

**EFFECTIVE DATE
OF ORDINANCE**

Month DD, YYYY

ORDINANCE NO. 2856 N.C.S.

Introduced by: Mike Healy

Seconded by: Janice Cader-Thompson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA APPROVING THE ACQUISITION OF A PARCEL OF LAND COMPRISED OF PORTIONS OF APNS 019-210-038, 019-210-039, AND 019-210-010 LOCATED AT 1601 PETALUMA BOULEVARD SOUTH

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, Lands of Burbank Housing Petaluma River Place LLC (Burbank Housing), has offered the City of Petaluma 1.68 acres of a portion of a \pm 3.43-acre site at no cost to the City, comprised of portions of APNs 019-210-038, 019-210-039, and 019-210-010 located at 1601 Petaluma Boulevard South, (Proposed Acquisition) Grant Deed is attached hereto and incorporated into this ordinance as **Exhibit A**; and

WHEREAS, the proposed acquisition of a 1.68-acre parcel of land located at 1601 Petaluma Boulevard South is necessary for the development of the approved River Place Apartments; and

WHEREAS, the River Place Apartments will provide 49 affordable housing units and one manager unit within a two- to four-story, 65,605-square-foot multifamily residential building. Rental units will be designated for households earning between 30-80 percent of Area Median Income (AMI), which allows for Extremely Low Income (up to 30 percent AMI), Very Low Income (up to 50 percent AMI), and Low-Income housing types (60-80 percent AMI); and

WHEREAS, the Proposed Acquisition is necessary for Burbank Housing to complete funding on the River Place Apartments, including \$23.8M in primary funding from HCD's California Housing Accelerator Program (CHAP); and

WHEREAS, as property acquisition would facilitate the City's ability to construct Class I and Class II facility on Caulfield Lane and implement the envisioned River Trail; and

WHEREAS, as part of the River Place Apartments, Burbank Housing will construct the envisioned River Trail over a portion of the Proposed Acquisition; and

WHEREAS, On June 13, 2023, the Petaluma Planning Commission adopted a resolution by a vote of 5-0, pursuant to Government Code Section 65402 that the Acquisition Property was in conformance with the City's General Plan; and

WHEREAS, introducing an ordinance to acquire the Proposed Acquisition property is not a "project" pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378 in that it is an

administrative activity of government that will not result in any direct or indirect physical change in the environment; and

WHEREAS, review of the Petaluma River Place development is not subject to CEQA as the development is in accordance with Senate Bill 35 and is deemed a ministerial action; and

WHEREAS, further environmental review will be conducted by the City for any future improvements on the acquired property, like the Caufield extension or River Park Trail expansion; and

WHEREAS, the City Council of the City of Petaluma held a duly noticed public meeting on June 19, 2023, at which time all interested parties were given full opportunity to be heard and to be present; and

WHEREAS, on June 19, 2023, City Council introduced the attached Ordinance No. 2856 N.C.S. by a vote of 7-0.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Petaluma, as follows:

Section 1. Findings 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. Exemptions from CEQA Finds that introducing an ordinance to acquire the Proposed Acquisition property is not a “project” pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378 in that it is an administrative activity of government that will not result in any direct or indirect physical change in the environment. Review of the Petaluma River Place development is not subject to CEQA as the development is in accordance with Senate Bill 35 and is deemed a ministerial action. Regardless, further environmental review will be conducted by the City for any future improvements on the acquired property, like the Caufield extension or River Park Trail expansion.

Section 3. Approval of the Dedication 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 deed made a part of this ordinance as **Exhibit A** and any other agreements necessary to acquire the property dedicated in Exhibit A.

Section 4. 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 5. Effective Date This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

Section 4. 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 published and posted this 19th day of June, 2023.

ADOPTED this 10th day of July 2023 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

Kendall Sawyer, CMC, City Clerk

Eric Danly, City Attorney