

Resolution 08-04

Resolution Determining Consistency )  
of the City of Seaside Implementation )  
Plan for the Fort Ord Redevelopment )  
Project Area )

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 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 January 17, 2008, the Redevelopment Agency of the City of Seaside adopted the Seaside – Fort Ord Redevelopment Project Area: Implementation Plan ("Implementation Plan") to comply with Community Redevelopment Law (Health and Safety Code Section 33000, et seq.), affecting lands on the former Fort Ord. The Redevelopment Agency of the City of Seaside also found the Implementation Plan is consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the Fort Ord Reuse Authority Act and considered the Fort Ord Base Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations.
- F. On January 17, 2008, the Redevelopment Agency of the City of Seaside 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 the Implementation Plan are consistent. Seaside submitted to FORA its Implementation Plan together with the accompanying documentation, verifying that the Implementation Plan does not constitute a project within the meaning of Section 21000 of the Public Resources Code.
- G. Consistent with the Implementation Agreements between FORA and Seaside, on April 18, 2008, Seaside 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 Redevelopment Agency of the City of Seaside action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Implementation Plan is consistent with the Fort Ord Base Reuse Plan and the Fort Ord Reuse Authority Act (collectively, "Supporting Material"). Seaside requested that FORA certify the Implementation Plan as being

consistent with the Fort Ord Base Reuse Plan for those portions of Seaside that lie within the jurisdiction of the Fort Ord Reuse Authority.

- H. FORA's Executive Officer and the FORA Administrative Committee reviewed Seaside's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the Implementation Plan 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 Implementation Plan before the FORA Board on May 9, 2008.
- I. 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..."
- J. 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."
- K. 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 Redevelopment Agency of the City of Seaside's January 17, 2008 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and the Implementation Plan was appropriate.
2. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Seaside's determination that the previously adopted findings that the Implementation Plan does not constitute a project within the meaning of Section 21000 of the Public Resources Code 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 the Implementation Plan.
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 the Seaside Implementation Plan is consistent with the Fort Ord Base Reuse Plan. The Board further finds that the legislative decision made herein 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 Seaside's submittal are not more intense or dense than those contained in the Base Reuse Plan.

5. The Seaside Implementation Plan will, considering all their aspects, further the objectives and policies of the Final Base Reuse Plan. The Seaside 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 FORA Board acknowledges that the City of Seaside is committed to achieving at least 20% affordable housing in its former Fort Ord redevelopment project area, as provided in Title 17 Zoning of the Seaside Municipal Code, Section 17.31.020 Affordable Housing Requirements.

Upon motion by Council Member Mancini, seconded by Mayor Wilmot, the foregoing resolution was passed on this 9<sup>th</sup> day of May, 2008, by the following vote:

AYES: 13 Mayors McCloud, Russell, Wilmot, Pendergrass and Rubio; Supervisors Calcagno and Mettee-McCutchon; Vice Mayor Downey; and Council Members McCall, Davis, Barnes, and Mancini; and Jim Cook

NOES: -0-

ABSTENTIONS: -0-

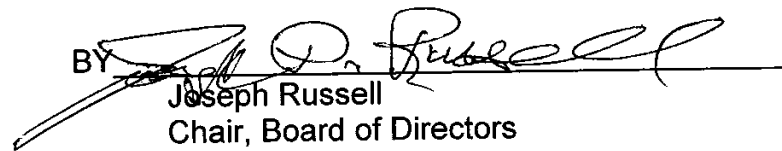
ABSENT: -0-

I, Mayor Russell, 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 10a, pages 10-11, of the board meeting minutes of May 9, 2008 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED

5/21/08

BY



Joseph Russell  
Chair, Board of Directors  
Fort Ord Reuse Authority