
IN-TRACT VERSUS BASE WIDE DESIGN AND CONSTRUCTION RESPONSIBILITIES FINAL REPORT

(AS APPROVED BY THE FORA ADMINISTRATIVE COMMITTEE ON JANUARY 29, 2003)



**FORT ORD REUSE AUTHORITY
100 12TH STREET, BUILDING 2880
MARINA, CA 93933**

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I. OVERVIEW

The following report is provided to Fort Ord Reuse Authority (FORA) Land Use Jurisdictions (LUJs) to clarify FORA's responsibilities with respect to transportation project **surface improvements** for which FORA serves as Lead Agency. This limited scope report is in response to questions that have arisen as design and construction have advanced on several of the transportation elements on the former Fort Ord. There was a need to particularly address the **aesthetics** associated with roadway/streetscape improvements. The more detailed industry standards for design and construction of transportation improvements are discussed and addressed within the FORA Base Reuse Plan (BRP), not this limited-scope report.

The BRP and the BRP's accompanying Environmental Impact Report (EIR) carry with them a series of "on-site", "off-site" and "regional" transportation project obligations intended to mitigate traffic impacts/demands caused by development on the former Fort Ord. The BRP, therefore, is the document that provides detailed design guidance for the various roadway classifications (arterial, collector, local) and their corresponding cross-sections. This is in concert with the applicable and referenced design standards, such as The American Association of State Highway and Transportation Official (AASHTO) standards, State of California Department of Transportation (CalTrans) standards and City/County standards applicable within the LUJs.

The aforementioned BRP, cross-sections and standards also guide design and installation of regulatory signage/traffic signals and "quadrant" location of underground utility systems.

Regarding utility systems, as discussed in the BRP and its accompanying documents (e.g. The FORA Capital Improvement Program (CIP)), water and wastewater collection system utilities are installed simultaneously with FORA roadway improvements. This is a coordinated effort between FORA and the water/wastewater systems purveyor Marina Coast Water District (MCWD). MCWD's infrastructure is rate-based financed by the former Fort Ord systems customers.

With respect to other utility systems (gas, electric, telecommunications), the design/construction process includes provisions to locate/install these utilities simultaneously with roadway construction advanced by FORA. FORA, however, does not have the responsibility to finance these utilities. Where such utility systems are yet to be funded by the development projects that prompt their demand, the roadway design process, coordinated with the utility system purveyors, provides appropriate quadrant locations (e.g., under medians, soft-scape parkways, adjacent to sidewalks, etc.) within the roadways in an effort to minimize any future surface improvement disruptions promulgated by future utility installations. Whether utility systems are overhead installations or required

underground installations falls under the purview of the municipality within which the systems are located.

With the above information noted, the report, beginning with the Executive Summary, should be used as a guide to the municipalities and their developers to provide clarity with respect to FORA's obligations for designing and constructing roadway surface improvements.

II. EXECUTIVE SUMMARY

FORA is responsible for a series of obligations under the June 1997 adopted BRP. These "base wide" obligations are mitigations for the development on the former Fort Ord as proposed under the BRP. These mitigations include transportation projects defined under the categories of on-site, off-site and regional transportation projects, many of which, particularly the on-site projects, will be implemented by FORA acting as the Lead Agency to bring these projects to completion.

Opinions of Probable Cost for the transportation projects were developed during the development and refinement of the BRP. The projected costs were developed using the roadway classifications (e.g., urban collector, urban arterial, etc) and their accompanying typical cross-sections (see Exhibit C herein) as required under the BRP. The opinions of cost were not specific with regard to "roadway system embellishments", for example, the level or degree of landscaping treatment that may be desired by the LUJs for roadway medians and parkways that FORA would advance to completion on behalf of the jurisdictions.

Therefore FORA, working in concert with representatives from the LUJs, has developed this report, entitled "**In-tract versus Base wide Design and Construction Responsibilities**" to serve as the guide in defining FORA and LUJ levels of responsibilities as they pertain to the surface improvements for the transportation projects for which FORA serves as Lead Agency.

Of significance to LUJ representatives were not only the capital costs associated with arriving at completed improvements, but also ongoing operation and maintenance costs of those improvements. This concern was therefore given careful consideration in arriving at the division of responsibilities assigned herein to FORA and the LUJs.

The following section of this report entitled "FORA Responsibilities" enumerates and defines the level of work to be accomplished by FORA on behalf of the LUJs as it advances transportation projects to completion. The subsequent section of this report entitled "Land Use Jurisdiction Responsibilities" further describes work that may be accomplished by the Cities/County, working in concert with the development community as the municipalities exact and permit development projects.

These two report sections reference and are followed by exhibits (B1 through B3) that are intended to add clarity (via use of graphics) to the conclusions reached with respect to defining party responsibilities.

Exhibit A herein provides the protocol for In-tract versus Base wide responsibilities adopted by the FORA Board at its June 8, 2001 Board meeting. This report specifically addresses the "design standards" mentioned as a component of protocol item #2. The FORA Board delegated the responsibility of design standards approval to the Administrative Committee when it adopted the protocol.

Exhibits D and E herein are included to provide the reader with additional background information including past reports to the FORA Board of Directors and correspondence to the Administrative Committee.

As FORA continues its efforts to bring transportation projects on line, this report will serve FORA and its member agencies as a guide in providing delineation for in-tract versus base wide transportation project surface improvement responsibilities.

It is the primary purpose of this report to provide a tool for use by current and future FORA/LUJ managers that adds clarity to and direction of project advancement in concert with the FORA Board-adopted protocol for In-tract versus Base wide Construction obligations. As a final outcome, this guide can be used to support the intended purpose of the funds collected under the FORA Development Fee (Community Facilities District) to be used to design and build obligatory transportation projects. That intended purpose is to increase traffic-handling capacity of the roadway network to mitigate traffic demands caused by development of the former Fort Ord.

III. FORA RESPONSIBILITIES

The Executive Summary describes the three categories of obligations with respect to transportation improvements identified as base wide obligations under the BRP, namely on-site improvements, off-site improvements and regional improvements. It is important to again note that FORA will continue to serve as lead agency predominately for the on-site obligatory projects. There are exceptions, such as FORA having served as lead agency for projects now completed on Reservation Road and Blanco Road. However, other lead agents (e.g., County of Monterey and/or the Transportation Agency for Monterey County for Davis Road north of Blanco Road) will have the responsibility to implement improvements, with FORA serving as a financial contributor (via FORA development fees collected) for a portion of the improvements. Similarly, FORA will be a financial contributor only for the regional improvements slated for State Highways 1, 68 and 218.

Additionally, FORA's obligations are not all-inclusive with respect to many of the on-site projects, in that percentages of funds (based upon BRP projected Average

Daily Traffic) of several on-site projects are sourced from traffic demands above and beyond the demands caused by development of the former Fort Ord. Therefore, as development occurs over time, it will remain a responsibility of the LUJs (and their respective development partners) to assure that road improvements/traffic handling capacity of the several on-site projects that are not fully funded by the FORA base wide obligation are properly addressed.

Considering the above-noted information, this "FORA Responsibilities" Section then addresses those "FORA-as-Lead-Agent" transportation projects.

The FORA Board-adopted protocol (Exhibit A) was crafted to more clearly define FORA's responsibilities versus LUJ responsibilities for the surface improvements for obligatory transportation projects. Protocol items 1, 2 and 4 are repeated below for emphasis and additional clarification. Protocol items 3 and 5 will be addressed under the next section entitled "Land Use Jurisdiction Responsibilities".

1. *The Fort Ord Reuse Authority (FORA) will mitigate the impacts of base wide construction as determined under appropriate environmental review and as delineated in project level environmental documents.*
2. *Such base wide project mitigations will potentially include, but not be limited to, sound abatements, landscaping, replanting of trees, installation of medians, parkways, ground cover and water service, as necessary to address significant environmental impacts, including noise impacts on existing "sensitive receptors," following a minimum design standard. A design standard will be developed by FORA staff for review and approval by the FORA Administrative Committee.*
4. *Funding impact of these mitigations will be incorporated in the FORA base wide developer fee.*

Each project advanced by FORA requires appropriate environmental review to satisfy the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), from which project mitigations are formalized. As required, FORA will include mitigation measures for each of its projects to the satisfaction of the CEQA and NEPA mandates, to include such improvements as sound walls and tree replacement for tree-taking required to clear rights-of-way.

Noise Mitigation: When is it required of FORA

When projects are required to be built adjacent to **existing** sensitive receptors, and the environmental analyses dictate the construction of sound walls (or other noise attenuation devices such as planting materials) to mitigate noise impacts expected to result from traffic on the new improvements, **FORA will design and construct such noise attenuation facilities as part of its obligations.**

The California Avenue Improvement Project (City of Marina, Reindollar Avenue to Imjin Parkway) advanced in 2002 by FORA is an example of a street improvement

project constructed through an existing neighborhood that required the inclusion of sound walls to mitigate expected traffic noise. Additionally, this project required mitigation (e.g., aesthetic relief) of the sound walls themselves by way of extensive planting of vines and other plant materials to visually shield the sound walls. Of the total project cost of approximately \$1.5M, approximately \$0.5M was spent on mitigation improvements, including the noted sound walls, plantings, irrigation systems, and tree replacements required for requisite taking of trees to clear the right-of-way.

Irrigation and Planting of Roadway Medians/Parkways: What is required of FORA

Exhibits B1 and B2 herein are illustrative of FORA's obligation to include planting of medians/parkways, inclusive of irrigation systems, as base-level components of its transportation project surface improvements. Exhibit B1 depicts the medians constructed as part of the improvements for Imjin Road (north of Reservation Road) and Reservation Road (between Imjin and Blanco Roads), and illustrates the level of treatment for those medians that will be advanced by FORA, including the installation of irrigation systems, earth mounding and grass species. **These illustrations serve to define the FORA level of improvements that will be advanced to irrigate and plant roadway medians and parkways.**

Exhibit B2 (particularly Section D-D) demonstrates how tree replacement requirements can be utilized to provide initial median and parkway planting. Exhibit B3 (particularly Section D-D) illustrates how the LUJs can "embellish" median/parkway planting above the levels of landscaping to be provided by FORA.

In summary and with respect to median/parkway irrigation and planting, **FORA will provide mounding, irrigation systems and plantings to the levels shown in the graphic illustrations herein as part of its base wide obligations under the BRP. Planting will include tree replacements as required to mitigate the loss of trees associated with clearing the rights-of-way.** It is noted that from a cost perspective, the noted FORA obligations to include irrigation systems and planting to the level shown represents approximately seventy-five percent of the costs normally associated with the median/parkway treatment. This precludes the cost of the median installations (e.g., subgrade work, grade preparation work, curb work, etc.), which is already a requirement of FORA as defined by the roadway classifications and their accompanying cross-sections as defined in the BRP (see Exhibit C).

Street Lighting: What is required of FORA

For each transportation project advanced by FORA, street lighting will be a requisite component of the surface improvements designed and installed by FORA. FORA will provide street lighting as utilized within each municipality, defined as the City/County standard streetlights. Section C-C of Exhibit B2

illustrates (by way of example) the City of Marina Street Light Standards for median installations. Sections B-B and D-D of Exhibit B2 illustrate “an embellished” street light style that the City desired to have FORA install on Imjin Road and 2nd Avenue. The incremental (higher) cost for the “embellished” street lights for those projects are to be paid by the City of Marina. **FORA’s obligation is to install street lights as a normal conduct of work for each of the projects for which it serves as lead agency, to the typical street light standards required by the municipalities**, with additional costs for more elaborate lighting systems to be borne by the LUJ(s).

Funding Impact of Mitigations: What is required of FORA

FORA Board Protocol #4 as restated above requires FORA to incorporate funds under the base wide developer fee to address costs associated with the project requirements that stem from environmental review (and resultant mitigations) for each of the projects advanced by FORA. Currently, the FORA revenue projections, used to determine the development fee assessments, include a contingency line item that accommodates this Board directive. Therefore, FORA has addressed this Board’s directive by including this line item in the revenue projections and subsequent developer fee requirements.

IV. LAND USE JURISDICTION RESPONSIBILITIES

The previously referenced Board protocol includes the following two items (#3 and #5):

3. *The design standard for base wide mitigations will not preclude supplemental enhancements by jurisdictions or developers.*
5. *After FORA has completed a base wide mitigation project, mitigations for potential future development will be incorporated into the in-tract or project cost to developers or will otherwise be determined by the appropriate jurisdiction.*

Item #3 is clear in its intent. The LUJs, as they permit development projects, may choose to exact certain improvements (and/or embellishments) that may be in addition to work FORA already advanced. For example, Exhibit B3 (particularly Section D-D, “Future Median Planting”) shows a more refined level of landscaping for the center median as compared to Exhibit B2 (particularly Section D-D, “FORA Landscape”). Stated differently, any supplemental enhancements desired by the LUJs are entirely at the discretion of the municipalities.

Item #5 is also clear in its intent, however an example may add definition to “mitigations for potential future development” as may be exacted by jurisdictions as development projects are environmentally reviewed.

Previously discussed was the FORA-sponsored California Avenue project that required mitigation of traffic noise anticipated for this new section of roadway. Soundwalls were designed and installed as part of the project requirements to mitigate noise impact. The soundwalls were confined to that portion of the project that traverses through an already-developed residential area of the City of Marina. To the south of that project area, the City of Marina anticipates two residential subdivisions as part of its redevelopment on the former Fort Ord adjacent to California Avenue, one on the west side of California Avenue and one on the east side of California Avenue. As those projects are advanced through the City exaction and permitting processes, the accompanying environmental documents may require similar noise mitigation in those areas that are currently un-occupied areas of the former military enclave.

Protocol item #5 clarifies that in the above example, should either or both of the development projects adjacent to this new section of California Avenue require installation of sound walls (or other mitigative project elements), those requisite mitigations will be considered "in-tract" responsibilities of those developments, not "base wide" obligations of FORA. It will be up to the jurisdiction (in the example, the City of Marina), how those mitigation measures will be incorporated into the development projects and who will pay for the mitigations (e.g., the developer, the jurisdiction, special assessment district, etc.). FORA will not be responsible for funding and implementing such mitigations.

EXHIBIT A

Fort Ord Reuse Authority

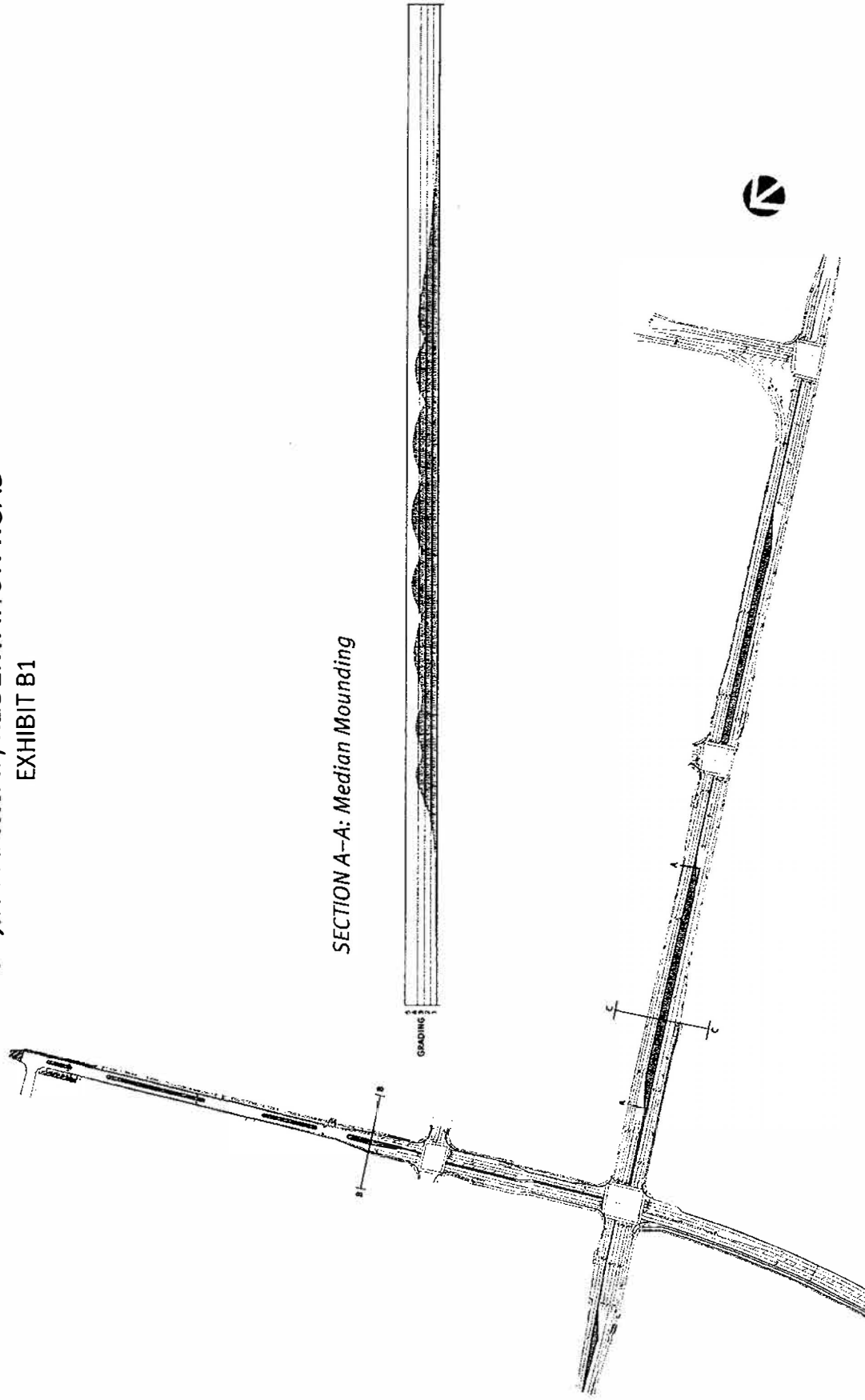
Protocol for In-Tract versus Basewide Construction Responsibilities

(draft dated 5/2/01)

1. The Fort Ord Reuse Authority ("FORA") will mitigate the impacts of basewide construction as determined under appropriate environmental review and as delineated in project level environmental documents.
2. Such basewide project mitigations will potentially include, but not be limited to, sound abatements, landscaping, replanting of trees, installation of medians, parkways, ground cover and water service, as necessary to address significant environmental impacts, including noise impacts on existing "sensitive receptors," following a minimum design standard. A design standard will be developed by FORA staff for review and approval by the FORA Administrative Committee.
3. The design standard for basewide mitigations will not preclude supplemental enhancements by jurisdictions or developers.
4. Funding impact of these mitigations will be incorporated in the FORA basewide developer fee.
5. After FORA has completed a basewide mitigation project, mitigations for potential future development will be incorporated into the in-tract or project cost to developers or will otherwise be provided as determined by the appropriate jurisdiction.

EXHIBIT B

IMJIN PARKWAY/RESERVATION ROAD
EXHIBIT B1

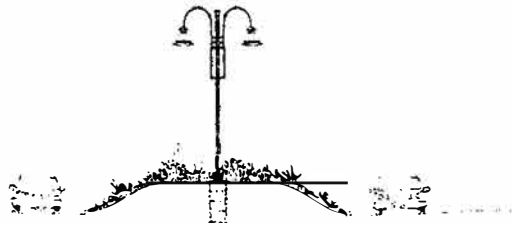


SECTION A-A: Median Mounding

Bellinger Foster Steinmetz
Landscape Architecture

FORA LANDSCAPE CONCEPT

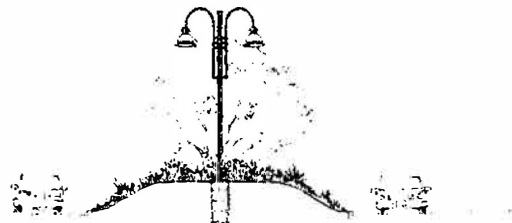
EXHIBIT B2



SECTION B-B: Imjin Parkway-FORA Landscape



SECTION C-C: Reservation Road-FORA Landscape



SECTION D-D: 2nd Avenue-FORA Landscape

GRASS SPECIES

<i>Deschampsia caespitosa</i>	5#/acre
<i>Festuca 'Rana Creek'</i>	20#/acre
<i>Festuca rubra 'Molate'</i>	40#/acre
<i>Sisyrinchium bellum</i>	5#/acre

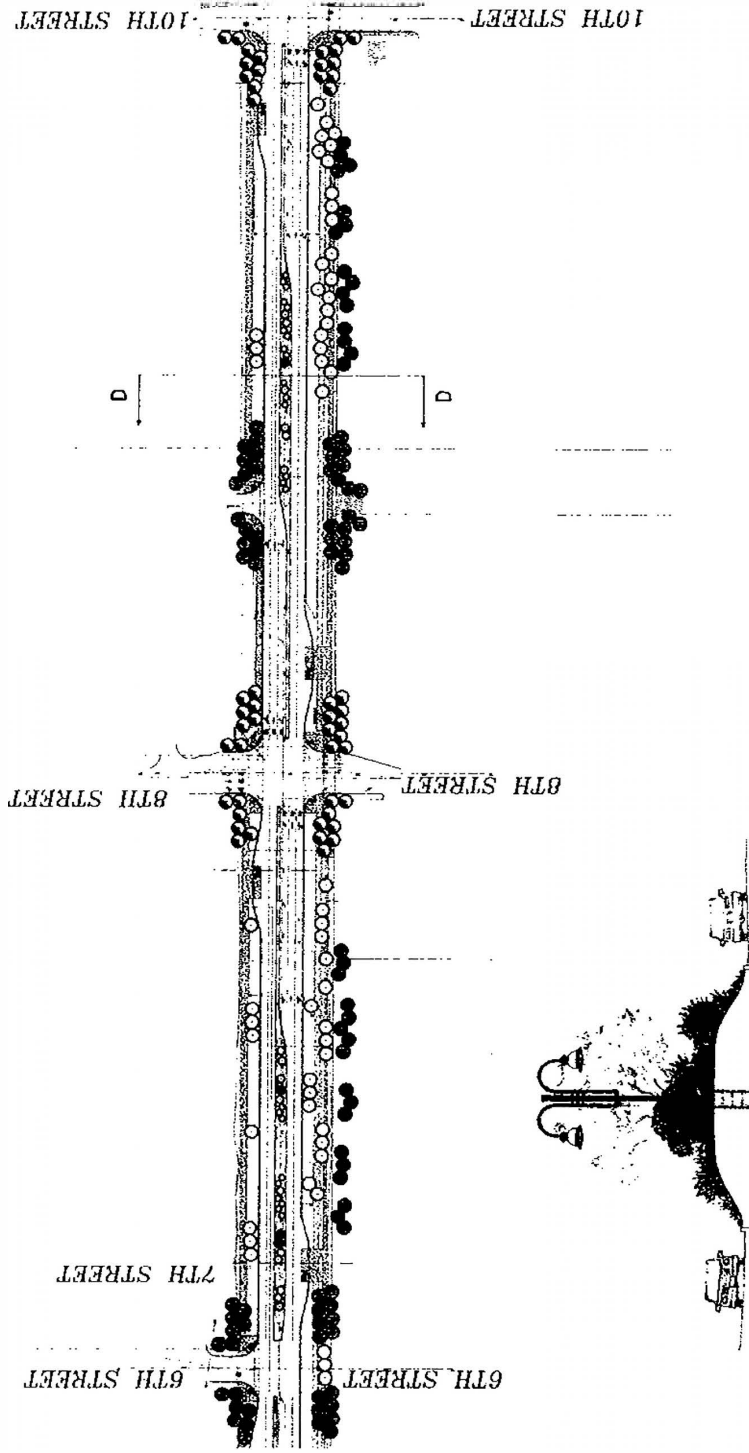


NOTES:

1. City pays the additional cost of street lights that are depicted in Sections B-B and D-D. FORA pays cost for City standard street lights as shown in Section C-C.
2. Section D-D includes tree planting by FORA as mitigations for tree removal required to clear right-of-way.

Bellinger Foster Steinmetz
Landscape Architecture

2ND AVENUE FUTURE LANDSCAPE CONCEPT
EXHIBIT B3



SECTION D-D: Future Median Planting

Bellinger Foster Steinmetz
Landscape Architecture

EXHIBIT C

FORT ORD REUSE PLAN

Fort Ord Reuse Authority (FORA)

- | | |
|----------------------------|------------------------------|
| Land Planning | EDAW, Inc. |
| Market Analysis | EMC Planning Group, Inc. |
| Transportation Engineering | Sweeney Klein Mouchly Group |
| Civil Engineering | JHK and Associates |
| Fiscal Analysis | Riemer Associates |
| Habitat Planning | Argus McDonald Associates |
| Public Communications | Zander Associates |
| Community Development | The Ingram Group |
| | Resource Corps International |

LEGEND:

- Multi-Modal Corridor
- Intermodal Center
- Potential Transit Station
- P Park and Ride Facility
- Freeway
- Freeway Interchange
- ROW Reserved for Potential Expressway Classification
- Major Arterial
- Minor Arterial
- Collector

SHEET TITLE:

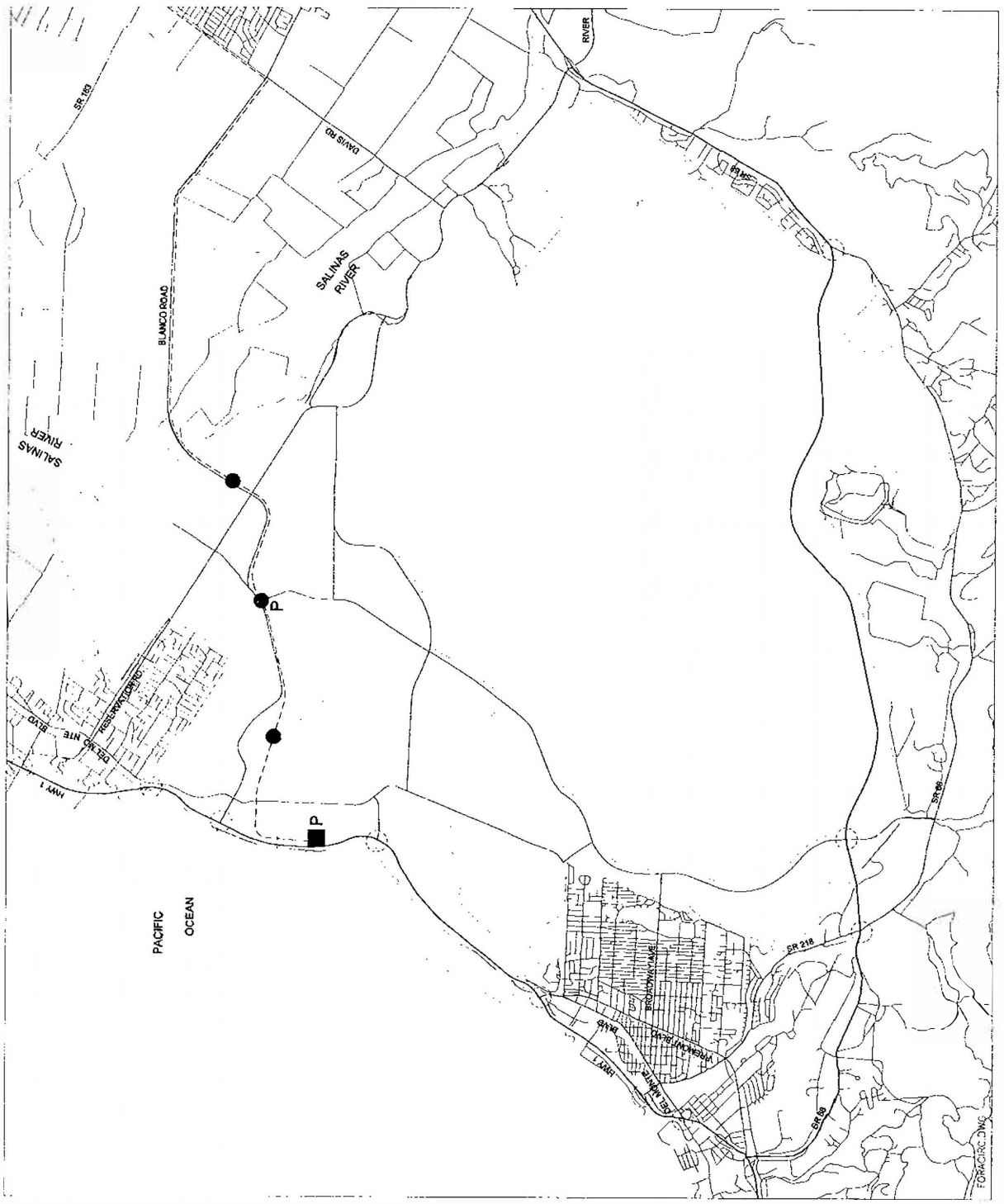
ROADWAY CLASSIFICATION & MULTIMODAL CORRIDOR

SCALE: 1" = 100'

DATE: 10/15/03

PROJECT: 3-5-2

FORA

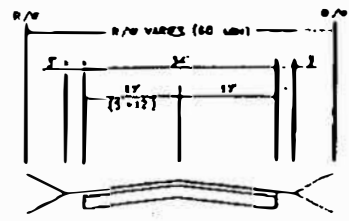


In-tract versus Base Wide Design and Construction Responsibilities Final Report

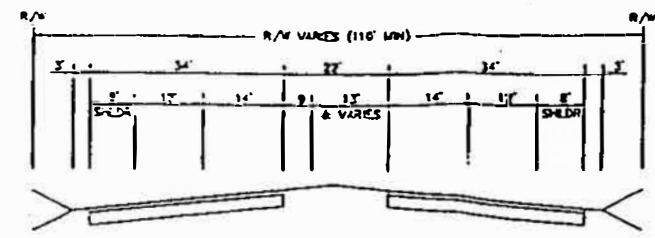
FORARC.DWG

DETAILS REQUIRED/NOT TO BE DETERMINED BASED ON ADJACENT LAND USE.

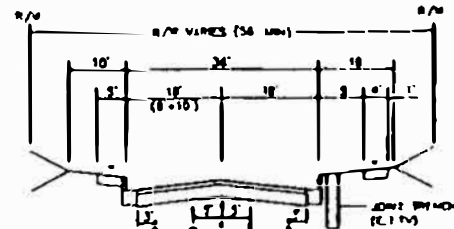
NOTE: ADDITIONAL PAVED WORKS WILL BE PROVIDED AS REQUIRED FOR DOUBLE LEFT TURN LANES, SEPARATE RIGHT TURN LANES AND 10' WIDE B.L.S. DUCKOUTS.



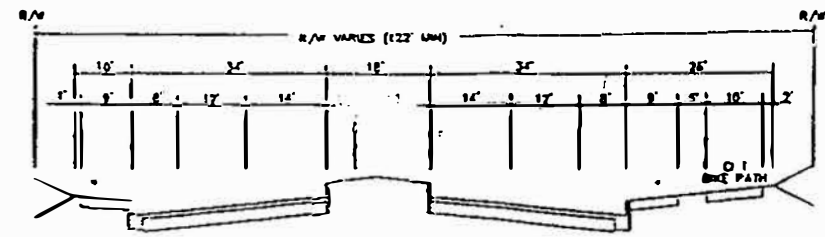
LOCAL RURAL ROAD
(40 MPH DESIGN SPEED)



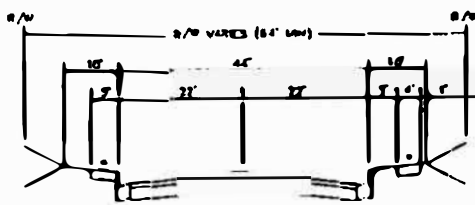
FOUR-LANE RURAL ARTERIAL
(65 MPH DESIGN SPEED)



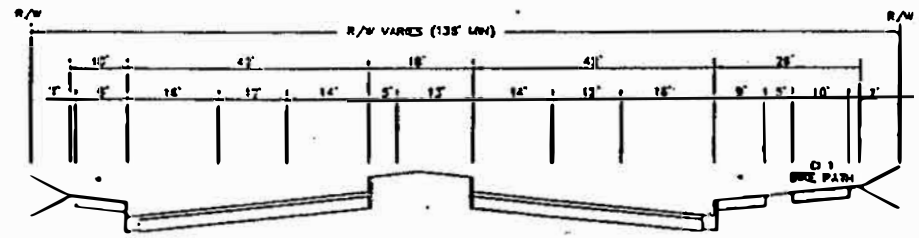
LOCAL URBAN STREET
(25 MPH DESIGN SPEED)



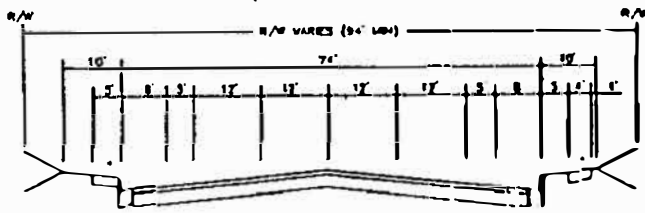
FOUR-LANE URBAN ARTERIAL
(45 MPH DESIGN SPEED)



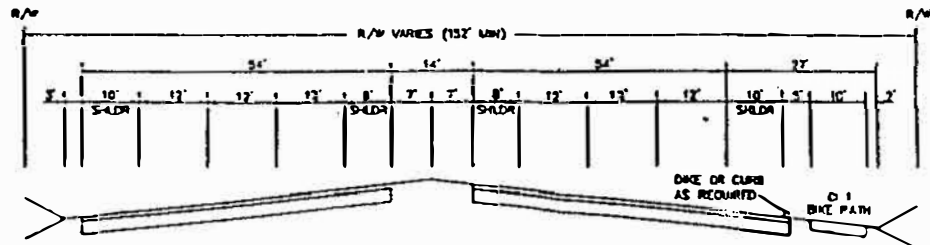
2-LANE URBAN COLLECTOR
(25 MPH DESIGN SPEED)



SIX-LANE URBAN ARTERIAL
(50 MPH DESIGN SPEED)



FOUR-LANE URBAN COLLECTOR
(35 MPH DESIGN SPEED)



URBAN EXPRESSWAY
(65 MPH DESIGN SPEED)

Source: FORIS - Traffic Safety Standards, (HMH, Inc)

Exhibit C-2 to
In-tract versus Base Wide Design and Construction Responsibilities
Final Report

DRAFT
Figure 4.2-4
Roadway Design Standards

EXHIBIT D

FORT ORD REUSE AUTHORITY BOARD REPORT

Subject: Protocol Concerning Basewide Versus In-Tract Costs	INFORMATION
Meeting Date: April 20, 2001	
Agenda Number: 6b	

RECOMMENDATION:

Receive an informational report at this time on preliminary action to establish a basewide versus in-tract costs protocol. The direct implications of this protocol will be incorporated into assumptions relevant to action items to be processed before the Board in future months, including the annual Capital Improvement Program (CIP), and Community Facilities District (CFD) deliberations.

BACKGROUND:

In light of certain project specific work that FORA staff is currently processing, for example, environmental documents for the California Avenue road extension, we have received jurisdictional requests for a better understanding as to who bears the responsibility for funding certain aspects of those projects, usually subdivided as "basewide" or "in-tract" costs. For this reason, we have convened a task force on basewide vs. in-tract responsibilities (which is another way of saying, FORA vs. Developer mitigation responsibilities) to discuss this issue. This committee had a spirited discussion on March 28, and gave direction to FORA staff to summarize the issues, and make a draft recommendation for the Administrative Committee meeting of April 11, prior to FORA Board consideration as part of the continuing Finance Plan and CIP deliberations. The Administrative Committee reviewed this issue on that day and indicated a series of policy approaches they wished to be summarized in the staff report.

DISCUSSION:

Several points emphasized by the FORA in-tract vs. basewide subcommittee and Administrative Committee were:

1. Issues related to the taking on of mitigation responsibilities, for various projects is of great importance to the jurisdictions. Potential unfunded responsibilities are of particular concern to the jurisdictions. Therefore, they look to FORA and its basewide pot of money to alleviate some of these concerns. We would note, however, that Capital Improvement Program planning for basewide projects has been occurring since 1992, and it was not originally contemplated that FORA assume responsibility for mitigating projects that are subject to individual City regulation such as sound walls, landscaping, and other discretionary city permitting items. The rationale for not involving FORA in these matters was that FORA should be involved only in activities where a basewide standard could be applied; otherwise implementation would be subject to inequities between the jurisdictions. If such a standard could be collectively developed for some items previously defined as "in-tract", there would at least be a framework for FORA assuming some additional responsibilities. Essentially, this would entail a common understanding regarding, height, bulk, color, landscaping, medians, parkways, ground cover and water service and so on, to be worked out by the subcommittee. The Administrative Committee concurred and asked that such minimum standards be developed.
2. But there is more to the issue than a common, basewide standard. As a consequence of the rationale in (1) above, The Finance Plan approved in concept by the Board does not include enough money to pay for the kind of additional projects entailed in the in-tract concept (landscaping around road projects, replanting and maintenance of trees, building of

**Exhibit D-1 to
In-tract versus Base Wide Design and Construction Responsibilities
Final Report**

sound walls, etc.). In order for FORA to pay for sound walls, for example, the current Developer Fee schedule approved by the Board in January of 1999 would have to be increased. Although projects listed on the FORA Capital Improvement Plan (CIP) are subject to an annual internal reprioritization process, and it is contemplated that the developer fees will be amended from time to time to keep up with inflationary and other factors, it is estimated that installing sound walls in particular, and other mitigations, might cost up to \$30 million basewide. This would cause the developer fees to increase as much as 20% over previous estimates, irrespective of inflation, and would require the action of the FORA Board. However, the Administrative Committee suggested a middle ground approach that might allow for the development of a financing standard that would serve to hold these costs to manageable levels, or be absorbed by indexing of the rates. Noting that the FORA Board has already voted in concept, to adopt a California Community Facilities District (CFD), which would become the mechanism for collection of these fees, it is imperative that we have a clear idea of what the proposed fees will be at the earliest possible time, and that the Board put the collection mechanism in place before properties begin turning over on the former Fort Ord, otherwise the burden of paying for impacts caused by development on Fort Ord will not be equally distributed. The CFD formation process has tentatively been recommended by the Finance Committee to take place at the FORA Board Meetings of May-July of 2001. Staff will have the Financial Consultants research this approach.

3. Noted in number (2) above, there appears to be a middle ground. FORA staff have been reluctant to recommend a blanket, basewide mitigation for sound walls and similar devices for areas of the base that do not yet have development or reuse taking place, or which do not customarily trigger such requirements. See for example, CalTrans requirements for sound walls, which are primarily intended to protect existing residential neighborhoods from project specific, measurable effects. Applying the individual jurisdictional standards noted in (1) above prior to the existence of a project or the availability of a developer to pay for various mitigations, not to mention the ability of a City Planning Commission or City Council to analyze a specific project on its merits, seems to us to lock in solutions that may or may not be sound public policy. It has even been suggested that including sound walls as basewide mitigations may increase the likelihood that sound walls will be built whether desired by the jurisdiction or not. We think it prudent to mitigate individual early projects with existing residents (such as California Avenue) in an appropriate manner, [which is to say, in a project specific manner in accordance with the recommendations of an environmental study] without establishing a precedent for either grant or non-grant funded projects. We also believe that a City will be in a stronger position if it requires future developers to mitigate their projects at the time that project is reviewed by the City, which may or may not require them to pay for sound walls. Therefore, one standard could be that FORA would be required to pay for mitigations of this nature on a project by project basis only, if mandated by the appropriate supporting environmental documents, for impacts created by basewide roadway projects in already populated areas. This would mitigate impacts on existing residential areas only. All other costs of this nature would be borne by a developer at the project level, as per the individual jurisdictional entitlement process.

The Administrative Committee took note of these ideas, but indicated a stronger desire for FORA to take the necessary steps to ensure that it mitigates for all impacts of basewide road projects it installs. This is not necessarily different from the project specific approach outlined above, but clearly delineates that a distinction not be made between residential and other sensitive receptors (for example, Day Care Centers, Churches, other land uses, etc.). The Administrative Committee indicated that this work should be funded to an acceptable minimum standard by FORA, with the costs of ongoing Operation and Maintenance assumed by the jurisdictions. We believe this can be done in conformance with the required environmental documents for any particular basewide project, which is to

say, FORA would be required to fund any and all mitigations referenced in the appropriate environmental documents for basewide projects it processes. The Administrative Committee did indicate that the issue of providing for mitigations for areas of the base that do not yet have occupied residences or other sensitive receptors present, is more difficult to plan for. An effort will be made to include such calculations on a project-by-project basis, either when FORA undertakes a basewide project, or when a developer processes an entitlement request through an individual city.

4. Finally, FORA staff articulated the concern that any addition to our basewide responsibilities will affect our ability to pay for other aspects of the program. For example, basic economics dictates that if we charge developers additional amounts for the provision of sound walls, the cost will be applied directly to reducing land value by the appraiser-established value. In short, we may require a developer to pay for sound walls through an increase in the FORA developer fees, with the result that both the City and FORA realize less land sales revenue from the developable properties. To the extent that FORA depends on those land sales revenues to remove buildings that are impediments to reuse on the former Fort Ord, for example, along the Highway 1 corridor, this goal becomes increasingly problematic, and will need to be monitored carefully. All the more reason to limit basewide responsibilities to a finite number of projects that have been mutually agreed upon by the jurisdictions and for which a uniform set of standards has been worked out. It was agreed that this careful monitoring take place, as this is an important risk, and we will report back to the Board periodically regarding this issue.
5. Having made these points, FORA staff agreed to continue to act in good faith in an attempt to work with the individual jurisdictions to find solutions to these vexing issues, and where possible, absorb costs agreed upon mutually by FORA and same.

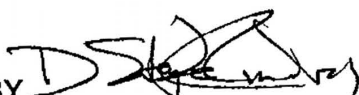
FISCAL IMPACT:

The Finance Program and Developer Fees are dependent on these issues. Adding the costs described above, if the past assumptions are changed, basewide mitigations will increase developer fees/financing costs by up to 25%.

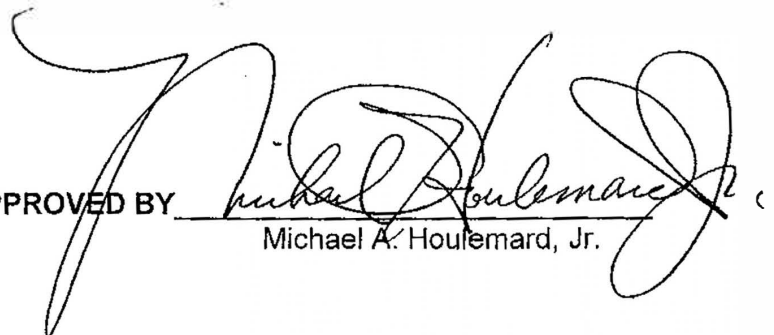
COORDINATION:

Finance Committee, Administrative Committee, Executive Committee, FORA Jurisdictions, Reimer & Associates, and In-tract vs. Basewide Working Group.

PREPARED BY


D. Steven Endsley

APPROVED BY


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

Subject:	Protocol for In-Tract versus Basewide Construction Responsibilities (formerly known as "Basewide versus In-Tract Infrastructure Costs")	
Meeting Date:	June 8, 2001	ACTION
Agenda Number:	7d	

RECOMMENDATION:

Approve the protocol for "In-Tract versus Basewide Construction Responsibilities."

BACKGROUND/DISCUSSION:

In light of certain project specific work that FORA staff is currently processing, several jurisdictions indicated the need for a protocol that clearly defines which agency or jurisdiction is responsible for funding certain aspects of those projects, usually delineated as "basewide" (FORA's responsibilities) and "in-tract" (jurisdictional responsibilities). An ad hoc committee was formed by the Administrative Committee and met on March 28th for the purpose of drafting a recommendation for review at the April 11th Administrative Committee meeting. Clarification at this point in time was particularly crucial, because decisions on such a protocol would have a direct impact on FORA's Finance Program and the Capital Improvement Program. The several points emphasized by the ad hoc committee and the Administrative Committee were outlined and discussed in the April 20th board report (attached).

The Administrative Committee indicated that projects should be funded to an acceptable minimum standard by FORA, including any and all of the mitigations referenced in the appropriate environmental documents for the basewide projects it processes. Ongoing operation and maintenance costs would necessarily be assumed by the jurisdiction. The particular problem where mitigations to projects not yet formed or approved was negotiated as follows: after FORA has completed a basewide mitigation project, mitigations for any potential future development would be included in the in-tract or project cost to developers or would be provided as determined by the appropriate jurisdiction. Since additional developer fees would reduce land value costs, less revenue would be realized by FORA and the jurisdictions, thus less revenue for basewide improvements would result. This dilemma was resolved by limiting basewide responsibilities to a finite number of projects that have been mutually agreed upon by FORA and the jurisdictions and for which a uniform set of standards has been established.

The Administrative Committee continued its discussion of the points and language in this protocol at its meetings of April 25th, May 2nd, and May 16th. In addition, the Finance Committee discussed the implications of this protocol during their discussions of the Capital Improvement Program and the Executive Committee provided input at its May 2nd meeting and asked that the protocol be written in laymans' terms. The attached protocol outlines in clear language the negotiated solution to the question of who pays for what and allows FORA and the jurisdictions to move forward with a clear understanding of the obligations and funding of basewide improvement projects.

FISCAL IMPACT: Unknown at this time.

COORDINATION:

Administrative, Executive, and Finance Committees, FORA jurisdictions, Reimer & Associates, and In-tract vs. Basewide Working Group.

Prepared by: Linda L. Stiehl Approved by: Michael A. Houlemard, Jr.

Linda L. Stiehl

Michael A. Houlemard, Jr.

EXHIBIT E



FORT ORD REUSE AUTHORITY


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MEMORANDUM

DATE: January 16, 2003

TO: Administrative Committee Members

FROM: James A. Feeney, P.E., Assistant Executive Officer 

SUBJECT: In-Tract versus Basewide Design and Construction Responsibilities

CC: Michael A. Houlemard, Jr., FORA Executive Officer
D. Steven Endsley, FORA Planning and Finance Director
James M. Arnold, FORA Senior Project Manager
Crissy Maras, FORA Administrative Coordinator

At the FORA Board of Directors meeting of April 20, 2001, the Board received an informational item regarding In-tract versus Basewide Construction Responsibilities with respect to the basewide transportation mitigation requirements of the Base Reuse Plan Capital Improvement Program (CIP). Subsequently, at the June 8, 2001 meeting, the FORA Board approved a protocol detailing the FORA level of responsibilities of delivering in-place improvements as distinguished from the land use jurisdiction levels of responsibilities. Copies of these Board reports are included as Exhibits in the attached Draft Final Report for your perusal.

Pursuant to the above referenced "Protocol for In-Tract versus Basewide Construction Responsibilities", FORA staff and consultants, working in concert with staff from the Cities of Marina and Seaside, have developed design standards, utilizing as base-models three of the transportation improvement projects identified in the CIP (Imjin Road, Reservation Road and 2nd Avenue).

The Administrative Committee, at its meeting of January 29, 2003 will be asked to review and approve the design standards as presented in the Draft Final Report.

The Draft Final Report is being sent to you in advance of the January 29th meeting so that you and appropriate staff from your respective jurisdictions have an opportunity to review and be positioned to provide comments and recommended changes prior to taking action to approve the report. It is noted that the Board delegated approval authority for the "design standards" when it adopted the protocol at its meeting of June 8, 2001.

If approved by the Committee, FORA will utilize the design standards as detailed in the report for subsequent design and construction activities on transportation projects advanced by FORA.

Encls.

**Exhibit E to
In-tract versus Base Wide Design and Construction Responsibilities
Final Report**