

CITY OF PETALUMA, CALIFORNIA

MEMORANDUM

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DATE: April 16, 2024
TO: Mike Janusek, Senior Planner
FROM: Krystle Rizzi, Principal Planner
SUBJECT: 2 Rovina Lane
Rovina Lane Apartments
California Environmental Quality Act (CEQA) Exemption Memo

The City of Petaluma has conducted environmental review in compliance with CEQA Guidelines Section 15061 (Review for Exemption) for the 2 Rovina Lane Affordable Housing Project. Based on the findings of this review, we conclude that the project qualifies for statutory exemption from CEQA pursuant to CEQA Guidelines Section 15194 (Affordable Housing Exemption). A brief project description and detailed discussion of the exemption applicability are provided in this memo.

PROJECT DESCRIPTION

The project proposes construction of 32 multifamily units in two, three-story buildings on a \pm one-acre site. In addition to construction of the 32 multifamily units, the project also proposes installation of landscaping, stormwater treatment facilities, retaining walls, a trash enclosure, and outdoor tenant amenities. Frontage and offsite improvements include installation of utility infrastructure along within Rovina Lane adjacent to the project site as well as within the Rovina Lane utility easement. As proposed, all units will be available at the low-income affordability level (Gov. Code, Section 65915(b)(1)(A)). Full project details are described in the April 23, 2024 Planning Commission staff report.

CEQA STATUTORY EXEMPTION APPLICABILITY

Article 12.5 of the CEQA Guidelines provides statutory exemptions for certain housing projects, including affordable housing projects. The following discussion provides a discussion of the project's applicability to the affordable housing statutory exemption.

15192 - Threshold Requirements for Exemptions for Affordable Housing

To qualify for use of the affordable housing statutory exemptions, the project must first demonstrate that it meets the threshold criteria set forth in Section 15192 (Threshold Requirements for Exemptions for Affordable Housing). Table 1 provides an evaluation of the project's consistency with the threshold criteria set forth in Section 15192.

Table 1: Threshold Requirements for Exemption

Requirements	Project Applicability	Eligible?
(a) The project must be consistent with: <ul style="list-style-type: none">(1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and(2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.	(a) The project is consistent with the following: <ul style="list-style-type: none">(1) The project is consistent with the Petaluma General Plan 2025 in that it complies with the Medium Density Residential land use designation, which provides for a variety of housing types, including multi-family housing, and implements general plan policies that encourage infill development, the efficient use of residentially designated lands by developing at the upper end of the density range, and promote integrating affordable housing projects in existing neighborhoods. A full analysis of the project's consistency with General Plan policies is provided in the April 23, 2024 Planning Commission staff report.(2) The project is consistent with the City of Petaluma Implementing Zoning Ordinance (IZO). Apart from concessions and waivers granted to the project consistent with State Density Bonus law the project is consistent with the City of Petaluma IZO. Concessions and waivers are described in detail in the April 23, 2024 staff report.	Yes
(b) Community-level environmental review has been adopted or certified.	(b) The Petaluma General Plan 2025 Environmental Impact Report (EIR) is a community-level environmental review and was adopted and certified by the City Council in 2008 (SCH# 2004082065).	Yes

Requirements	Project Applicability	Eligible?
<p>(c) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.</p>	<p>(c) The project and surrounding residential land uses are adequately served by existing utilities. As shown on the Preliminary Utility Plan, the project will install utility infrastructure onsite to connect the proposed buildings to existing utility infrastructure. The project will also install upgraded storm drain and sewer infrastructure within the existing Rovina Lane easement, as well as a new fire hydrant and associated infrastructure. In addition, the project applicant has been provided with an estimate of development impact fees and has committed to paying those fees prior to issuance of a certificate of occupancy.</p>	<p>Yes</p>
<p>(d) The site of the project:</p> <ol style="list-style-type: none"> (1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations. (2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code). (4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete. 	<p>(d) A Biological Resources Analysis (BRA) was prepared for the project by Madrone Ecological Consulting on June 26, 2023. The Analysis, included as Attachment 6 to the April 23, 2024 Planning Commission staff report, confirmed the following:</p> <ol style="list-style-type: none"> (1) The project does not contain wetlands. This was confirmed through review of the National Wetland Inventory published by the United States Fish and Wildlife Service as well as a site survey, which confirmed that no drainages or wetlands are present. (2) As detailed in the Arborist Report prepared by Horticultural Associates on November 9, 2023, the project site, associated public frontages, and Rovina Lane easement within which project construction activities will take place, contains 29 trees, of which eight are recommended for removal to accommodate the project as long term tree integrity will be compromised due to development impacts. As detailed in the BRA, trees onsite may provide nesting bird habitat. Though these trees may be used by individual nesting birds, the site is not considered 	<p>Yes</p>

Requirements	Project Applicability	Eligible?
	<p>to be valuable as an ecological community upon which species depend for their conservation and protection as nesting birds may utilize a variety of trees throughout the City and region and are not dependent only on the project site for their conservation and protection. Furthermore, as conditioned, nesting bird surveys are required prior to grading and tree removal. If nests are present, non-disturbance measures are required which will ensure protection of nesting birds during project construction activities. Lastly, all trees to be preserved will be protected through implementation of recommendations contained in the Arborist Report, which will ensure preservation of the remaining 21 trees which may also provide habitat for nesting birds.</p> <p>(3) The BRA includes a search of the California Natural Diversity Database (CNDDDB), published by the California Department of Fish and Wildlife (CDFW) which indicates that four special status species have been documented in the vicinity of the study area. Though these species have been documented within the project vicinity, the site itself is either out of range of these species or lacks suitable habitat. Due to their absence onsite, the project will not harm any species protected by the federal Endangered Species Act or by the Native Plant Protection Act.</p> <p>(4) The project includes removal of eight trees, of which five are protected pursuant to Implementing Zoning Ordinance Section 17.040. Because the residential development will occur on one parcel, tree replacement is not required pursuant to Section 17.065 of the IZO, which specifies tree mitigation</p>	

Requirements	Project Applicability	Eligible?
	and replacement is only required for new commercial and/or residential development on two or more parcels. Regardless, the project will install 15 new trees, including 7, 24-inch box oak trees. Though the project will remove protected trees, replacement of these trees is consistent with the IZO.	
(e) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.	(e) As detailed in the Phase I Environmental Site Assessment (ESA) prepared by KCE Matrix on April 18, 2023, the site is not designated as a hazardous waste site pursuant to Government Code Section 65962.5 nor does the site exhibit characteristics of hazardous materials contamination.	Yes
<p>(f) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:</p> <ol style="list-style-type: none"> (1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements. (2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with 	<p>(f) The Phase I ESA prepared for the project analyzed the site and surrounding area for hazardous substances to determine the potential for exposure of future occupants to significant health hazards. The assessment concluded that:</p> <ol style="list-style-type: none"> (1) There has been no release of hazardous substance found to exist on the site. (2) Three sites within a 500-foot radius of the proposed project are identified as hazardous waste sites and include two Underground Storage Tank (UST) sites and one auto repair facility/gasoline service station. Information obtained during site investigation and reconnaissance level surveys concluded that migration of contamination from these sites to the project site has not occurred. In addition, as part of the Phase I ESA, a Vapor Encroachment Screening (VES) was conducted onsite and concluded that there are no Vapor Encroachment Conditions (VEC) originating from the project site nor is it likely that there are VEC originating from other nearby sites to 	Yes

Requirements	Project Applicability	Eligible?
state and federal requirements.	the project site.	
(g) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.	(g) No structures are located on-site and therefore no structures are considered historical resources pursuant to Section 21084.1 of the Public Resources Code.	Yes
(h) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.	(h) The project site is not located within a fire hazard severity zone as determined by the Department of Forestry and Fire Protection (CAL FIRE). ¹ Though the project is not located within a state-designated fire hazard severity zone, it is located within the City's mapped Wildland Urban Interface (WUI), and, as such, the project is required to maintain buffer zones, defensible space, and fire hardening requirements specified in Chapter 7A of the Building Code and Chapter 49 of the Fire Code. The project also precludes pyrophytic trees, exceeds ingress and egress requirements for Fire access, and is conditioned to include a KnoxBox to allow for emergency access only from the Rovina Lane private access easement.	Yes
(i) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.	(i) The proposed project includes development of a residential use in an established residential neighborhood. Residential uses are not associated with unusually high risk of fire or explosion from materials stored or used on nearby properties.	Yes
(j) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.	(j) As detailed above, the Phase I ESA prepared for the project does not indicate the presence of hazardous materials that would present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.	Yes

¹ California Department of Forestry and Fire Protection, Fire Hazard Severity Zones in State Responsibility Area, <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>, accessed April 2024.

Requirements	Project Applicability	Eligible?
	<p>As conditioned, implementation of best management practices related to air quality and noise are required during all phases of construction and with therefore not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.</p> <p>As a residential project, there are no operation components that would present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.</p>	
(k) Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.	(k) The project site is not located within a delineated Alquist-Priolo fault zone, and as with all projects in the City and region, is subject to applicable seismic safety standards contained in the adopted Building Code.	Yes
(l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.	<p>(l) As detailed in the Geotechnical Engineering Study prepared by Allerion Consulting Group, Inc. on September 22, 2023, no landslides, slumps, or other indications of slope instabilities were observed during onsite surveys. Additionally, based on soil conditions onsite and through incorporation of site-specific geotechnical recommendations, the potential for slope instability was determined to be low.</p> <p>The project site is not located within an established flood plain, flood way, or other restriction zone.</p>	Yes
(m) The project site is not located on developed open space.	(m) The project site is designated Medium Density Residential in the Petaluma General Plan and is zoned Residential 4 (R4), which allows development of residential uses. Though the site is primarily vacant, it is not considered developed open space.	Yes

Requirements	Project Applicability	Eligible?
(n) The project site is not located within the boundaries of a state conservancy.	(n) The project site is privately owned, is within an established residential neighborhood, and is planned for in the City's General Plan and zoning for residential uses. The site is not located within the boundaries of a state conservancy.	Yes
(o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.	(o) The proposed project will occur in one phase on a single parcel and has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.	Yes

15194 (Affordable Housing Exemption)

As demonstrated above, the project meets the threshold criteria to qualify for exemption pursuant to Section 15194. Table 2 provides an evaluation of the project's consistency with the criteria required to qualify for use of the Affordable Housing exemption, set forth in Section 15194 of the CEQA Guidelines.

Table 2: Criteria for Affordable Housing Statutory Exemption

Criteria	Project Applicability	Eligible?
(a) The project meets the threshold criteria set forth in section 15192.	(a) See Table 1 above.	Yes
(b) The project meets the following size criteria: the project site is not more than five acres in area.	(b) The project site is located on a one-acre site and is therefore not on a site that is more than five acres in area.	Yes
(c) The project meets both of the following requirements (requirement 1 and 2) regarding location. The applicable criteria are denoted in bold below. (1) The project meets one of the following location requirements relating to population density: (A) The project site is located within an urbanized area or within a census-defined place with a population density of at least	(b) The project meets requirement 1B and 2B, and as such meets both of the requirements specified in Section 15194(c) of the CEQA Guidelines as follows: Requirement 1B applicability: The project consists of 32 units and is located within incorporated city limits. Petaluma is approximately 14.42 square miles and has a	Yes

Criteria	Project Applicability	Eligible?
<p>5,000 persons per square mile.</p> <p>(B) If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.</p> <p>(C) The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.</p> <p>(2) The project meets one of the following site-specific location requirements:</p> <p>(A) The project site has been previously developed for qualified urban uses; or</p> <p>(B) The parcels immediately adjacent to the project site are developed with qualified urban uses.</p> <p>(C) The project site has not been developed for urban uses and all of the following conditions are met:</p>	<p>population of approximately 58,652 people.² This equates to a population density of 4,067 people per square mile.³ Since the project proposes fewer than 50 units and is located within an incorporated city with a population density of at least 2,500 people per square mile, this criterion is met.</p> <p>Requirement 2B applicability: The CEQA Guidelines define “qualified urban use” as any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. As the project site is immediately adjacent to residential uses, which are considered a qualified urban use, this criterion is met.</p>	

² United States Census Bureau, Quick Facts, Petaluma city, California, <https://www.census.gov/quickfacts/fact/table/petalumacitycalifornia/PST045222#PST045222>, accessed April 2024.

³ 58,652 people / 14.42 square miles = 4,067 people/square mile

Criteria	Project Applicability	Eligible?
<ol style="list-style-type: none"> 1. No parcel within the site has been created within 10 years prior to the proposed development of the site. 2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses. <p>(D) The existing remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses.</p>		
<p>(c) The project meets both of the following requirements regarding provision of affordable housing.</p> <ol style="list-style-type: none"> (1) The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households. (2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be “affordable rent” for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code. 	<p>(c) The project meets the provision of affordable housing as follows:</p> <ol style="list-style-type: none"> (1) The project proposes construction of 32 residential housing units, which is fewer than 100 units, and all units will be provided to low-income households, specifically those 30-60% below the area median income (AMI) in Sonoma County. (2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years per IZO Section 27.090, at monthly housing costs deemed to be “affordable rent” for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code. 	Yes

Conclusion

As provided above, the proposed project qualifies for statutory exemption pursuant to CEQA Guidelines Section 15194 (Affordable Housing). As such, no further environmental analysis is required.


Krystle Rizzi
Principal Planner

REFERENCES

1. Arborist Report, Horticultural Associates, November 9, 2023
2. Biological Resources Analysis (BRA), Madrone Ecological Consulting, June 26, 2023
3. Geotechnical Engineering Study, Allerion Consulting Group, Inc. September 22, 2023
4. Phase I Environmental Site Assessment (ESA), KCE Matrix, April 18, 2023
5. United States Census Bureau, Quick Facts, Petaluma city, California,
<https://www.census.gov/quickfacts/fact/table/petalumacitycalifornia/PST045222#PST045222>
accessed April 2024