

**FORT ORD REUSE AUTHORITY
RESOLUTION NO. 18-07**

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY
Certifying the City of Seaside Zoning Code

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 (Reuse Plan) under Government Code Section 67675, *et seq.*
- B. After FORA adopted the Reuse Plan, Government Code Section 67675, *et seq.* requires 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 Seaside ("Seaside") is a member of FORA. Seaside 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 February 6, 2014, Seaside adopted the Seaside Zoning Code ("Zoning Code"), affecting lands on the former Fort Ord. Seaside also found the Zoning Code consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations on May 3, 2018.
- F. On May 3, 2018, Seaside recommended that FORA certify the Zoning Code as consistent with FORA's Reuse Plan, certified by the Board on June 13, 1997. Seaside submitted to FORA its Zoning Code together with the accompanying documentation.
- G. Consistent with the Implementation Agreements between FORA and Seaside, on July 26, 2018, Seaside provided FORA with a complete copy of the submittal for the Zoning Code, the resolutions and/or ordinance approving it, a staff report and materials relating to Seaside's action, a copy of the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Zoning Code is consistent with the Reuse Plan and the FORA Act (collectively, "Supporting Material"). Seaside staff requested that FORA certify the Zoning Code as being consistent with the Reuse Plan.
- H. FORA staff, the FORA Planners Working Group, and the FORA Administrative Committee reviewed Seaside's application for consistency evaluation. The Planners Working Group recommended that the FORA Board find that the Zoning Code consistent with the Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Planners Working Group recommendation. The Executive Officer set the matter for public hearing regarding consistency of the Zoning Code before the FORA Board on August 10, 2018.

- I. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: "(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board's resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified..."
- J. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- K. 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." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- L. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(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 (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory; (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory; (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan."

NOW THEREFORE the Board hereby resolves that:

1. The FORA Board acknowledges Seaside's recommendations and actions of May 3, 2018 requesting that the FORA Board certify that the Zoning Code and the Reuse Plan are consistent.
2. The FORA Board has reviewed and considered the Zoning Code Initial Study/Negative Declaration as Seaside's environmental documentation and general law ordinances and finds that these documents provide substantial additional information for purposes of FORA's determination that the Zoning Code and the Reuse Plan are consistent.
3. The FORA Board has considered all the Supporting Materials submitted with this application for a consistency determination, the recommendations of the Planners

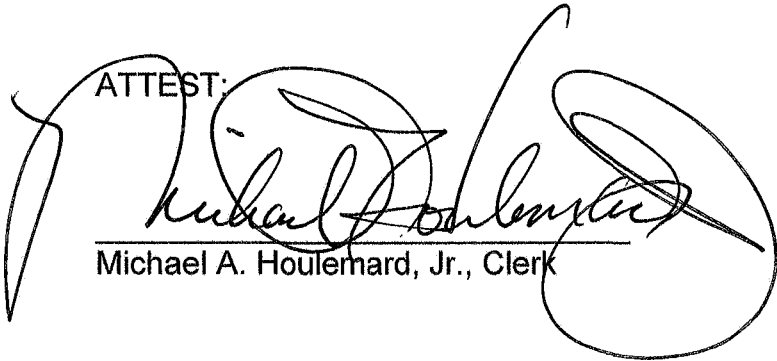
Working Group and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.

4. The FORA Board certifies that the Zoning Code is consistent with the Reuse Plan. The FORA Board further finds that its legislative decision is based in part upon the substantial evidence submitted and a weighing of the Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided.
5. The Zoning Code will, considering all its aspects, further the objectives and policies of the Reuse Plan. The Seaside application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Reuse Plan.

Upon motion by Phillips, seconded by Gunter, the foregoing Resolution was passed on this ____ day of 28th day of September, 2018, by the following vote:

AYES: PHILLIPS, ADAMS, EDELEN, O'CONNELL, HAFFA, RUBIO, ALEXANDER,
CARBONE, GUNTER, GARFIELD, REIMERS
NOES: PARKER, MORTON
ABSTENTIONS: NONE
ABSENT: NONE

ATTEST:



Michael A. Houlemard, Jr., Clerk



Ralph Rubio, Chair