

Resolution # 07-3

Resolution Determining Consistency of)
City of Marina Zoning Ordinance Amendments)
Regarding Affordable Housing and Secondary)
Dwellings)

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 under Government Code Section 67675, et seq.
- B. After FORA has adopted a reuse plan, Government Code Section 67675, et seq. require each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of Marina ("Marina") is a member of FORA. Marina has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After noticed public meetings on September 19, 2006 and October 17, 2006, the Marina Council adopted Amendments to the Marina Zoning Ordinance to implement Marina General Plan policies regarding affordable housing, affecting lands on the former Fort Ord.
- F. The Marina Housing Element has already been found consistent with the Base Reuse Plan. On October 17, 2006, the Marina Council recommended that FORA determine that its Final Base Reuse Plan, certified by the Board on June 13, 1997, and the Marina Zoning Ordinance Amendments are consistent. Marina submitted to FORA its Zoning Ordinance Amendments together with the accompanying documentation, verifying that environmental analysis for the Zoning Ordinance Amendments was completed under the Marina General Plan EIR and the Negative Declaration adopted for the City of Marina Housing Element.
- G. FORA is a Responsible Agency under CEQA for the Marina General Plan EIR and the Negative Declaration adopted for the City of Marina Housing Element.
- H. The Marina Council found the Marina Zoning Ordinance Amendments are consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the Fort Ord Reuse Authority Act. Further, Marina considered the Fort Ord Base Reuse Plan EIR.
- I. Consistent with the Implementation Agreements between FORA and the City of Marina, on November 22, 2006, Marina provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the Marina Council action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that any Zoning Ordinance Amendments are consistent with the Fort Ord Base Reuse Plan and the Fort Ord Reuse Authority Act (collectively, "Supporting Material"). Marina requested that FORA certify the Zoning Ordinance Amendments as being consistent with the Fort Ord Base Reuse Plan for those portions of Marina that lie within the jurisdiction of the Fort Ord Reuse Authority.

- J. FORA's Executive Officer and the FORA Administrative Committee reviewed Marina's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the Amendments to the Marina Zoning Ordinance are consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the Zoning Ordinance Amendments before the FORA Board on January 12, 2007.
- K. Master Resolution, Chapter 8, Section 8.02.010(a)(4) reads in part: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use 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. In this context, the term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "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."
- M. FORA's consistency determination must be based upon the overall congruence between the submittal and the Reuse Plan, not on a precise match between the two.

NOW THEREFORE be it resolved:

1. The FORA Board recognizes that the Marina Council's October 17, 2006 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and Marina's Zoning Ordinance Amendments was appropriate.
2. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final environmental Impact Report and Marina's determination that the previously adopted Marina General Plan EIR and Negative Declaration for the City of Marina Housing Element are adequate and comply with the California Environmental Quality Act. The FORA Board finds further that these documents are sufficient for purposes of FORA's determination for consistency of Marina's Zoning Ordinance Amendments.
3. The Board has considered the materials submitted with this application, the recommendation of the Executive Officer and Administrative Committee concerning the application and oral and written testimony presented at the hearings on the consistency determination, which are hereby incorporated by reference.
4. The Board finds that Marina's Zoning Ordinance Amendments are consistent with the Fort Ord Base Reuse Plan. The Board further finds that the legislative decision made hereto has been based in part upon the substantial evidence submitted regarding allowable land uses, 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 Marina's submittal are not more intense or dense than those contained in the Base Reuse Plan.
5. Marina's Zoning Ordinance Amendments will, considering all their aspects, further the objectives and policies of the Final Base Reuse Plan. The Marina application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Fort Ord Base Reuse Plan.

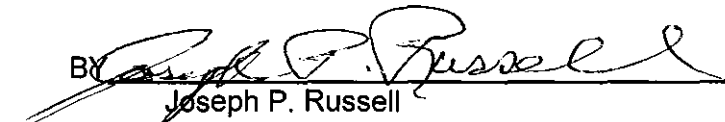
Upon motion by Councilmember Mancini, seconded by Mayor Della Sala, the foregoing resolution was passed on this 9th day of February, 2007, by the following vote:

AYES: 10 Directors Russell, Mettee-McCutchon, Della Sala, Davis, Mancini,
McCloud, Wilmot, Calcagno, Pendergrass, and Rubio
NOES: -0-
ABSTENTIONS: -0-
ABSENT: 3 Directors Smith, Potter, and Barnes

I, Mayor Joe Russell, Chair of the Board of Directors of the Fort Ord Reuse Authority in the County of Monterey, State of California, hereby do certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item 9c, pages 3-4, of the board meeting minutes of February 9, 2007 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED 2/14/07

BY


Joseph P. Russell
Chair, Board of Directors
Fort Ord Reuse Authority