			53	8			4	18			112	\$22,960	
	Environ. Planner	\$100		24							24			24				72	\$7,200	
Castle & Cooke	President	\$200	2	8						60	4					10		84	\$16,800	
	Vice President	\$200	2								4					10		16	\$3,200	
Opticos	Principal	\$250								31								31	\$7,750	
	Sr. Associate	\$150								15								15	\$2,250	
P. Katz	President	\$250	2							24	2			4		8		40	\$10,000	
J. Speck	President	\$280	2							24	2			8		15		51	\$14,880	
B. Lennertz	President	\$250	2	6		22				32							16	72	\$19,500	
Total Fee:																			\$384,910	
Reimbursable Expenses:																			\$60,000	
TOTAL:																			\$444,910	

PROJECT SCHEDULE

Based on the series of tasks outlined in the Proposed Scope of Work we have developed a tentative production schedule to complete the Regional Urban Design Guidelines on the former Fort Ord. This proposed schedule is a draft and can be revised in consultation with FORA staff.

Note: Adoption of Guidelines by Municipalities may extend beyond 12 months and will be determined by individual municipality adoption schedules.



GENERAL PROVISIONS

1. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, CONSULTANT shall be an independent Consultant and shall not be an employee of FORA. FORA shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement.

2. TIME. CONSULTANT shall devote such services pursuant to this Agreement as may be reasonably necessary for satisfactory performance of CONSULTANT'S obligations pursuant to this Agreement. CONSULTANT shall adhere to the Schedule of Activities shown in Exhibit "A".

3. INSURANCE.

a. MOTOR VEHICLE INSURANCE. CONSULTANT shall maintain insurance covering all motor vehicles (including owned and non-owned) used in providing services under this Agreement, with a combined single limit of not less than \$100,000/\$300,000.

4. CONSULTANT NO AGENT. Except as FORA may specify in writing, CONSULTANT shall have no authority, express or implied to act on behalf of FORA in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement, to bind FORA to any obligation whatsoever.

5. ASSIGNMENT PROHIBITED. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.

6. PERSONNEL. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that FORA, in its sole discretion, at anytime during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT, CONSULTANT shall remove any such person immediately upon receiving notice from FORA of the desire for FORA for the removal of such person or person.

7. STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. All products and services of whatsoever nature, which CONSULTANT delivers to FORA pursuant to this Agreement, shall be prepared in a thorough and professional manner, conforming to standards of quality normally observed by a person practicing in CONSULTANT'S profession. FORA shall be the sole judge as to whether the product or services of the CONSULTANT are satisfactory but shall not unreasonably withhold its approval.

8. CANCELLATION OF AGREEMENT. Either party may cancel this Agreement at any time for its convenience, upon written notification. CONSULTANT shall be entitled to receive full payment for all services performed and all costs incurred to the date of receipt entitled to no further compensation for work performed after the date of receipt of written notice to cease work shall become the property of FORA.

9. PRODUCTS OF CONTRACTING. All completed work products of the CONSULTANT, once accepted, shall be the property of FORA. CONSULTANT shall have the right to use the data and products for research and academic purposes.

10. INDEMNIFY AND HOLD HARMLESS. CONSULTANT shall indemnify, defend, and hold harmless FORA, its officers, agents, employees and volunteers from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by the CONSULTANT or any person directly or indirectly employed by or acting as agent for CONSULTANT in the performance of this Agreement, including the concurrent or successive passive negligence of FORA, its officers, agents, employees or volunteers.

It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies have been determined to be applicable to any of such damages or claims for damages.

FORA is to indemnify, defend, and hold harmless CONSULTANT, its employees and sub-consultants, from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by FORA or any person directly or indirectly employed by or acting as agent for FORA in the performance of this Agreement, including the concurrent or successive passive negligence of CONSULTANT, its officers, agents, employees or volunteers.

11. PROHIBITED INTERESTS. No employee of FORA shall have any direct financial interest in this agreement. This agreement shall be voidable at the option of FORA if this provision is violated.

12. CONSULTANT-NOT PUBLIC OFFICIAL. CONSULTANT possesses no authority with respect to any FORA decision beyond the rendition of information, advice, recommendation or counsel.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	MCWD/FORA Facilities Agreement Dispute Resolution – 2nd Vote	
Meeting Date:	November 13, 2015	ACTION
Agenda Number:	8b	

RECOMMENDATION(S):

Second Vote: Confirm the agreement resulting from the facilities dispute resolution with the Marina Coast Water District (MCWD) as stated in the August 10 letter. (**Attachment A**)

BACKGROUND/DISCUSSION:

FORA Board members received an update on the dispute resolution process initiated by MCWD and as authorized in the 1998 Water and Wastewater Facilities Agreement (FA). By the delegated authorities provided in the FA dispute resolution terms, the FORA Executive Officer (EO) and MCWD General Manager negotiated a solution within the time frame required. This was confirmed by Authority Counsel.

On September 11, 2015 the FORA Board voted to confirm the dispute resolution agreed to by the FORA EO and the MCWD General Manager under the FA terms. Board members requested clarification prior to a second vote to “accept the agreement resulting from the facilities dispute resolution with MCWD as stated in the August 10th letter.”

At the October 2015 meeting Authority Counsel recommended the item to closed session. Supervisor Potter moved to continue the second vote, bringing it back to executive committee for closed session.

Staff recommends confirming the resulting agreement as stated in the August 10 letter.

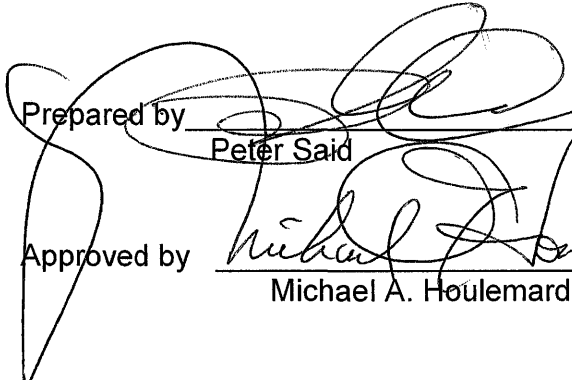
FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget.

COORDINATION:

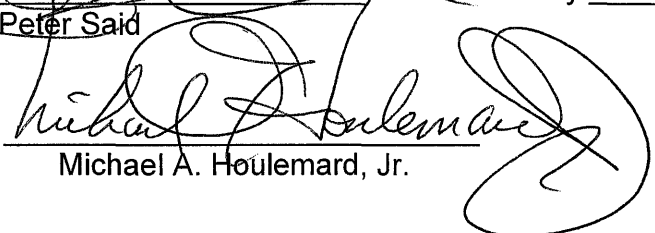
Authority Counsel

Prepared by 

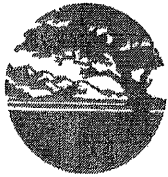
Peter Said

Reviewed by 

Steve Endsley

Approved by 

Michael A. Houlemard, Jr.



FORT ORD REUSE AUTH

920 2nd Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 | Fax: (831) 883-3675 | www.fora.org

Attachment A to Item 8b
FORA Board Meeting, 11/13/15

August 10, 2015

Keith Van Der Maaten, General Manager
Marina Coast Water District
11 Reservation Road
Marina, CA 93933

RE: **Dispute Resolution**

Dear Mr. Van Der Maaten,

Thank you for your August 4, 2015 letter accepting the Fort Ord Reuse Authority's (FORA's) proposed dispute resolution dated July 30, 2015. To avoid any misunderstanding, the resolution to the FY 2015/16 Ord Community Budget Disputed Elements 1 & 2 are as defined in the 7/30/2015 letter (*attached*).

FORA looks forward to working with Marina Coast Water District (MCWD) on the Regional Urban Water Augmentation Program (RUWAP) components, including an in-depth study of recycled water, conservation, desalinated water and other water augmentation sources. As stated in the June 17, 2015 FORA response to the MCWD FY 2015/16 Proposed Ord Community Budget, the FORA Board is "concerned that the 9% rate increase and the \$470,000 for 10% design of the RUWAP desalination project may be unduly burdensome for ratepayers." Therefore, as a part of the proposed three-party planning process outlined in our July 30, 2015 letter between FORA, MCWD and Monterey Regional Water Pollution Control Agency, FORA proposes that the three agencies share the planning costs previously earmarked to MCWD's \$470,000 line item, reducing exposure to the ratepayers, and explore other cost-reducing measures with the same end in mind.

Once this study is concluded, it is our intention to bring water augmentation program recommendations to the FORA Board for direction/approval. Please contact FORA Assistant Executive Officer Steve Endsley to schedule a FORA-MCWD staff coordination meeting on this matter. To keep and build trust in our joint efforts to serve the Ord Community and provide an augmented water source to the former Fort Ord, our continued cooperation is essential.

It is gratifying that through our joint efforts, the dispute resolution has been completed in a timely manner. Again, thank you for your letter and we look forward to further productive meetings at your earliest convenience.

Sincerely,

Michael A. Houlemard, Jr.
Executive Officer

C: FORA Board of Directors



FORT ORD REUSE AUTHORITY

920 2nd Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 | Fax: (831) 883-3675 | www.fora.org

July 30, 2015

Bill Kocher, Interim General Manager
Marina Coast Water District
11 Reservation Road
Marina, CA 93933

RE: Dispute Resolution Procedure

Dear Mr. Kocher,

The Fort Ord Reuse Authority (FORA) is in receipt of your July 13th Notice of Dispute under the FORA/Marina Coast Water District (MCWD) 1998 Water and Wastewater Facilities Agreement (Agreement). Subsequent to this letter, you and I met on Monday, July 20th, which initiated the Dispute Resolution Procedure outlined in Article 10.1 of the Agreement. The Agreement states that if the Agreement Administrators cannot resolve the dispute within ten working days (by August 3rd), they shall meet and confer together with the FORA Water/Wastewater Oversight Committee (WWOC). If the dispute is not resolved within *another ten working days* (by August 17th), they shall meet and confer with one FORA and one MCWD voting Board member. If the dispute is not resolved within *another ten working days* (by August 31st), the parties shall mediate the dispute at the earliest possible date (the mediator list is Exhibit C to the Agreement). Then, if the dispute is still not resolved, the parties may pursue any and all remedies available to them at law and equity...

FORA proposes the following resolution to the points made in your July 13, 2015 letter:

Disputed Element 1: FORA accepts MCWD's representation that it is "pursuing recycled water, water conservation, and desalinated water augmentation options." This statement satisfies the FORA Board's stated desire for "all water augmentation options (recycled, conservation, other)" to be pursued. FORA would like to participate in a three-party planning process with MCWD and Monterey Regional Water Pollution Control Agency to come to agreement on a Memorandum of Understanding regarding the reclaimed component first, followed by establishment of a planning process to study and address all other options. To aid this planning process, FORA would give up its objection to the \$470,000 in question being included in the FY 2015/16 Ord Community budget document.

Disputed Element 2: FORA accepts MCWD's statement that "the proposed new water rates will not go into effect until January 1, 2016". FORA does not accept MCWD's statement that the FORA Board endorsement of the prior Regional Desalination Project constituted an open ended commitment to that now failed project nor does it accept that "the current FORA Board cannot disallow litigation costs incurred to protect MCWD's rights under the RDP agreements." FORA proposes that as the new rates do not come into effect until January 1, 2016, time remains for FORA and MCWD to include this issue as one of the items for discussion in the planning process proposed under resolution for Disputed Element 1 and a cooperative effort be made by our two agencies to explore ways in which MCWD might be made

whole for expenditures made toward pursuit of the Regional Urban Water Augmentation Project and to "recover...costs of administration, operation, maintenance and capital improvements to provide adequate system capacity to meet...service demands." FORA continues to object to MCWD funding costs of litigation regarding the prior RDP out of the Ord cost center but accepts MCWD's assertion that the current year budget in question does not include direct legal expenditures of this nature and can therefore withdraw its objection to the 9% rate increase should the planning process noted above include this issue for further discussion and problem-solving.

As for point 4 noted in your letter, FORA notes that the dispute resolution process and the right to deem a budget adopted are mutually exclusive and hereby propose that MCWD allow the dispute resolution process to conclude before deeming the disputed elements approved.

Thank you for the opportunity to comment and we look forward to further meetings at your earliest convenience.

Sincerely,



Michael A. Houlemard, Jr.
Executive Officer

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Fort Ord Reuse Authority Prevailing Wage Program	
Meeting Date:	November 13, 2015	INFORMATION/ACTION
Agenda Number:	8c	

RECOMMENDATION(S):

Receive a report on Contractor and Compliance Monitoring, Inc., (CCMI) on their standing, operation, and client reference checks.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA") Master Resolution ("MR") was adopted originally by ordinance # 97-01 to establish the "governing code" by which FORA's operation of its powers and authority would be deployed in the Monterey Bay Region's recovery from Fort Ord closure. At the September 11, 2015 meeting, staff was directed to develop a list of qualified labor compliance service providers to assist contractors and jurisdictions in complying with FORA's prevailing wage requirements. Staff contacted other jurisdictions to determine their method of handling prevailing wage. In those contacts, staff was informed that the County of Monterey developed a list of qualified service providers as the result of Request for Qualifications #10422 in 2013 (**Attachment A**). Staff confirmed with Nick Nichols County's current use of this list. At the October, 2015 FORA Board meeting concern was raised regarding the qualifications of one of the listed vendors, CCMI. The list was adopted with the request that staff follow up on the compliant.

Staff researched the operations of CCMI with the following results:

- CCMI is a Department of Industrial Relations (DIR) approved Labor Compliance Program service provider/Third Party Administrator (TPA).
- CCMI is working in a mix of eighty (80) public and private projects throughout California with positive reviews by their clients.

FISCAL IMPACT:

Reviewed by FORA Controller 

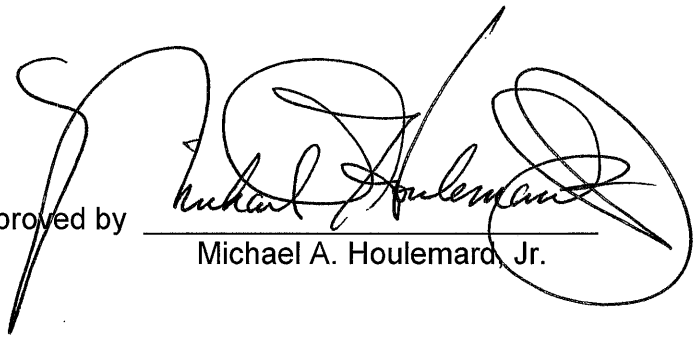
Staff time for this item is included in the approved annual budget.

COORDINATION:

Authority Counsel, FORA Staff

Prepared by 
Robert J. Nortis, Jr.

Approved by


Michael A. Houlemard, Jr.

	AGENCY/FIRM	CONTACT NAME	EMAIL ADDRESS
1	Contractor Compliance and Monitoring, Inc.	Deborah E.G. Wilder	Dwilder@ccmilp.com
2	Pacific Resources Services	Benjamin Ocasio	Bocasio@pacificresourceservices.com
3	RGM & Associates	Susan Kettlewell	SusanM@RGMassociates.com
4	Labor Consultants of California	Richard Perez	LaborC@cnetech.com
5	The Labor Compliance Monitors	Lindley Robertson	RLindaly@yahoo.com
6			
7			

**AN AMENDED REPORT ON
ITEM 8c “FORT ORD REUSE
AUTHORITY PREVAILING
WAGE PROGRAM,”
WILL BE PROVIDED TO THE
BOARD AND PUBLIC ON
NOVEMBER 10, 2015**

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Monterey Bay Charter School Traffic Impact Agreement

Meeting Date: November 13, 2015

Agenda Number: 8d

INFORMATION/ACTION

RECOMMENDATION(S):

Authorize the Executive Officer to execute an agreement with Monterey Bay Charter School (MBCS) regarding traffic impacts (**Attachment A**).

BACKGROUND/DISCUSSION:

MBCS recently initiated preliminary plans to build a proposed campus on approximately 13 acres of California State University Monterey Bay (CSUMB)-owned property. To move this project ahead, the Fort Ord Reuse Authority (FORA) and MBCS must clarify how traffic volumes associated with the new MBCS campus will be handled concerning the Stipulation to Discharge Peremptory Writ of Mandate (Writ). The Writ established a CSUMB baseline traffic volume of 8,550 trips per day and a mitigation threshold of 4,361 additional trips per day. One of the aims of the 2007 CSUMB Campus Master Plan was to keep additional trip generation below the 4,361 additional trips per day threshold.

The main points of agreement to address future MBCS traffic impacts are:

1. MBCS will pay the FORA Community Facilities District (CFD) special tax at the "Office" rate for their project.
2. Upon receipt of payment, FORA will consider Writ requirements for MBSC satisfied.
3. FORA agrees that identified MBSC traffic impacts are addressed by fee payment.
4. Traffic offsets identified in this agreement only pertain to the MBSC campus.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget.

COORDINATION:

Authority Counsel, MBCS, CSUMB

Prepared by


Jonathan Brinkmann

Approved by


Michael A. Houlemard, Jr.

Memorandum of Understanding

Monterey Bay Charter School (MBCS) Community Facility District (CFD) fees and traffic impacts associated with California State University Monterey Bay (CSUMB) Traffic Volumes and Thresholds

This Memorandum of Understanding ("MOU") is made and entered into effective November __, 2015 by and between the Fort Ord Reuse Authority, a public corporation of the State of California ("FORA") and the Monterey Bay Charter School, a California corporation ("MBCS") with reference to the following facts.

Background:

1. On May 11, 2007 the California Supreme Court issued a preemptory Writ of Mandate directing California State University to comply with its decision in *City of Marina, et al, v. Board of Trustees* (2006).
2. The Stipulation to Discharge Preemptory Writ of Mandate ("Writ") (Superior Court of California, Monterey County, September 9, 2009) established a California State University Monterey Bay ("CSUMB") baseline traffic volume (8,550 daily trips) and a mitigation threshold (4,361 additional trips over baseline) as a measure in complying with the Supreme Court decision. The Writ clarifies required CSUMB actions if/when traffic counts exceed the mitigation threshold.
3. MBCS plans to establish a new campus on the southeastern edge of the main CSUMB campus. In order for this project to move ahead, it is necessary to clarify how traffic volumes associated with the new MBCS campus will be handled relative to the Writ.
4. FORA, MBCS, and CSUMB desire to coordinate efforts to support the MBCS campus development.

Terms:

1. MBCS shall pay or cause to be paid to FORA certain Community Facilities District special taxes ("CFD Special Taxes") calculated based on the number of developed acres in the new MBCS campus multiplied by the rate set forth in the then applicable FORA resolution establishing or adjusting the CFD Special Taxes rates for an "Office Property" classification. As an example, if the new MBCS campus includes 13 acres of developed property and the CFD Special Taxes for an Office Property classification remains at the present rate of \$3,054 per acre, then the CFD Special Taxes for the new MBCS campus would be the following:

$$13 \text{ acres } (\$3,054/\text{acre}) = \$39,702 \text{ (one-time payment)}$$

2. Upon FORA's receipt of MBCS's payment in full of the applicable CFD Special Taxes, FORA will consider the requirements of the Writ pertaining to mitigation of traffic anticipated to be generated by the new MBCS campus to have been satisfied.

3. The MBCS traffic projections analyzed in the environmental documentation prepared in accordance with the California Environmental Quality Act (CEQA) are addressed in the one-time payment and, therefore, do not affect Writ specified CSUMB traffic volumes or thresholds.
4. Payment of the CFD Special Taxes by MBCS to offset the traffic impacts of the new MBCS campus will not eliminate or reduce any obligations of CSUMB under the Writ or any agreement to which CSUMB and FORA may be parties with respect to the mitigation of traffic impacts from other portions of CSUMB's property or with respect to any other matters addressed by the Writ or any agreement to which CSUMB and FORA may be parties.

References:

Stipulation to Discharge Peremptory Writ of Mandate, Superior Court of California, Monterey County, September 9, 2009

Fort Ord Reuse Authority, Resolution 14-13. Resolution of the Fort Ord Reuse Authority Board adjusting the FORA Community Facilities District Special Tax Rates and the Basewide Development Fee Schedule. <http://www.fora.org/Reports/DeveloperFeeSchedule-Rates.pdf>

IN WITNESS WHEREOF, the parties have signed this MOU effective on the date first above written.

FORT ORD REUSE AUTHORITY

By: _____

Date: _____

Michael A. Houlemard, Jr., Executive Officer

MONTEREY BAY CHARTER SCHOOL

By: _____

Date: _____

Melanie Stackpole, Governing Board Chair

By: _____

Date: _____

Kristi Heath, Secretary

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Outstanding Receivables	
Meeting Date: November 13, 2015 Agenda Number: 10a	INFORMATION

RECOMMENDATION:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update for October 2015.

BACKGROUND/DISCUSSION:

FORA Late Fee policy requires receivables older than 90 days be reported to the Board.

City of Marina (Marina)/Preston Park:

On September 15, 2015, Marina purchased FORA's 50% interest in Preston Park for \$35 million. As a result of the sale, FORA conveyed ownership of the property to Marina and paid from its share of the net sales proceeds the \$18 million loan secured by Preston Park which was used to fund capital projects and building removal activities on the former Fort Ord. With the remaining sales proceeds, FORA paid for attorney's fees owed to Rabobank, set aside \$2.08 million to environmental mitigations owed by developer fees from the project, and set aside funds to pay for building removal and other FORA obligations per the approved FORA budget.

- ❖ Residual Actions: Final accounting of operations income and expenses as of the closing date and processing reconciling distribution to FORA and Marina. This to be completed by the end of this calendar year.

FISCAL IMPACT:

Positive. FORA collects land sale revenue, retires debt, and allocates funds to obligations and projects per approved FY 15-16 budget.

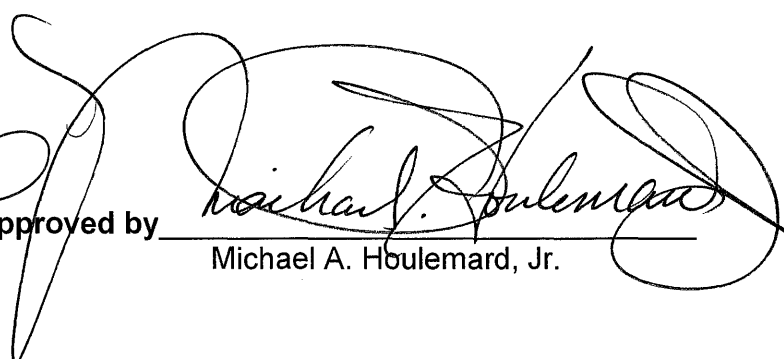
COORDINATION:

Executive Committee

Prepared by


Ivana Bednarik

Approved by


Michael A. Hulemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Habitat Conservation Plan Update

Meeting Date: November 13, 2015

Agenda Number: 10b

INFORMATION

RECOMMENDATION(S):

Receive a Habitat Conservation Plan (HCP) and State of California 2081 Incidental Take Permit (2081 permit) preparation process status report.

BACKGROUND/DISCUSSION:

Item 9b from March 13, 2015 included additional background on this item and is available at the following website: <http://www.fora.org/Board/2015/Packet/031315BrdPacket.pdf>

The Fort Ord Reuse Authority (FORA), with the support of its member jurisdictions and ICF International (formerly Jones & Stokes), FORA's HCP consultant, is on a path to receive approval of a completed base wide HCP and 2081 permit in 2015, concluding with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) issuing federal and state Incidental Take Permits.

ICF completed the screen check draft HCP on March 2, 2015, and FORA disseminated the draft to permittees, CDFW, and USFWS. FORA received comments from most Permittees within the review schedule. However, CDFW and USFWS did not submit all comments within this original 90-day review schedule. FORA and ICF have met with Permittees and Wildlife Agencies to receive comments, address questions, and resolve concerns. FORA staff and consultants are working to revise the HCP document in response to comments received so that the public draft can be released.

FORA requested that USFWS and CDFW provide sufficient staff resources to complete concurrent reviews of both the Draft HCP and its Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Wildlife agencies informed FORA that they did not have sufficient staff resources to complete concurrent document reviews. FORA is Lead Agency to the EIR, while USFWS is Lead Agency to the EIS. FORA representatives met with CDFW Chief Deputy Director Kevin Hunting on June 16, 2015 to discuss review schedules and CDFW staff resources. Mr. Hunting said that his department would act to provide sufficient CDFW staff resources and maintain review schedules. CDFW and USFWS have submitted partial comments on the Admin. Draft EIS/EIR, but have not yet confirmed that they have submitted all comments. FORA scheduled the Admin. Draft EIS/EIR comment period to conclude by October 30, 2015.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget.

COORDINATION:

ICF, Denise Duffy and Associates, USFWS, CDFW

Prepared by


Jonathan Brinkmann

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee	
Meeting Date: November 13, 2015 Agenda Number: 10c	INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on September 30 and October 14, 2015. The approved minutes from these meetings are attached (**Attachment A**).

FISCAL IMPACT:

Reviewed by the FORA Controller 

Staff time for the Administrative Committee is included in the approved annual budget.

COORDINATION:

Administrative Committee

Prepared by


Maria Buell

Approved by


Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY

ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES

8:15 a.m., Wednesday, September 30, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair Mike Dawson called the meeting to order at 8:19 a.m. The following were present:

**voting members, AR = arrived after call to order*

- | | | |
|--------------------------------------|---------------------------------|--------------------|
| Dan Dawson, City of Del Rey Oaks | Wendy Elliott, MC | <u>FORA Staff:</u> |
| Melanie Beretti, Monterey County | Lyle Shurtleff, BRAC | Michael Houlemard |
| Tim O'Halloran, City of Seaside | Mike Gallant, MST | Jonathan Garcia |
| Elizabeth Caraker, City of Monterey* | Lisa Rheinheimer, MST | Ted Lopez |
| Vicki Nakamura, MPC | Andy Sterbenz, Schaaf & Wheeler | Josh Metz |
| Anya Spear, CSUMB | Jan Stearn, Michael Baker Int'l | Peter Said |
| Chris Placco, CSUMB | Keith VanDer Maaten, MCWD | Maria Buell |
| Mike Zeller, TAMC | Patrick Breen, MCWDC | |

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance led by Patrick Breen.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

a. Close of escrow for Preston Park Housing to City of Marina.

Michael Houlemard announced the closing of escrow for Preston Park residential units and City of Marina is now owner of these units. He provided a brief history of the acquisition and then the ultimate ownership to City of Marina. He added that the funds from sale helped fund the East campus residential project at CSUMB. FORA will be able to hire an Industrial Hygienist for the Base cleanup and removal of other buildings.

Mr. Houlemard said FORA received from CSUMB a request for support of a Grant application. FORA is preparing a letter in support and that City of Marina has received that request as well.

Chris Placco announced that the Public workshop scheduled for October 8 was postponed due to other student affair issues/items and that it necessitated to be moved.

4. PUBLIC COMMENT PERIOD

Christie Rheinheimer asked for the ESCA meeting date. Mr. Houlemard responded October 14 and that a LUC implementation plan will also be covered on that date.

Bob Shaffer spoke about the workforce housing at the Dunes and for those interested in the audience to sign up as Units were selling fast.

Wendy Elliott said that October 8 will be the grand opening of the Cinemark Theater in Marina and that further information is on City of Marina's website. She requested posting of this information on FORA's website.

5. APPROVAL OF MEETING MINUTES

- a. September 2, 2015 Administrative Committee Minutes
- b. September 16, 2015 Administrative Committee Minutes

MOTION: Chris Placco moved, seconded by Tim O'Halloran to approve the September 2 and September 16, 2015 Administrative Committee minutes.

MOTION PASSED UNANIMOUSLY

6. OCTOBER 9, 2015 BOARD MEETING- AGENDA REVIEW

Mr. Houlemard reviewed the draft Board agenda packet. As to Item 6a, he said an advisory group is being recommended be put in place to deal with multiple requests for legal opinions of Authority Counsel. He added that under Consent, an additional item will be added and a revised agenda was distributed to all members.

a. Marina Coast Water District (MCWD) - Water and Wastewater Planning

Mr. Houlemard said the General Manager for Monterey Regional Water, Paul Sciuto would talk about the timing of these items and funding for the Pure Water project. He added the Administrative Committee role is to make sure they have all the right information.

Paul Sciuto spoke of the ground water replenishment project that will help the entire region with water. His Agency is applying for 1% funding for 30 years amounting to \$525 Million and that the deadline is November 1st. Many projects are being submitted to State and they are planning on submitting the application by end of October. MCWD wants assurances that FORA is on board with this project. These pieces are moving together to complete the deadline by October 30.

Keith Vander Maaten (MCWD) said his agency is working with MPCA and described the benefits for the pure water project and the timing of the project. MCWD is helping put together this project with PCA and wants FORA to help with the time frame and assurances that there is agreement.

Mr. Houlemard said there are advantages of one pipeline, how it would be less costly and the tertiary treatment advantages but there is still some environmental issues to deal with. He said it could provide potential irrigation and recharge of the aquifer.

Questions were asked to both General Managers regarding implications to jurisdictions, a discussion on wastewater and ensuring demands are met; additional costs for this treatment to Users and whether the project is contingent on getting the 1% funding, and the politics of water.

Keith Van Der Maaten said a schedule of agreements for water will be put in conjunction with the project to ensure the demands are met. John Sciuto said there is an effect on the finances of the overall project if the 1% funding does not come in. Jonathan Garcia said resolution provides details of what actions are being authorized to conduct the plan and if adopted, the financial change will take place for this fiscal year. It clarifies the roles of agencies as well. Mr. Houlemard asked Committee members if any changes can be done to Resos to let Staff know.

Ms. Beretti asked about the technical planning and how it relates to these agreements.

John Sciuto said a final EIR is due to be certified on 10/8 along with Salinas's agreement of ponds to be diverted; meetings are scheduled for 10/26 and 10/27 in Salinas and that an EIOR is 10-20% done on water treatments.

Mr. Houlemard said technical questions may come up and that a slide/chart will show how these parts need to be done. He added that 6-7 projects coming up are not going to dilute the water and that next year's report will be different from this year.

Public comments were received.

b. FORA/MCWD Facilities Agreement Dispute Resolution – 2nd Vote

Mr. Houlemard provided a report and said Board is asked to make a decision on 2nd vote.

7. BUSINESS ITEMS

a. Master Resolution Amendment (Prevailing Wage, etc.)

Robert Norris provided a report to the Committee and stated FORA had not received a response from DIR even after seeking assistance from Sen. Monning & Assembly member Alejo's office. He said language about the registration process will need to be added due to requirements of SB 854 and that a List of Vendors was obtained from Monterey County. Mr. Houlemard said Board will be asked to require registration with DIR from all Contractors and that it eliminates the problem with

weight of monitoring compliance with these projects. He added that if developers are asking FORA to take on this responsibility, then Board needs to hear this next Friday.

Chair Dawson suggested updating the list of vendors with a current one so Board does not question it. Mr. Norris responded that 3 of 5 vendors are still active in Ft Ord and that the List would be updated.

b. Base Reuse Plan (BRP) Post-Reassessment Report Categories 1 and 2 Consultant Recommendation

Ted Lopez briefly spoke on the status of the selection of a consultant for Categories 1 and 2 of the Base Reuse Plan and stated a selection would take place soon.

c. LUC 2012-14

Jonathan Garcia provided a report on the Land Use Covenant and answered Committee questions.

d. Caretaker Costs Policy

Jonathan Garcia provided a presentation and identified the process for jurisdictions to seek reimbursements for caretaker costs. He said a draft policy was prepared for consideration. The costs are reduced each year by about \$500,000 and the funding sources come from property taxes. He said the deadline is January 31, 2016 and that if no submittals are received after deadline, other jurisdictions could apply for additional funds that were not used by those jurisdictions who did not submit. Mr. Garcia added that City of Seaside turned their report in, but City of Del Rey Oaks was outstanding.

Public comments were received.

e. Economic Development Progress Report.

Josh Metz said he and Michael will attend an Economic Development conference in Alaska in October. He also provided a summary of the prior 3-months of economic development activity.

Public comments were received.

Under Executive Officers report, Mr. Houlemard said all items are informational and that Board will receive an update on Regional Urban Design Guidelines and a workshop is scheduled for November.

8. ITEMS FROM MEMBERS

Chair Dawson asked for a motion to start future Administrative Committee meetings at 9:00 a.m. instead of 8:15. Ms. Beretti suggested moving the meeting time to 8:30 a.m.

MOTION: Chair Dawson moved, seconded Tim O'Halloran to move beginning time to 8:30 a.m.

MOTION PASSED UNANIMOUSLY.

9. ADJOURNMENT

Meeting was adjourned at 9:39 a.m.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, October 14, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair Dawson called the meeting to order at 8:30 a.m. The following were present:

**voting members, AR = arrived after call to order*

Layne Long, City of Marina*
Melanie Beretti, Monterey County
John Dunn, City of Seaside*
Diana Ingersoll, City of Seaside
Tim O'Halloran, City of Seaside
Elizabeth Caraker, City of Monterey*
Vicki Nakamura, MPC
Anya Spear, CSUMB
Chris Placco, CSUMB

Graham Bice, UCSC
Mike Zeller, TAMC
Wendy Elliott, MC
Mike Gallant, MST
Lisa Rheinheimer, MST
Don Hofer, MCP
Andy Sterbenz, Schaaf & Wheeler
Bob Schaffer

FORA Staff:
Michael Houlemard
Steve Endsley
Jonathan Garcia
Ted Lopez
Peter Said
Josh Metz
Maria Buell

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Daniel Dawson.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Michael Houlemard said the California Environmental Protection Agency and Department of Toxic substances control visited FORA on October 13th. They reviewed the Implementation Plan - Operations and Maintenance.

Mr. Houlemard said he provided Testimony before U.S. House of Representatives pertaining to base recovery and remediation program; and, how regulations at federal level place restrictions on funding brown fields cleanup. Chair Shimkus stated that he would look at that problem to assist the cities of Seaside, Marina and Monterey to help with removal. He mentioned that there are two statutes that regulate how remediation is to be done on contaminated fields. Further, no duplicate funding can be acquired for technical reasons that FORA did not get funding for years.

Mr. Houlemard announced that 2 Cal EPA deputies, Grant Cole and Arsenio Mataka are conducting advanced work for Barbara Lee, Secretary of Cal EPA, who might visit in November.

Josh Metz announced a workshop scheduled for November 2nd on the DRAFT Regional Urban Design Guidelines and it will include an open house in the morning and the afternoon/evening. The Board will also have a special workshop from noon– 2:00 p.m. He invited everyone to attend.

4. PUBLIC COMMENT PERIOD

Individuals wishing to address matters within Committee's jurisdiction, but not on this agenda, may do so during this period for up to three minutes. Comments on specific agenda items are heard under that item.

No public comments received.

5. OCTOBER 9, 2015 BOARD MEETING FOLLOW-UP

a. Marina Coast Water District - Water and Wastewater 3-Party Planning

Jonathan Garcia provided a summary of Board decision. Resulting vote was 11-2 and the 3-party planning needs to go back for a second vote.

b. FORA/MCWD Facilities Agreement Dispute Resolution–2nd Vote

Steve Endsley provided a summary of the Board meeting discourse and stated main item was the \$150,000 budget item and after second vote takes place it will be added to budget. He said it saves ratepayers money because it reduces their line item. Mr. Endsley added that all details will be brought back for further approval. The agreement between PCA and MCWD will be brought to Administrative Committee and ultimately to the Board. He said that progress was made. Mr. Houlemard reiterated that 3 items were before Board; first item was approved; second was 11-2 and needs to go back to Board; third item needs Administrative Committee and MCWD review before both Boards go ahead. It was deferred to a closed session at next meeting due the potential of future litigations based on these actions.
Public comment was received.

c. Caretaker Costs Policy

Jonathan Garcia discussed the new policy unanimously approved by Board and that it will be sent to all jurisdictions.
No public comment was received.

d. Master Resolution Amendment (Prevailing Wage, etc.)

Mr. Houlemard said the Board adopted a list, but not a resolution requiring all jurisdictions to register with DIR and the ongoing complaints in some jurisdictions. He stated a new resolution will be prepared for Board to approve and shared that a board member asked FORA to be more active and become the enforcer and not place it on the jurisdictions.
No public comment was received.

e. Base Reuse Plan (BRP) Post-Reassessment Report - Update
Categories 1 and 2 Consultant Recommendation

Mr. Houlemard said Board approved the Category 1-2 recommendation and that Associate Planner will move forward with hiring of Consultant to do the work and that a progress report will be presented in November.
No public comment was received.

6. BUSINESS ITEMS

a. CSUMB DRAFT Master Plan Update.

Chris Placco (CSUMB) gave a presentation to Administrative Committee and stated they hope to be finished by 2016 and then begin CEQA process and the housing is part of Master plan. John Dunn asked for the intended use for the open space. Mr. Placco said recreational use only for now, but possible future developable land. The goals are to preserve open character of campus; work with natural resources; and adding density. The housing will expand to various areas of campus; a Rec center is being proposed. A traffic study to follow in opening roads as CSUMB expands and the impact on other jurisdictions. Water and wastewater conservation as well as major infrastructure investments are being considered to support all activities of campus. And get all functions to center core and keep it as walkable and bicycle center; looking at alternative modes of transportation and building Partnerships with other entities.

b. LUCIP/OMP Update Workshop at 9:30 am following Administrative Committee meeting.

Mr. Houlemard said Consultants will provide a complete overview of LUCIP/OMP and an important part of jurisdictions understanding.

John Dunn requested a presentation to the City Councils and allow them to understand the complexities of these plans. Mr. Houlemard said a workshop can be put together in Seaside and other jurisdictions can participate in it. The history to why the Land Use Covenant is in place and the future of these properties. He added that, should there be an interest to develop this land in the future, a process can be followed.

Layne Long stated that these lands were "reviewed" but clearing went 3 feet deep, he has concerns of other ordnances existing.

Diane Ingersoll asked if this would be a continuation to the last meeting and if the incorporation of these lands could be removed from these requirements.

7. ITEMS FROM MEMBERS

Anya Spear asked about the ESCA parcel and if that project will divert traffic for a while. Mr. Houlemard said it may require a waiver for some properties.

8. ADJOURNMENT

Meeting adjourned at 9:34 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Post Reassessment Advisory Committee

Meeting Date: November 13, 2015

Agenda Number: 10d

INFORMATION

RECOMMENDATION(S):

Receive a report on the Post Reassessment Advisory Committee (PRAC) activity/meeting.

BACKGROUND/DISCUSSION:

The PRAC met on Thursday, October 8, 2015 and received status updates and deliberated regarding the meeting calendar, FORA Trails Working Group update, Water Augmentation, and related items. Staff announced that Committee members expressed an interest to continue PRAC meetings on the second Thursday of every month. Staff also noted that one remaining individual meeting with UCMBEST would take place later in the day to review a draft blueprint trails plan. In addition, staff also presented the Committee with an overview on water augmentation.

Committee members expressed a desire for staff to prepare a FORA based analysis/comparison report on local development fees, a FORA affordable housing needs/solutions report, and preparing FORA symposium on regional water needs/ideas.

The next meeting of the PRAC is scheduled for 9:00 am on Thursday, November 12, 2015.

Approved September 10, 2015 minutes is attached (**Attachment A**).

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

COORDINATION:

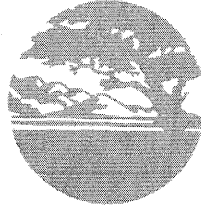
PRAC, California State University Monterey Bay, Transportation Agency for Monterey County, Bureau of Land Management, Administrative and Executive Committees.

Prepared by 

Ted Lopez

Approved by 

Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
BASE REUSE PLAN POST-REASSESSMENT ADVISORY COMMITTEE (PRAC)
MEETING MINUTES

9:00 a.m., Thursday, September 10, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Fort Ord Reuse Authority (FORA) PRAC Chair Victoria Beach called the meeting to order at 9:05 a.m. The following people were in attendance:

Committee Members

Victoria Beach (Chair), City of Carmel
Gail Morton, City of Marina
Ralph Rubio, Mayor City of Seaside
Andre Lewis, CSUMB
Jane Parker, Supervisor County of Monterey

Other Attendees

Steve Matarazzo, UCSC
Chris Placco, CSUMB
Bob Schaffer, member of the public
Jane Haines, member of the public
Scott Waltz, member of the public
Ron Cheshire, member of the public
Margaret Davis, member of the public
Beth Palmer, member of the public
Tim O'Halloran, City of Seaside

FORA Staff

Michael Houlemard
Steve Endsley
Jonathan Garcia
Josh Metz
Ted Lopez
Peter Said

2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None.

3. APPROVAL OF MEETING MINUTES

- a. June 19, 2015 Post-Reassessment Advisory Committee Minutes.
- b. July 17, 2015 Post-Reassessment Advisory Committee Minutes.

MOTION: Jane Parker moved, 2nd by Gail Morton, to approve June 19, 2015 and July 17, 2015 Minutes.

MOTION PASSED: Unanimously.

4. PUBLIC COMMENT PERIOD

None.

5. BUSINESS ITEMS

- a) Committee Charge Review.

Jonathan Garcia delivered a PowerPoint presentation and provided an overview of PRAC accomplishments. In particular, PRAC efforts to review and make recommendations to the Base Reuse Plan (BRP) Reassessment Report Categories I and IV items. Ralph Rubio confirmed that Category IV focuses on jobs and economic development and stated that having sufficient water resources is crucial to job creation and economic development. Gail Morton expressed interest to include water as one of the PRAC's focus areas. Committee member Morton stated that planned development was a key PRAC topic to address. Mr. Rubio recommended PRAC receive an update on water augmentation at a future meeting.

- b) Meeting Calendar.

PRAC currently meets the 2nd Thursday of each month at 9:00 am. Staff would send out a survey poll to PRAC members to either continue with the 2nd Thursday, 9:00 am meeting or find another date / time.

- c) FORA Trails Working Group update.

Josh Metz gave a brief update on the blue-print trails map. Staff met with representatives to Cities of Marina and Seaside, County of Monterey and Fort Ord Reuse Trails Advisory Group (FORTAG) to receive input. Meetings remain with CSUMB, UCSC and City of Del Rey Oaks. Mr. Metz noted the blue-print trails map will be brought back to a future PRAC meeting.

- d) Economic Development update.

Josh Metz gave an overview on jobs created through economic development. Mr. Metz also announced that FORA is subscribing to a new on-line job data base: JobsEQ. Training to use the data base is available to any city, county and public agency.

- e) Blight Removal update.

Jonathan Garcia provided an overview on blight removal. Gail Morton asked FORA staff and the other jurisdictions for assistance in helping the City of Marina find new grant / funding sources for building removal in Marina. Victoria Beach requested that information for new grant / funding sources be brought back to a future PRAC meeting. Mr. Rubio noted that a matter involving a search for new grant / funding sources would require a directive from the Board.

f) Regional Urban Design Guidelines (RUDG) update.

Josh Metz delivered an update presentation on RUDG. Committee member Rubio expressed his concern that the City of Seaside prepared a letter raising extensive concerns about RUDG applied to Seaside entry ways and property.

6. ITEMS FROM COMMITTEE MEMBERS

None.

7. ADJOURNMENT

The PRAC meeting was adjourned at 11:45 a.m. The next meeting is scheduled for Thursday, October 8, 2015 at 9:00 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT	
EXECUTIVE OFFICER'S REPORT	
Subject:	Veterans Issues Advisory Committee
Meeting Date:	November 13, 2015
Agenda Number:	10e
INFORMATION	

RECOMMENDATION:

Receive an update from the Veterans Issues Advisory Committee (VIAC).

BACKGROUND/DISCUSSION:

The VIAC met on October 22, 2015. The approved September 24, 2015 minutes are included as **Attachment A**. The next meeting will be determined by the urgency of items that cannot be held over until after the Thanksgiving Holiday.

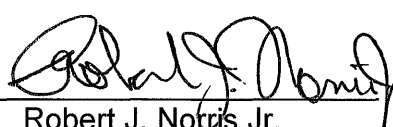
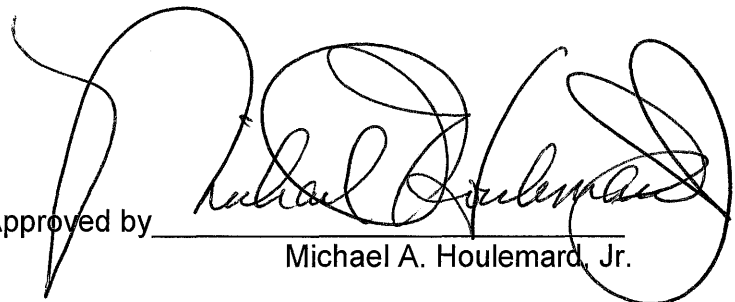
FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

COORDINATION:

VIAC

Prepared by  Approved by 
 Robert J. Notris, Jr. Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE REGULAR MEETING MINUTES

3:00 p.m., Thursday, September 24, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER AND ROLL CALL

Acting Chair Jerry Edelen called the meeting to order at 3:03 p.m. The following were present, as indicated by signatures on the roll sheet:

VIAC Members:

Jerry Edelen, Acting Chair
Jay Fagan, CCCVFC
Jack Stewart, CAC
Sid Williams, Mo. Co. Military/Vets
Edith Johnsen, Veterans Families
Preston Young, US Army POM
Candace Ingram, CCVFC

Public:

George Gwynn

FORA Staff:

Michael Houlemard
Robert Norris
Ted Lopez
Josh Mesh

2. PLEDGE OF ALLEGIANCE

Acting Chair Edelen asked Robert Norris to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Michael Houlemard provided information regarding his congressional testimony regarding military base clean up.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

a. July 23, 2015 VIAC Minutes

MOTION: Edith Johnsen moved, seconded by Sid Williams, to approve the minutes of July 23, 2015.

MOTION PASSED: Unanimous

6. OLD BUSINESS

a. California Central Coast Veterans Cemetery Status Report

- i. Construction schedule on building is on-going with several changes made to interior. Cemetery construction may be delayed by up to six months to deal with some interior changes. The congressional office is involved with resolving the delay.
- ii. Proposed Regulations Update.
Master Plan Schedule close to satisfying Veterans Administration (VA) approval.

b. Ongoing Local Military Issue Media Coverage

The recent cemetery town hall meeting held at the Carpenters Union Hall attracted approximately 150-200 attendees and was covered by the Monterey Herald newspaper and KAZU radio station. The Foundation will attend several upcoming events and hopes to obtain media coverage for future cemetery phase fundraising. Members expressed the importance of tying in media coverage and drawing in neighboring counties for fundraising efforts.

c. VA/DoD Veterans Clinic Status Report.

- i. Historic Flag Pole Variance Update
Sid Williams commented continued work on variance for flag pole.
- ii. Construction Schedule.
No news to report.

d. FORA Economic Development Program

FORA Economic Development Coordinator Josh Metz will provided an overview.

e. Fundraising

Candace Ingram announced that contributions continue to come-in for cemetery expansion. 6th Annual Veterans Day Celebration on Saturday, November 7, 2015. To be held at Marina Equestrian Center, California & 9th St, Marina 9:30 am – 11:30 am. Public invited and free.

f. Veterans for the Historical Preservation of Fort Ord – Presentation on Historical Sites George Gwynn delivered a presentation on his idea to create a museum that would honor all military personnel that traveled through Fort Ord. He is interested in creating 501 (c) 3 non-profit organization to raise funding.

7. ITEMS FROM MEMBERS

Robert Norris announced there were still openings for the Hero's Open at Bayonet Golf Course, Saturday November 14, 2015.

8. ADJOURNMENT

Acting Chair Edelen adjourned the meeting at 3:55 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Water/Wastewater Oversight Committee	
Meeting Date:	November 13, 2015	INFORMATION
Agenda Number:	10f	

RECOMMENDATION:

Receive an update from the Water/Wastewater Oversight Committee (WWOC).

BACKGROUND/DISCUSSION:

The WWOC met October 14, 2015 and received updates on the Water Augmentation Program Planning and Facilities Agreement Dispute Resolution Process. The Marina Coast Water District Quarterly report was deferred to the November 18th meeting. The July meeting minutes were approved and are included as **Attachment A**.

FISCAL IMPACT:

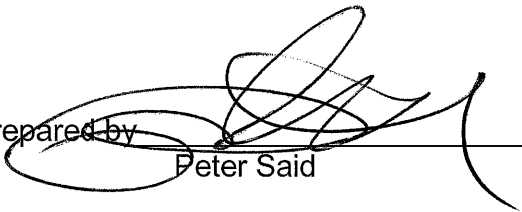
Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

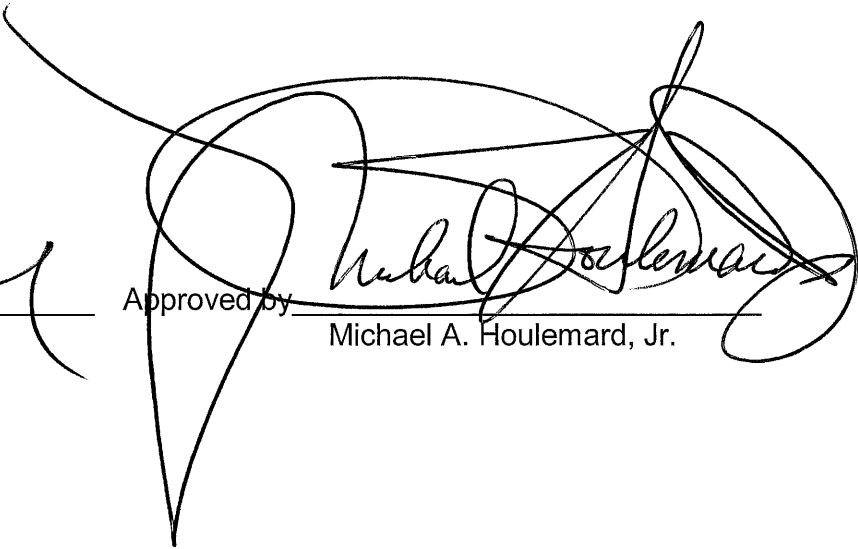
COORDINATION:

WWOC

Prepared by


Peter Said

Approved by


Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY
WATER/WASTEWATER OVERSIGHT COMMITTEE
MEETING MINUTES**

Wednesday, July 15, 2015 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

FORA Assistant Executive Officer Steve Endsley called the meeting to order at 9:15 a.m. The following were present:

Committee Members:

Mike Lerch, CSUMB
Steve Matarazzo, UCSC
Rick Riedl, City of Seaside
Daniel Dawson, City of DRO

Others Present:

Patrick Breen, MCWD
Bill Kocher, MCWD
Kelly Cadiente, MCWD
Mike Wegley, MCWD
Lynette Redman, Mo. Co. RMA
Chris Placco, CSUMB
Bob Schaffer
Wendy Elliott
Don Hofer
Andy Sterbenz

FORA Staff:

Steve Endsley
Crissy Maras

2. PLEDGE OF ALLEGIANCE

Steve Endsley led the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

MCWD Interim General Manager Bill Kocher introduced newly hired District Engineer Mike Wegley. Mr. Kocher also announced that Keith van der Motten had been hired as the new General Manager and would begin on August 3rd.

4. PUBLIC COMMENT PERIOD

The committee received comments from a member of the public.

5. APPROVAL OF MEETING MINUTES

a. April 29, 2015 WWOC Meeting Minutes

Approval of the meeting minutes was continued to the next committee meeting.

6. BUSINESS ITEMS

a. Initiate FY 2015/16 WWOC Work Program

MOTION: Daniel Dawson moved, seconded by Steve Matarazzo, to initiate the FY 2015/16 WWOC work program.

MOTION PASSED: Unanimous

b. FY 2015/16 Ord Community Budget – Status Report

Mr. Endsley provided a report on the FORA Board's action to approve the Ord Community budget, excluding the requested 9% rate increase and funding for 10% desalination planning designs. Per the Water and Wastewater Facilities Agreement, FORA staff sent a letter to MCWD informing them of the FORA Board's actions and reasons for denial, including the apparent litigation costs paid by the rate increase and the water augmentation program not incorporating other augmentation sources as previously discussed. The FORA Board has expressed other

concerns about MCWD's water augmentation planning, such as conflicting with other projects, mounting legal costs, protecting the ratepayers, and ongoing negotiations with Monterey Regional Water Pollution Control Agency. FORA staff has urged MCWD to engage in policy-level discussions to resolve outstanding issues and FORA and MCWD staff will be meeting to discuss options going forward.

c. Quarterly Report – Presentation by MCWD

MCWD Director of Administrative Services Kelly Cadiente reviewed a quarterly report presentation handout. Ms. Cadiente noted that the report was continually updated per committee suggestions. A significant change to MCWD's Operations and Maintenance program includes MCWD installation of up to 200 meters per year, rather than individual developments/properties installing meters on their schedule. MCWD is addressing statewide conservation measures through the hiring of a conservation specialist and targeting 12-14% reduction in total water use.

7. ITEMS FROM MCWD

a. Rate Payer Advisory Committee

This item is on the May 15th MCWD Board meeting agenda. MCWD will provide an update to the committee at a future meeting.

b. Ord Community Annexation

There is no update to this item.

c. Seaside County Sanitation District Negotiations

There is no update to this item.

8. ITEMS FROM MEMBERS

None

9. ADJOURNMENT

The meeting was adjourned at 11:05 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Travel Report	
Meeting Date: November 13, 2015 Agenda Number: 10g	INFORMATION

RECOMMENDATION(S):

Receive a travel report from the Executive Officer.

BACKGROUND/DISCUSSION:

Per the FORA Travel Policy, the Executive Officer (EO) submits travel requests to the Executive Committee on FORA Board/staff travel. The Committee reviews and approves requests for EO, Authority Counsel and board members travel; the EO approves staff travel requests. Travel information is reported to the Board.

COMPLETED TRAVEL (As of October 31, 2015)

International Economic Development Council Annual Conference (IEDC)

Destination: Anchorage, AK

Date: Oct. 3-8, 2015

Traveler/s: Michael Houlemard and Josh Metz

IEDC is a non-profit, non-partisan membership organization serving economic developers. The 2015 Annual Conference took place October 4th-7th, but participants arrived one day prior (3rd) in order to attend morning sessions on October 4th. The theme of this Conference was "Foundational Transformations: Creating Future Growth & Prosperity." It explored topics relating to relationships and communication, infrastructure development and public financing, encouraging a robust private sector, and building effective economic development organizations and affiliates.

2015 National Coalition for Homeless Veterans Housing Summit (NCHV)

Destination: Washington, DC

Date: Oct. 6-8, 2015

Traveler/s: Robert Norris

2015 NCHV Veterans Access to Housing Summit Drive to December! The goal of the conference was to build from the foundation set in prior years and "bulldoze" through the barriers remaining in the "Drive to December." Participants had unprecedented access to a faculty of experts on affordable housing development, access, and stability. These experts come from the Federal agencies, from USICH, from our partners in philanthropy and across financial institutions, from your training and technical assistance partners, and from peer agencies across the country that have made extraordinary change in their communities and in the lives of veterans. As a NCHV Board member Robert introduced VTC Executive Director to fellow board members and conference attendees who could assist VTC in developing shelter for veterans and their families.

California Special Districts Association (CSCA) Board Clerk/Secretary Conference

Destination: South Lake Tahoe, CA

Date: Oct. 18-20, 2015

Traveler: Maria Buell

Ms. Buell completed the CSDA Board Clerk Certificate Program. The Program provided advanced Public Records Act, Ralph M. Brown Act, and Roberts Rules of Order training. Additional sessions also included implementation of guidelines, public outreach strategy, Fair Political Practices Commission compliance, and board member orientation procedures. This conference offers an excellent opportunity to coordinate with special district agencies from California.

Association of Defense Communities (ADC) Base Redevelopment Summit

Destination: San Antonio, TX

Date: Oct. 21-23, 2015

Traveler/s: Michael Houlemard and Mayor Rubio

The Forum is designed for current local redevelopment authorities, legacy base closure projects, and non-military reuse projects that are complex and large in scale and generally focuses on advancing economic opportunity through community-driven redevelopment. Both Mr. Houlemard and Mayor Rubio participated in two sessions of the Summit. Mr. Houlemard as a moderator led a Tools of the Trade super session entitled, "Mapping the Future of Your LRA" while Mayor Rubio was a speaker in the Leadership Super Session entitled, "High Performing Boards and Why They Matter."

UPCOMING TRAVEL

None.

FISCAL IMPACT:

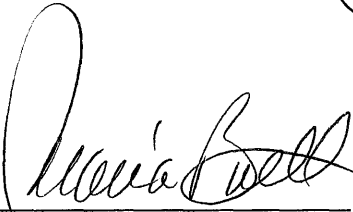
Reviewed by FORA Controller 

Travel expenses are paid/reimbursed according to the FORA Travel policy.

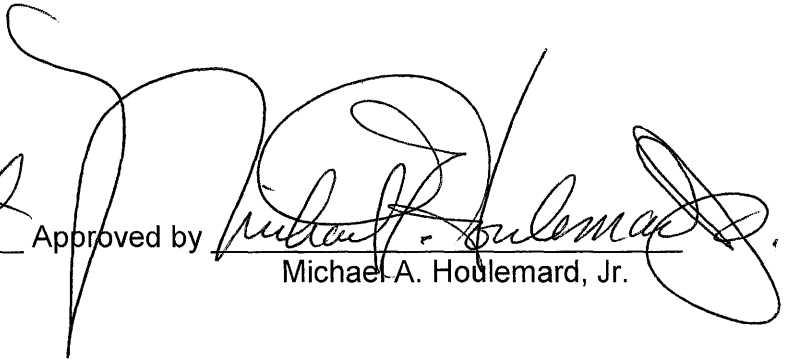
COORDINATION:

Executive Committee

Prepared by


Maria Buell

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Public Correspondence to the Board

Meeting Date: November 13, 2015

Agenda Number: 10h

INFORMATION

Public correspondence submitted to the Board is posted to FORA's website on a monthly basis and is available to view at <http://www.fora.org/board.html>.

Correspondence may be submitted to the Board via email to board@fora.org or mailed to the address below:

FORA Board of Directors
920 2nd Avenue, Suite A
Marina, CA 93933