



FORT ORD REUSE AUTHORITY

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

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

SPECIAL MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, September 19, 2014 at 2:00 p.m.
Alumni & Visitors Center, California State University Monterey Bay
5108 4th Avenue, Seaside, CA, 93934

REVISED AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **CLOSED SESSION**
 - a. Public Employment , Gov Code 54959.7(b) - Executive Officer
 - b. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – 2 Cases
 - i. The City of Marina v. Fort Ord Reuse Authority, Case Number: M11856
 - ii. Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case Number: M114961
4. **ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**
5. **ROLL CALL**
6. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**
7. **CONSENT AGENDA**
 - a. Approve August 8, 2014 Board Meeting Minutes (pg. 1-3) ACTION
8. **BUSINESS ITEMS**
 - a. California State University Monterey Bay Update (pg. 4) INFORMATION
 - b. Capital Improvement Program Review - Phase III Study Final Report (pg. 5-18) INFORMATION
 - c. Regional Urban Design Guidelines Project Update (pg. 19-37) INFORMATION
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**
 - a. Outstanding Receivables (pg. 38) INFORMATION
 - b. Habitat Conservation Plan Update (pg. 39) INFORMATION

- c. Administrative Committee ([pg. 40-42](#))
- d. Post Reassessment Advisory Committee ([pg. 43-45](#))
- e. Travel Report ([pg. 46](#))
- f. Public Correspondence to the Board ([pg. 47](#))

INFORMATION
INFORMATION
INFORMATION
INFORMATION

11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT BOARD MEETING: OCTOBER 10, 2014

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, August 8, 2014 at 2:00 p.m.

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

1. CALL TO ORDER

Chair Edelen called the meeting to order at 2:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Rubio led the Pledge of Allegiance.

3. CLOSED SESSION

The Board adjourned into closed session at 2:01 pm

a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – 2 Cases

i. Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case Number: M114961

ii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M11856

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board reconvened into open session at 2:09 pm and Authority Counsel Jon Giffen announced no reportable action had been taken.

5. ROLL CALL

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

Chair/Mayor Edelen (City of Del Rey Oaks)

Mayor Pro-Tem Beach (City of Carmel-by-the-Sea)

Supervisor Calcagno (County of Monterey)

Mayor Gunter (City of Salinas)

Councilmember Lucius (City of Pacific Grove)

Councilmember Morton (City of Marina)

Mayor Pro-Tem O'Connell (City of Marina)

Mayor Pro-Tem Oglesby (City of Seaside)

Supervisor Parker (County of Monterey)

Mayor Pendergrass (City of Sand City)

Mayor Rubio (City of Seaside)

Councilmember Selfridge (City of Monterey)

Absent: Supervisor Potter (County of Monterey)

Ex-officio (Non-Voting) Board Members Present: Alec Arago* AR (20th Congressional District), Taina Vargas-Edmond* AR (29th State Assembly District), Donna Blitzer AR (University of California, Santa Cruz), Andre Lewis* AR (California State University, Monterey Bay), Vicki Nakamura* AR (Walter Tribley AR (Monterey Peninsula College), Bill Collins (Fort Ord BRAC Office), and Director Moore AR (Marina Coast Water District).

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Houlemard announced that the next Board meeting would be held at CSUMB on September 19th. The meeting would immediately follow a special speaker event featuring Richard Bernhardt, who would discuss lessons learned from the Baldwin Park military reuse project. He noted the event would be free and open to the public. More information was to be distributed in the coming weeks.

Chair Edelen stated the Environmental Protection Agency (EPA) and the Department of Defense had reached a resolution in their ongoing language dispute regarding the classification of munitions and explosives of concern (MEC). He stated that EPA District 9 Assistant Director Angeles Herrera was present to discuss the resolution, and he requested that item 8c be taken out of order to accommodate Ms. Herrera's schedule. There were no objections.

8c. Environmental Services Cooperative Agreement Update -

U.S. Army/Environmental Protection Agency Dispute Resolution

Mr. Houlemard introduced the item and Ms. Herrera provided background information regarding the language dispute. She emphasized the significance and far-reaching implications of the issue. Ms. Herrera explained that the resolution confirmed the legal framework for Army to sustain its obligation to address removal of future MEC discovery, providing better definition and more assurance. She thanked the FORA Board for their cooperation and responded to questions from members of the public.

7. CONSENT AGENDA

a. Approve July 11, 2014 Board Meeting Minutes

MOTION: Mayor Rubio moved, seconded by Supervisor Parker, to approve the Consent Agenda.

MOTION PASSED UNANIMOUSLY

8. BUSINESS ITEMS

a. 2nd VOTE: Approve Preston Park FY 2014-15 Annual Budget

Principal Analyst Robert Norris briefly summarized the item. An Alliance Communities Inc. representative, Corey Williams (Property Manager) responded to questions regarding the formula for setting annual rents, how move-in/in place rents are applied and the difference between market rate and fair market rents. Board members requested additional information on the relationship between the operating budget and budget deficits. Mr. Norris stated that staff planned to present an item at the October Board meeting regarding the formulas used to establish rental rate recommendations.

ORIGINAL MOTION (1st VOTE): To Approve the FY 2014-15 Preston Park Housing, Operating, and Capital Budgets, including a 2.4% rent increase.

2nd VOTE FAILED: Ayes: Calcagno, Edelen, Gunter, Oglesby, Pendergrass, Rubio. Noes: Beach, Lucius, Morton, O'Connell, Parker, Selfridge. Absent: Potter

MOTION: Councilmember Lucius moved, seconded by Councilmember Morton, that staff return the item to the October Board meeting for a discussion of the current proposed rental increase and related policy questions.

MOTION PASSED: Ayes: Beach, Calcagno, Lucius, Morton, O'Connell, Oglesby, Parker, Selfridge. Noes: Edelen, Gunter, Pendergrass, Rubio. Absent: Potter.

b. Regional Urban Design Guidelines - Approve Contract with Dover, Kohl & Partners

Associate Planner Josh Metz summarized the recent Regional Urban Design Guidelines consultant solicitation process and reviewed details of the proposed contract. Mr. Metz responded to questions from the Board.

MOTION: Supervisor Parker moved, seconded by Mayor Pro-Tem O'Connell, to approve the contract with Dover, Kohl & Partners.

MOTION PASSED UNANIMOUSLY

9. PUBLIC COMMENT PERIOD

The Board received comments from members of the public.

10. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables
- b. Habitat Conservation Plan (HCP) Update
- c. Administrative Committee
- d. Veterans Issues Advisory Committee
- e. Approved FY 2014/15 Fort Ord Reuse Authority Capital Improvement Program
- f. Post Reassessment Advisory Committee
- g. Travel Report
- h. Public Correspondence to the Board

Mr. Houlemard stated no discussion was required.

11. ITEMS FROM MEMBERS

Walter Tribley discussed AB 2235, which was headed to the state Appropriations Committee. If signed by Governor Brown, the bill would provide long-awaited funding for capital projects, particularly for higher education. He stated that FORA's support would be appreciated.

12. ADJOURNMENT

Chair Edelen adjourned at 4:02 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: California State University Monterey Bay Update

Meeting Date: September 19, 2014

Agenda Number: 8a

INFORMATION

RECOMMENDATION(S):

Receive an update on recent activities from California State University Monterey Bay (CSUMB) President Eduardo Ochoa.

BACKGROUND/DISCUSSION:

CSUMB is graciously hosting the September 19, 2014 FORA Board meeting at their Alumni & Visitors Center. President Eduardo Ochoa will provide a brief presentation.

FISCAL IMPACT:

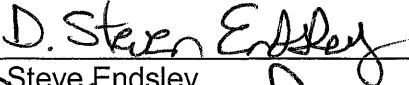
Reviewed by FORA Controller 

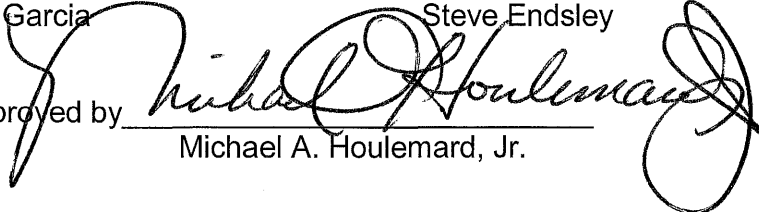
Staff time for this item is included in the approved FORA budget.

COORDINATION:

CSUMB

Prepared by 
Jonathan Garcia

Approved by 
Steve Endsley

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

| | | |
|-----------------------|---|--------------------|
| Subject: | Capital Improvement Program Review – Phase III Study Final Report | |
| Meeting Date: | September 19, 2014 | INFORMATION |
| Agenda Number: | 8b | |

RECOMMENDATION(S):

Receive the Capital Improvement Program (CIP) Review – Phase III Study Final Report (**Attachment A**). *The first ten pages are attached to provide a summary review.*

The full 60-page report for **Attachment A** is available on the FORA website using the link provided below:

<http://fora.org/Board/2014/Packet/Additional/091914Item8bAttachA-CIP-PhaseIII.pdf>

BACKGROUND/DISCUSSION:

In December 2013, the FORA Board approved the CIP Review - Phase III Study contract with Economic & Planning Systems (EPS), as a follow-on to their first two phases of the CIP Review and to further assess: 1) the appropriate cost-index; 2) transportation costs and contingencies; 3) other CIP contingency costs (including Habitat Conservation Plan endowment funding, additional utility/storm drainage, etc.); 4) water augmentation costs; 5) any surplus fund balance; 6) calibrating FORA Development Fee and Community Facilities District (CFD) after contingency reductions; and 7) removing the CIP Capital expense line item Marina Coast Water District (MCWD) "voluntary contribution" since it could be collected by MCWD with more certainty.

On May 16 and June 13, 2014, EPS presented results from their CIP Review – Phase III Study work to the FORA Board, indicating a 17.0% fee reduction could be supported. On June 20, 2014, the FORA Board formally adopted the proposed 17.0% Development Fee and CFD Special Tax reduction. The CIP Review – Phase III Study Final Report (**Attachment A**) documents EPS's analysis.

FISCAL IMPACT:

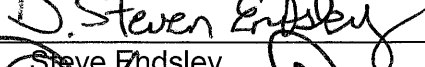
Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget. EPS's Phase III Study contract was funded through FY 13-14 budget.

COORDINATION:

EPS, Fort Ord land use jurisdictions, Administrative and Executive Committees.

Prepared by 
Jonathan Garcia

Approved by 
Steve Endsley

Approved by 
Michael A. Houlemard, Jr.

Final Report

Fort Ord Capital Improvement Program Review—Phase III

The Economics of Land Use



Prepared for:

Fort Ord Reuse Authority

Prepared by:

Economic & Planning Systems, Inc.

September 8, 2014

*Economic & Planning Systems, Inc.
2295 Gateway Oaks Drive, Suite 250
Sacramento, CA 95833-4210
916 649 8010 tel
916 649 2070 fax*

*Oakland
Sacramento
Denver
Los Angeles*

www.epsys.com

EPS #132143

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1. INTRODUCTION AND OVERVIEW

This report presents the findings of the Fort Ord Reuse Authority (FORA) Capital Improvement Program (CIP) review—Phase III, completed by Economic & Planning Systems, Inc. (EPS).

On June 20, 2014, the FORA Board approved an adjustment to the Basewide Development Fee Schedule and Community Facilities District (CFD) Special Tax (Development Fee and CFD Special Tax). This adjustment was based on the technical analysis completed by EPS over the preceding months as part of the Phase III CIP review process. The primary objective of this report is to document the final results of the technical analysis, providing a comprehensive discussion of key analysis inputs, assumptions, and variables.

Phase I and II CIP Review

In 2010, FORA retained EPS to conduct a detailed review of the FORA CIP. Through this “Phase I” effort, EPS suggested immediate actions to implement an interim Development Fee and CFD Special Tax, as well as ongoing strategies and actions to update the basewide financing strategy. The purpose of the initial CIP review was to identify short-term updates or modifications to the CIP and related one-time Development Fee and CFD Special Tax that could be implemented by the FORA Board and would maintain FORA’s ability to meet required California Environmental Quality Act (CEQA) mitigation measures, minimize risk to FORA and its member agencies, and facilitate the ability of private developers to proceed with development projects in FORA’s member jurisdictions.

As a result of the Phase I CIP Review, EPS recommended a multiphased approach aimed at ensuring the CFD Special Tax, when considered with all other revenue sources, enables FORA to fulfill its reuse obligations at Fort Ord. This approach included recommendations for immediate actions, as well as longer term ongoing financing strategy implementation recommendations.

FORA’s immediate actions included reducing the Development Fee and CFD Special Tax by 27 percent through reorganizing, recategorizing, and eliminating certain CIP project contingencies.

In 2012 and 2013, EPS undertook the Phase II CIP effort, which was intended to provide further consideration of the appropriate CFD Special Tax level, given additional analysis of key variables likely to impact the requisite CFD funding levels. The Phase II CIP Review included developing an analytical framework for computing the Development Fee and CFD Special Tax rates that would mitigate ongoing issues and concerns regarding risk and uncertainty. This “formulaic approach” was implemented through FORA Board Resolution 12-5 and amendments to the Individual implementation agreements with FORA jurisdictions. Calibration of the Development Fee and CFD Special Tax in accordance with the formulaic approach resulted in an additional 23.6-percent rate reduction.

The primary components of the formula and key elements of the implementation agreement amendments resulting from the Phase II CIP Review are described below.

Updated Development Fee and CFD Special Tax

At the August 29, 2012, board meeting, FORA adopted a Development Fee and CFD Special Tax formula that takes into account all potential revenue sources and costs in establishing the rates. Under the formula, authorized CIP improvements are funded by the Development Fee and CFD Special Taxes after applying all available property tax revenues, grant funds, and land sales and lease proceeds. The FORA Board periodically will adjust the Development Fee and CFD Special Tax following a comprehensive review of all potential costs and revenues, with the goal of establishing a process and formula that is defined, predictable, and transparent to all stakeholders. The formulaic approach provided an analytical framework to match FORA revenue sources to FORA obligations and set an appropriate fee level consistent with those obligations.

Under the formulaic approach, improvements authorized for Development Fee and CFD Special Tax funding include the following cost categories:

- Transportation/Transit Improvements.
- Water Augmentation Improvements.
- Habitat Management Endowment Requirements.
- Fire Fighting Equipment ("Rolling Stock").
- Other Costs and Contingencies:
 - Transportation/Transit Cost Contingency.
 - Utility and Storm Drainage Cost for restoration of storm drainage sites and relocation of utilities on State Parks land.
 - Pollution Legal Liability (PLL) Insurance Costs.
 - CFD Administration Costs.

The approach sets forth the following steps to compute adjustments to the Development Fee and CFD Special Tax Rates:

1. Determine total remaining CIP costs.
2. Determine source and amount of funds:
 - a. Fund Balance.
 - b. Grant Money.
 - c. CSU Mitigation Fees.
 - d. Loan Proceeds.
 - e. Land sales revenues/proceeds net of a required credit/offset equal to the amount of monies advanced to construct CIP improvements in excess of remaining building removal program estimated costs and lease revenues not required for other obligations.
 - f. FORA Property Tax Revenues.

3. Subtract these funding sources from CIP costs to determine net costs to be funded by Development Fee and CFD Special Tax.
4. Compute anticipated total Development Fee and CFD Special Tax funding using prior-year rates and current land use assumptions, based on the current FORA CIP.
5. Compare amount needed (under Step #3) to amount generated under Step #4, and calibrate Development Fee and CFD Special Tax Rate accordingly.

Figure 1-1 provides an illustration of the steps necessary to compute adjustments to the Development Fee and CFD Special Tax Rate.

Phase III CIP Review

The Phase III CIP Review was intended to further efforts completed under Phases I and II by further calibrating the Development Fee and CFD Special Tax through application of updated inputs to the formulaic approach and consideration of several key issues.

This Phase III study therefore provides an evaluation of the FORA CIP through the framework of the formulaic approach, culminating in a recommended adjustment to the Development Fee and CFD Special Tax. As part of the Phase III update, EPS applied updated development forecasts provided by the local land use jurisdictions, updated CIP costs in accordance with the Fiscal Year (FY) 2014-15 CIP, and calibrated the HCP endowment funding requirement accordingly. Over the course of the formula update, EPS evaluated and made recommendations regarding several key issues that informed development of the ultimately adopted FY 14-15 CIP. These key issues are summarized in the sections to follow.

MCWD Voluntary Water Contribution

The FY 2014-15 CIP reflects elimination of the \$21.7 million MCWD “Voluntary Water Contribution.” Prior versions of the CIP included this cost in an effort to ease the MCWD capacity fee burden resulting from needed Fort Ord water augmentation improvements. In September 2013, MCWD issued a revised Financial Plan and Rate and Fee Study, which included an update to the MCWD Capacity Fee, a one-time charge assessed when new connections are added to the water or wastewater system or when existing connections are increased in size. Because MCWD and FORA do not have a collection agreement in place to assure the transfer of funds from FORA to MCWD, the updated charge calculations did not consider the FORA Voluntary Water Contribution.

The MCWD Financial Plan and Rate and Fee Study therefore include the full cost of needed Fort Ord water and wastewater system improvements. As new development proceeds and new connections are added to the system, builders will be required to pay the Capacity Fee in effect at that time. New development also will be required to pay the FORA Development Fee and CFD Special Tax.

If the FORA Development Fee and CFD Special Tax were to include the FORA Voluntary Water Contribution, there likely would be overlap between the costs funded by each program. To resolve this potential overlap, EPS recommended that FORA remove the Voluntary Water Contribution from the FORA CIP and adjust the Development Fee and CFD Special Tax

accordingly. The FORA Board adopted this recommendation, which is reflected in the FY 2014-15 CIP.

HCP Endowment Payout Rate and Contingency

The FORA CIP includes a substantial Habitat Conservation Plan (HCP) contingency provision (approximately \$20.3 million for FY 2014-15). This contingency is intended to provide additional habitat management funds, should the assumed payout rate for the endowment funds be less than current estimates. At the FORA Board's direction, EPS and FORA staff evaluated whether this contingency should be maintained as part of the Phase III update.

FORA dedicates a portion of all Development Fee and CFD Special Tax collections to capitalizing the HCP Endowment. The HCP model developed by EPS (discussed more fully in the following chapter) computes the endowment capitalization requirement based on estimated development absorption and associated Development Fee and CFD Special Tax payments. The overall endowment fund capitalization requirement depends on the timing of contributions to the fund, as interest accruals on deposits comprise a substantial component of revenues that ultimately will provide the requisite levels of endowment funding. If contributions to the HCP Endowment Fund are delayed, there may be insufficient revenues to capitalize the endowment fully and fund HCP costs.

EPS, FORA staff, and the FORA Board have concerns regarding the potentially aggressive nature of the current development projections. If development does not proceed at currently projected rates, the revenues on which the current HCP Endowment capitalization requirements are computed may not materialize or may be substantially delayed. In addition, other uncertainties relative to the HCP remain, including the HCP Endowment holder, payout rate, and other variables.

Given these concerns and uncertainties, EPS recommended the FORA Board maintain the \$20.3 million HCP contingency. Upon approval of the HCP and selection of an HCP Endowment holder, EPS recommends the FORA Board conduct a detailed review of HCP costs and contingencies. At that time, it may be appropriate to reduce the contingency if there is more certainty regarding the endowment payout rate and other key variables, but EPS advises that the FORA Board continue to maintain some contingency provisions that will accommodate slower-than-projected development absorption.

Transportation Costs and Contingencies

The FORA CIP maintains a 15-percent contingency on all transportation costs, resulting in approximately \$17.7 million in transportation contingency costs in the current CIP. As part of the Phase III CIP Review process, the FORA Board requested that EPS evaluate this contingency and develop recommendations regarding whether the contingency should be maintained, eliminated, or otherwise adjusted.

Much of the current FORA transportation cost estimates were developed as part of the FORA Fee Reallocation Study, prepared by the Transportation Agency for Monterey County (TAMC) in April 2005. Transportation cost estimates included in the CIP have not been updated since that time. Given substantial uncertainty regarding FORA construction and transportation system funding obligations, EPS recommended that the full transportation contingency be maintained. Future updates should consider refined transportation cost estimates, coordinated with the update of

the 2005 FORA Fee Reallocation Study. The FY 2014-15 CIP therefore maintains a \$17.7 million transportation cost contingency.

Other CIP Adjustments

Other minor cost adjustments are reflected in the FY 2014-15 CIP. These changes include the following items:

- Removal of \$3.5 million of additional storm drainage and utility costs.
- Removal of \$3.0 million PLL insurance costs (shifted to land sale revenues).
- Fire fighting equipment cost retired.
- HCP Endowment requirements calibrated.
- Other CIP cost items indexed.

Phase III Formulaic Approach Results

Table 1-1 summarizes the recommended Development Fee and CFD Special Tax adjustment resulting from the calibration of total CIP costs and projected sources of other revenues that will be available to fund CIP costs. As identified here, the Phase III CIP review resulted in a proposed 17.0-percent downward adjustment of the Development Fee and CFD Special Tax. The FY 2012-13 rate for a new residential unit of \$27,180 (reflecting the Phase II adjusted rate of \$26,440, plus annual CCI index adjustments) therefore would be reduced to \$22,560.

Table 1-2 offers additional detail regarding the mechanics of the proposed adjustment. The formula takes into consideration total expenditures eligible to be funded by Development Fee and CFD Special Tax revenues and other estimated sources of funds that may be used to offset CIP costs to determine the total Development Fee and CFD Special Tax revenue required. The total Development Fee and CFD Special Tax revenue requirement then is compared to the estimated total Development Fee and CFD Special Tax revenue generated, based on current land use projections (Fiscal Year [FY] 2014–15 CIP) and the current Development Fee and CFD Special Tax rate (see **Table 1-3**). The adjustment factor is derived based on the relation between the Development Fee and CFD Special Tax revenue requirement and the projected revenue generated, based on the current rate structure. Additional detail on each component is provided below:

- **Remaining CIP and Other Costs.** FORA and EPS estimate remaining CIP costs total approximately \$223 million. In addition, the land sale revenue shall fund repayment of the \$18.0 million loan balance against the Preston Park property, and the Development Fee and CFD Special Tax shall repay \$6.8 million in funds advanced for FORA loans (Preston Park and line of credit) to construct CIP facilities. The \$6.8 million repayment will help offset FORA operations costs through 2020. Total expenditures therefore are roughly **\$248 million**.
- **Estimated Sources of Funds.** Other revenue sources may be available to offset a portion of the costs described above. Based on the categories of funding identified in the formulaic approach and the estimated revenue generated as detailed in this report, approximately **\$85 million** in other sources of funds will be available to fund CIP and other costs.
- **Development Fee and CFD Special Tax Revenue Required.** Netting the \$85 million in other revenues off of the total \$248 million in CIP and other costs results in approximately **\$163 million** in costs that will be funded by the Development Fee and CFD Special Tax.

- **Maximum Development Fee and CFD Special Tax Revenue.** Based on current land use projections and the existing Development Fee and CFD Special Tax rates, EPS estimates the Development Fee and CFD Special Tax will generate approximately **\$196 million** in revenue.
- **Development Fee and CFD Special Tax Rate Adjustment Factor.** The Development Fee and CFD Special Tax rate adjustment factor is derived by comparing the CFD Special Tax revenue requirement to the estimated Maximum Development Fee and CFD Special Tax Revenue. The actual revenue requirement is approximately **83 percent** of the currently projected maximum Development Fee and CFD Special Tax revenue, suggesting the FORA Board could adjust rates downward by 17.0 percent and still meet the Development Fee and CFD Special Tax revenue requirement.

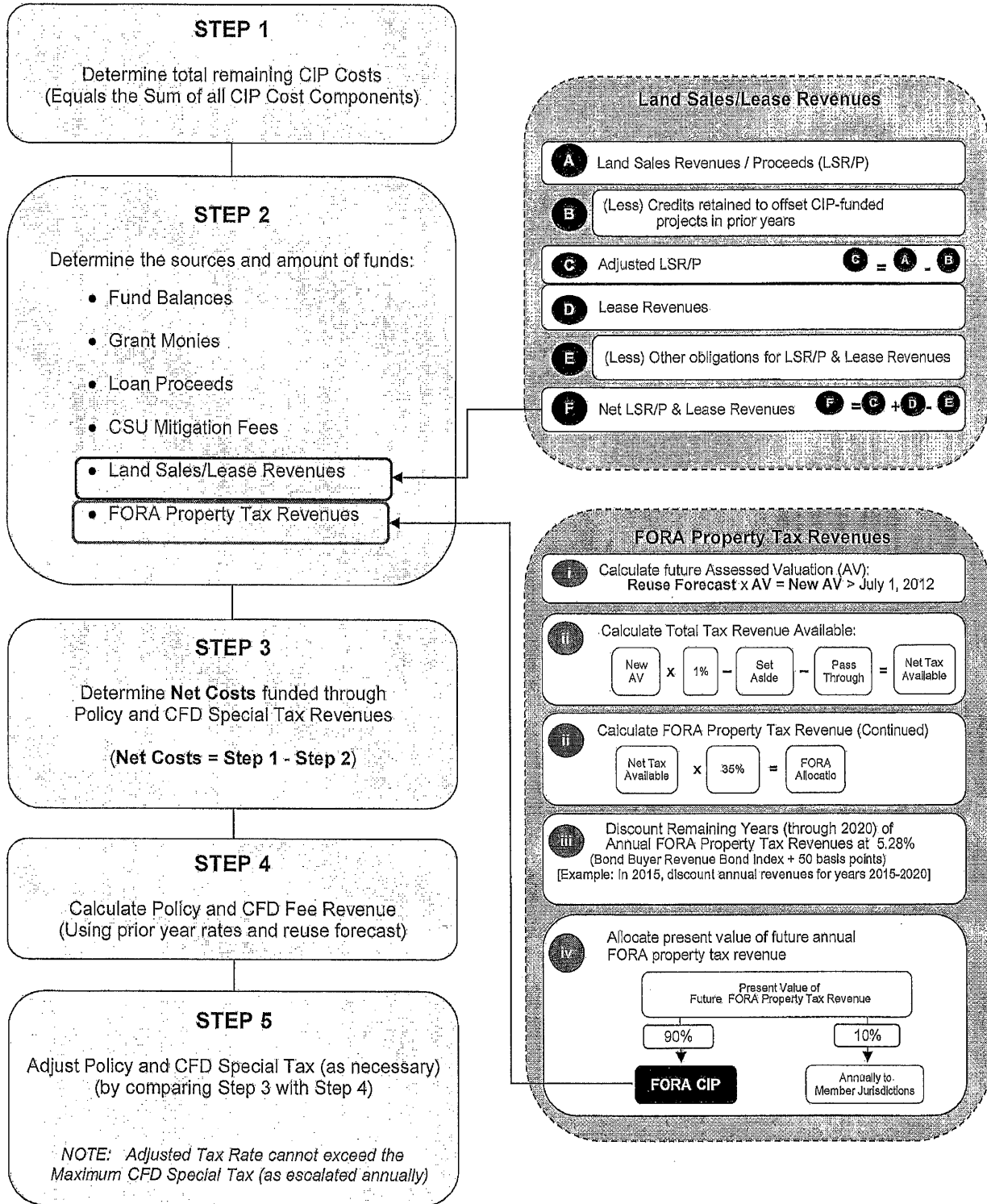
On June 20, 2014, the FORA Board adopted the proposed Development Fee and CFD Special Tax adjustment as described in this section. The remainder of this report offers additional detail regarding the analytical process. In addition to this introductory chapter, this report includes the following chapters:

- **Chapter 2** details the land use and development absorption assumptions used to derive the formulaic approach results.
- **Chapter 3** offers an overview of the CIP costs included in the formulaic approach, including a detailed overview of how EPS derived habitat management costs.
- **Chapter 4** details the methodological basis used to derive each of the sources of other funds available to offset CIP costs, based on the formulaic approach.

In addition, this report includes the following appendices:

- **Appendix A** includes detailed calculations relating to the estimated property tax revenues received by FORA.
- **Appendix B** details the methodology used to derive estimated FORA land sale revenues.
- **Appendix C** contains the detailed Habitat Conservation Plan cash flow analysis.

Figure 1-1
 Periodic Process to Update
 Basewide Development Fee Schedule
 and CFD Special Tax



process

Table 1-1
 FORA Phase III CIP Review
 CFD Special Tax Options

| Land Use | Basis | Development Fee Policy/CFD Special Tax | | | |
|----------------------|----------|--|---------------------------|------------|-------------------|
| | | Existing Rate | Preliminary Adjusted Rate | Difference | Percentage Change |
| | | July 1, 2013 | June 5, 2014 | | |
| | | | <i>ROUNDED</i> | | |
| New Residential | per du | \$27,180 | \$22,560 | (\$4,620) | -17.0% |
| Existing Residential | per du | \$8,173 | \$6,780 | (\$1,393) | -17.0% |
| Office & Industrial | per acre | \$3,567 | \$2,960 | (\$607) | -17.0% |
| Retail | per acre | \$73,471 | \$60,980 | (\$12,491) | -17.0% |
| Hotel | per room | \$6,065 | \$5,030 | (\$1,035) | -17.0% |

pre_tax

Sources: FORA and EPS.

Table 1-2
FORA Phase III CIP Review
Calculation of CFD Special Tax Funding Required

| Step/ | Item | Calculation | Amount |
|---|---|-------------------------|----------------------|
| STEP 1 (Tables 3-1, 3-2a & b, Appendix C) | Remaining Capital Improvement Program and Other Costs | | |
| | Transportation/Transit | a | \$118,180,000 |
| | Water Augmentation - CEQA mitigation | b | \$24,016,000 |
| | Water Augmentation - voluntary contribution | c | \$0 |
| | HCP Endowment [1] | d | \$40,110,000 |
| | HCP Endowment Contingency | e | \$20,283,000 |
| | Fire Fighting Equipment | f | \$0 |
| | Contingency (MEC, Soil mgt. plans, insurance retention, etc.) | g | \$17,727,000 |
| | Additional Utility and Storm Drainage Costs | h | \$0 |
| | Other Costs (PLL Insurance) | i | \$0 |
| | Other Costs (CFD Administration) | j | \$2,400,000 |
| | Subtotal CIP Costs | k = sum (a to j) | \$222,716,000 |
| | Preston Park Land Sale Loan Repayment [2] | l | \$18,000,000 |
| | Developer Fee Repayment to Land Sale Revenue Account [3] | m | \$6,793,000 |
| | Total Costs | n = k + l + m | \$247,509,000 |
| STEP 2 (Tables 4-1, 4-2, Appendices A & B) | Estimated Sources of Funds | | |
| | Existing Fund Balances [4] | o | \$0 |
| | Existing Fund Balance for HCP Endowment [5] | p | \$6,043,000 |
| | Grants | q | \$0 |
| | CSU Mitigation Fees | r | \$0 |
| | Loan Proceeds | s | \$0 |
| | FORA Property Tax Revenues | u | \$11,221,000 |
| | Land Sale Revenues [6] | t | \$67,612,000 |
| | Other Revenues | v | \$0 |
| | Total Sources of Funds | w = sum (o to v) | \$84,876,000 |
| STEP 3 | CFD Special Tax Revenue Required | | |
| | CFD Special Tax Revenue | x = n - w | \$162,633,000 |
| | FORA CFD Special Tax Revenue Summary | | |
| STEP 4 (Table 1-3) | Estimated Policy & CFD Special Tax Revenue - Current Estimates [7] | y | \$195,943,000 |
| | Net Cost Funded by Policy and CFD Special Tax Revenue | z = x | \$162,633,000 |
| | CFD Special Tax Required as a % of Maximum | aa = z / y | 83.0% |
| STEP 5 | Adjustment Factor Applied to Prior Year CFD Special Tax Rate | (Rounded) | 83.0% |

cip_fund_1

Source: FORA and EPS.

Amounts rounded to the nearest thousand.

[1] Includes existing fund balance for habitat mitigation.

[2] Reflects entire loan amount outstanding against Preston Park property to be paid off by land sale revenues.

[3] Reflects amount borrowed against land sale revenue account to construct CIP improvements. This amount must be repaid by developer fee revenues, and may be used to offset FORA operation costs (see Table B-1).

[4] Existing fund balance provided by FORA as of April 2014.

[5] Equals existing fund balance for habitat mitigation as of April 2014.

[6] Reflects land sale revenue available after building removal obligations are met.

[7] Based on remaining development subject to Basewide Development Fee Policy & CFD Special Tax and current rates.

**Table 1-3
FORA Phase III CIP Review
Estimated CFD Tax Revenues**

| Land Use | Remaining Development | Existing CFD Tax Rate (FY 2013/14) | Total CFD Revenue |
|---|--------------------------|--|----------------------|
| Residential | <i>Units</i> | | |
| New Residential [1,2] | 6,130 | \$27,180 | \$166,613,400 |
| Employer Based Housing [3] | 492 | \$1,359 | \$668,628 |
| Existing/Replacement Residential | 0 | \$8,173 | \$0 |
| Total Residential | 6,622 | | \$167,282,028 |
| Nonresidential Revenues | <i>Acres</i> | | |
| Office | 142.2 | \$3,567 | \$507,354 |
| Industrial | 44.4 | \$3,567 | \$158,369 |
| Retail | 161.6 | \$73,471 | \$11,872,752 |
| | <i>Rooms</i> | | |
| Hotel | 2,120 | \$6,065 | \$12,857,800 |
| Total Nonresidential | | | \$25,396,275 |
| Total Residential and Nonresidential [4] | | | \$192,678,303 |
| Plus Preston Park | | | \$3,265,000 |
| TOTAL CFD Revenue | | | \$195,943,303 |

tax_rev

- [1] Cypress Knolls units charged the new residential rate.
- [2] Includes 400 Cypress Knolls units, which do not count towards the 6,160 unit threshold.
- [3] CSUMB North Campus housing anticipated to meet employer based housing requirements and would be charged the associated reduced rate equal to 1/20 of the new residential rate.
- [4] Assumes no discount for affordable housing above the minimum requirement.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Regional Urban Design Guidelines Project Update

Meeting Date: September 19, 2014

Agenda Number: 8c

INFORMATION

RECOMMENDATION(S):

Receive Regional Urban Design Guidelines (RUDG) project update

BACKGROUND/DISCUSSION:

The Board approved the RUDG services contract with Dover, Kohl & Partners at its August 8, 2014 meeting. Since then, the contract has been finalized and initial steps in the Scope of Work (**Attachment A**) are underway. On Monday September 22, the consultant team will engage a start-up meeting with the RUDG Task Force from 1:00 to 3:00 pm. Meeting goals are to 1) ensure necessary steps are taken for an effective project launch, 2) the consultant and stakeholders interact to ensure a quality outcome, and 3) that sufficient background information/data/guidance is provided to the consultant team.

During November 12-19, 2014, the consultant team will conduct a site visit, including an in-depth tour by team principals, hold interviews with key stakeholders, and provide a Board meeting presentation. Following the site visit, the RUDG Design Charrette is scheduled for February 2-13, 2015. This 2-week long charrette will involve the consultant team working on-site with public and key stakeholders to work on the draft design guidelines.

A summary of key RUDG project dates:

- Project Start-up Meetings, September 22, 2014
- Consultant Team Site Visit, November 12-19, 2014
- RUDG Design Charrette, February 2-13, 2015

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget. FY 2014-2015 Reuse Plan Implementation budget includes funding to pay for RUDG consultant services.

COORDINATION:

Administrative Committee, RUDG Task Force

Prepared by


Josh Metz

Approved by


Michael A. Houlemard, Jr.

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 "lavaliere" 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.

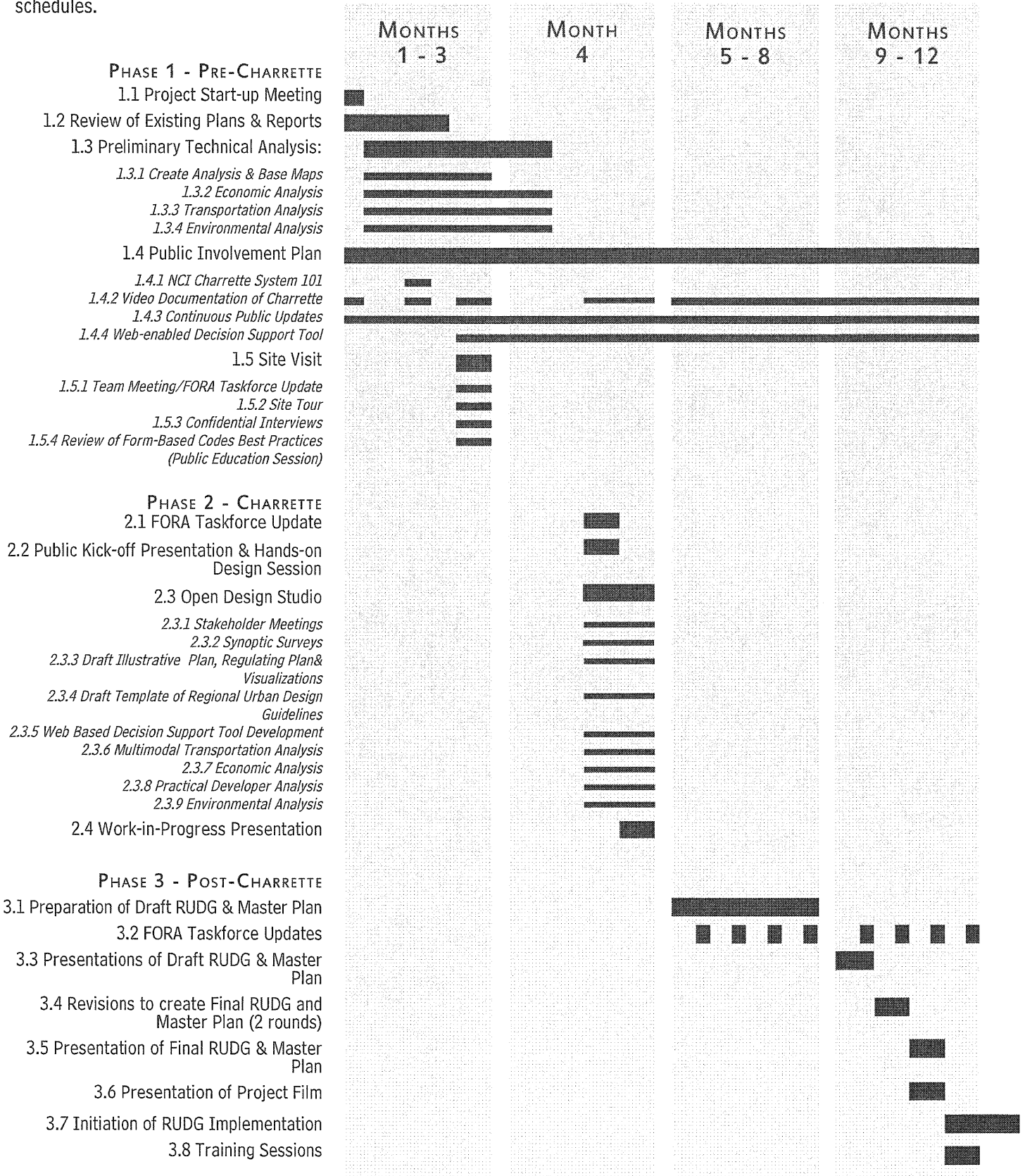
COST PROPOSAL

| | | 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

EXECUTIVE OFFICER'S REPORT

Subject: Outstanding Receivables

Meeting Date: September 19, 2014

Agenda Number: 10a

INFORMATION

RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update for August 2014.

BACKGROUND/DISCUSSION:

Development Fee/Preston Park: In 1997, the U.S. Army and FORA entered into an interim lease for Preston Park. Preston Park consisted of 354 units of former Army housing within the jurisdiction of the City of Marina (Marina). Marina became FORA's Agent in managing the property. Marina and FORA selected Mid-Peninsula Housing Coalition to manage the property and lease it to tenants. In 1998, Mid-Peninsula completed rehabilitating Preston Park units and began leasing the property to the public. After repayment of the rehab loan, Marina and FORA have by state law each shared 50% of the net operating income from Preston Park.

The FORA Board enacted a base-wide Development Fee Schedule in 1999. Preston Park is subject to FORA's Development Fee Schedule overlay. In March 2009, the FORA Board approved the MOU between FORA and Marina whereby a portion of the Preston Park Development Fee was paid by the project. In 2009, Marina transferred \$321,285 from Preston Park, making an initial Development Fee payment for the project. The remaining balance is outstanding and is the subject of current litigation.

FISCAL IMPACT:

All former Fort Ord projects are subject to either the developer fee overlay or the Community Facilities District fees to pay fair share of the California Environmental Quality Act required mitigation measures. In addition, the outstanding balance is a component of the Basewide Mitigation Measures and Basewide Costs described in Section 6 of the FORA Implementation Agreements. If any projects fail to pay their fair share it adds a financial burden to other reoccupied or development projects to compensate.

COORDINATION:

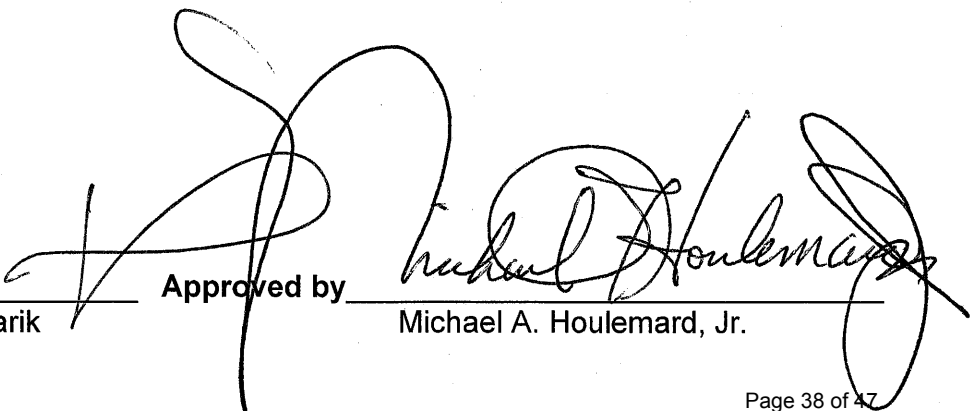
Executive Committee

Prepared by



Ivana Bednarik

Approved by



Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Habitat Conservation Plan Update

Meeting Date: September 19, 2014

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:

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 basewide HCP and 2081 permit in 2015, concluding with US Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) issuing federal and state Incidental Take Permits.

After meeting with CDFW Chief Deputy Director Kevin Hunting on January 30, 2013, FORA was told that CDFW and BLM issues require a Memorandum of Understanding (MOU) between CDFW and BLM, outlining certain assurances between the parties, resulting in additional time. Also, according to CDFW, final approval of an endowment holder no longer rests with CDFW (due to passage of SB 1094 [Kehoe]), which delineates specified rules for wildlife endowments. However, CDFW must review the funding structure and anticipated payout rate of the HCP endowment holder to verify if the assumptions are feasible. CDFW has outlined a process for FORA and the other permittees to expedite compliance with endowment funding requirements. FORA has engaged Economic & Planning Systems (EPS) to provide technical support during this process.

Other policy issues and completion of the screen check draft HCP should be completed in October 2014. If the current schedule is maintained, FORA staff expects a Public Draft HCP available for public review by early 2015. **Update:** On March 25, 2014, FORA representatives met with CDFW Chief Deputy Director Kevin Hunting, University of California and State Parks representatives to address outstanding State to Fed and State to State policy issues. State Senator Bill Monning convened a follow-up meeting on June 23 in Sacramento and general agreement was achieved to set a date for concluding all comments from all agencies and to publish the HCP shortly thereafter. FORA is working with ICF, USFWS, and CDFW to target a date for issuance of the draft documents for public review. A technical meeting was held July 30, 2014 with BLM, Permittees, USFWS, and CDFW representatives to review HCP governance and cost items. Attendees committed to submitting comments on HCP technical items and agreements no later than August 29, 2014.

FISCAL IMPACT:

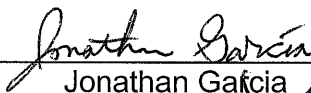
Reviewed by FORA Controller 

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

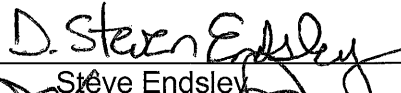
COORDINATION:

Administrative Committee, Executive Committee, ICF, Denise Duffy and Associates, USFWS, CDFW

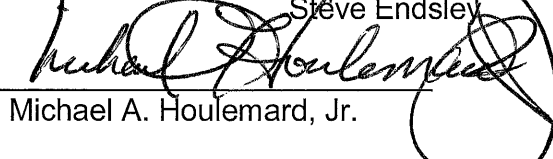
Prepared by


Jonathan Garcia

Approved by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

| | |
|--|--------------------|
| Subject: Administrative Committee | |
| Meeting Date: September 19, 2014 Agenda Number: 10c | INFORMATION |

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The approved July 30, 2014 Joint Administrative Committee, Water/Wastewater Oversight Committee minutes are attached for your review (**Attachment A**).

FISCAL IMPACT:

Reviewed by the FORA Controller 

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

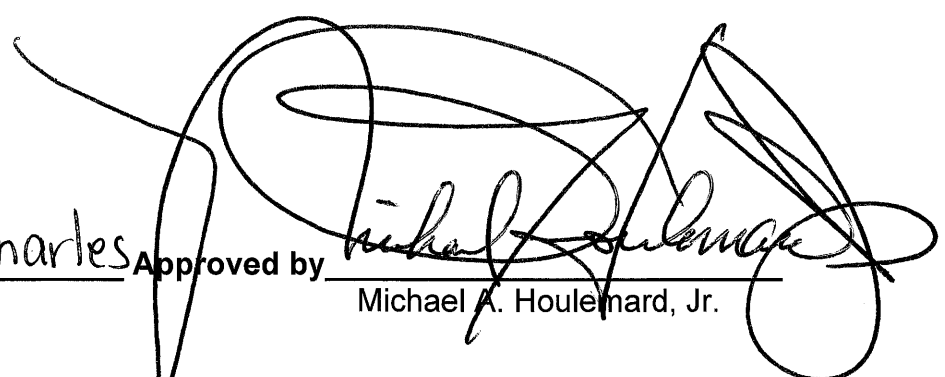
COORDINATION:

Administrative Committee

Prepared by


for: Lena Spilman

Approved by


Michael A. Houlehard, Jr.



FORT ORD REUSE AUTHORITY
JOINT WATER AND WASTEWATER OVERSIGHT COMMITTEE (WWOC)
ADMINISTRATIVE COMMITTEE MEETING MINUTES

8:15 a.m., Wednesday, July 30, 2014 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Co-chair Dawson called the meeting to order at 8:15 a.m. The following were present:

Dan Dawson, City of Del Rey Oaks*^o
Carl Holm, County of Monterey*
Elizabeth Caraker, City of Monterey*
John Dunn, City of Seaside *
Diana Ingersoll, City of Seaside^o
Dirk Medema, County of Monterey^o
Graham Bice, UC MBEST^o
Mike Lerch, CSUMB^o
Vicki Nakamura, MPC

Rick Riedl, City of Seaside
Anya Spear, CSUMB
Patrick Breen, MCWD
Mike Zeller, TAMC
Kathleen Lee, Sup. Potter's Office
Bob Schaffer
Chuck Lande, Marina Heights
Wendy Elliott, MCP

FORA Staff:
Michael Houlemard
Steve Endsley
Jim Arnold
Crissy Maras
Jonathan Garcia
Josh Metz
Lena Spilman

*Administrative Committee voting members
^o WWOC voting members

2. PLEDGE OF ALLEGIANCE

Ken Nishi led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Executive Officer Michael Houlemard discussed the ongoing language dispute between the Environmental Protection Agency and the Department of Defense regarding the classification of munitions and explosives of concern (MEC), noting that FORA anticipated receiving draft dispute resolution language by the end of the week.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

- a. **July 2, 2014 Joint Admin/WWOC Meeting Minutes**
- b. **July 16, 2014 Administrative Committee Meeting Minutes**

MOTION: Carl Holm moved, seconded by John Dunn, to approve the minutes as presented.

MOTION PASSED: Ayes: Dan Dawson, Carl Holm, John Dunn. *Absent*: Elizabeth Caraker, Layne Long.

6. AUGUST 8, 2014 BOARD MEETING - AGENDA REVIEW

Mr. Houlemard led a review of the August 8th Board meeting agenda packet and informed the Committee that trial date (November 17th) was set in the Marina vs. FORA Preston Park litigation.

7. BUSINESS ITEMS

a. Habitat Conservation Plan (HCP) Update

Senior Planner Jonathan Garcia stated the Joint Powers Authority agreement was amended to reflect comments from Committee members and had undergone review by Special Counsel Jerry Bowden.

b. Regional Urban Design Guidelines - Scope of Work

Associate Planner Josh Metz explained that the scope of work had been distributed to the Regional Urban Design Guidelines Task Force members, and that the item would be considered by the Board at their next meeting. *Elizabeth Caraker entered at 8:35 a.m.* The Committee discussed the Guidelines' applicability with members of the development community.

c. Reassessment Report Categories 1-3 - Discuss

Assistant Executive Officer Steve Endsley reviewed categories 1-3 from the Base Reuse Plan Reassessment Report, discussing the status of each item and proposed next steps.

d. Revised Marina Coast Water District (MCWD) Policy Issues Memorandum

Mr. Endsley summarized the previous two MCWD presentations to the FORA Board, noting they planned to provide several more in the near future. The outstanding policy issues document would accompany MCWD's future presentation regarding water augmentation. Patrick Breen noted the timing challenges associated with receiving the necessary MCWD Board and Administrative Committee approvals prior to elevating materials to the FORA Board. For this reason, the anticipated MCWD water augmentation presentation would need to be postponed until September. The Committee offered additional comments on the policy issues document and agreed to remove Item 8b from the August FORA Board agenda.

e. Discuss FY 2014/15 WWOC Work Program/Role

Mr. Houlemard reviewed the differing roles of the Administrative/Water and Wastewater Oversight Committees. The Committee members discussed ways of clarifying their roles and requested to receive additional information. It was decided that future use of joint meetings should be limited.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT

Co-Chair Dawson adjourned the meeting at 9:25 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Post Reassessment Advisory Committee

Meeting Date: September 19, 2014

Agenda Number: 10d

INFORMATION

RECOMMENDATION(S):

Receive Post Reassessment Advisory Committee activity/meeting report.

BACKGROUND/DISCUSSION:

The Post Reassessment Advisory Committee (PRAC) met on August 22. Information regarding highway signage for the Fort Ord National Monument and Fort Ord Dunes State Park was presented. Discussion focused on understanding the competing viewpoints on highway signage timing and locations. Representatives from California Department of Parks and Recreation (State Parks) submitted a letter supporting the installation of signage on Highway 1 directing travelers to the Fort Ord Dunes State Park via Lightfighter Drive. Bureau of Land Management (BLM) representatives support Highway 68 signage, but would like to see improvements to the northern access (Jerry Smith Corridor) before requesting signage along Highway 1 for the Fort Ord National Monument.

Staff noted that Richard Bernhardt will be coming to present his experience as the Administrator in charge of the Baldwin Park, FL, base reuse process on September 19 from 12-2pm, prior to the Board meeting. FORA Executive Officer Michael Houlemard communicated with Richard Bernhardt providing background information and encouraging connection with Victor Dover to align his comments as they related to the RUDG effort (see item 8e). Mr. Bernhardt has confirmed he coordinated with Dover-Kohl.

During the PRAC meeting, a member of the public made remarks regarding completion of Category III items. Staff provided copies of a recent progress presentation to the Administrative Committee on Category III. Staff also reported on meeting progress with member jurisdictions regarding post-Reassessment policy updates. The next meeting of the PRAC is scheduled for Friday September 12 from 12-2pm.

Approved minutes from the July 31 meeting are attached (**Attachment A**).

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget. Costs associated with Richard Bernhardt's presentation are within the approved 2014/2015 Reuse Plan Implementation budget.

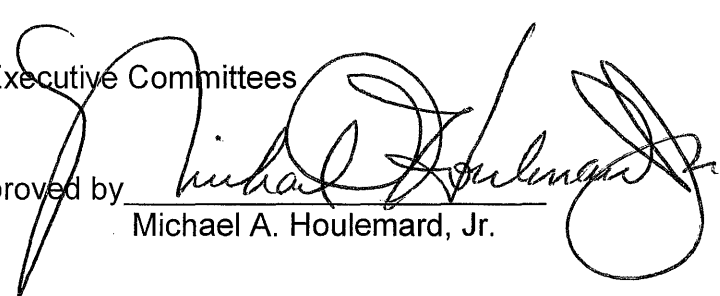
COORDINATION:

PRAC, BLM, State Parks, Administrative and Executive Committees

Prepared by


Josh Metz

Approved by


Michael A. Houlemard, Jr.



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

1:00 p.m., Monday, July 31, 2014 | FORA Conference Room
920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Confirming a quorum, Fort Ord Reuse Authority (FORA) PRAC Chair Jerry Edelen called the meeting to order at 1:05pm. The following people were in attendance:

Committee Members

Jerry Edelen (Chair), Del Rey Oaks
Gail Morton, City of Marina
Jane Parker, Monterey County
Thomas Moore, MCWD
Victoria Beach, Carmel-by-the-Sea

Staff

Michael Houlemard, FORA
Steve Endsley, FORA
Josh Metz, FORA

Other Attendees

Jim Fletcher, UCP East Garrison LLC
Eric Morgan, BLM
Graham Bice, UCMBEST
Rick Reidl, City of Seaside
Bob Schaffer, member of the public
Jane Haines, member of the public

2. APPROVAL OF MEETING MINUTES

MOTION: Tom Moore moved, seconded by Jane Parker, to approve the June 23 & 30, 2014 meeting minutes, as presented.

MOTION PASSED: Unanimous.

3. PUBLIC COMMENT PERIOD

None.

4. BUSINESS ITEMS

Jim Fletcher presented an overview of the UCP East Garrison LLC development including history, context, and current directions. Member Jane Parker asked about 2-bd units, and Jim Fletcher indicated they may be included in Grove Lots in Phase II. Members asked Jim Fletcher to identify challenges he's faced as a developer and potential regulatory/policy improvements. He indicated reducing the CFD fee has been very helpful. Also one of his big challenges has been finding sufficient labor to meet their development needs. All members indicated the discussion was very valuable. Other business items were rescheduled for the next meeting.

Staff noted that Richard Bernhardt will be coming to present his experience as the Administrator in charge of the Baldwin Park, FL Base Reuse process on September 19 from 12-2 prior to the Board meeting. Staff also presented an update on the Highway signage process for the Fort Ord National Monument (FONM) and Fort Ord Dunes State Park (FODSP). CalTrans can provide signs for FONM on Hwy 68 and FONM & FODSP on Hwy 1.

5. **ITEMS FROM MEMBERS**

None.

6. **NEXT STEPS**

- a. FORA staff will continue to
 - i. coordinate with CalTrans and Monterey County Public Works department about additional highway signage for the Fort Ord National Monument
 - ii. coordinate the visit by Richard Bernhardt on September 19

7. **ADJOURNMENT**

The next meeting of the PRAC was set for Friday August 22 at 1:30pm. The meeting was adjourned at approximately 2:30pm.

Minutes prepared by Josh Metz

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

| | |
|--|--------------------|
| Subject: Travel Report | |
| Meeting Date: September 19, 2014 Agenda Number: 10e | INFORMATION |

RECOMMENDATION(S):

Receive an informational travel report from the Executive Officer.

BACKGROUND/DISCUSSION:

The Executive Officer regularly submits reports to the Executive Committee on FORA staff/Board travel. The Committee reviews and approves requests, and the travel information is reported to the Board as an informational item.

Upcoming Travel

International Economic Development Council (IEDC) Annual Conference

Destination: Fort Worth, TX

Date: October 18-22, 2014

Traveler/s: Michael Houlemard, Economic Development (ED) Specialist*

Executive Officer Michael Houlemard and the ED Specialist will travel to Fort Worth, TX to attend the IEDC Annual Conference entitled "Steering Towards the Future: Convergence, Connectivity, and Creativity." The Conference will focus on best practices in incentive due diligence, drafting and enforcing performance agreements, and utilizing economic and fiscal impact analyses to deploy incentives in accordance with local needs and strategic community goals. *Assumes position will be filled prior to October 18, 2014.

Association of Defense Communities (ADC) Base Redevelopment Forum

Destination: San Francisco, CA

Date: November 11-14, 2014

Traveler/s: Michael Houlemard, 2 Others (Board/Staff)

Executive Officer Michael Houlemard and 2 other Board/Staff members will travel to San Francisco to attend the ADC Installation Innovation Forum, which will highlight successful redevelopment projects in the San Francisco Bay Area. 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 will focus on advancing economic opportunity through community-driven redevelopment.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item was included in the approved annual budget. Travel expenses are reimbursed according to the FORA Travel Policy.

COORDINATION:

Legislative/Executive Committee

Prepared by 

Lena Spilman

Approved by 

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

| | | |
|-----------------------|------------------------------------|--------------------|
| Subject: | Public Correspondence to the Board | |
| Meeting Date: | September 19, 2014 | INFORMATION |
| Agenda Number: | 10f | |

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