

**EFFECTIVE DATE
OF ORDINANCE**

April 17, 2024

ORDINANCE NO. 2880 N.C.S.

Introduced by:

Seconded by:

**ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA
APPROVING THE ACQUISITION OF PART OF A PARCEL OF LAND COMPRISED OF A
PORTION OF APN 007-163-008 AND DISPOSITION OF PART OF A PARCEL OF LAND
COMPRISED OF A PORTION OF 007-163-008 LOCATED BETWEEN THE MCNEAR
CHANNEL AND HOPPER STREET AND PLACING AN EMERGENCY VEHICLE ACCESS
EASEMENT OVER A PORTION OF APN 007-163-008**

WHEREAS, Section 46 of Article VII of the Petaluma City Charter provides, in pertinent part, that no City action providing for the sale or lease of real property having a value of \$3,000 or more may be taken except by ordinance or pursuant to a general law of the State; and

WHEREAS, the City of Petaluma and Vulcan Lands Inc. as owners of real property identified as Assessor Parcel Numbers 007-700-002 and 007-163-008, respectively, and located between the McNear Channel waterway and Hopper Street have requested approval of a land swap where the City of Petaluma would acquire an approximately 9,348 square foot (0.21 acres) portion of APN 007-163-008 from Vulcan Lands Inc. and Vulcan Lands Inc. would acquire an approximately 4,554 square foot (0.10 acres) portion of APN 007-700-002 from the City of Petaluma as shown in Exhibit A attached hereto; and

WHEREAS, Government Code section 65402(a) regulates government disposition and acquisition of real property, mandating that prior to disposing or acquiring real property, a jurisdiction's Planning Commission shall report on the conformity of that action with the jurisdiction's General Plan; and

WHEREAS, the property currently owned by Vulcan Land Inc. and to be acquired by the City of Petaluma is traversed by a Class 1 public trail providing non-vehicular access from Hopper Street to the Steamer Landing Park vista and public parking area at the terminus of Copeland Street, and the trail extends along the McNear Peninsula to the David Yearsley Heritage Center (the restored barn) and Petaluma River Park property; and

WHEREAS, the property currently owned by the City of Petaluma and to be acquired by Vulcan Lands Inc. is currently utilized by Vulcan Materials as part of its river-dependent industrial use as a concrete batch plant immediately adjacent to the City property; and

WHEREAS, the proposed land swap does not propose any change to the existing use of either property, and it does not propose a change to the General Plan land use designation; and

WHEREAS, the land exchange would support the implementation of the Petaluma General Plan 2025 in that it would allow for and legally formalize public access on the existing Class 1 path across APN 007-163-008 between Hopper Street and Steamer Landing Park at the terminus of McNear Peninsula; and

WHEREAS, the Class 1 multi-use path across APN 007-163-008 is consistent with General Plan Figure 5-2, shown as a proposed trail in the City's River Access and Enhancement Plan, and identified as an existing off-street path in the 2013 Petaluma SMART Station Area Master Plan; and

WHEREAS, the land swap is consistent with major objectives for the Central Petaluma Specific Plan planning sub-area as identified in the General Plan 2025 in that it supports ongoing connection to the Petaluma River through maintaining public access along the River while maintaining traditional industrial waterfront activities; and

WHEREAS, the land swap is in conformance with General Plan Policy 2-P-12, which calls for the establishment of pedestrian access to the Petaluma River; and

WHEREAS, the land swap is in conformance with General Plan Policy 5-P-15, which calls for the implementation of the bikeway system as outlined in the Bicycle and Pedestrian Plan (General Plan Exhibit 5-2) and expands and improves the bikeway system as the opportunity arose; and

WHEREAS, the land swap facilitates long-term City ownership and associated public access on the existing Class 1 path and supports the viability and public access to recreational opportunities that exist on the McNear Peninsula, including Steamer Landing and the Petaluma River Park, which are both identified in the General Plan 2025 as community parks; and

WHEREAS, the land swap supports associated General Plan Policy 6-P-2-A, which calls for the provision of public access and recreational opportunities along the length of the Petaluma River and its tributaries, to every extent possible; and

WHEREAS, the land swap supports the implementation of the Oyster Cove Mixed Use Project at 100 East D Street in that it provides the opportunity for the emergency vehicle access needed for the project based on existing fire code requirements for the scope of the project; and

WHEREAS, the Planning Commission recently approved a series of resolutions recommending City Council approval of the Oyster Cove project and found it consistent with the General Plan 2025 and including the recently adopted 2023-2031 Housing Element; and

WHEREAS, the Planning Commission of the City of Petaluma held a duly noticed public meeting at which time all interested parties were given full opportunity to be heard and to be present; and

WHEREAS, on May 23, 2023, the City of Petaluma Planning Commission conducted a duly noticed public meeting at which time all interested parties were given full opportunity to be heard and to be present and determined that the associated disposition and acquisition of real property conform to the General Plan 2025; and

WHEREAS, on September 18, 2023¹, City Council reviewed and approved the following entitlements for the Oyster Cove Mixed Use Neighborhood project:

- Tentative Map for subdivision and condominium purposes to subdivide the site into 22 lots with 132 airspace condominiums and approximately 9,000 sf of commercial space;
- Resolution adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and reporting Program (CEQA);
- General Plan Amendment to change the GP land use designation for 100 East D Street from River Dependent Industrial to Mixed Use; and
- Introduction of an Ordinance to amend the SmartCode for a portion of the project from River Dependent Industrial use to Urban Center like the General Plan Amendment; and

WHEREAS, the City of Petaluma would acquire an approximately 9,348 square foot (0.21 acre) portion of APN 007-163-008 (Vulcan property) from Vulcan Land Inc. in exchange for the disposition of a 4,554 square foot (0.10 acre) portion of APN 007-700-002 (City property) to Vulcan Lands Inc, the grant deeds reflect this exchange and are attached hereto and incorporated into this ordinance as **Attachment A** and **Attachment B**, respectively; and

WHEREAS, part of the land to be swapped is within an open-spaced easement that the City has with the Sonoma County Agricultural and Preservation Open Space District; and

WHEREAS, the City Council of the City of Petaluma held a duly noticed public meeting on March 11, 2024, at which time all interested parties were given full opportunity to be heard and to be present; and

WHEREAS, at the March 11, 2024, hearing City Council voted 7-0 to introduce the proposed ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

Section 1. Recital Finding. The City Council hereby finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this ordinance as findings and determinations of the City Council.

Section 2. CEQA Finding. Pursuant to the California Environmental Quality Act (“CEQA”), City staff determined that the Project is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Staff found that there is no possible significant effect directly related to the land swap as proposed, as there is no proposed change in existing conditions with the exception of ownership; therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR Section 15061(b)(3)), and independently, the Project is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (Minor Alterations in Land Use). None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this project.

¹ A link to the September 18, 2023, City Council meeting and the Oyster Cove Entitlements hearing can be found here: <https://cityofpetaluma.primegov.com/Portal/Meeting?meetingTemplateId=5318>

Section 3. General Plan Conformance Finding. That the proposed land swap, including the disposition and acquisition of real property as shown in Exhibit A attached hereto, is in general conformance with the City’s General Plan 2025 as provided in attachment 2 to the concurrent staff report.

Section 4. Approval of the Land Exchange. In accordance with Section 46 of Article VII of the Petaluma City Charter and other applicable law, the City Manager is hereby authorized and directed to sign the grant deeds made a part of this ordinance as **Attachment A** and **Attachment B** and any other agreements necessary to acquire and dispose of the portions of property dedicated in Attachments A and B respectively.

Section 5. Grant of Emergency Vehicle Access Easement. In accordance with Section 46 of Article VII of the Petaluma City Charter and other applicable law, the City Manager is hereby authorized and directed to grant an emergency vehicle access easement over portion of the parcel APN 007-163-008 and any other agreements necessary to grant this easement.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

Section 7. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council and upon approval of the boundary amendment to the open-spaced easement that the City has with the Sonoma County Agricultural and Preservation Open Space District over part of the parcel APN 007-163-008.

Section 8. Posting/Publishing of Notice. The City Clerk is hereby directed to publish or post this ordinance or a synopsis for the period and in the manner provided by the City Charter and other applicable law.

INTRODUCED, and ordered posted/published, this 11th day of March, 2024.

ADOPTED this _____ day of _____, 2024, by the following vote:

Ayes: Noes:
Abstain: Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

Caitlin Corley, City Clerk

Eric Danly, City Attorney

ATTACHMENT A

Grant Deed of Portion of Parcel APN 007-163-008 for City to Acquire

ATTACHMENT B

Grant Deed of Portion of Parcel APN 007-163-008 for City to Acquire