

RESOLUTION NO. 14-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE APPROVING USE PERMIT APPLICATION UP-14-07 TO ALLOW FOR PROPOSED MODIFICATIONS TO USE PERMIT APPLICATION No. UP-01-20 (TIMESHARE COMPONENT) FOR THE SEASIDE RESORT PROJECT.

WHEREAS, the City Council of the City of Seaside adopted Resolution 05-44 on July 7, 2005, granting Use Permit Application No. UP-01-20 for development of timeshare units on parcels known as Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C, at the Seaside Resort Development project; and

WHEREAS, Use Permit No. UP-01-20 remains valid in accordance with the terms of the Disposition and Development Agreement approved on July 7, 2005 by Redevelopment Agency of the City of Seaside, Resolution 05-07 Ft Ord-07,; and

WHEREAS, the Amended DDA provides for changes to the acceptable development types on the parcels known as Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C, allowing for development of hotel rooms, timeshare units, interval units, fractional units, residential units (which may or may not be subject to a formal condominium regime) or lots, other legal forms of ownership permitted by applicable law, or any combination thereof as an alternative to timeshare units, to the extent same is permitted by the entitlements granted for the parcels by the City of Seaside; and

WHEREAS, the applicant, Seaside Resort Development LLC submitted an application for amendments to Use Permit No. UP-01-20 on October 15, 2014 under Use Permit Application No. UP-14-07, and the City deemed the application complete on November 14, 2014; and

WHEREAS, the City desires to bring the potential development types granted by Use Permit Application No. UP-01-20 into conformance with the provisions of the Amended DDA; and

WHEREAS, the City of Seaside Resource Management Services Department - Planning Division reviewed the Seaside Resort Final Environmental Impact Report (Seaside Resort EIR), certified by City Council of the City of Seaside Resolution 05-43 on July 7, 2005, and by the Redevelopment Agency of the City of Seaside Resolution 05-05-FT. ORD-05 on July 7, 2005; and

WHEREAS, the City of Seaside Resource Management Services Department, based on that certain Memorandum prepared by EMC Planning Group entitled "Comparison of Water and Traffic Factors for Potential Occupancy Uses as Seaside Resort," dated August 28, 2014, and based on preparation of an initial study, determined that changes to the uses on the parcels known as Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C consistent with the provisions of the Amended DDA, would not result in significant new or increased environmental effects, including impacts to water

consumption, aquifer withdrawals, traffic generation, or emissions of air pollutant or greenhouse gas emissions related to vehicle trips; and

WHEREAS, the City has prepared an Addendum to the Seaside Resort EIR in accordance with CEQA Guidelines Section 15164; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and implementing CEQA Guidelines, specifically Public Resources Code section 21166 and CEQA Guidelines section 15162, no further environmental review is necessary; and

WHEREAS, the Planning Commission of the City of Seaside has reviewed the Seaside Resort Final EIR and the Addendum; and

WHEREAS, the Planning Commission of the City of Seaside has reviewed the staff report and exhibits to the staff report, the Description of Modifications to City of Seaside Use Permit UP-01-20 (Attachment 2 - Exhibit A), Hotel and Timeshare Parcel Legal Descriptions (Attachment 2 - Exhibit B), the CEQA Findings (Attachment 2 – Exhibit C), and Findings for Project Approval (Attachment 2 – Exhibit D); and

WHEREAS, The Planning Commission of the City of Seaside concurs with the findings presented; and

WHEREAS, flexibility in the development of the parcels known as Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C consistent with the provisions of the Amended DDA benefits the City of Seaside and the City's goal of facilitating economic development on the former Fort Ord and specifically within the Blackhorse and Bayonet Golf Courses; and

WHEREAS, development of said units within the Blackhorse and Bayonet Golf Courses will benefit the stature of the golf courses and provide visitors to Seaside and users of the golf courses with accommodation and/or residential options convenient to the golf courses and related facilities as such are constructed in the future;

THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Seaside does hereby find as follows:

1. Use Permit Application No. UP-01-20 is amended to provide flexibility in the use of units constructed on Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C, in accordance with the Amended DDA including but not limited to, Section 2.1.1 and Sections 5.2.2 et seq.
2. Acceptable uses on Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C shall include hotel units, timeshare units, interval units, fractional units, residential units (which may or may not be subject to a formal condominium

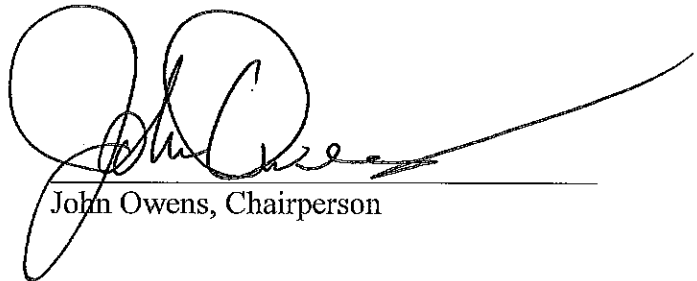
regime) or lots, other legal forms of ownership permitted by applicable law, or any combination thereof.

3. As provided by the second paragraph of Section 2.1.1 of the Amended DDA, the aggregate number of units constructed on the Timeshare Parcels may be fewer or more than 170, but the combined development on the Hotel Parcel and Timeshare Parcels shall remain within substantial conformance of the water allocation in the certified Seaside Resort EIR. Use calculations shall be based on water consumption factors of 0.17 acre-feet per year for hotel rooms, 0.17 acre-feet per year for timeshare, fractional or interval units, and 0.25 acre-feet per year for condominiums or other like uses.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the applicable conditions from the prior approval of Use Permit Application No. UP-01-20 and related Seaside Resort Project approvals remain in effect.

PASSED AND ADOPTED at a regular meeting held on the 10th day of December 2014 by the following vote:

AYES:	K. Dodson, M. Lechman, P. Mugan, J. Owens, D. Ross, A. Taketomo
NOES:	None
ABSENT:	None
ABSTAIN:	None



John Owens, Chairperson

ATTEST:



Planning Commission Secretary

Exhibits

Exhibit A: Description of Modifications to City of Seaside Use Permit UP-01-20

Exhibit B: Hotel and Timeshare Parcel Legal Descriptions

Exhibit C: CEQA Findings

Exhibit D: Findings for Project Approval

Attachment 1

Description of Modifications to City of Seaside Use Permit UP-01-20

In accordance with the Amended and Restated Disposition and Development Agreement between the Successor Agency of the Redevelopment Agency of the City of Seaside and Seaside Resort Development LLC dated February 5, 2014 (the "Amended DDA"), Seaside Resort Development LLC herewith submits this application to amend and modify City of Seaside use permit UP-01-20 for the Timeshare component of the Seaside Resort development. The existing provisions of use permit UP-01-20 limit development to Timeshare Units. The proposed modifications would allow development of alternative, but similar, land uses within the Timeshare Parcels, and provide consistency with the approved Amended DDA.

The application is submitted to further the City's goals of fully utilizing the Blackhorse and Bayonet Golf Courses as a catalyst to economic development within the former Fort Ord. The Use Permit modification would create flexibility in the type of units provided on the Timeshare Parcels, consistent with provisions of the Amended DDA. A range of uses, all similar to the already authorized timeshare units, will provide visitors to Seaside and users of the golf courses with accommodation and/or residential options convenient to the golf courses and related facilities that will be built there in the future as part of the Seaside Resort hotel. As demonstrated in the memorandum "Comparison of Water and Traffic Factors for Potential Occupancy Uses as Seaside Resort," EMC Planning Group, August 28, 2014 (Applicant's Attachment 5 to the application), the proposed changes have been reviewed for potential environmental impacts, and it has been demonstrated that the modification would not result in new or intensified impacts that would require substantial changes to the certified Seaside Resort EIR. In fact, water use and traffic generation could be reduced with the substitution of unit types as proposed. In no case does this application propose to result in development that would increase water usage or traffic generation beyond that studied in the Seaside Resort EIR.

This application is proposed to amend and modify the existing use permit 01-20 as follows:

1. Acceptable uses on Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C shall be expanded to include timeshare units, interval units, fractional units, residential units (which may or may not be subject to a formal condominium regime) or lots, other legal forms of ownership permitted by applicable law, or any combination thereof. Acceptable uses also include hotel rooms as provided in the Amended DDA. The purpose of this amendment is to provide flexibility in the use of units constructed on Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C in accordance with the Amended DDA including but not limited to, Section 2.1.1 and Sections 5.2.2 *et seq.*
2. As provided by the second paragraph of Section 2.1.1 of the Amended DDA, the aggregate number of units constructed on the Timeshare Parcels may be fewer or more than 170, but the combined development on the Hotel Parcel and Timeshare Parcels shall remain within substantial conformance of the water allocation in the certified Seaside Resort EIR. Use calculations shall be based on water consumption factors of 0.17 acre-feet per year for hotel rooms, 0.17 acre-feet per year for timeshare, fractional or interval units, and 0.25 acre-feet per year for condominiums or other like uses

3. Municipal Code Section 17.42.220 G of the City's Timeshare Ordinance, as it concerns conversion of existing buildings to timeshare units, shall be inapplicable with respect to units initially constructed as hotel rooms, in accordance with the amended DDA, on Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C.

ATTACHMENT NO. 1DESCRIPTIONS OF THE LANDI. HOTEL PHASE LAND (currently 2 parcels)Hotel Parcel 1

That certain real property situate in Rancho Noche Buena, in the County of Monterey, State of California, being a portion of that certain 380.31 acre parcel of land shown as Parcel 1 as per map filed for record in Volume 26, Page 28 of Surveys in the office of the County Recorder of said county described as follows:

Beginning at a point that bears South 24°53'59" West, 2,638.33 feet from the most northerly corner of said Parcel 1; thence

1. South 36°18'25" East, 147.89 feet; thence
2. North 78°50'32" East, 237.93 feet; thence
3. North 86°25'16" East, 349.95 feet; thence
4. South 73°40'00" East, 155.99 feet; thence
5. South 68°42'42" East, 277.08 feet; thence
6. South 23°13'15" West, 367.94 feet; thence
7. South 42°48'20" West, 313.39 feet; thence
8. South 11°39'52" West, 202.98 feet; thence
9. South 83°52'52" West, 149.07 feet; thence
10. North 56°52'25" West, 646.26 feet; thence
11. North 41°03'07" West, 348.99 feet; thence
12. North 87°22'26" East, 127.50 feet; thence
13. North 02°37'34" West, 27.36 feet; thence
14. North 87°22'26" East, 192.50 feet; thence
15. North 02°37'34" West, 60.02 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 217.00 feet, and to which beginning a radial bears North 13°21'09" East; thence
16. Northwesterly 71.27 feet along said curve through a central angle of 18°49'00"; thence
17. North 02°37'34" West, 232.98 feet to the Point of Beginning.

Containing 16.76 acres, more or less

Bearings cited herein are referenced to said Volume 26, Page 28 of Surveys.

Hotel Parcel 2

That certain real property situate in Rancho Noche Buena, in the County of Monterey, State of California, being a portion of that certain 380.31 acre parcel of land shown as Parcel 1 as per map filed for record in Volume 26, Page 28 of Surveys in the office of the County Recorder of said county described as follows:

Beginning at a point that bears South 08°53'45" East, 3,421.69 feet from the most northerly corner of said Parcel 1; thence

South 66°45'05" East, 77.18 feet; thence

South 23°14'55" West, 516.59 feet; thence

North 66°45'05" West, 75.91 feet; thence

North 23°06'26" East, 516.59 feet to the Point of Beginning.

Containing 0.91 acres, more or less

Bearings cited herein are referenced to said Volume 26, Page 28 of Surveys.

Attachment: Attachment 2 - Exhibit B Legal Descriptions (1503 : Use Permit Application No. UP-14-07)

II. TIMESHARE PHASE LAND (3 parcels)

Timeshare Parcel 1 (VTM* Timeshare Phases I, II & III; Lots A1, A2 & A3)

That certain real property situate in Rancho Noche Buena, in the County of Monterey, State of California, being a portion of that certain 380.31 acre parcel of land shown as Parcel 1 as per map filed for record in Volume 26, Page 28 of Surveys in the office of the County Recorder of said county described as follows:

Beginning at a point that bears South 29°59'36" West, 1,214.17 feet from the most northerly corner of said Parcel 1; thence

1. South 73°20'00" East, 132.90 feet; thence
2. South 36°50'30" East, 135.13 feet; thence
3. South 05°30'00" West, 322.50 feet; thence
4. South 52°15'00" East, 282.10 feet; thence
5. South 37°45'46" West, 117.38 feet; thence
6. North 82°45'00" West, 389.94 feet; thence
7. South 26°02'40" West, 325.25 feet; thence
8. South 05°08'34" East, 50.02 feet; thence
9. North 74°11'29" West, 134.72 feet; thence
10. North 17°14'26" East, 123.27 feet; thence
11. North 18°23'25" East, 918.06 feet to the Point of Beginning.

Containing 6.51 acres, more or less

Bearings cited herein are referenced to said Volume 26, Page 28 of Surveys.

* Vesting Tentative Map

Timeshare Parcel 2 (VTM Timeshare Phases IV, V, VI & VII; Lots B1, B2, B3 & B4)

That certain real property situate in Rancho Noche Buena, in the County of Monterey, State of California, being a portion of that certain 380.31 acre parcel of land shown as Parcel 1 as per map filed for record in Volume 26, Page 28 of Surveys in the office of the County Recorder of said county described as follows:

Beginning at a point that bears South 24°34'30" West, 2,243.73 feet from the most northerly corner of said Parcel 1; thence

12. South 74°11'29" East, 134.72 feet; thence
13. South 00°56'38" East, 32.36 feet; thence
14. South 43°45'00" East, 91.80 feet; thence
15. South 79°09'47" East, 515.81 feet; thence
16. South 69°00'05" East, 404.66 feet; thence
17. South 58°00'30" East, 297.45 feet; thence
18. South 67°24'43" East, 218.78 feet; thence
19. South 18°13'36" West, 147.74 feet; thence
20. North 70°11'29" West, 622.48 feet; thence
21. North 68°42'42" West, 277.08 feet; thence
22. North 73°40'00" West, 155.99 feet; thence
23. South 86°25'16" West, 349.95 feet; thence
24. South 78°50'32" West, 237.93 feet; thence
25. North 36°18'25" West, 147.89 feet; thence
26. North 44°00'03" East, 155.37 feet; thence
27. North 16°09'08" East, 250.73 feet to the Point of Beginning.

Containing 9.26 acres, more or less

Bearings cited herein are referenced to said Volume 26, Page 28 of Surveys.

**TIMESHARE PARCEL 3
(VTM Timeshare Phases VIII & IX; Lots C1 & C2)**

That certain real property situate in Rancho Noche Buena, in the County of Monterey, State of California, being a portion of that certain 380.31 acre parcel of land shown as Parcel 1 as per map filed for record in Volume 26, Page 28 of Surveys in the office of the County Recorder of said county described as follows:

BEGINNING at a point that bears S. 24° 53' 59" W., 2638.33 feet; thence S. 36° 18' 25" E., 147.89 feet; thence N. 78° 50' 32" E., 237.93 feet; thence N. 86° 25' 16" E., 349.95 feet; thence S. 73° 40' 00" E., 155.99 feet from the most northerly corner of said Parcel 1; thence

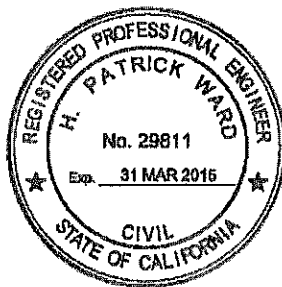
1. S. 70° 17' 05" E., 210.01 feet; thence
2. S. 36° 06' 48" W., 428.58 feet; thence
3. S. 42° 45' 47" W., 224.86 feet; thence
4. S. 00° 28' 45" E., 265.56 feet; thence
5. S. 70° 52' 34" W., 167.49 feet; thence
6. N. 56° 52' 25" W., 219.32 feet; thence
7. N. 83° 52' 52" E., 149.07 feet; thence
8. N. 11° 39' 52" E., 202.98 feet; thence
9. N. 42° 48' 20" E., 313.39 feet; thence
10. N. 23° 13' 15" E., 367.94 feet; to the POINT OF BEGINNING.

Containing 3.66 acres more or less.

Bearings cited herein are referenced to said Volume 26, Page 28 of Surveys.

Dated: 24 November 2014
BESTOR ENGINEERS, INC.

H. Patrick Ward
 H. Patrick Ward
 Registered Civil Engineer #29811
 State of California
 Expires: 3/31/15



Attachment 3 CEQA Findings

1. The Seaside Resort Environmental Impact Report (EIR), consisting of the Seaside Resort Draft EIR, the Seaside Resort Revised Draft EIR, and the Seaside Resort Final EIR (collectively, the Seaside Resort EIR), was certified by City Council of the City of Seaside by Resolution 05-43 on July 7, 2005, and by the Redevelopment Agency of the City of Seaside by Resolution 05-05-FT. ORD-05 on July 7, 2005.
2. The Seaside Resort EIR contemplated development of 170 timeshare units (255 with lock-off units) on three parcels within the Seaside Resort project.
3. The City of Seaside Resource Management Agency Planning Division reviewed the Seaside Draft EIR for adequacy in light of changes proposed to use permit UP-01-20 for the timeshare component of the Seaside Resort.
4. The City of Seaside's environmental consultant prepared a memorandum, "Comparison of Water and Traffic Factors for Potential Occupancy Uses as Seaside Resort," August 28, 2014, presenting results of an investigation into water demand and traffic generation under several development scenarios that could occur with the proposed modifications to use permit UP-01-20.
5. The City of Seaside's environmental consultant prepared an initial study to analyze the potential for environmental effects of proposed modifications to use permit UP-01-20.
6. The City of Seaside Resource Management Agency Planning Division, based on the memorandum and the initial study, determined that the proposed modifications to use permit UP-01-20 would not result in significant new or increased environmental effects for any of the environmental issue areas studied in the Seaside Resort EIR or included on the California Environmental Quality Act (CEQA) Guidelines Appendix G checklist.
7. The City of Seaside Resource Management Agency Planning Division, in accordance with CEQA and implementing CEQA Guidelines, specifically Public Resources Code section 21166 and CEQA Guidelines section 15162, determined that no further environmental review is necessary.
8. The City of Seaside Resource Management Agency Planning Division prepared an Addendum to the Seaside Resort EIR in accordance with CEQA Guidelines Section 15164.
9. The Planning Commission of the City of Seaside, the deciding body for modifications to use permit UP 01-20 reviewed the Seaside Resort Final EIR and the addendum, and concurs that no additional environmental review is necessary.
10. The existing mitigation monitoring program will adequately implement mitigation measures from the Seaside Resort EIR.
11. The City of Seaside Resource Management Agency Planning Division at 440 Harcourt Avenue, Seaside California, is the custodian of records related to this determination.

Attachment 4

Findings for Project Approval

1. Subsequent to certifying the Seaside Resort EIR, the City Council of the City of Seaside adopted Resolution 05-44 on July 7, 2005, granting use permit UP-01-20 for development of timeshare units on parcels known as Timeshare Parcel A, Timeshare Parcel B, and Timeshare Parcel C, at the Seaside Resort Development project.
2. Use permit 01-20 remains valid in accordance with the terms of the Disposition and Development Agreement approved on July 7, 2005 by Redevelopment Agency of the City of Seaside, Resolution 05-07 Ft Ord-07, and the Amended and Restated Disposition and Development Agreement dated February 5, 2014 (the "Amended DDA").
3. The Amended DDA provides for changes to the acceptable development types on the parcels known as Timeshare A, Timeshare B, and Timeshare C, allowing for development of hotel rooms, timeshare units, interval units, fractional units, residential units (which may or may not be subject to a formal condominium regime) or lots, other legal forms of ownership permitted by applicable law, or any combination thereof as an alternative to timeshare units, to the extent same is permitted by the entitlements granted for the parcels by the City of Seaside.
4. The applicant, Seaside Resort Development LLC submitted an application for amendments to use permit UP-01-20 on October 15, 2014, and the City deemed the application complete on November 14, 2014.
5. The City desires to bring the potential development types granted by use permit UP-01-20 into conformance with the provisions of the Amended DDA.
6. Timeshare Parcel A, Timeshare Parcel B, Timeshare Parcel C, and all land surrounding these three parcels is designated Commercial Recreational and zoned V-FO – Visitor Serving Commercial.
7. The visitor accommodation and residential uses are consistent with the land uses allowed within the Commercial Recreational designation. The visitor accommodation uses will not exceed the number of such units planned for the Commercial Recreational designation, and residential uses would be within the allowed density.
8. Municipal Code Section 17.29.010 regulates the V-FO district and allows hotels as a principal use, and conditionally allows timeshare uses and residential uses. Seaside Municipal Code Section 17.42.220 governs timeshare developments within the City, and specifically allows real estate and personal property variants of timeshares. Seaside Municipal Code Section 17.42.220.B.3 defines a timeshare interest as "a purchaser's right to use or occupancy in a timeshare project which may be coupled with an estate in the real property, or which may constitute a license or contractual or membership right of occupancy which is not coupled with an estate in the real property." The increment and fractional uses are a form of timeshare use that are not coupled with an estate in the real property.

The proposed modifications to Use Permit UP-01-20 permit land uses that are allowed or conditionally allowed in the V-FO district.

9. Development standards for the commercial and transient occupancy uses are subject to Seaside Municipal Code Chapter 17.24; however, the application for modification of UP-01-20 does not propose changes to the physical design or arrangement of buildings. Seaside Municipal Code section 17.29.010.H.9 sets a maximum average density of ten residential units per acre. At maximum density, the V-FO district would be developed at 5.2 units per acre. The proposed modifications to Use Permit UP-01-20 are consistent with the development standards for the V-FO district.

10. The proposed amendments to use permit UP-01-20 revise the uses allowed on the timeshare parcels, and allow variation in the number of units, but do not adversely affect the surrounding existing and planned uses.

11. The proposed amendments to use permit UP-01-20 revise the uses allowed on timeshare parcels, and allow variation in the number of units, but do not affect the physical designs or arrangement of buildings.

12. The proposed amendments to use permit UP-01-20 revise the uses for the timeshare parcels, and allow variation in the number of units, in order to promote the City goal of developing synergistic uses within the Blackhorse and Bayonet golf courses. The modifications do not affect the physical designs of the Seaside Resort and would not be detrimental to public health, safety, welfare, convenience, or be materially injurious to persons, property, or improvements.

13. The City of Seaside Planning Commission of the City of Seaside, the deciding body for modifications to use permit UP 01-20 reviewed the Seaside Resort Final EIR and the addendum and concurs that no additional environmental review is necessary.

14. The Planning Commission of the City of Seaside, the deciding body for modifications to use permit UP 01-20 reviewed the staff report, resolution, and attachments, including the CEQA Findings and the Findings for Project Approval, and concurs with those findings.

15. The City of Seaside Planning Commission considered approval of the application to modify use permit UP-01-20 at a publically noticed hearing on December 10, 2014, and upon consideration of the environmental review, staff report, and public testimony, approved the application based on their independent judgment.