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DATE: March 18, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Andrew Trippel, Planning Manager  
Dylan Brady, Assistant City Attorney

SUBJECT: Adoption of an Ordinance No. 2880 (Second Reading) of the City Council of the City of Petaluma Approving the Acquisition of a Portion of a Parcel Located at 400 Hopper Street (APN 007-163-008) and Disposition of a Portion of a Parcel Located at 6 Copeland Street (APN 007-700-002) Between the McNear Channel and Hopper Street and Granting Authority to the City Manager to Provide Emergency Vehicle Access for the Approved Oyster Cove Development (City Record No. PLPJ-2022-0005) Over a Portion of the Land Located at 400 Hopper Street (APN 007-163-008) Following Acquisition by the City

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### **RECOMMENDATION**

It is recommended that the City Council adopt the attached Ordinance of the City Council of the City of Petaluma approving the acquisition of a ± 0.21-acre portion of APN 007-163-008 located between the McNear Channel and Hopper Street and disposition of a 0.10-acre portion of 007-163-008 located between McNear Channel and the existing Vulcan-Shamrock facility and authorizing the City Manager to act to provide emergency vehicle access (EVA) to the approved Oyster Cove development over the acquired portion of APN 007-163-008.

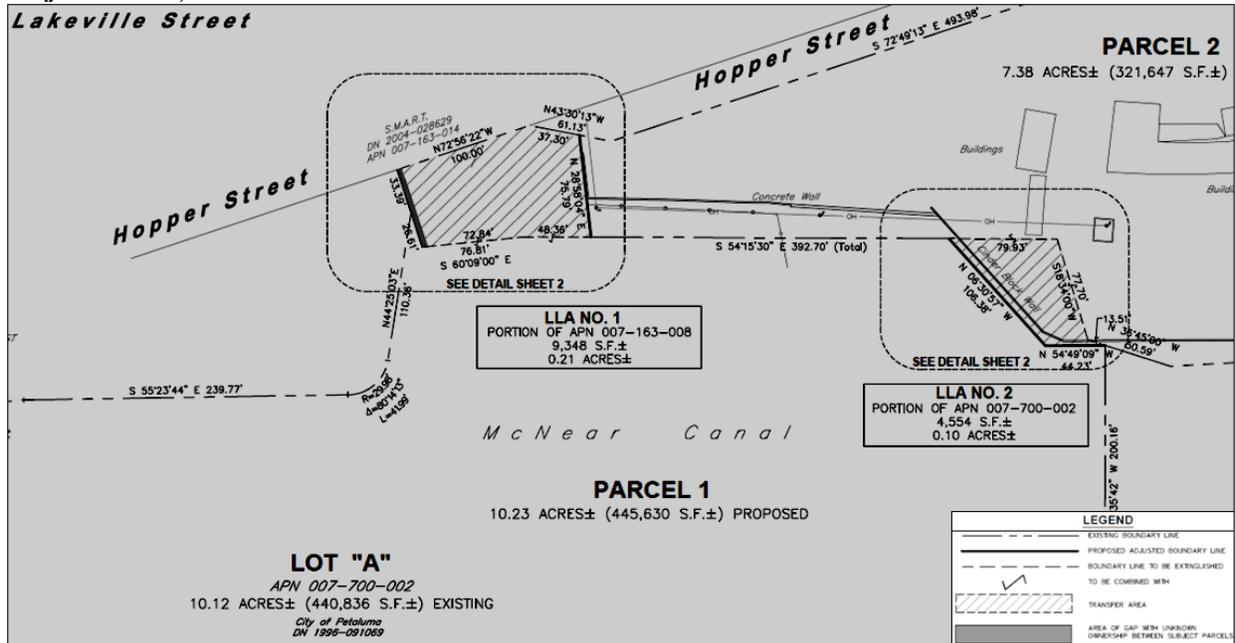
### **BACKGROUND**

The proposed Ordinance, was introduced by City Council on March 11, 2024, and approved with a 7-0 vote. For a more in-depth discussion on the proposed action, here is a link to the March 11, 2024, staff report.

<https://cityofpetaluma.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=d6a9dad1-4d67-4759-905c-3603f7308d15>

With the adoption of the Ordinance 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 land exchange would be effected through the recordation of transfer deeds and a Lot Line Adjustment (LLA) action. The LLA action would be

accomplished by submittal of a City-required LLA application, which is subject to review and approval by the City Engineer. When approved and recorded, it would reconfigure parcel lines to reflect the land exchange (see **Figure 2: Lot Line Adjustments of transfer areas** below and **Attachment 2: Exhibit A - Land Exchange Property Descriptions and Lot Line Adjustments**).



## DISCUSSION

### Use of City-owned Property by Vulcan

The ± 0.10-acre City property to be disposed of by the City of Petaluma and 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. Vulcan Materials' operational activities have utilized this portion of City property as circulation areas for decades, and there is no visible demarcation between the privately owned and publicly owned properties (see **Figure 4: Vulcan Materials operation area and context**).

**Figure 3: Existing River Trail and context**      **Figure 4: Vulcan operation area and context**



The to be acquired portion of the property by the City is necessary for an Emergency Vehicle Access for the Oyster Cove Mixed Use Development and for the River Park Trail. Vulcan has no objections to the proposed item and was very helpful in the exchange.

### **PUBLIC OUTREACH**

The First Reading of the Ordinance appeared on the City’s tentative agenda document on February 26, 2024, which was a publicly-noticed meeting. The proposed land exchange was also discussed during the September 18, 2023, City Council meeting as part of the Oyster Cove entitlement hearing.

This item appeared on the March 11, 2024 City Council meeting and was noticed in compliance with the Brown Act.

### **COUNCIL GOAL ALIGNMENT**

The proposed action supports the following City Council Goals and Objectives:

- Item 103: Prioritize and incentivize sustainable infill development by providing a reasonable and justified land transaction to enable the Oyster Cove infill development and supports continued public access along the Petaluma River.
- Item 119 - Establish bicycle and walking paths and other river access amenities along the Petaluma River as identified in the River Access and Enhancement Plan.
- Item 120 – Robust focus on riverfront and river-oriented development
- Item 140 - Expand the use of Transit Oriented Development (TOD) principles in new development, including greater massing allowances to facilitate thoughtful infill development proximate to TODs.

### **CLIMATE ACTION/SUSTAINABILITY EFFORTS**

The proposed project is consistent with the Climate Emergency Framework adopted by the City Council on January 11, 2021, which directs the City to eliminate transportation emissions by reducing vehicle miles traveled (VMT) through infill development and increased density and encouragement of and support for non-combustion vehicles, in that the project proposes infill development on a site located proximate to transit and other multi-modal options and will expand bicycle and pedestrian facilities in the immediate project vicinity and install electric vehicle charging in proposed residences to encourage the use of non-combustion vehicles. The project is required to comply with the City's All-Electric Ordinance. Additionally, the project incorporates several strategies to protect against the impacts of sea level rise, consistent with the Framework.

## **ENVIRONMENTAL REVIEW**

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 exchange 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.

## **FINANCIAL IMPACTS**

No money will be exchanged as part of this action. As presented in the Discussion section, Vulcan Materials, Inc.'s support of the proposed land exchange includes an in-kind contribution of ± 0.21 acres to the City with no requirement for compensation. If authorized, City staff will continue to work with the Oyster Cove development project to respond to conditions of approval through the provision of emergency vehicle access. The development project is a cost recovery project; therefore, a portion of City staff time will be invoiced to the development project, and the development project will be responsible for all required improvements to River Trail.

## **ALTERNATIVES**

If the proposal is not adopted, Vulcan will continue to use City property, and the City will continue to use Vulcan property. Enforcement will likely need to occur to ensure neither party is trespassing upon the other's property. Additionally, the Oyster Cove development would need to acquire an emergency vehicle access easement with Vulcan over their property or find another option to satisfy the emergency vehicle access requirement necessary for their development.

## **ATTACHMENTS**

1. Proposed Ordinance (First Reading) Approving the Acquisition and Disposition of portions of lands located at 400 Hopper Street and 6 Copeland Street and Granting Authority to the City Manager to Provide Emergency Vehicle Access for the Approved Oyster Cove Development

2. Exhibit A & B: Land Exchange Property Descriptions and Lot Line Adjustments
3. Planning Commission General Plan Conformity Determination, May 23, 2023
4. Presentation
5. Answers to City Council Questions