

**PLANNING COMMISSION OF THE CITY OF SEASIDE
RESOLUTION NO. 04-36**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SEASIDE RESORT PROJECT, MAKE THE FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Recitals of Fact:

A. WHEREAS, the City of Seaside (the "City"), on February 17, 2000 entered into the "Exclusive Negotiating Rights Agreement for Golf Course Resort Site" ("the ENRA") with Seaside Resort Development, LLC (the "Applicant") with respect to development of resort improvements including hotel, timeshare and housing improvements (the "Project") on 84.88 acres of the Bayonet and Black Horse golf courses to be excluded from the existing golf course leased premises, also known as Assessor's Parcel No. 031-051-005 (the "Property"); and

B. WHEREAS on and March 4, 2004, the City and the Applicant entered into an amended and restated ENRA; and

C. WHEREAS, on August 17, 2001 the Applicant completed preliminary project designs and submitted applications to the City for a Vesting Tentative Subdivision Map, a Use Permit for residential lots, a Use Permit for timeshare units, Site Plan Review for the hotel, Design Review and a Statutory Development Agreement, and supporting technical documents for the Project (the "Applications"); and

D. WHEREAS, the City determined that such applications were complete pursuant to Government Code Section 65920 et seq.; and

E. WHEREAS, the U.S. Army prepared the Fort Ord Disposal and Reuse Final Environmental Impact Statement (June, 1993) and the Fort Ord Disposal and Reuse Draft Supplemental Environmental Impact Statement (December, 1995), relating to the disposal and reuse of the military base, and which evaluated environmental issues related to base closure actions; and

F. WHEREAS, on June 13, 1997, the Fort Ord Reuse Authority certified, and adopted findings in consideration of, the Fort Ord Reuse Plan Final Program Environmental Impact Report (the "Reuse EIR"), a program environmental impact report prepared pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), and as specifically provided for in Section 15168 of the CEQA Guidelines, which evaluated the potentially significant environmental effects of the Reuse Plan (as defined below), including the effects of developing the Property in a manner consistent with the Reuse Plan; and

G. WHEREAS, on June 13, 1997, the Fort Ord Reuse Authority adopted the Fort Ord Reuse Plan, a comprehensive planning document intended to guide development of lands within the former Fort Ord, including the Property, prepared pursuant to Government Code Section 67650 et seq. (the "Reuse Plan"); and

H. WHEREAS, on August 12, 1998, by Resolution No. 98-81, the City adopted amendments to its General Plan for the purpose of providing land use designations, policies, development standards, for the City's lands within the former Fort Ord, including the Property, in conformance with the land use designations and development standards and policies of the Reuse Plan; and

I. WHEREAS, in conjunction with the approval of the amendment to the General Plan, the City prepared an Addendum to the Reuse Plan EIR (hereafter included in the definition of the "Reuse Plan EIR"), in which the City adopted certain mitigation measures and mitigating monitoring programs, as provided in the Resolution 98-81; and

J. WHEREAS, by Ordinance No. 878, introduced on August 12, 1998 and approved on September 3, 1998, the City adopted amendments to its Zoning Ordinance for the purpose of providing zoning designations and development standards for the City's lands within the former Fort Ord, including the Property, in conformance with the land use designations, policies, and development standards of the Reuse Plan; and

K. WHEREAS, on November 30, 1998, FORA and the Sierra Club entered into a Settlement Agreement and FORA adopted Chapter 8 of the Fort Ord Reuse Authority Master Resolution, also known as Chapter I, Base Reuse Planning and Consistency Determinations ("FORA Master Resolution") that, among other matters, includes additional provisions related to Base Reuse Planning and Consistency Determinations for the Property as part of the former Fort Ord site; and

L. WHEREAS, on December 11, 1998 by Resolution No. 98-2, the Fort Ord Reuse Authority ("FORA") determined that the amendments to the City's General Plan and Zoning Ordinance were consistent with the Reuse Plan pursuant to Government Code Section 67675 et seq. and the FORA Master Resolution; and

M. WHEREAS, on May 31, 2001, FORA and the City entered into that certain Implementation Agreement, which implements the provisions of the Reuse Plan within the jurisdiction of the City, the provisions of which are applicable to the Property; and

N. WHEREAS, the U.S. Army caused to be prepared the Installation-Wide Multispecies Habitat Management Plan ("HMP") for the Former Fort Ord, California, dated April 1997, to provide mitigation for certain impacts to biological resources due to the U.S. Army's decision to close and dispose of the Fort Ord military base; and

O. WHEREAS, the requirements of the HMP are applicable to all parties receiving land at the former Fort Ord through the development and execution of a Habitat Conservation Plan ("HCP") and Implementing Agreement ("IA"), drafts of which were submitted to the U.S.

Fish and Wildlife Service ("USFWS") and the California Department of Fish and Game ("CDFG") in 2000, and are pending signature by USFWS and CDFG to execute the HCP and IA; and

P. WHEREAS, in 2000, the U.S. Army and FORA entered into a Memorandum Of Agreement for the Sale Of Portions of The Former Fort Ord, that obligates FORA and member jurisdictions to, among other matters, implement the HMP, more specifically through execution of the HCP and IA; and

Q. WHEREAS, FORA and the City of Seaside intend to take the necessary action to execute the HMP upon signature of the HCP and IA by the USFWS and CDFG; and

R. WHEREAS, on July 19, 2001, by Ordinance No. 897, the City adopted an amendment to Title 17 Chapter 17.89 of the Seaside Zoning Ordinance to allow conditional uses, including residential, timeshare and employee housing uses, in the V-FO Zoning District based on the adoption of a Negative Declaration that was circulated with an Initial Study for public review between May 30, 2001 and June 18, 2001; and

S. WHEREAS, on August 10, 2001, by Resolution 01-8, the Fort Ord Reuse Authority ("FORA") determined that conditional uses, including golf courses and ancillary uses, in the ME-FO District of the Seaside Zoning Ordinance were consistent with the Fort Ord Reuse Plan, pursuant to Government Code Section 67675 et seq. and the Master Resolution; and

T. WHEREAS, the Property is subject to that certain Redevelopment Plan for the Seaside-Fort Ord Redevelopment Project (the "Redevelopment Plan"), adopted by the City Council and Redevelopment Agency on April 18, 2002, by Ordinance 901; and

U. WHEREAS, the City, in accordance with the requirements of CEQA and the CEQA Guidelines, caused to be prepared and distributed a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) on October 9, 2001, attached hereto within **Exhibit A** which advised certain local, state and federal agencies and jurisdictions that the City intended to prepare an EIR for the proposed Project, and as noticed within the NOP, on October 29, 2001 conducted a public scoping meeting to receive additional comments on the NOP and scope of an EIR for the Project; and

V. WHEREAS, the City received six (6) comments on the DEIR NOP, attached hereto as **Exhibit B**, that were intended by the commenters to guide the scope and content of the EIR; and

W. WHEREAS, the City, in accordance with the requirements of CEQA and the CEQA Guidelines, prepared the DEIR and filed a Notice of Completion with the California Office of Planning and Research State Clearinghouse and the Monterey County Clerk on August 15, 2002, attached hereto as **Exhibit C**, which commenced the 45-day period of time for public and agency review and comment through January 16, 2003 on the Seaside Resort Project Draft Environmental Impact Report, dated August 2002, (the "DEIR") for the Project, attached here as **Exhibit D**; and

X. WHEREAS, the City, in accordance with the requirements of CEQA and the CEQA Guidelines, and partially in response to comments filed regarding the DEIR, prepared a Revised Draft Environmental Impact Report (“RDEIR”) dated May 2004, incorporated herein **Exhibit D**, to address changed conditions and/or new information regarding water supply and traffic. The City filed a Notice of Completion with the California Office of Planning and Research State Clearinghouse and the Monterey County Clerk on May 6, 2004, attached hereto within **Exhibit C**, which commenced a 30-day period of time for public and agency review and comment, which period was approved by the California Office of Planning and Research State Clearinghouse, through June 7, 2004; and

Y. WHEREAS, the City, in accordance with the requirements of CEQA and the CEQA Guidelines, has considered and evaluated comments on environmental issues submitted by persons and agencies who reviewed the DEIR and/or RRDEIR during the applicable public review periods. The City has prepared written responses to such comments regarding actual environmental issues, as required by CEQA. The City’s response, contains copies of comments received by the City during the applicable public review periods for the DEIR and RDEIR, a list of persons and entities commenting on the DEIR and RDEIR, the responses of the City to environmental issues raised in those comments and elsewhere in the review and consultation process, a description of the disposition of any significant environmental issue that was raised by commenters, and a description of the changes made to the DEIR and RDEIR text and figures, all attached hereto and incorporated herein in **Exhibit E**. Pursuant to Public Resources Code Section 21092.5, the City has provided copies of its written proposed responses to all public agencies that commented on the DEIR and/or RDEIR at least ten (10) days prior to certification of the FEIR; and

Z. WHEREAS, the Final Environmental Impact Report (the “FEIR”) includes: 1) the DEIR and RDEIR as presented to the Planning Commission in **Exhibit D**; 2) the responses to comments in **Exhibit E**; 3) subsequent minor technical revisions of the DEIR or RDEIR made by the City up to the time of certification of the FEIR by the City Council, the City’s written responses to significant environmental points raised in the public and agency review and consultation process, and any other information added to the FEIR by the City prior to certification of the FEIR, attached hereto as **Exhibit F**; and 4) the final mitigation measures for the project as presented in **Exhibit G**; and

AA. WHEREAS, the FEIR analyzes the environmental impacts of the Project, including project, cumulative, growth-inducing and irreversible environmental impacts, identifies and analyzes mitigation measures intended to reduce environmental impacts and considers alternatives to the Project; and

AB. WHEREAS, the BAR conducted duly noticed public hearings on June 16, 2003, July 20, 2004 (field trip) and July 21, 2004 at which meetings it received public testimony, and recommended with conditions approval of the Project's architecture, landscaping, and other aesthetic and design issues in accordance with its duties under Chapter 17.70.070 of the Municipal Code of the City; and

AC. WHEREAS, notice of time and place of hearing for this recommendation of certification of the FEIR and Project approval was given in the manner prescribed by Chapters 16.16.060 and 17.68.040 of the Municipal Code of the City and in the CEQA statutes and guidelines; and

AD. WHEREAS, by the FEIR, staff report and exhibits accompanying this Resolution and incorporated into this Resolution by reference, as well as the written and oral evidence received at the public hearing, the Planning Commission has been provided with additional information upon which the findings and actions set forth in this Resolution are based; and

AE WHEREAS, the matter of the FEIR was called for hearing, and oral and documentary evidence was introduced and received, and the matter submitted for a decision.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SEASIDE, CALIFORNIA, AS FOLLOWS:

1. The Planning Commission hereby finds that the above recitals and the information contained in the attached Exhibits are accurate and are hereby incorporated in and made part of this Resolution by this reference.

2. The Planning Commission hereby recommends that the City Council: 1) certify that the Final Environmental Impact Report for the Seaside Resort Project has been completed in compliance with CEQA; 2) find that the FEIR was presented to the Planning Commission and the Planning Commission reviewed and considered the information contained in the FEIR and public testimony received thereon during the hearing prior to its recommendation on the approval of the Project; and 3) find that the FEIR reflects the City's independent judgment and analysis.

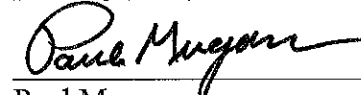
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California on the 8th day of September, 2004.

Ayes: Commissioners Craghead; Robinson; Mugan; Meredith; and Montes


Noes:

Absent:

APPROVED:



Paul Mugan
Chair

ATTEST: 
Planning Commission Secretary

Exhibits to Resolution No. 04-36

The following Exhibits are hereby incorporated by reference into Resolution 04-36.

EXHIBIT "A"	DEIR Notice of Preparation (NOP)
EXHIBIT "B"	Comments on the NOP
EXHIBIT "C"	DEIR and RDEIR Notices of Completion
EXHIBIT "D"	DEIR and RDEIR
EXHIBIT "E"	FEIR
EXHIBIT "F"	Additional Information and Comments and Responses on Environmental Issues