



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

November 13, 2023

Krystle Rizzi, Principal Planner
City of Petaluma Planning Division
11 English Street
Petaluma, CA 94952
krizzi@cityofpetaluma.org

Governor's Office of Planning & Research

Nov 14 2023

STATE CLEARINGHOUSE

RE: MITIGATED NEGATIVE DECLARATION (MND) FOR THE DOWNTOWN HOUSING & ECONOMIC OPPORTUNITY OVERLAY AND EKN APPELLATION HOTEL, DATED OCTOBER 13, 2023 STATE CLEARINGHOUSE # [2023100359](#)

Dear Krystle Rizzi,

The Department of Toxic Substances Control (DTSC) received a MND for the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel Project. The Mitigated Negative Declaration is for a project with an overlay component and a hotel component. The Overlay component of the project proposes a Zoning Text Amendment (ZTA) to allow areas within the proposed Overlay to increase the allowable building height from 45 feet to 75 feet with a Conditional Use Permit (CUP), increase lot coverage from 80% to 100%, allow development of multi-family uses by right within portions whereas currently residential uses only in a mixed-use building are allowed, and establish development and design controls for properties that would be subject to the proposed Overlay. The Overlay component also includes a Zoning Map Amendment (ZMA) to zone applicable parcels to the Downtown Housing & Economic Opportunity Overlay and a General Plan Amendment (GPA) to increase the maximum

allowable floor area ratio (FAR) from 2.5 to 6.0.

The Hotel component of the project requests approval of Historic Site Plan and Architectural Review (SPAR) and a CUP to construct a 93-room, 6-story hotel inclusive of a below-grade parking garage with parking for up to 58 vehicles, rooftop event space and bar, food service uses on the ground floor, and valet system within the Downtown Commercial Historic District.

DTSC has identified that this project may affect multiple sites within the project boundaries therefore, based on our project review, we request the consideration of the following comments:

1. The Removal Action Workplan (RAW) for the Former Quality Dry Cleaners was approved in 2020. The remedy includes the installation of a sub-slab depressurization system, installation of a vapor barrier, and the recordation of a land use covenant, which would also restrict future groundwater use. There was a work notice for the implementation of the work in 2022, but this work has not been completed. To date, a land use covenant has yet to be placed on the property but is needed before DTSC will certify the site or move it into the operations and maintenance stage of remediation.
2. Additionally, soil vapor contamination is mostly limited to the site, but elevated concentrations of tetrachloroethene (PCE) are found on the western site boundary and could be found beneath the neighboring property. Groundwater contamination likely extends to the properties east and west of the former dry cleaner facility.
3. The RAW was approved with the idea of potential commercial/industrial use of the site. Based on the MND, it appears that Subarea C is being proposed for potential future multi-family residential use. The site would need to be reevaluated for potential residential use and a different remedy may be needed in order to protect future residents.

DTSC believes the City of Petaluma must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA.

Kristle Rizzi
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DTSC appreciates the opportunity to comment on the Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

A handwritten signature in black ink that reads "Dave Kereazis". The signature is written in a cursive, flowing style.

Dave Kereazis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

cc: (via email)

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