

EXHIBIT 'A'

RESOLUTION 2004-41

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
TO APPROVE THE SUPPLEMENT TO THE CERTIFIED FINAL ENVIRONMENTAL
IMPACT REPORT ON THE MARINA HEIGHTS SPECIFIC PLAN/ABRAMS "B"
HOUSING PROJECT**

WHEREAS, on November 25, 2003, the City of Marina City Council certified the Final Environmental Impact Report (EIR) for the Marina Heights Specific Plan/Abrams "B" Housing Project (the "Project"), and

WHEREAS, the Marina Heights project involves demolition of 828 abandoned military housing units on a portion of the former Fort Ord historically referred to as Abrams Park and Upper Patton Park. These units would be replaced by 1,050 new residential units. In the adjacent Abrams "B" housing area, 194 existing residential units (192 units currently used as residences, 2 currently used for support purposes) would remain in place. An additional 12 existing transitional housing units operated by Interim, Inc. located between the Specific Plan area and the Abrams "B" area would also remain in place. The Marina Heights Specific Plan (the "Specific Plan") indicates that a 28-acre site (a portion of the landfill for the former Fort Ord) located adjacent to the Specific Plan area would be improved for use as an 18-acre public park, with the remaining 10 acres to be considered as a future school site. Implementation of the Specific Plan would result in the development of 5.85 acres of sub-neighborhood parks, creation of an 8.53-acre Oak Grove Preserve, development of a 12.92-acre greenbelt/linear park approximately 150 feet wide, and additional greenbelt linkages totaling approximately 8.33 acres, and

WHEREAS, the EIR evaluated the potential environmental effects associated with the implementation of the Specific Plan. It was intended to "identify the significant effects of the Project on the environment, identify alternatives to the Project, and to indicate the manner in which those significant effects can be mitigated or avoided." The EIR is meant to provide an objective, impartial source of information to be used by the lead agency (the City of Marina), as well as other agencies and the public, in their considerations regarding the adoption, rejection or modification of the Specific Plan as proposed, and

WHEREAS, since certification of the EIR, the Marina Coast Water District ("MCWD") issued a Water Supply Assessment and Written Verification of Supply for the Project ("WSA"). This WSA was adopted by the MCWD Board of Directors on December 15, 2003 pursuant to Government Code Section 10910 et. seq. and Government Code Section 66473.7 (b)(1). The WSA includes important information related to the MCWD's assessment of the Project's estimated demand for water, and the MCWD's ability to meet anticipated future water demand within the Specific Plan area and elsewhere in Marina. The WSA intends to supplement the water supply analysis of the EIR, and

WHEREAS, City Planning Department staff, in coordination with the environmental consultant that prepared the EIR, Lamphier-Gregory, carefully reviewed the Water Supply Assessment and prepared a Supplement to the EIR pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15163, and

WHEREAS, CEQA provides that a Supplement is a mechanism for incorporating new information in a certified EIR if only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation, and

WHEREAS, under CEQA Guidelines Section 15163(c), the Supplement to the EIR was circulated for a 45-day public review period, and responses to all comments received on the Supplement to the EIR during the public review period have been prepared City Planning Department staff, in coordination with the environmental consultant that prepared the EIR, Lamphier-Gregory, and reviewed by the Marina City Council. .

NOW THEREFORE, THE CITY OF MARINA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City finds that:

- 1) Based on values used by MCWD in calculating estimated future water demand for the Water Supply Assessment, MCWD has determined that development of the Marina Heights Specific Plan area as proposed would require an estimated 349.5 acre-feet of water per year, and
- 2) The Marina City Council has approved water demand values that are less than those used by MCWD in developing the water demand estimates presented in the Water Supply Assessment prepared for the Marina Heights Specific Plan, and
- 3) The City Council approved 292.39 acre feet of water per year for the Marina Heights project, and
- 4) The Water Supply Assessment indicates that MCWD can presently provide 349.5 acre-feet of water per year to support development of the Marina Heights Specific Plan area as proposed, and
- 5) The Water Supply Assessment also indicates that, based on currently anticipated water demands and currently available water supplies, if MCWD were to provide 349.5 acre-feet of water per year to support development within the Marina Heights Specific Plan Area as proposed, then MCWD will not be able to provide water service to all of the currently anticipated development in the portion of the City of Marina on the former Fort Ord, and.
- 6) The maximum amount of water which the MCWD may presently serve to City of Marina uses on the former Fort Ord in compliance with its water resource agreements with the County and others relative to Fort Ord lands is 1,175 acre-feet per year, and
- 7) Through conditions of approval, the City of Marina can control the amount of water reserved to support future development within the portion of the former Fort Ord under its jurisdiction, so that the maximum amount of water which the MCWD may presently serve to City of Marina uses on the former Fort Ord (1,175 acre-feet per year) is not exceeded

Section 2. Pursuant to Section 15163 of the CEQA Guidelines, the City finds that the information contained in the WSA and set forth in the Supplement make necessary some changes or additions to the EIR, but that none of the conditions described in Section 15162 of the CEQA

Guidelines calling for the preparation of a subsequent EIR have occurred. Consequently, the Supplement is an appropriate method for documenting these changes.

Section 3. The WSA does not involve substantial changes in the Project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects.

Section 4. The WSA does not involve substantial changes with respect to the circumstances under which the Project is undertaken which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects.

Section 5. The WSA does not provide new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete.

Section 6. The Project will not have one or more significant environmental effects not discussed in the previous EIR.

Section 7. Significant environmental effects previously examined will not be substantially more severe than shown in the previous EIR.

Section 8. The WSA does not show that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant environmental effects of the Project.

Section 9. The WSA does not show that mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment.

BE IT FURTHER RESOLVED, that the Marina City Council hereby approves the Supplement to the EIR in "EXHIBIT A - SUPPLEMENT TO THE EIR MARINA HEIGHTS SPECIFIC PLAN/ABRAMS "B" HOUSING PROJECT".
PASSED, APPROVED, AND ADOPTED by the Marina City Council at their adjourned meeting on March 3, 2004, by the following vote:

AYES: COUNCIL MEMBERS: Gray, Morrison, McCall, Mayor Mettee-McCutcheon
NOES: COUNCIL MEMBERS: Delgado
ABSENT: COUNCIL MEMBERS: None


Ila Mettee-McCutcheon, Mayor

ATTEST:

Joy P. Sunfay, City Clerk