

# CITY OF PETALUMA, CALIFORNIA

## MEMORANDUM

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**DATE:** August 18, 2023

**TO:** Dylan Brady, Assistant City Attorney

**FROM:** Krystle Rizzi, Principal Planner

**SUBJECT:** Senior Mobilehome Overlay District

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The City of Petaluma has conducted environmental review in compliance with CEQA Guidelines Section 15061 (Review for Exemption) for the Senior Mobilehome Overlay District Project. Based on the findings of this review, we conclude that the project qualifies for statutory and categorical exemptions from CEQA pursuant to CEQA Guidelines Sections 15269 (Emergency Projects) which includes specific actions necessary to prevent or mitigate an emergency, 15301 (Existing Facilities) which includes alteration of existing public or private facilities involving negligible or no expansion of the existing or former use, and 15305 (Minor Alterations in Land Use Limitations) which involves minor alterations in land use limitations in areas with an average slope of 20% which will not result in changes in land use or density. In addition, the project is exempt from CEQA pursuant to the common sense exemption set forth in Section 15061(b)(3) of the Guidelines as it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment. A brief project description, applicability of the exemptions, and discussion of exceptions to the categorical exemptions are provided in this memo.

### PROJECT DESCRIPTION

The project includes a zoning text and zoning map amendment to establish a Senior Mobilehome Overlay District over five existing self-designated senior mobilehome parks by their current park rules (see Table 1). The project will not result in physical changes to the environment and will be limited to zoning amendments that codify occupancy provisions requiring that at least 80 percent of units in a senior mobilehome park be occupied by at least one person 55 years of age or older. These occupancy requirements would not prevent senior mobilehome parks from applying more restrictive conditions of residency such as limiting occupancy entirely to seniors. In addition, the proposed project will modify the zoning ordinance to require signage, advertising, park rules, and rental agreements to state that these mobilehome parks are intended for occupancy by seniors, and that park owners provide documentation to the City of Petaluma every two years to certify compliance with the mandated age restrictions, which is currently required as set forth in Chapter 6.50 of the Petaluma Municipal Code. Amendments to the zoning map will be limited to modifications in the appearance of paper and digital maps which are intended to inform landowners, developers, and the general public of applicable zoning designations affecting real property.

**Table 1: Proposed Senior Mobilehome Overlay District**

<b>Park Name</b>	<b>Address</b>	<b>Assessor Parcel Number</b>	<b>Within Floodplain?</b>
Leisure Lake	300 Stony Point Rd	007-422-042	Yes
Petaluma Estates	901 N McDowell Blvd	048-080-023 & 007-401-013	Yes
Royal Oaks	750 Wood Sorrel Dr	137-061-024	No
Cottages of Petaluma	576 N McDowell Blvd	149-030-003	No
Youngstown	911 N McDowell Blvd	048-080-024 & 007-401-004	Yes

### **COMMON SENSE EXEMPTION APPLICABILITY**

Section 15061(b)(3) of the State CEQA Guidelines states that CEQA applies only to projects which have the potential to result in a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. There is no possibility that the proposed Senior Mobilehome Overlay District will result in a physical change in the environment. The subject properties are fully developed and occupied by existing mobilehome parks and there are no plans to modify the existing uses. The zoning amendments to the subject properties do not approve any development projects, nor disturb the physical environment and are limited to establishing occupancy, signage, and annual reporting regulations as well as modifications in the appearance of paper and digital maps which provide graphical representation of applicable zoning designations affecting real property. As such, the project is eligible for exemption pursuant to CEQA Guidelines Section 15061(b)(3).

### **CEQA STATUTORY EXEMPTION APPLICABILITY**

The following discusses the applicability of the statutory emergency exemption to the project.

#### **15269 (Emergency Projects)**

The Emergency Projects statutory exemption includes specific actions necessary to prevent or mitigate an emergency. On September 13, 2021, the Petaluma City Council adopted Resolution No. 2021-149 N.C.S., declaring a shelter crisis pursuant to Government Code Sections 8698 – 8698.4, which is proposed to be renewed and will be considered by the City Council on September 11, 2023. The Resolution was adopted in response to the lack of affordable and accessible housing at the state, regional, and local levels. In addition to the City of Petaluma declaring a shelter crisis at the local level, Executive Order N-23-20, signed by Governor Gavin Newsom, identifies a severe housing crisis at the state level that has made housing unaffordable, which is, in turn, exacerbating the issue of the unsheltered population. The Order states that solutions require additional innovation, cooperation, and urgency within the public sector.

On June 19, 2023, the Petaluma City Council adopted an urgency ordinance, Ordinance No. 2855 N.C.S., amending Chapter 6.50 (Mobilehome Park Space Rent Stabilization Program) of the Petaluma Municipal Code. Among other purposes, the urgency ordinance protected residents of mobilehome parks from unreasonable rental increases and preserves existing housing stock in the city that is affordable to very low and low-income individuals and households. As noted in the

urgency ordinance, there is a shortage of affordable rental housing in Petaluma and rental vacancy rates are currently at less than 2 percent. Ordinance 2855 N.C.S. was replaced and superseded by Ordinance 2857 N.C.S., which made the same findings as Ordinance 2855 regarding the shortage of affordable rental housing in Petaluma, and added additional protections for the City's mobilehome residents, which have been codified in Chapter 6.50 of the Petaluma Municipal Code. Ordinance 2857 took effect on August 17, 2023. In addition to the overall lack of affordable housing stock, as described in the City's recently-adopted 2023-2031 Housing Element, the City's population is aging, and housing options for seniors are limited.<sup>1</sup> Further, senior renter households are the most impacted by cost burden regardless of income levels.<sup>2</sup> Along with the recent amendments to Chapter 6.50 of the Petaluma Municipal Cod, which lowers the permitted annual rent increases, and provide additional protections for mobilehome residents, adoption of the proposed Senior Mobilehome Overlay District would establish zoning regulations that protect the existing stock of senior housing options in Petaluma.

Consistent with Executive Order N-23-20, City of Petaluma Resolution 2023-149, and the recently adopted amendments to the City's Mobilehome Park Space Rent Stabilization Program, the Senior Mobilehome Overlay District would protect existing affordable housing options for a vulnerable population in Petaluma that would otherwise have limited access to such housing options and could become displaced or unsheltered if this housing stock were not protected. As such, the project is consistent with the Emergency Projects statutory exemption in Section 15269 of the CEQA Guidelines as it would prevent or mitigate an emergency related to the existing housing crisis at the state, regional, and local levels. The project would ensure the protection of existing affordable housing options for a vulnerable population that may otherwise be displaced or become unsheltered.

## **CEQA CATEGORICAL EXEMPTION APPLICABILITY**

The following discusses the applicability of specified categorical exemptions to the project.

### **15301 (Existing Facilities)**

The Class 1 categorical exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The CEQA Guidelines provide types of projects that qualify for the Class 1 exemption, however, the list is not intended to be exhaustive. The key consideration in the use of the Class 1 categorical exemption is whether the project involves negligible or no expansion of use.

As stated above, the project will not result in physical changes to the environment and is limited to zoning amendments that will establish a Senior Mobilehome Overlay District over five existing self-designated senior mobilehome parks. The zoning amendments require that at least 80 percent of units in existing senior mobilehome parks be occupied by at least one person 55 years of age or older, requires that signage, advertising, park rules, and rental agreements state that these mobilehome parks are intended for occupancy by seniors, and that park owners provide

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<sup>1</sup> City of Petaluma General Plan Update, 2023 – 2031 Housing Element, May 2023, Page 34

<sup>2</sup> City of Petaluma General Plan Update, 2023 – 2031 Housing Element, May 2023, Page A-9

documentation to the City of Petaluma every two years to certify compliance with the mandated age restrictions. Since the project involves no change or expansion to the existing mobilehome uses, the project is eligible for categorical exemption pursuant to CEQA Guidelines Section 15301.

### **15305 (Minor Alterations in Land Use Limitations)**

The Class 5 categorical exemption applies to minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. As stated previously, the project is limited to zoning amendments to codify additional regulations for sites zoned for use as mobilehome parks and are fully developed and in use as existing mobilehome parks. The project will not result in changes to the underlying land use or density and is limited to sites that are relatively flat and have slopes that are less than 20%. As such, the project is eligible for categorical exemption pursuant to CEQA Guidelines Section 15305.

### **Exceptions to Exemptions**

If a project qualifies for use of a categorical exemption, then the lead agency must determine whether the project is subject to any of the exceptions to the use of a categorical exemption, pursuant to CEQA Guidelines Section 15300.2. A project will not qualify for use of a categorical exemption if any of the following circumstances exist:

*(a) Location. Certain classes of projects (Classes 3, 4, 5, 6, and 11) are qualified by consideration of where the project is to be located and whether it may impact an environmental resource of hazardous or critical concern.*

Section 15300.2(a) does not apply to the Class 1 (Existing Facilities) exemption. As noted in Table 1, three of the five mobilehome parks are located within the 100-year floodplain. Floodplains are considered environmental areas of critical concern, however, the project will not result in changes to the physical environment, but rather will codify regulations related to occupancy, signage, and annual reporting for sites currently operating as mobilehome parks. As such, although three of the five parks are located within the 100-year floodplain, this project will not impact the floodplain, and this exception to the use of the Class 5 categorical exemption does not apply.

*(b) Cumulative Impact. All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

No physical construction will occur as part of the project and ongoing operation of the mobilehome parks will be the same as existing conditions. The project is limited to legislative changes that will regulate tenant requirements, signage, and annual reporting for mobilehome parks. As such, the project will not result in cumulative impacts and this exception does not apply.

*(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The proposed project will not alter existing activities on site, which are limited to residential uses in the existing mobilehome parks. As mentioned previously, although three of the five mobilehome parks are located within the 100-year floodplain, these uses are existing and the project will not

result in intensification or changes to the existing uses. As such, there is no reasonable possibility that the activities onsite will have a significant effect on the environment due to unusual circumstances and this exception does not apply.

*(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources within a highway officially designated as a state scenic highway.*

The proposed project is not located on, near, or within visible range of a state scenic highway nor a highway eligible for scenic designation.<sup>3</sup> Therefore, this exception does not apply to the project.

*(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

A review of the California Department of Toxic Substances Control (DTSC) EnviroStor database, which contains a listing of all cleanup sites and hazardous waste facilities demonstrates that all five mobilehome parks identified in Table 1 above, are not listed as hazardous waste sites.<sup>4</sup> An additional search of the California Waterboard Geotracker site which maps Leaking Underground Storage Tank (LUST) sites and Cleanup Program sites also does not show any open or closed listings for the five mobilehome park sites.<sup>5</sup> Based on the search records, there are no documented hazardous waste sites and therefore, this exception does not apply.

*(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

**The proposed project does not include physical changes nor are any of the mobilehome park sites or structures considered historic resources. As such, the project will not cause a substantial adverse change in the significance of a historic resource, and this exception does not apply to the project. Conclusion**

As provided above, the proposed project qualifies for statutory and categorical exemptions pursuant to CEQA Guidelines Section 15269 (Emergency Projects), Section 15301 (Existing Facilities), Section 15305 (Minor Alterations in Land Use Limitations), and Section 15061(b)(3) (Common Sense Exemption). As described herein, none of the exceptions to the use of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 apply.

  
Krystle Rizzi  
Principal Planner

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<sup>3</sup> California Department of Transportation, California State Scenic Highway System Map. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> accessed June 19, 2023.

<sup>4</sup> California Department of Toxic Substance Control. Online Envirostor Database Map. [https://www.envirostor.dtsc.ca.gov/public/map/?global\\_id=21750004](https://www.envirostor.dtsc.ca.gov/public/map/?global_id=21750004) accessed August 18, 2023.

<sup>5</sup> California Water Board. Geotracker website. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Sacramento> accessed August 18, 2023.

## REFERENCES

1. California Department of Toxic Substance Control. Online Envirostor Database Map, [https://www.envirostor.dtsc.ca.gov/public/map/?global\\_id=21750004](https://www.envirostor.dtsc.ca.gov/public/map/?global_id=21750004), accessed August 18, 2023.
2. California Department of Transportation, California State Scenic Highway System Map, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, accessed August 18, 2023.
3. California Water Board, Geotracker website, <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Sacramento>, accessed August 18, 2023.
4. City of Petaluma General Plan Update, 2023 – 2031 Housing Element, May 2023