

Resolution 13-09

Resolution Determining Consistency of)
Marina General Plan text amendment,)
Specific Plan, Zoning Map amendment,)
and project entitlements related to)
The Promontory)

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 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 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. Consistent with California Government Code Section 67675.2, on October 31, 2000, the Marina City Council adopted Resolution No. 2000-96, certifying the intention of the City to carry out the Marina General Plan in conformity with the Fort Ord Reuse Authority Act and finding the General Plan consistent with said act and FORA's adopted plans and policies.
- F. On May 22, 2001, FORA adopted Resolution No. 01-05, making the findings that 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 California Government Code Section 67675 et seq.; and that the City has provided substantial evidence that the Amendments are consistent with the Fort Ord Base Reuse Plan; and further, that the City of Marina's Amendments to its General Plan, as contained in Resolution No. 2000-95 will, considering all their aspects, further the objectives and policies of the Final Base Reuse Plan and are hereby approved and certified as meeting the requirements of Title 7.85 of the Government Code and are consistent with the Fort Ord Base Reuse Plan.
- G. After a noticed public meeting on July 2, 2013, the City of Marina adopted a General Plan text amendment, Specific Plan, Zoning Map amendment, and project entitlements related to The Promontory. Marina also found these items consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Fort Ord Base Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations.

- H. On July 2, 2013, the City of Marina recommended that FORA concur in the City's determination that FORA's Final Base Reuse Plan, certified by the Board on June 13, 1997, and Marina General Plan text amendment, Specific Plan, Zoning Map amendment, and project entitlements related to The Promontory are consistent. Marina submitted to FORA these items together with the accompanying documentation.
- I. Consistent with the Implementation Agreement between FORA and Marina, on July 10, 2013, Marina provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and ordinance approving it, a staff report and materials relating to the City of Marina's action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Marina General Plan text amendment, Specific Plan, Zoning Map amendment, and project entitlements related to The Promontory are consistent with the Fort Ord Base Reuse Plan and the FORA Act (collectively, "Supporting Material"). Marina requested that FORA certify the submittal as being consistent with the Fort Ord Base Reuse Plan for those portions of Marina that lie within the jurisdiction of FORA.
- 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 Marina General Plan text amendment, Specific Plan, Zoning Map amendment, and project entitlements related to The Promontory are consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the Marina General Plan text amendment, Specific Plan, Zoning Map amendment, and project entitlements related to The Promontory before the FORA Board on August 9, 2013.
- K. Table 3.11-3 of the Base Reuse Plan anticipates a population of 10,000 CSUMB on campus students by 2015. The Promontory project would provide 579 bedrooms to serve CSUMB's student housing needs. This project is exclusively intended to serve CSUMB students and, as such, would not count towards the 6,160 new residential unit cap.
- L. 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..."
- M. 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."
- N. 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.

5. The Marina General Plan text amendment, Specific Plan, Zoning Map amendment, and project entitlements related to The Promontory 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 Mayor Rubio, seconded by Mayor Pro-Tem Oglesby, the foregoing Resolution was passed on this 9th day of August, 2013, by the following vote:

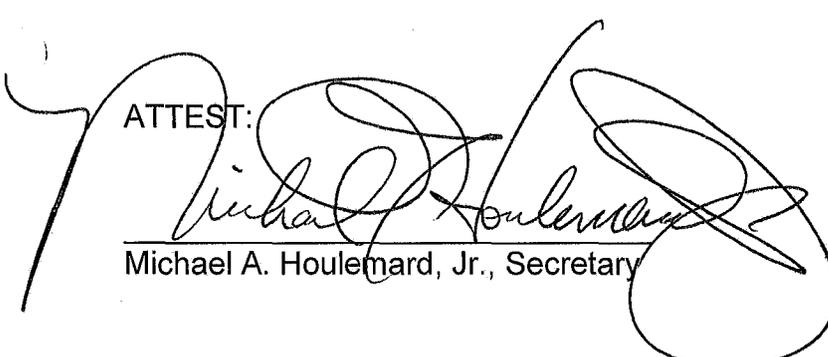
AYES: EDELEN, KAMPE, GUNTER, MORTON, O'CONNELL, OGLESBY,
PENDERGRASS, POTTER, RUBIO, SELFRIDGE

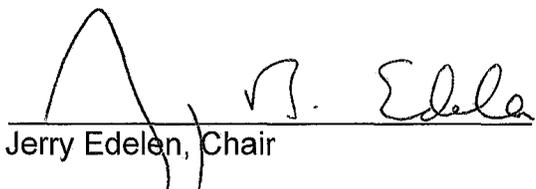
NOES: NONE

ABSTENTIONS: NONE

ABSENT: BEACH, PARKER, SALINAS

ATTEST:


Michael A. Houlemard, Jr., Secretary


Jerry Edelen, Chair