

Resolution #07-15

Resolution Determining Consistency of)
City of Marina New Subdivision Ordinance)
with the Fort Ord Reuse Authority 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 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 a noticed public meeting on July 17, 2007, the Marina Council adopted the New Subdivision Ordinance to update language for current City conditions, affecting lands on the former Fort Ord.
- F. On July 17, 2007, the Marina Council recommended that FORA determine that its Final Base Reuse Plan, certified by the Board on June 13, 1997, and the New Marina Subdivision Ordinance are consistent. Marina submitted to FORA its New Subdivision Ordinance together with the accompanying documentation, verifying that the New Subdivision Ordinance was exempt from environmental review pursuant to the General Rule of the California Environmental Quality Act ("CEQA") that exempts minor alterations to land use limitations that do not result in changes in land use or density pursuant to CEQA Guidelines Section 15305.
- G. FORA is a Responsible Agency under CEQA for the Marina General Plan EIR.
- H. The Marina Council found the New Marina Subdivision Ordinance is 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 August 22, 2007, 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 the New Marina Subdivision Ordinance is consistent

with the Fort Ord Base Reuse Plan and the Fort Ord Reuse Authority Act (collectively, "Supporting Material"). Marina requested that FORA certify the New Marina Subdivision Ordinance 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 New Marina Subdivision Ordinance is 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 New Marina Subdivision Ordinance before the FORA Board on September 14, 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 July 17, 2007 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and Marina's New Subdivision Ordinance 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 was adequate and complies 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 New Subdivision Ordinance.
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 New Subdivision Ordinance is 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 New Subdivision Ordinance will, considering all its 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 Director Della Sala, seconded by Director Mancini, the foregoing resolution was passed on this 14th day of September 2007, by the following vote:

AYES: 11
NOES: -0-
ABSTENTIONS: -0-
ABSENT: -2-

I, Mayor Joseph Russell, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, do hereby certify that the foregoing is a true copy of an original order of said Board of Directors duly made and entered under Item 10b on pages 4 and 5 of the board meeting minutes of September 14, 2007 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED 9/26/07

BY 
Joseph Russell
Chair, Board of Directors
Fort Ord Reuse Authority