



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

September 18, 2024

Olivia Ervin
Principal Environmental Planner
City of Petaluma
11 English Street
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oervin@cityofpetaluma.org

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN HOUSING AND ECONOMIC OPPORTUNITY OVERLAY AND EKN APPELLATION HOTEL PROJECT, DATED AUGUST 23, 2024 STATE CLEARINGHOUSE # [2024040565](#)

Dear Olivia Ervin,

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Downtown Housing and Economic Opportunity Overlay and EKN Appellation Hotel Project (Project). Implementation of the Overlay would require a General Plan Amendment to increase the maximum allowable floor area ratio from 2.5 to 6.0, a Zoning Text Amendment to increase the allowable building height from 45 feet to 75 feet with a Conditional Use Permit, allow ground floor residential uses, and establish development and design controls for properties within the Overlay. A Zoning Map Amendment is also required to establish the Downtown Housing & Economic Opportunity Overlay on applicable parcels.

The EKN Appellation Hotel component of the project proposes construction of a 6-story hotel over a below-grade parking garage, comprising 93 hotel rooms, an event space, and food service uses at 2 Petaluma Boulevard. The below-grade parking garage would provide valet parking for up to 58 vehicles using mechanical parking lifts. A restaurant

with indoor and outdoor seating for up to 150 guests is proposed on the ground floor. Floors 2 through 5 would comprise 93 hotel rooms and a fitness room for hotel guests. Floor 6 would include a 1,444 square foot event space, and a 5,514 square foot exterior bar/event space with seating for 60 guests. DTSC has identified that this Project may impact multiple sites within its boundaries therefore, we request the consideration of the following comments:

1. The Project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this Project. This may restrict what construction activities are permissible in the proposed areas in order to avoid any impacts to human health and the environment.
2. Due to the broad scope of the proposed Project, DTSC is unable to determine all of the locations of the proposed Project sites, whether they are listed as having documented contamination, land use restrictions, or whether there is potential for these sites to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends providing further information on these sites and areas that may fall under DTSC's oversight within the DEIR. Please review the Project area in [EnviroStor](#); DTSC's public-facing database.
3. DTSC recommends the City of Petaluma enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your [Regional Brownfield Coordinator](#).

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

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and, if necessary, avoid significant impacts under CEQA. DTSC recommends the department connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered.

DTSC appreciates the opportunity to comment on DEIR for the Downtown Housing and 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,



Dave Kereazis
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HWMP - Permitting Division – CEQA Unit
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cc: (via email)

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