

Resolution # 05-5

*Supporting
doc attached
to board report
(Item 7a of May
13, 2005 meeting
packet).*

Resolution Determining Consistency)
1st Amendment of the 2005 City of Marina)
General Plan, including Former Fort Ord)
Replacement Housing Definition, Floor)
Area Ratio, et al)

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 formerly known as Fort Ord is required to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions 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 invokes the provisions of the Government Code referenced in Paragraph B.
- 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 conducting a duly noticed public meeting on April 5, 2005, the Marina City Council, approved an 1st amendment to their General Plan covering lands on the former Fort Ord. That approval is consistent with land use designations in the Marina General Plan, and includes adopted policies and programs, for all of the City's territory within the jurisdiction of FORA. A copy of the City's General Plan 1st Amendment and supporting documentation are attached as Exhibits and made a part of this Resolution.
- F. The Marina City Council made findings that the Fort Ord Base Reuse Plan Final Environmental Impact Report, certified by the Board on June 13, 1997, and the Environmental Documentation prepared by the City for the current action, and that the Marina General Plan, previously approved by the FORA Board, adequately studied the potential environmental impacts of the project and were prepared in compliance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The City Council adopted mitigation measures and a mitigation monitoring program for identified potential significant environmental impacts. For environmental impacts that could not be reduced to less than significant level, the City determined that overriding considerations justified approval. The City submitted to FORA its documentation and certified environmental documents together with the accompanying General Plan amendments for determination whether they are consistent with the Reuse Plan.

- G. The City Council found the project is consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and 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. Subsequent to April 5, 2005 the City provided FORA with a complete copy of the 1st General Plan Amendment of 2005 for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the Action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that any Entitlement and Plans 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 update as being consistent with the Fort Ord Base Reuse Plan for those portions of the City that lie within the jurisdiction of the Fort Ord Reuse Authority.
- I. 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 Marina General Plan 1st Amendment of 2005 is consistent with the Fort Ord Base Reuse Plan.
- J. 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 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..."
- K. 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."
- L. 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 has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Marina's General Plan Amendment Environmental Material Addendum (collectively, the "Environmental Documentation") and concurs in Marina's determination that the Environmental Documentation is 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 of consistency of the City's General Plan amendments.
2. The Board has considered the materials submitted with this application and the recommendation of the Executive Officer and Administrative Committee concerning the application.

3. The Board finds that, in regard to the General Plan Amendment, 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.
4. The Board finds that the City has provided substantial evidence that the Amendment 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 the City's General Plan Amendment are not more intense or dense than those contained in the Base Reuse Plan.
5. The City's General Plan 1st Amendment of 2005; 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.
6. The Board acknowledges that some citizens have expressed concern about the potential effect of actions such as these on housing opportunities. The Board finds that the City's General Plan 1st Amendment of 2005 provides for affordable housing units to be constructed and offers other compensating opportunities for persons of color in and around the former Fort Ord.

Upon motion by Councilmember Morrison, seconded by Supervisor Smith, the foregoing resolution was passed on this 13th day of May 2005, by the following vote:

AYES: 11 (Supervisors Calcagno and Smith; Mayors Mettee-McCutchon, Russell, Rubio, Albert, Pendergrass, McCloud, Costello; and Councilmembers Morrison and Mancini)

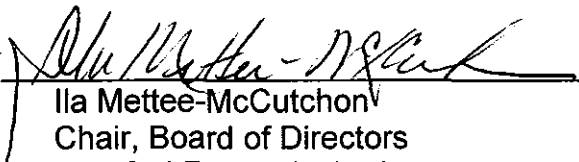
NOES: -0-

ABSTENTIONS: -0-

ABSENT: 2 (Supervisor Potter and Councilmember Sanchez)

I, Mayor Mettee-McCutchon, 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 under Item 7a, Page 3, of the board meeting minutes of May 13, 2005 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED 6/6/05

BY 
 Ila Mettee-McCutchon
 Chair, Board of Directors
 Fort Ord Reuse Authority