

**RESOLUTION NO. 08-07**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING THE EXTERIOR STONE MATERIAL FOR THE HOTEL BUILDING OF THE SEASIDE RESORT PROJECT AT 1 McCLURE WAY IN THE FORT ORD-VISITOR SERVING (V-FO) COMMERCIAL ZONING DISTRICT.**

**WHEREAS**, Seaside Resort Development (applicants) and the City of Seaside (property owners) have submitted a natural stone material to be installed at specified locations on the building façade and monument signs of the Seaside Resort Project for approval by the Planning Commission in accordance with Condition No. 103 of City Council Resolution No. 05-44; and

**WHEREAS**, the proposed project requires discretionary approval, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

**WHEREAS**, the Seaside Planning Commission considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at public meeting held on May 14, 2008; and

**WHEREAS**, a Final Environmental Impact Report (FEIR) has been prepared for the project pursuant to the California Environmental Quality Act (CEQA) and the approval of the stone material will not affect the findings of the FEIR and/or introduce any new aesthetic impacts that were not previously discussed and analyzed by the FEIR.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission adopts the following findings for Site Plan Review Application No. SPR-01-03 and Board of Architectural Review Application No. BAR-01-26:

1. The proposal would not jeopardize the health, safety, or welfare of the public.

*Evidence: The proposal is in conformance with the adopted building codes and the Americans with Disabilities Act.*

*Evidence: The exterior stone material will reinforce the craftsman style architecture and blend with the aesthetics of the site.*

*Evidence: The exterior stone material will provide for an aesthetically pleasing development that is harmonious with the surrounding golf courses and natural areas.*

2. The proposal is consistent with the City Council's July 7, 2005 project approval.

*Evidence: The natural stone, lap siding, and shingles selected as finish materials are consistent with the Arts and Crafts architectural style in the approved conceptual designs.*

*Evidence: The colors harmonize with the surrounding oak woods and golf courses.*

**BE IT FURTHER RESOLVED**, that the Planning Commission approves the final exterior stone material subject to the following conditions:

**Project Specific**

***Planning:***

Prior to the issuance of a Building Permit, the project construction plans must include a reference on the general specifications and project elevations of the Seaside Resort Hotel Project construction plans indicating that the exterior stone material shall consist of the natural stone approved by the Planning Commission on May 14, 2008.

**Standard:**

1. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that they will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of City Counsel or concurrent with the issuance of permits, use of the property, whichever occurs first and as applicable. The City shall promptly notify the applicant of any such claim, action, or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.
2. The project shall comply with the requirements and the applicable ordinances of the Marina Coast Water District (MCWD).

3. The project shall comply with the requirements and applicable ordinances of the City of Seaside for the issuance of a building permit to install the approved exterior stone material.
4. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
5. This Use Permit shall expire and become void upon the expiration of the time limits approved by the Development Disposition Agreement for the Seaside Resort Project.
6. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

**PASSED AND ADOPTED** at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 14th day of May 2008, by the following vote:

AYES: M. Claypool, J. Craghead, P. Mugan, J. Owens, I Oglesby, J. Robinson  
NOES: None  
ABSENT: M. Lechman  
ABSTAIN: None

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Mary Claypool, Chairperson

ATTEST:

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Planning Commission Secretary

**SITE PLAN REVIEW APPLICATION No. SPR-01-03  
AND  
BOARD OF ARCHITECTURAL REVIEW APPLICATION No. BAR-01-26**

These permits are hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

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Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

### Stone Material and Color Board Material Board

