

ORDINANCE NO. 2040

AN ORDINANCE TO AMEND SECTION 17.98.P OF THE SEASIDE MUNICIPAL CODE TO MODIFY THE DEFINITION OF PUBLIC SAFETY FACILITY TO INCLUDE CONTRACTED PUBLIC SAFETY FACILITIES

WHEREAS, the City of Seaside Zoning Ordinance allows Public Safety Facilities in all commercial zones with a Use Permit; and

WHEREAS, Chapter 17.98 of the Seaside Municipal Code provides that only those facilities operated by a public agency may be considered to be Public Safety Facilities; and

WHEREAS, some public safety operations, such as ambulance services, are now contracted out to private entities; and

WHEREAS, the City of Seaside desires to provide potential locations for Public Safety Facilities, whether operated directly or indirectly by a public agency; and

WHEREAS, the proposed Zoning Ordinance Amendment was presented to the Planning Commission on January 14, 2026, which unanimously recommended that the City Council adopt the proposed Amendment; and

WHEREAS, since this action does not allow for any activity that is not already permitted within the City of Seaside, this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. The City Council hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. The Seaside Municipal Code is hereby amended to reflect the changes identified in the attached Exhibit "A."

SECTION 3. If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons

or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty days following adoption.

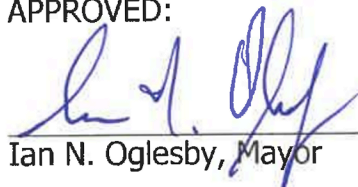
INTRODUCED at a regular meeting of the City Council of the City of Seaside, State of California, held on the 5th day of February 2026.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, held on the 19th day of February 2026, by the following vote:

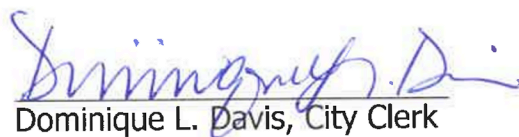
AYES: 5	COUNCIL MEMBERS:	Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco
NOES: 0	COUNCIL MEMBERS:	None
ABSENT: 0	COUNCIL MEMBERS:	None
ABSTAIN: 0	COUNCIL MEMBERS:	None



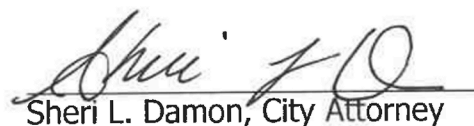
APPROVED:


Ian N. Oglesby, Mayor

ATTEST:


Dominique L. Davis, City Clerk

APPROVED AS TO FORM:


Sheri L. Damon, City Attorney

Attachment: Exhibit "A" – Proposed Ordinance Amendment

Exhibit “A”

SECTION 1. The Definition of “Public Safety Facility” included in Section 17.98.P of the Seaside Municipal Code is hereby amended to read as follows:

Public Safety Facility. A facility operated by a public agency or another entity operating under contract with a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site.

RESOLUTION NO. 26-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

APPROVING THE EXECUTION OF AN EXCLUSIVE NEGOTIATING AGREEMENT WITH KBB SEASIDE VENTURE II, LLC FOR THE ACQUISITION AND DEVELOPMENT OF AN INTEGRATED MIXED-USE PROJECT AT THE MAIN GATE

- A. **WHEREAS**, on or about June 20 2025, the City of Seaside circulated a nationwide search for Request for Proposals (RFP) to developers nationwide in order to find a master developer for the Main Gate Mixed-Use Development. The property is located north of Lightfighter Drive between Highway 1 and 2nd Avenue and south of Divarty Street. The approximately 50-acre property is adjacent to California State University Monterey Bay (CSUMB), adjacent to a 5-acre site owned by the State of California for the location of a new Monterey County Civil Courthouse and due to its ocean views, freeway orientation and adjacency to the Dunes State Park, the property is an attractive opportunity for developers; and
- B. **WHEREAS**, proposals were due on August 22, 2025 and the City received four proposals; and
- C. **WHEREAS**, the proposals were reviewed and ranked by a nine-member committee that included City staff, representatives from California State University Monterey Bay (CSUMB), Monterey County Economic Development and the former Fort Ord Reuse Authority (FORA) director; and
- D. **WHEREAS**, The City Council was presented with the Committee recommendations and ultimately decided to move forward with the proposal submitted by KBB Seaside Venture II. Staff then worked with the developer to create an Exclusive Negotiating Agreement (ENA); and
- E. **WHEREAS**, the City Council desires to enter into an Exclusive Negotiating Agreement ("ENA") with KBB Seaside Venture II ("Developer") for a limited period to negotiate the potential terms of a proposed disposition and development agreement and related project entitlements (collectively, the "Potential Project") or "Project" as that term is used in the ENA referring to a potential future project subject to CEQA and discretionary approval. All references in the ENA to the 'Project' shall be interpreted consistent with this recital; and

- F. **WHEREAS**, approval of the ENA will only authorize exclusive negotiations and related preliminary activities and will not constitute approval of the Potential Project, any specific development proposal, or any physical changes to the environment; and
- G. **WHEREAS**, the City retains full discretion to consider, approve, condition, or deny any and all subsequent discretionary approvals for the Potential Project, including, but not limited to, any disposition and development agreement, development agreement, zoning or General Plan actions, subdivision maps, and project-level approvals, after completion of all required environmental review; and
- H. **WHEREAS**, no activities that would constitute a 'project' under the California Environmental Quality Act ("CEQA") will be approved or undertaken by the City under this ENA, and no physical development of the Potential Project will proceed, unless and until the City has complied with CEQA and considered all feasible mitigation measures and alternatives, including the 'no project' alternative; and
- I. **WHEREAS**, because approval of the ENA does not commit the City to any definite course of action or to approval or implementation of the Potential Project, and will not result in any direct or reasonably foreseeable indirect physical change in the environment, such approval is not a 'project' under CEQA (Public Resources Code section 21065; CEQA Guidelines section 15378) and/or is exempt from CEQA under the common-sense exemption (CEQA Guidelines section 15061, subdivision (b)(3)); and
- J. **WHEREAS**, the Successor Agency to the Redevelopment Agency of the City of Seaside adopted Resolution 24-01SA authorizing the transfer of the property previously owned by the Successor Agency of the City of Seaside to the City of Seaside in accordance with the terms and provisions of the approved Long Range Management Plan and the City Council adopted Resolution 24-11 accepting such transfer; and
- K. **WHEREAS**, all of the property subject to the Exclusive Negotiating Agreement is hereby declared exempt pursuant to Government Code section 54221(d)(1) because the land does not yet meet the definition of disposal and/or 54221(f)(1)(H) or some other provision when the land is ultimately sold or otherwise transferred; and
- L. **WHEREAS**, the draft Exclusive Negotiating Agreement is attached as Exhibit A.

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 Council makes the following findings pursuant to the requirements of the California Environmental Quality Act:

- A. The City Council finds and determines that approval of the ENA is not a 'project' under CEQA within the meaning of CEQA Guidelines section 15378 because it merely provides for exclusive negotiations and does not commit the City to any project or to any physical development or change in the environment. In the alternative, approval of the ENA is exempt from CEQA under the common-sense exemption set forth in CEQA Guidelines section 15061, subdivision (b)(3), because it can be seen with certainty that there is no possibility that approval of the ENA may have a significant effect on the environment.
- B. Nothing in this Resolution or in the ENA shall be construed as approval of the Potential Project or any related entitlements, or as an agreement by the City to approve any future project or entitlement. Any future discretionary actions related to the Potential Project will be subject to separate consideration and approval by the City Council, in its sole and absolute discretion, following completion of all applicable CEQA review.
- C. The City Council further finds and directs that the ENA shall be interpreted and implemented consistent with these CEQA findings, including that preparation and processing of any CEQA documents under the ENA shall not obligate the City to certify any CEQA document or to approve the Potential Project or any entitlement.

3. The City Council hereby finds that the requirements of the Request for Proposals contained language and explicit requirement that all proposals qualify for an exemption and upon a finalized Purchase and Sale Agreement will be ultimately determined to be exempt surplus land pursuant to Government Code Section 54221(f)(1)(H) but that at this point, the land is not yet being disposed of and therefore does not meet the definition of disposal pursuant to Government Code section 54221(d)(1).

4. The City Council hereby authorizes the City Manager to sign the Exclusive Negotiating Agreement in a form substantially similar to the attached Exhibit A as may finally be approved by the City Attorney, and in conjunction with the City Attorney, take all implementing actions necessary to implement the provisions of that agreement.

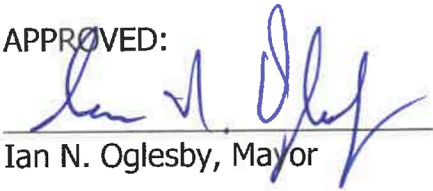
5. The City further finds that in accordance with Gov. Code §54221(f)(2) the exempt surplus land in question is not within the coastal zone or within the Lake Tahoe Region as defined in Section 66905.5, is not adjacent to a historical unit of the State Parks System and is not listed on or determined by the State Office of Historic Preservation to be eligible for the National Register of Historic Places.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California on the 19th day of February, 2026.

AYES: 5	COUNCIL MEMBERS:	Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco
NOES: 0	COUNCIL MEMBERS:	None
ABSENT: 0	COUNCIL MEMBERS:	None
ABSTAIN: 0	COUNCIL MEMBERS:	None



APPROVED:


Ian N. Oglesby, Mayor

ATTEST:


Dominique L. Davis, City Clerk

APPROVED AS TO FORM:


Sheri L. Damon, City Attorney