

Resolution # 06-5

Resolution Determining Consistency)
of the City of Marina's Las Animas)
Concrete, LLC, Batch Plan Project)

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 December 20, 2005, the Marina Council adopted Zoning and General Plan Amendments for a project known as Las Animas Concrete Project covering lands on the former Fort Ord.
- F. Marina's existing General Plan has already been found consistent with the Base Reuse Plan. On December 20, 2005, the Marina Council recommended that FORA determine that its Final Base Reuse Plan, certified by the Board on June 13, 1997, and the Marina General Plan and Zoning Amendments for the Las Animas Concrete Project are consistent. Marina submitted to FORA its General Plan and Zoning Amendments for the Las Animas Concrete Project together with the accompanying documentation and certified environmental documents for determination whether they are consistent with the Reuse Plan.
- G. The Marina Council made findings that the Fort Ord Base Reuse Plan Final Environmental Impact Report ("EIR"), certified by the Board on June 13, 1997, and the supplemental environmental documentation prepared by Marina for the current action, and the Marina City General Plan, previously approved by the FORA Board, identified the potential environmental impacts of the project and imposed conditions to mitigate their impacts. As lead agency, the Marina Council found that the environmental documents satisfied and complied with the California Environmental Quality Act ("CEQA"). Marina's Council adopted mitigation measures and a mitigation monitoring program for identified potential significant environmental impacts. Marina submitted to FORA its documentation and certified environmental documents together with the accompanying zoning and General Plan amendments for determination whether they are consistent with the Reuse Plan.
- H. FORA's Environmental Documents considered all significant impacts and mitigation measures identified in Marina's Initial Study and has found that all potentially significant Project impacts have been lessened or avoided to the extent feasible and adopted a mitigation monitoring program to assure compliance.
- I. On December 20, 2006, the Marina Council adopted certain CEQA Findings for the Mitigated Negative Declaration for the Las Animas Concrete Project, including mitigation measures

contained therein, adopted the proposed Mitigated Negative Declaration prepared under CEQA for the Project, and approved the Project as lead agency.

- J. FORA is a Responsible Agency under CEQA. CEQA and the CEQA Guidelines provide that a responsible agency may not approve or carry out a project for which an EIR has been completed and which identifies one or more significant effects of the project unless the responsible agency makes written findings for each of the significant effects, accompanied by a statement of facts supporting each finding for those impacts that are within the responsible agency's jurisdiction.
- K. The Marina 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, Marina considered the Fort Ord Base Reuse Plan EIR and adopted Addenda to the EIR, and other evidence supporting the findings.
- L. Consistent with the Implementation Agreements between FORA and the City of Marina, prior to January 31, 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 Entitlement and Plans 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 project 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.
- M. 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 Las Animas Concrete Project 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 General Plan and Zoning Amendments before the FORA Board on February 10, 2006.
- N. 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..."
- O. 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."
- P. 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 December 20, 2005 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and Marina's General Plan and Zoning Amendments for the Las Animas Concrete Project was appropriate.

2. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and the Las Animas Concrete Project's 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 for consistency of Marina's General Plan and Zoning 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 General Plan and Zoning Amendments, related to the Las Animas Concrete Project, 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 Las Animas Concrete Project, 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 Supervisor Smith, seconded by Councilmember Morrison, the foregoing resolution was passed on this 10th day of February, 2006, by the following vote:

AYES: 10 Supervisor Smith; Mayors McCloud, Russell, Mettee-McCutchon, Albert, Costello, Pendergrass, and Rubio; and Councilmembers Morrison and Mancini

NOES: -0-

ABSTENTIONS: -0-

ABSENT: 3 (Supervisors Calcagno and 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 9a, Page 3, of the board meeting minutes of February 10, 2006 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED 3/1/06

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