

FORA Consistency Determination Analysis Table
 Combined – Legislative Land Use Decisions & Development Entitlements

FORA Master Resolution criteria	Discussion
<p>LEGISLATIVE LAND USE DECISION CONSISTENCY</p> <p><i>Fill in Discussion cells below for all Legislative Land Use Decision consistency determinations (i.e. General Plan updates, Zoning amendments, etc)</i></p>	
<p>8.02.010 (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</p>	
<p>(1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;</p>	<p>The specific plan density is 12.3 units per acre which is less than the BRP limit of 25 units per acre.</p>
<p>(2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory;</p>	<p>The overall density of the project including the entire Specific Plan Area is 12.3 units per acre. The base reuse plan limit after adoption of the Seaside General Plan is 25 units per acre. Therefore, this project is consistent with the BRP.</p>
<p>(3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution;</p>	<p>SEE SEPARATE WORKSHEET</p>
<p>(4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;</p>	<p>The BRP calls for a university focused mixed use development on this site. The uses included are consistent with this designation.</p>
<p>(5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and</p>	<p>All infrastructure required will be built as part of the development and is therefore consistent with this provision.</p>
<p>(6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.</p>	<p>The project will not conflict or otherwise interfere with the implementation of the Fort Ord HMP.</p>

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<p>(b) FORA shall not preclude the transfer of intensity of land uses and/or density of development involving properties within the affected territory as long as the land use decision meets the overall intensity and density criteria of Sections 8.02.010(a)(1) and (2) above as long as the cumulative net density or intensity of the Fort Ord Territory is not increased.</p>	<p>The Specific Plan Density is 12.3 Units per acre and the BRP density is up to 25 units per acre. This project will not conflict with this provision of the BRP.</p>
<p>(c) The Authority Board, in its discretion, may find a legislative land use decision is in substantial compliance with the Reuse Plan when the Authority Board finds that the applicant land use agency has demonstrated compliance with the provisions specified in this section and Section 8.020.020 of this Master Resolution.</p>	

<p>8.02.020 (a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord Territory by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.</p>	
<p>(1) Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.</p>	<p>This project is an entirely infill project and is therefore not encroaching on any open space buffers.</p>
<p>(2) When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.</p>	<p>No buffer is required for this project as the entire property is previously impacted and surrounded by existing roadways or institutional uses.</p>
<p>(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.</p>	<p>This project does not encroach on the Coastal Zone and will not interfere with or require any Coastal Act consistency determination.</p>
<p>(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.</p>	<p>(this row does not apply to City proposals)</p>

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<p>(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.</p>	<p>The entire Specific Plan area is a previously impacted site. No environmentally sensitive areas exist within the boundaries of the project. Therefore, there will be no impact on any environmentally sensitive resources.</p>
<p>(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.</p>	<p>This project reuses the Army urbanized footprint and meets all of the guidelines of the Regional Urban Design Guidelines manual published by FORA.</p>
<p>(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.</p>	<p>No historical resources exist on this site.</p>
<p>(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.</p>	<p>(this row does not apply to City proposals)</p>
<p>(h) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.</p>	<p>The development is conditioned to comply with all waste water requirements of the Marina Coast Water District.</p>
<p>(i) Each land use agency shall adopt the following policies and programs:</p>	
<p>(1) A solid waste reduction and recycling program applicable to Fort Ord Territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 <i>et seq.</i></p>	<p>The Specific Plan includes provisions to meet the required solid waste reduction and recycling program.</p>

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<p>(2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department; and</p>	<p>This policy is covered by the existence of MCWD.</p>
<p>(3) A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.</p>	<p>This policy is covered by the existence of MCWD.</p>
<p>(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:</p>	
<p>(1) Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development;</p>	<p>Not applicable to this project.</p>
<p>(2) Commence working with appropriate agencies to determine the feasibility of development additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options;</p>	<p>This project will use water created by the Monterey One recycling plant via the In Lieu Storage and Recovery Agreement approved by the Water Master on 12/4/19</p>
<p>(3) Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.</p>	<p>Not applicable.</p>
<p>(4) Active participation in support of the development of “reclaimed” or “recycled” water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.</p>	<p>This project will maximize the use of reclaimed and recycled water.</p>
<p>(5) Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.</p>	<p>The project will result in area storm water being infiltrated into the aquifer.</p>
<p>(6) Adoption of policies and programs consistent with the Authority’s Development and Resource Management Plan to establish programs and monitor development of territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.</p>	<p>This project uses the current best practices of water conservation and use of recycled and reclaimed water.</p>

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<p>(7) Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long- term water supply for such development entitlements.</p>	<p>The long term water supply for this project has been verified by the In Lieu Storage and Recovery Agreement passed by the Seaside Water Master on 12/4/19.</p>
<p>(8) Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.</p>	<p>Not applicable.</p>
<p>(9) Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including; dual plumbing using non-potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.</p>	<p>This project uses the current best practices for water conservation as well as use of recycled and reclaimed water on site.</p>
<p>(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:</p>	
<p>(1) Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.</p>	<p>This project will manage all storm water that is generated on site as well as all water that runs onto the site. It is therefore consistent with this measure.</p>
<p>(2) Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man- made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.</p>	<p>The Vesting Tentative Map includes a master drainage plan that controls all storm water run-off on site as well as water that runs onto the site from adjacent properties.</p>
<p>(l) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord Territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.</p>	<p>Not applicable to this project.</p>
<p>(m) Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control (“DTSC”) to control and restrict excavation or any soil movement on those parcels of the Fort Ord Territory, which were</p>	<p>Not applicable to this project.</p>

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<p>contaminated with unexploded ordnance, and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.</p>	
<p>(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:</p>	
<p>(1) Establishment and provision of a dedicated funding mechanism to pay for the “fair share” of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority; and</p>	<p>The development will pay all applicable development impact fees or CFD fees which include this “fair share” payment.</p>
<p>(2) Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation effort to access Fort Ord Territory.</p>	<p>The City of Seaside participates in TAMC’s efforts in this regard.</p>
<p>(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:</p>	
<p>(1) Preparation and adoption of policies and programs consistent with the Authority’s Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities:</p>	<p>This project reduces regional transportation impacts, specifically Vehicle Miles Travelled and is therefore consistent.</p>
<p>(2) Design and construction of an efficient system of arterials in order to connect to the regional transportation system; and</p>	<p>This project provides two new traffic controls that improve efficiency on a regional roadway.</p>
<p>(3) Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.</p>	<p>Not applicable – Truck Routes are set on a local and regional level, not on a per project basis.</p>
<p>(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.</p>	<p>This plan contemplates the project area having high quality transit within ½ mile of each resident. It is therefore consistent.</p>
<p>(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law</p>	<p>Not Applicable.</p>

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<p>enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.</p>	
<p>(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.</p>	<p>This project will pay a fair share of project impacts to creating a new joint-use fire station near the project area.</p>
<p>(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, shall be obtained from stock originating on Fort Ord Territory.</p>	<p>This project contemplates using primarily native species and turf areas will be artificial or native plant.</p>
<p>(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which could result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.</p>	<p>This project would create 20% of the units as affordable – however some may be built off site and at a lower income level than required by the City’s ordinance. The project is consistent with the City’s policy and is therefore consistent with the BRP.</p>
<p>DEVELOPMENT ENTITLEMENT CONSISTENCY</p>	
<p><i>Fill in Discussion cells below for all Development Entitlement consistency determinations</i></p>	
<p>8.02.030 (a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that:</p>	
<p>(1) Provides an intensity of land use which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan;</p>	<p>The specific plan density is 12.3 units per acre which is less than the BRP limit of 25 units per acre.</p>
<p>(2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan;</p>	<p>The overall density of the project including the entire Specific Plan Area is 12.3 units per acre. The base</p>

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	reuse plan limit after adoption of the Seaside General Plan is 25 units per acre. Therefore, this project is consistent with the BRP.
(3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution;	The entitlement is conditioned to provide funding for the applicable programs.
(4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;	The BRP calls for a university focused mixed use development on this site. The uses included are consistent with this designation.
(5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision;	All infrastructure required will be built as part of the development and is therefore consistent with this provision.
(6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan;	The project will not conflict or otherwise interfere with the implementation of the Fort Ord HMP.
(7) Is not consistent with the Highway 1 Design Corridor Design Guidelines as such guidelines may be developed and approved by the Authority Board;	The project is consistent with the Highway 1 Scenic Corridor standards.
(8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution;	The project is consistent with the jobs/housing balance requirements.
8.02.040. No development entitlement shall be approved or conditionally approved within the jurisdiction of any land use agency until the land use agency has taken appropriate action, in the discretion of the land use agency, to adopt the programs specified in the Reuse Plan, the Habitat Management Plan, the Development and Resource Management Plan, the Reuse Plan Environmental Impact Report Mitigation and Monitoring Plan and this Master Resolution applicable to such development entitlement.	
3.03.090 (Prevailing Wages) (a) Not less than the general prevailing rate of wages for work of a similar character in Monterey County, as determined by the Director of the Department of Industrial Relations under Division 2, Part 7, Chapter 1 of the	The project will be built at prevailing wage as required by the BRP.

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<p>California Labor Code, will be paid to all workers employed on the First Generation Construction performed on parcels subject to the Fort Ord Base Reuse Plan. This subsection applies to work performed under Development Entitlements as defined in §1.01.050 of this Master Resolution and by contract with a FORA member or a FORA member agency including their transferees, agents, successors-in-interest, developers or building contractors.</p> <p>This policy is limited to “First Generation Construction” work, which is defined in §1.01.050 of this Master Resolution. In addition to the exceptions enumerated in the definition of Development Entitlements found in §1.01.050 of this Master Resolution, this policy does not apply to:</p> <ul style="list-style-type: none">(1) construction work performed by the Authority or a member jurisdiction with its own workforce;(2) construction work performed by paid, full-time employees of the developer, unless the developer is performing the work of a contractor as defined in California Business and Professions Code §7026;(3) construction improvements following issuance of an occupancy permit;(4) affordable housing when exempted under California state law; and(5) construction of facilities to be used for eleemosynary non-commercial purposes when owned in fee by a non-profit organization operating under §501(c)(3) of the Internal Revenue Code.	
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