

**EFFECTIVE DATE  
OF ORDINANCE**

Month DD, YYYY

**ORDINANCE NO. \_\_\_\_ N.C.S.**

Introduced by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA APPROVING A 5-YEAR EXTENSION TO THE COMMERCIAL LEASE BETWEEN THE CITY OF PETALUMA AND SONOMA MARIN AREA RAIL TRANSIT (SMART) FOR THE PROPERTY LOCATED AT 210 LAKEVILLE STREET (APN 007-131-004) WHICH INCLUDES THE OLD TRAIN DEPOT AND NEIGHBORING BUILDINGS AND PARKING LOT**

**WHEREAS**, on August 1, 2003, the Petaluma Community Development Commission (PCDC) entered a Master Lease with Northwestern Pacific Railroad Authority (Authority) for the rehabilitation of the Train Depot Buildings located on the Authority's land and the subsequent use of those buildings for nonprofit activities; and

**WHEREAS**, the initial term of the lease was 10 years with options to extend the lease by 5 years up to 3 times for a total of 25 years; and

**WHEREAS**, since the initial lease was executed, the PCDC has undergone significant renovations of the Train Depot buildings and subleased and/or licensed the buildings to the Petaluma Art Center and the Petaluma Visitor's Center; and

**WHEREAS**, subsequent to the execution of the lease, the Petaluma Community Development Commission was dissolved, and the Lease was assigned to the City of Petaluma while the Authority assigned its part of the lease to SMART; and

**WHEREAS**, an option to exercise the Lease was completed in 2018 which expired on July 31, 2023, and an additional option was requested earlier this year; and

**WHEREAS**, the City of Petaluma now desires to extend the lease agreement with SMART for a period of five (5) years; and

**WHEREAS**, the properties are significant to the city's history and provide venues for local non-profits, such as the Downtown Association/Visitor Program and the Art Center; and

**WHEREAS**, under the terms of the proposed lease extension, the City of Petaluma agrees to pay SMART \$12,000 annually; and

**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** Introducing an ordinance to approve an extension to an existing lease agreement is categorically exempt under the California Environmental Quality Act ("CEQA") in accordance with Sections 15301 (Existing Facilities).

**Section 3. Approval of Lease** In accordance with Section 46 of Article VII of the Petaluma City Charter and other applicable law, the 5-year extension to the commercial lease between the City of Petaluma and Sonoma Marin Area Rail Transit (SMART) for the property located at 210 Lakeville Street (APN 007-131-004) which includes the old train depot and neighboring buildings and parking lot that is attached to and is hereby made a part of this ordinance as Exhibit A is hereby approved, and the City Manager is hereby authorized and directed to execute on behalf of the City the lease extension that is substantially in accordance with that attached as Exhibit A and is approved as such by the City Attorney.

**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 6. 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 18th day of September 2023.

**ADOPTED** this XXXX day of XXXX 2023 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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Kevin McDonnell, Mayor

ATTEST:

APPROVED AS TO FORM:

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Kami Noriega, Interim City Clerk

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Eric Danly, City Attorney