

**RESOLUTION NO. 07-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE APPROVING FINAL SUBDIVISION MAP FOR PHASE ONE OF MODIFIED VESTING TENTATIVE MAP NO. TM-01-03 IN CONNECTION WITH THE SEASIDE RESORT PROJECT, A FINAL MAP FOR THE SUBDIVISION 38 RESIDENTIAL LOTS, APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT IN CONNECTION THEREWITH, APPROVING AMENDMENT NO. 2 TO THE AMENDED AND RESTATED GOLF COURSE LEASE, AUTHORIZING THE EXECUTION OF CONSTRUCTION EASEMENTS, AND TAKING OTHER ACTIONS AS REQUIRED BY LAW**

**Recitals of Facts:**

**A. WHEREAS**, on July 7, 2005, the City Council approved an application by Seaside Resort Development, LLC (the "Applicant") for Vesting Tentative Map No. TM-01-03 for the subdivision of approximately 84.88 acres of land (the "Property") which is a part of a larger approximate 380-acre parcel of land on which the Bayonet and Black Horse golf courses are located, which parcel is also known as Assessor's Parcel Number 031-051-005; and

**B. WHEREAS**, the proposed subdivision is a component part of the Seaside Resort Project involving the construction of a 330 room hotel, consisting of a main hotel with 15 bungalows, 170 timeshare units in 33 buildings and 125 single-family residential lots; and

**C. WHEREAS**, in connection with the approval of the Vesting Tentative Map for the Property, the City approved a phasing plan for the filing of or up to eight separate final maps for various phases of Vesting Tentative Map No. TM-01-03; and

**D. WHEREAS**, on July 7, 2005, the City Council adopted Resolution No. 05-43 certifying an environmental impact report for the Seaside Resort Project, making findings required by the California Environmental Quality Act, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program; and

**E. WHEREAS**, the Applicant applied for City staff approved, a minor modification to the Vesting Tentative Map that included changes to the boundaries of the land subject to the subdivision of the first 38 residential lots and a modification to the phasing plan to permit the filing of a first final map for the creation of those first 38 residential lots;

**F. WHEREAS**, on February 7, 2007, the Applicant submitted to the City a Final Map, which was found to be complete and to contain all required signatures and

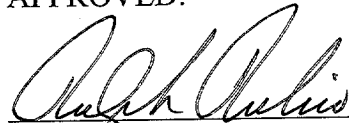
**Resolution No. 07-10**  
**Page 2**

16. The City Clerk shall certify to the adoption of this Resolution.

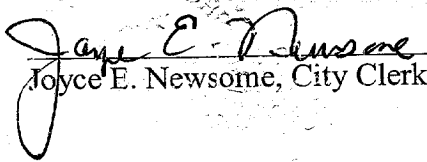
**PASSED AND ADOPTED** at a special joint City Council/Redevelopment Agency of the City of Seaside, State of California on the 15 day of March, 2007.

AYES: COUNCIL MEMBERS: Alexander, Jordan Mancini, Rubio  
NOES: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None  
ABSTAIN: COUNCIL MEMBERS: None

APPROVED:

  
\_\_\_\_\_  
Ralph Rubio, Mayor

ATTEST:

  
\_\_\_\_\_  
Joyce E. Newsome, City Clerk

**Exhibit to Resolution No. 07-\_\_**

The following Exhibit is hereby incorporated by reference into Resolution 07-\_\_

**EXHIBIT "A"**  
**EXHIBIT "B"**

**Subdivision Improvement Agreement and CC&Rs  
Amendment No. 2 to the Amended and Restated Golf Course  
Lease**

**ATTACHMENT 6**

**CITY COUNCIL OF THE CITY OF SEASIDE  
RESOLUTION NO. 07-10**

**Resolution No. 07-10**

**Page 2**

certificates for a complete application for final map approval of Phase I of Vesting Tentative Map No. TM-01-03 as modified; and

**G. WHEREAS**, the Applicant has executed the Subdivision Improvement Agreement, attached hereto as Exhibit A, that has been prepared in connection with the Final Map, which agreement has been approved as to form by the City and will ensure completion of improvements required for the subdivision;

**H. WHEREAS**, subdivision (b) of Government Code Section 66442 requires that all final maps include a certificate signed by the city surveyor or city engineer that he or she has examined the map, that the subdivision is substantially the same as it appeared on the tentative map and any approved alternations thereof, that all provisions of the Subdivision Map Act and the City's Subdivision Ordinance have been complied with, and that he or she is satisfied that the map is technically correct; and

**I. WHEREAS**, Kenneth N. Lewis, a Professional Engineer and Professional Land Surveyor with Lewis Civil Engineering and Land Surveying is currently providing Engineering and Surveying services under contract with the City and is qualified to execute the certificate required by subdivision (b) of Section 66442.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEASIDE, CALIFORNIA, AS FOLLOWS:**

1. The City Council does hereby find that the above recitals are accurate and are hereby incorporated in and made part of this Resolution by this reference.
2. The City Engineer approved the Final Map for Phase I (as modified).
3. The City Council makes the following findings pursuant to the requirements of the California Environmental Quality Act:

**A.** Pursuant to the California Environmental Quality Act ("CEQA") and the Agency's local CEQA Guidelines, the City certified an Environmental Impact Report (EIR) on July 7, 2005 in connection with the City's approval of the Seaside Resort Project entitlements and the Agency Board approved the same EIR in connection with the Agency's actions to implement that project. Pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation

measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.

**B.** The City Council finds, in connection with the Final Map that its approval is a ministerial action consistent with the project that was reviewed and approved pursuant to the Seaside Resort Project EIR. The City Council also finds that the Amendment No. 2 to the Golf Course Lease involving the substitution of the revised Phase I boundary and legal description in the Golf Course Lease Exhibits A and K do not involve substantial changes to the project or the circumstances surrounding the project have not occurred which would create new or more severe impacts than those evaluated in the previously certified EIR. The modification to the boundaries of the land conveyed by the Agency to the City for inclusion in the Golf Course Lease are minor in extent and overall acreage. Staff further finds that actions contemplated by this Resolution will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant.

**C.** Based on these findings and all evidence in the record, the City Council determines that no additional environmental review is required pursuant to CEQA in connection with the City's consideration of the Final Map and Amendment No. 2 to the Amended and Restated Golf Course Lease.

4. Pursuant to California Government Code Section 66457, the City Council finds that all required certificates or statements on the map have been signed and, where necessary, have been acknowledged.

5. The City Council hereby appoints Kenneth N. Lewis as Acting City Surveyor to review the Final Map and any additional Final Maps for the Seaside Resort Project and provide the certificate therefor in compliance with Government Code Section 66442.

6. Pursuant to California Government Code Section 66458, and based upon the determinations and report of the City Engineer, the City Council finds that the Final Map conforms to all requirements of the Subdivision Map Act, the City's local Subdivision Ordinance and that all conditions prior the approval of the final map have been completed to the satisfaction of the City or will be completed pursuant to the Subdivision Improvement Agreement.

7. Based on the findings contained in Section 1 through 5 of this Resolution, and pursuant to the requirements of the California Subdivision Map Act and the City's Subdivision Ordinance, the City Council hereby approves the Subdivision Improvement Agreement attached hereto as Exhibit A, and authorizes the City Manager to execute the Agreement on behalf of the City. The City Council also approves the Covenants, Conditions and Restrictions ("CC&Rs"), attached as Exhibit A to the Subdivision Improvement Agreement, and hereby grants authority to the City Engineer to require and

**Resolution No. 07-10**

**Page 5**

approve modifications to those CC&Rs as required to comply with project conditions and ensure compliance with other legal requirements prior to their recordation.

8. The City Council hereby authorizes the City Engineer to defer the Subdivider's compliance with Vesting Tentative Map Conditions 17 and 27, to a date deemed acceptable to the City Engineer.

9. Based on the findings contained in Section 1 through 5 of this Resolution, and pursuant to the requirements of the California Subdivision Map Act and the City's Subdivision Ordinance, the City Council hereby approves the Final Map.

10. The City Council hereby instructs the City Clerk to endorse on the face of the Final Map the certificate that embodies the approval of the Final Map and instructs the City Clerk to reject all offers of public dedication that may be provided on the Map.

11. The City Council hereby instructs the City Clerk and City Engineer not to release the final map to the County Clerk for recordation until all subdivision securities required by the Subdivision Improvement Agreement have been filed with the City and the Covenants, Conditions and Restrictions relating to the ownership and maintenance of private improvements in the Subdivision have been filed with the City in a form approved by the City Engineer.

12. The City Council hereby approves Amendment No. 2 to the Amended and Restated Golf Course Lease ("GC Lease") to substitute the revised Phase I boundary and legal description as approved by the City Engineer in the Golf Course Lease Exhibits A and K.

13. The City Council hereby authorizes the City Manager to execute necessary documents to convey any "slivers" of property to the Agency that were not part of the original conveyance from the City to the Agency for eventual conveyance to SRD (or its affiliates, as permitted under the Disposition and Development Agreement between the Agency and SRD) so as to conform the boundaries of the property conveyed from the City to the Agency to the boundaries provided on the Final Map.

14. The City Council hereby authorizes the City Manager to accept (and hereby ratifies any prior acceptance by the City Manager) of a conveyance of property from the Agency to the City that is not currently owned by the City, and which is not part of the revised Phase I land described in the Final Map.

15. The City Council hereby authorizes the City Manager to execute construction easements with respect to: (1) construction of Phase IB improvements on City land; and (2) construction of decorative walls on the golf course property subject to prior written acceptance of such walls by B&B Golf Course Properties, LLC.