

Resolution # 01-5

Resolution Certifying that the )  
Amendments to the General Plan of )  
the City of Marina are Consistent with )  
the Fort Ord Base Reuse Plan. )

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan prepared in accordance with the requirements of Government Code Section 67675, et seq.
- B. Section 67675, et seq., of the Government Code, provide that, after FORA has adopted a reuse plan, each county or city within the territory occupied by Fort Ord is required to submit to FORA its general plan or amended general plan and zoning ordinances satisfying the requirements of said statutes.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures that address how the Authority Board will implement the provisions of the Government Code referenced in Paragraph B.
- D. The City of Marina is a member agency of FORA and has property that falls within the territory occupied by Fort Ord and falls within the jurisdiction of FORA.
- E. After conducting a duly noticed public meeting on October 31, 2000, the city council of the City of Marina (the "City"), by Resolution 2000-95, approved an amendment to the City's General Plan which provided land use designations, and which adopted policies and programs, for all of the territory of the City within the jurisdiction of FORA. A copy of the amendment to the City's General Plan is attached as Exhibit A and made a part of this Resolution.
- F. The City made findings that the Fort Ord Base Reuse Plan Final Environmental Impact Report, certified by the Board on June 13, 1997, and the Environmental Impact Report Addendum prepared by the City for the amendments to its General Plan ("Amendments"), adequately studied the potential environmental impacts of the Amendments and were prepared in compliance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The City adopted and imposed mitigation measures and a mitigation monitoring program for identified potential significant environmental impacts; with respect to environmental impacts that could not be reduced to less than significant level, the City determined that overriding considerations justified the approval of the Amendments.
- G. The City made findings that the Amendments are consistent with the Fort Ord Base Reuse Plan, are consistent with FORA's plans and policies and are otherwise consistent with the Fort Ord Reuse Authority Act. Further, the City considered the Fort Ord Base Reuse Plan EIR and adopted Addenda to the EIR, and other evidence supporting the findings.

- H. On December 19, 2000, the City provided FORA with a complete copy of the Amendments, the resolutions and ordinance approving the Amendments, a staff report and materials relating to the Amendments, a copy of the EIR Addendum and CEQA findings, and findings and evidence supporting its determination that the Amendments are consistent with the Fort Ord Base Reuse Plan and the Fort Ord Reuse Authority Act (collectively, "Supporting Material"). The City requested that FORA certify the Amendments as being consistent with the Fort Ord Base Reuse Plan for those portions of the City of Marina that lie within the jurisdiction of the Fort Ord Reuse Authority.
- I. The Executive Officer of FORA has reviewed the Amendments and Supporting Materials with the Working Group and Administrative Committee of FORA and has submitted a report recommending that the Board find that the Amendments to the Marina General Plan for those portions of the City of Marina that lie within the jurisdiction of the Fort Ord Reuse Authority, are consistent with the Fort Ord Base Reuse Plan.
- J. The description of "Planned Development Mixed Use" Land Use Designation from page 3-50 of FORA Fort Ord Reuse Plan reads: "This designation is intended to encourage the development of pedestrian-oriented community centers that support a wide variety of commercial, residential, retail, professional services, cultural and entertainment activities." A selection from the list of the final "Permitted Range of Uses" includes: multiple family dwellings, neighborhood retail, regional retail, business parks, office/research and development uses, entertainment uses, commercial recreation, parks, community centers, public buildings & facilities, including visitor centers, cultural centers, museums, transit centers, etc.
- K. Chapter 8, Section 8.02.010(a)(4) guides the determination of use consistency and reads: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land uses decision for which there is substantial evidence supported by the record, that [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property..."
- L. "Visitor-Serving Uses" as a designation is not in conflict with or incompatible with uses within the broadly defined Planned Development Mixed Use (PDMU) designation and such uses may be an important and integral component to support the variety and range of listed uses.
- M. The City of Marina has asserted that visitor accommodations which Marina's General Plan would anticipate in the area of the PDMU designated area of the Reuse Plan could be considered accessory to other uses in the PDMU area, in that the accommodations would occupy no more than 10 acres of the PDMU area.
- N. The current reuse and past use of facilities within the City of Marina in the PDMU area that have visitor accommodation components (Marina Youth Services Activity Center and Lightfighter Lodge) are expected to continue as similar visitor-serving uses.
- O. Planning determinations of land use consistency with planning documents do not require a perfect match within the State of California. For example, the State Office of Planning and Research definition in the General Plan Guidelines cited with approval by courts states: "An

action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."

- P. FORA needs to determine consistency based upon the overall general plan submittal and a fuller variety of review factors, not predicated on precise matches or failure of one or two possible areas of concern.

NOW THEREFORE the Board hereby resolves as follows:

1. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and the City's EIR Addendum (collectively, the "Environmental Documentation") and finds that in the independent judgment of the Board, the Environmental Documentation are adequate and in compliance with the California Environmental Quality Act ("CEQA") and the same documents are hereby determined sufficient for purposes of FORA's determination of consistency of City's Amendments to its General Plan and its Zoning Ordinance.
2. The Board has considered the Amendments and Supporting Material provided by the City of Marina and the recommendation of the Executive Officer and Administrative Committee.
3. The Board conducted a public hearing on February 9, 2001, a further informational session on March 9, 2001, and a further special session on March 22, 2001, which were calendared and noticed by the Executive Officer of FORA, for the purpose of certifying or refusing to certify, in whole or in part, the Amendments and to consider whether to approve and certify that the Amendments meet the requirements of the Fort Ord Reuse Authority Act and are consistent with the Fort Ord Base Reuse Plan.
4. The Board finds that, in regard to the Amendments, the City has followed the procedures and fulfilled the requirements of the Implementation Process and Procedures of the Fort Ord Base Reuse Plan and the Master Resolution and has met the requirements of Government Code section 67675, and following.
5. The Board finds that the City has provided substantial evidence that the Amendments are consistent with the Fort Ord Base Reuse Plan. The evidence includes, but is not limited to, Exhibit B of the City of Marina Resolution No. 2000-95 and the Supporting Material. The Board finds, however, that Marina's water allocation figure on page 12 (1st sentence) of the Supporting Material dated 3/6/01 should be 1,175 (not 1,185) acre-feet per year. The Board further finds that the legislative decision made hereto has been based in part upon the substantial evidence submitted regarding allowable land uses in, and not limited to, the Mixed Use districts, a weighing of the Base Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided, and that the cumulative land uses contained in the Marina General Plan are not more intense or dense than those contained in the Base Reuse Plan.
6. City of Marina's Amendments to its General Plan, as contained in Resolution 2000-95 will, considering all their aspects, further the objectives and policies of the Final Base

Reuse Plan and are hereby approved and certified as meeting the requirements of Title 7.85 of the Government Code and are consistent with the Fort Ord Base Reuse Plan.

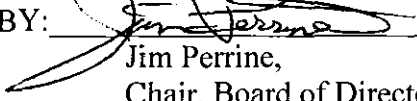
7. The Board notes that at the November, 2000 election, after the adoption of the General Plan, the citizens of Marina adopted Measure E by voter initiative. The Board notes that Measure E may limit development within the City of Marina but outside of the Authority's jurisdiction. The Board finds that such development limitations do not conflict with the Base Reuse Plan.
8. The Board finds that Chapter 8 of the FORA Master Resolution should be adjusted within 180 days to clarify and eliminate any potential inconsistency between the Base Reuse Plan and the Marina General Plan.
9. The Board acknowledges citizen concern over the effect of the Marina General Plan on housing opportunities. The Board finds that the Marina General Plan enables affordable housing units to be constructed and offers other compensating opportunities for persons of color in and around the former Fort Ord.

Upon motion of Supervisor Johnsen, seconded by Mayor Barlich, the foregoing resolution was passed on this 22<sup>nd</sup> day of May, 2001, by the following vote:

AYES: 9  
NOES: None  
ABSENT: Supervisor Calcagno  
ABSTENTIONS: 1 (Mayor McCloud)

I, JIM PERRINE, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered in the minutes of the board meeting of May 22, 2001 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED: March 22, 2001

BY:   
Jim Perrine,  
Chair, Board of Directors  
Fort Ord Reuse Authority