

RESOLUTION #97-6

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FORT ORD REUSE AUTHORITY CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT ON THE FORT ORD REUSE PLAN AND APPROVING THE FORT ORD BASE REUSE PLAN.

The Board of Directors of the Fort Ord Reuse Authority finds as follows:

A. General Findings

1. The Fort Ord Reuse Authority is a governmental entity organized under the laws of the State of California with specific duties, powers, and responsibilities. One of the express powers and duties of the Fort Ord Reuse Authority is the preparation and adoption of a plan for the future use and development of territory occupied by the United States Department of the Army (hereinafter "Army) and operated as the Fort Ord Military Reservation as of January 1, 1993. This plan, referred to as the Fort Ord BASE Reuse Plan, shall be the official local plan for the reuse of the Fort Ord property for all public purposes, including all discussions with the Army and other federal agencies and for the purposes of planning, design, and funding by all state agencies once the Fort Ord Reuse Authority adopts the plan.
2. The Fort Ord Reuse Authority has undertaken to prepare a Fort Ord Base Reuse Plan ("Reuse Plan") consistent with the required elements of a Fort Ord Base Reuse Plan as specified in state law.
3. On or about May 24, 1995, the Fort Ord Reuse Authority retained the professional services of EDAW, Inc. and EMC Planning Group, Inc., to prepare the Reuse Plan, a business and operations plan, and an environmental impact report on the proposed reuse plan. In addition, the following professional consultants assisted the Fort Ord Reuse Authority, EDAW, Inc., and the EMC Planning Group, Inc. in the preparation of the Reuse Plan, business and operations plan, and the environmental impact report: Sedway Kotin Mouchly Group (market analysis and financial plan), JHK and Associates (transportation engineering), Reimer Associates (infrastructure engineering), Angus McDonald & Associates (fiscal analysis and public services plan), Zander Associates (habitat planning), Jones & Stokes Associates, Inc. (environmental coordination), Resource Corps International (community development planning), and the Ingram Group (public communications). Collectively the consultants listed in this paragraph are referred to as the "EIR Consultant."
4. The proposed Reuse Plan and Final Environmental Impact Report (the "FEIR") has been prepared and submitted to the Board of Directors of the Fort Ord Reuse Authority. The Board of Directors has received public testimony

- and evidence relevant to the proposed Reuse Plan and its attendant FEIR during the hearing process.
5. The Reuse Plan, as evaluated through the FEIR, is a general planning document that preliminary reviews and considers the future reuse, use, and development of the former Fort Ord Military Reservation. The Reuse Plan does not directly approve any specific development project or improvement or any other plan, program, or project that involves physical development on property within the boundaries of the former Fort Ord Military Reservation.
 6. The Board of Directors has determined, on the basis of the FEIR prepared for the proposed Reuse Plan, that the policies contained in the Reuse Plan and subsequent environmental review of any future project as required by the California Environmental Quality Act (hereinafter "CEQA") will substantially lessen or avoid otherwise significant environmental impacts identified in the Final Environmental Impact Report. To the extent any impact remains significant, notwithstanding the application of such policies, the Board of Directors has determined that there are overriding economic and social considerations that justify the adoption of the Reuse Plan.
 7. The evidence in support of the findings contained in this resolution are found in the record of proceedings on file in the offices of the Fort Ord Reuse Authority. This record of proceedings consist of the following documents:
 - Notice of Preparation
 - Comments in Response to the Notice of Preparation
 - Notice of Completion
 - Draft Base Reuse Plan, consisting of 4 volumes
 - Draft Business and Operations Plan
 - Draft Environmental Impact Report
 - Comments in Response to the Draft Base Reuse Plan and Draft EIR
 - Responses to Comments on the Draft Base Reuse Plan and Draft EIR
 - Final Supplemental Environmental Impact Statement, Fort Ord Disposal and Reuse
 - Final Environmental Impact Statement, Fort Ord Disposal and Reuse,
 - consisting of the following 5 volumes:
 - Volume 1 - Final EIS, dated June, 1993
 - Volume 2 - Draft EIS, Detailed Analysis of Disposal and Reuse, December, 1992
 - Volume 3 - Draft EIS, Technical Appendices,, December, 1992
 - Volume 4 - Final EIS, dated June, 1993
 - Volume 5 - Final EIS, dated June, 1993
 - Memorandum dated May 9, 1997 to FORA Board and Administrative Committee from Michael A. Houlemaid, Jr., relating to a listing of modifications to the EIR, Reuse Plan, and Policy Considerations
 - An Errata Sheet, dated May 16, 1997
 - FORA newsletter announcing availability of DEIR and relevant mailing list

- All general files related thereto.

B. Findings Relevant to the Certification of the FEIR

1. In preparing the Reuse Plan, the Board has also undertaken the preparation of an Environmental Impact Report to assist the Board in understanding the environmental consequences of the plan and to ensure that the plan incorporates appropriate mitigation measures into the plan that will lessen or avoid any potential significant environmental impact.
2. The FEIR as prepared for and on behalf of the Board of Directors is a "program environmental impact report" consistent with the provisions of the CEQA and that in this regard, the FEIR shall serve as a "first - tier" environmental document. As a "first -tier" environmental document, the FEIR focuses on the broad policy considerations, base wide mitigation measures, regional influences, secondary effects, cumulative impacts, and other factors that apply to the reuse of the former Fort Ord Military Reservation as a whole. The FEIR anticipates that the formulation of details regarding site-specific issues will be deferred until the preparation of later project EIRs and negative declarations. The adoption of the FEIR for the Reuse Plan will not obviate the need for subsequent or additional environmental review of projects in the implementation or furtherance of the Reuse Plan, as may be appropriate.
3. In light of the status of the Reuse Plan as a general planning document that preliminary reviews and considers the reuse, use, and development of the former Fort Ord Military Reservation, the Board of Directors recognizes and acknowledges that additional, subsequent, or supplemental environmental assessments, will be required before any development project or physical improvement can be approved on the former Fort Ord Military Reservation.
4. The FEIR and the environmental documentation for the Reuse Plan also consists of the Final Environmental Impact Statement - Fort Ord Disposal and Reuse, as prepared by the Army in June of 1993, and the Draft Supplemental Environmental Impact Statement - Fort Ord Disposal and Reuse, as prepared by the Army in June of 1996. The FEIR relies in part on these environmental impact statements and incorporates these documents as part of the FEIR. In reviewing the proposed Reuse Plan and the FEIR, the Board of Directors has considered the environmental impact statements as prepared by the Army.
5. On January 8, 1996, staff for the Fort Ord Reuse Authority issued a Notice of Preparation, prepared in accordance with the state law, stating that an environmental impact report would be prepared for the Reuse Plan. The Notice of Preparation was sent to the California Office of Planning and

Research State Clearinghouse and each responsible agency, federal agency, and trustee agency as required by law, as well as to interested agencies, individuals, and jurisdictions. The Notice of Preparation describes the proposed project, the location of the project, and the general impact sufficiently to permit a response. The proposed assessment of the environmental impact of the reuse Plan was assigned State Clearinghouse Number 96013022.

6. On January 22, the Fort Ord Reuse Authority conducted noticed public scoping sessions for the purpose of engaging early public consultation regarding the environmental effects of the Reuse Plan, to gather information from individuals and organizations concerned with the environmental effects of the proposed reuse plan, and to assist the Fort Ord Reuse Authority in determining the scope of the Environmental Impact Report. Notice of these scoping session was published in accordance with state law.
7. On or about March 21, 1996, the administrative draft of the EIR ("ADEIR") was received by the Fort Ord Reuse Authority from the EIR Consultant. The ADEIR was reviewed by FORA staff and the FORA Administrative Committee (a working subcommittee of FORA) or representatives of the Administrative Committee members. All comments received were forwarded to the EIR Consultant for incorporation in the circulation Draft Environmental Impact Report ("DEIR").
8. Prior to completing the DEIR, the FORA staff and EIR Consultant contacted interested agencies, individuals, and jurisdictions to receive their input. Those contacted are listed in the DEIR. The responses are also set forth in the DEIR and are supported by empirical data, scientific authorities, and explanatory information which crystallizes issues and affords a basis for comparison of the problems involved with the proposed reuse plan and the difficulties involved in the alternatives.
9. On or about May 29, 1996, staff for FORA filed with the California Office of Planning and Research State Clearinghouse a Notice of Completion in accordance with state law. The Notice of Completion briefly described the reuse plan and its location and indicating that the DEIR was available, where it was available, and how long it was available for review, along with a deadline for review.
10. On May 31, 1996, the FORA staff issued a Public Notice of Availability in accordance with state law to all organizations and individuals who had previously requested such notice, and released for circulation for DEIR for circulation review, and comment for an initial period of 45 days, commencing on June 1, 1996 and ending on July 31, 1996.

11. On or about May 31, 1996, the FORA staff hand delivered copies of the DEIR for public availability to each City Hall for the Cities of Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Pacific Grove, Sand City, Salinas, and Seaside, the Office of the Clerk to the Board of Supervisors, and the Steinbeck Branch Library in Salinas and each public library in Carmel-by-the-Sea, Carmel Valley, Marina, Monterey, Pacific Grove, and Seaside.
12. The review and comment period was extended two times by the Board of Directors at the request of several individuals and entities. The DEIR circulated and was subject to public review and comment for a total period of 133 days. The circulation period ended on October 11, 1996.
13. The Board of Directors conducted three public meetings during the public review period to hear and receive comments on the DEIR. These meetings were held on July 1, 1996, at Oldemeyer Center in Seaside, August 22, 1997 at Oldemeyer Center in Seaside, and October 7, 1996 at the Monterey Conference Center in Monterey. In addition, the FORA staff and EIR Consultant participated in a public workshop on August 7, 1996 at the offices of MCOE TV in Salinas. This workshop was broadcast on MCOE, a local educational television station available to local cable television subscribers.
14. FORA staff and the EIR Consultant reviewed and evaluated comments received during the comment period and prepared good faith, reasoned analysis in response to such comments, including reasons why specific comments and suggestions were not accepted. In addition, FORA staff and the EIR Consultant elected pursuant to state law to respond to selected comments received after the close of the comment period when, in the opinion of FORA staff, such comments were material and important.
15. On March 23, 1997, FORA, through its EIR Consultant, completed the Final EIR in accordance with state law. In addition to the DEIR, the Final EIR consists of two volumes: Volume 1 contains the comments to the DEIR and Volume 2 contains the responses to the comments to the DEIR as well as appropriate modifications and revisions to the DEIR as suggested by the comments and incorporated through the responses to the comments to the DEIR.
16. The FEIR, which included all comments received during the review process and the complete responses to these comments, was submitted to the Board of Directors and the FEIR was recommended for certification at a public hearing on April 24, 1997. After receipt of public testimony, the Board of directors continued the public hearing to May 9, 1997 and after providing an additional opportunity for public testimony, the Board of Directors closed the public hearing and continued the meeting to May 22, 1997.

17. The FEIR prepared for the Reuse Plan identified the potentially significant environmental impacts as the following:
- Land use impacts relating to incompatible land uses and development in the coastal zone;
 - Public services, utilities, and water supply impacts relating to the need for new systems, services, and supplies;
 - Public health and safety impacts relating to the exposure to hazardous and toxic materials; and
 - Visual resources impacts relating to reduced visual quality from increased development within the former Fort Ord and reduced visual quality seen from the Salinas Valley.
18. The FEIR prepared for the Reuse Plan identified the following significant impacts which would be unavoidable under the proposed Reuse Plan:
- Proposed Reuse Plan and cumulative-level public health and safety impacts relating to the increased demand for law enforcement services and the increased demand for fire protection/emergency services;
 - Cumulative public services, utilities, and water supply impacts associated with the need for local water supplies;
 - Proposed Reuse Plan and cumulative-level traffic and circulation impacts relating to the increased demand on the regional transportation system; and
 - Cumulative visual resource impacts associated with landscape change along the SR1 corridor.
19. The Reuse Plan addresses the feasible mitigation measures set forth throughout the FEIR by incorporating policies which mitigate or avoid the significant impacts identified in the FEIR.
20. Changes have been incorporated into the Reuse Plan which substantially lessen the potential significant environmental effects as identified in the FEIR, those changes being reflected in the final text of the proposed Reuse Plan.
21. The Board of Directors has reviewed and considered the information within the FEIR prior to adoption of the proposed Reuse Plan.
22. The certification of the FEIR on the Reuse Plan reflects the independent judgment of the Board of Directors after consideration of the information contained within the FEIR, comments presented during the public review of the DEIR, and testimony presented at the Board of Directors hearing.

C. Findings Relevant to the Fort Ord Reuse Plan

1. The Board of Directors considered the documents listed in Paragraphs A-1 and B-4 and made these documents available to the public prior to its deliberations.

2. Notice of the public hearing before the Board of Directors on the Reuse Plan was published in the Monterey Herald and otherwise noticed as required under state law.
3. A noticed public hearing before the Board of Directors was held on the Reuse Plan on April 24, 1997. The Board of Directors received a staff report on the proposed Reuse Plan and provided an opportunity for the public to provide comment on the proposed Reuse Plan. The Board of Directors continued the matter to May 9, 1997, to receive additional public comment. At the close of public testimony on May 9, 1997, the Board of Directors closed the public hearing and continued the meeting to May 22, 1997 for deliberation and action.
4. The proposed Reuse Plan contains and incorporates each and every policy, program, and mitigation measure identified in the FEIR, including all of the FEIR's concomitant components, including the Final EIS and Final Supplemental EIS.
5. The proposed Reuse Plan is consistent with the requirements of state law, contains all required elements as specified in state law, provides for a reasoned and appropriate level of planned development, and achieves the goals of the Reuse Plan as outlined in state law.
6. The proposed reuse Plan was considered and adopted by an affirmative vote of the requisite number of members of the Board of Directors.

D. Additional Findings

1. After considering all the evidence, both oral and documentary, contained in the record of proceedings and presented to the Board of Directors during the various public hearings, the Board of Directors find that all unavoidable significant impacts, as identified in the FEIR and to the extent that there are any other significant impacts associated with the Reuse Plan can not be eliminated or lessened to a level of insignificance, are acceptable due to overriding considerations.
2. The Board of Directors, as the decision makers on this Reuse Plan have balanced the benefits of the proposed Reuse Plan against its environmental impact and determined that benefits of the proposed Reuse Plan outweigh any unavoidable adverse environmental effects.
3. In making these findings of overriding considerations, the Board of Directors specifically finds that:

- a. The Reuse Plan will provide for an improved and diversified retail and industrial economy and market that will generate employment and create financial stability;
 - b. The Reuse Plan will provide moderate and upscale housing which will provide more affluent residents to the communities of Seaside and Marina, thereby creating a housing stock with higher income families in these communities with larger disposable incomes;
 - c. The Reuse Plan will provide additional tourist support facilities in Seaside and Marina, thereby contributing additional employment opportunities.
 - d. The Reuse Plan will encourage and prioritize the development of projects that are regional in scale, thereby creating additional destination points on the Monterey Peninsula, and thereby enhancing the local economy;
 - e. The Reuse Plan provides for the creation of various additional recreational facilities and open space that will enhance the quality of life for not only the residents of Seaside and Marina but all of the residents of the Peninsula
 - f. The Reuse Plan will attract and assist in retaining a pool of professional workers for the Peninsula;
 - g. The Reuse Plan will assist in ensuring that the overall economic recovery of the Peninsula benefits the communities of Seaside, Marina, and the unincorporated areas of the County in the vicinity of Fort Ord;
 - h. The Reuse Plan will provide for additional and needed senior housing opportunities;
 - i. The Reuse Plan will assist the communities of Seaside and Marina in the transition of their respective community images from dependent, military base extensions with transient military personnel to vital, independent, and self-actuated communities populated with permanent residents with long-term interests in the well-being of their respective communities.
 - j. The Reuse Plan will encourage development that will enhance the continued viability of California State University at Monterey Bay and the open space areas retained by the federal government through the Bureau of Land Management and conveyed to the California Department of Parks.
4. The Board of Directors finds that in the event it is determined that the significant effects identified in the FEIR are not at least substantially mitigated, the Board of Directors hereby adopts this portion of this Resolution as its Statement of Overriding Considerations that the benefits of the reuse Plan outweigh any and all potential unavoidable adverse effects of the Reuse Plan.
5. Each land use jurisdiction with territory within the boundaries of the Fort Ord Reuse Authority are required to render, prepare, and adopt appropriate amendments or revisions to their respective general plans to ensure that such

general plans are consistent with the adopted Reuse Plan. The Board of Directors finds that prior to adoption of such general plan amendments each such land use jurisdiction shall request, review, and consider urban water management plans from water agencies providing water service to any area covered by the Reuse Plan, consistent with the provisions of state law.

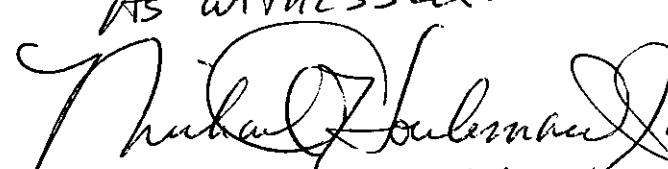
The Board of Directors of the Fort Ord Reuse Authority Resolves as follows:

Section 1. The Board of Directors certifies the Final Environmental Impact Report, including its concomitant components as described in this Resolution, adequately describes the environmental consequences of the Fort Ord Reuse Plan, and has been completed in compliance with state law.

Section 2. The Board of Directors adopts the Fort Ord Reuse Plan, consisting of the various elements, refinements, and amendments as described in this Resolution.

On motion of Board Member Barklich, seconded by Board Member
Perrine, this resolution is adopted this 13 day of June 1997, by the following vote:

AYES: 10
NOES: 3
ABSENT: 0

As witnessed:

Michael Sulman
Executive Officer