

Resolution 11-07

Resolution Determining Consistency of )  
City of Marina Zoning Ordinance )  
Amendments )

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. After noticed public meetings on June 7 and 14, 2011, the City of Marina adopted Amendments to the Marina Zoning Ordinance Defining Emergency Shelters, Transitional Housing and Supportive Housing Consistent with State Law ("Zoning Ordinance Amendments"), affecting lands on the former Fort Ord. Marina also found the Zoning Ordinance Amendments are 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.
- F. On July 6, 2011, 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 the Zoning Ordinance Amendments are consistent. Marina submitted to FORA its Zoning Ordinance Amendments together with the accompanying documentation.
- G. Consistent with the Implementation Agreements between FORA and Marina, on July 6, 2011, 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 City of Marina's action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Zoning Ordinance Amendments are consistent with the Fort Ord Base Reuse Plan and the FORA Act (collectively, "Supporting Material"). Marina requested that FORA certify the Zoning Ordinance Amendments as being consistent with the Fort Ord Base Reuse Plan for those portions of Marina that lie within the jurisdiction of FORA.

- H. 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 Zoning Ordinance Amendments 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 Zoning Ordinance Amendments before the FORA Board on August 12, 2011.
- 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 the City of Marina's June 7, 2011 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and the Zoning Ordinance Amendments was appropriate.
2. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Marina's environmental documentation is adequate and complies with the California Environmental Quality Act. The Board finds further that these documents are sufficient for purposes of FORA's determination for consistency of the Zoning Ordinance 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 the Zoning Ordinance Amendments are 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 Marina's submittal are not more intense or dense than those contained in the Base Reuse Plan.

5. The Zoning Ordinance Amendments 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 Supervisor Jane Parker, seconded by Mayor Pro Tem O'Connell, the foregoing resolution was passed on this 12<sup>th</sup> day of August, 2011, by the following vote:

AYES: Supervisor Parker, Supervisor Potter, Mayor Bachofner, Mayor Pendergrass, Mayor McCloud, Mayor Donohue, Mayor ProTem O'Connell, Mayor Pro/TemKampe, Councilmember Brown, Councilmember Selfridge, and Councilmember Oglesby,

NOES: 0

ABSTENTIONS: 0

ABSENT: Supervisor Calcagno and Mayor Edelen

I, Supervisor Potter, 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 August 12, 2011 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED 4/30/12

BY Dave Potter  
Dave Potter  
Chair, Board of Directors  
Fort Ord Reuse Authority