



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Kevin McDonnell
Mayor

April 3, 2024

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Janice Cader-Thompson, Dist. 1
Mike Healy
Karen Nau, Dist. 3
Dennis Pocekay
John Shribbs, Dist. 2
Councilmembers

Pacific West Communities, Inc.
400 E State St. #100
Eagle, ID 83616
[sent via email to caleb@tpchousing.com | lauren@theharmonyco.com]

RE: Notice of Density Bonus Eligibility

Rovina Lane Apartments
Major Site Plan and Architectural Review (SPAR)
2 Rovina Lane
APN: 019-210-009
File No.: PLSR-2023-0017

Community Development
Department
11 English Street
Petaluma, CA 94952
Fax (707) 778-4498

Density Bonus Eligibility

Thank you for your application seeking a Density Bonus for Rovina Lane Apartments, a proposed 32-unit, 100% affordable, multi-family development in Petaluma for lower-income households earning 30-60% or less of Area Median Income (AMI). Planning staff have reviewed your Density Bonus application and deemed the application complete. In accordance with CA Gov't Code § 65915, subd. (a)(3)(D)(i)(I), you are hereby notified that your project is eligible for an 80% State Density Bonus pursuant to CA Gov't Code § 65915, subd. (f)(3) (D)(i). State Density Bonus eligibility is calculated as follows:

Building Division
Phone (707) 778-4301
E-Mail:
building@cityofpetaluma.org

Project Profile

Rovina Lane Apartments proposes 32 dwelling units for tenants earning 30-60% AMI.

To Schedule Inspections
Phone (707) 778-4479

Project Site Area: 0.997 gross acres
0.968 net acres

Planning Division
Phone (707) 778-4470

Total Units Proposed: 32 housing units (hu)

E-Mail:
petalumaplanning@
cityofpetaluma.org

Site Land Use Designation: Medium Density Residential

Site Zoning District: Residential 4 (R4)

Housing Division
Phone (707) 778-4563

Maximum Density per General Plan: 8.1-18.0 hu/net acre

Maximum Units per General Plan: 0.968 net acres x 18 hu/ac = 17.42*

E-Mail:
housing@cityofpetaluma.org

Density Desired: 33.06 hu/ac

* Pursuant to State Density Bonus Law, all fractions of dwelling units are rounded up to the nearest whole number



Calculation of State Density Bonus of 80%

Base Project, Total Units:	32
Market Rate Units:	0
Affordable Units:	31
Manager’s Unit:	1
Percent Affordable, exclusive of Manager’s Unit:	100%
State Density Bonus:	100% of the units for lower income households results in an 80% increase in the maximum allowable residential density and 4 incentives or concessions
Maximum Density Allowed:	33 hu/ac

Requests for concessions and waivers

In accordance with CA Gov’t. Code § 65915, subd. (d)(2)(D), the proposed project is entitled to four incentives or concessions and unlimited waivers. Two concessions from current City of Petaluma development standards or other regulations resulting in identifiable cost reductions have been requested pursuant to CA Gov’t Code § 65915, subd. (d)(1). In addition, the applicant has requested 12 waivers to development standards that will physically preclude the construction of the development pursuant to the CA Gov’t. Code § 65915, subd. (e)(1). The requested concessions and waivers are described below.

Concessions

1. **All-Electric Construction - Municipal Code Section 17.09.030** requires newly constructed buildings to use a permanent supply of electricity as a source of energy and does not allow the installation of natural gas. The project proposes installing natural gas for a mixed-fuel, centralized water heater and includes designs for a mixed-fuel forced air conditioning and heating unit in each dwelling unit. A concession from the all-electric requirement for new construction is requested in the Density Bonus application.
2. **Visitability and Universal Design Dwellings - Municipal Code Section 17.14.050.C** requires universal design dwellings requirements of Municipal Code Section 17.14.070 apply to thirty percent of the total dwelling units within developments with five or more total dwelling units. The project provides six accessible dwelling units (19% of total dwelling units) that comply with universal design requirements. A concession from the universal design requirements is requested in the Density Bonus application.

Waivers

1. **Maximum Building Height – IZO Section 4.040 and Table 4.9** limit building height to 35 feet within the R4 zoning district, and the proposed project building height is 38 feet. A waiver from this standard is requested in the Density Bonus application.

2. **Maximum Fence or Wall Height within Required Front Yard – Implementing Zoning Ordinance (IZO) Table 13.1** requires the maximum fence or wall height within the front setback is 42 inches. The project proposes a 2-8’ wall within the required 10-foot front yard setback along Rovina Lane. A waiver from this standard is requested in the Density Bonus application.
3. **Maximum Fence or Wall Height within Required Street Side Setback – IZO Table 13.1** requires the maximum fence or wall height within the street side setback is 42 inches. The project proposes 6-11’ walls within the required 10-foot street side yard setback along Jacquelyn Lane. A waiver from this standard is requested in the Density Bonus application.
4. **Maximum Fence or Wall Height within Required Rear Yard Setback – IZO Table 13.1** requires the maximum fence or wall height within the rear setback is 6 feet. The project proposes 1-10’ walls within the required 10-foot rear yard setback along the eastern property line. A waiver from this standard is requested in the Density Bonus application.
5. **Maximum Fence or Wall Height outside of a Required Setback – IZO Table 13.1** requires the max fence or wall height outside of a required setback (northern property line) is 6 feet. An 8’ wall is proposed along the northern property line. A waiver from this standard is requested in the Density Bonus application.
6. **Retaining Wall Terracing – IZO Section 13.050.A** requires any embankment to be retained that is over 48 inches in height shall be stepped so that no individual exposed retaining wall exceeds 36 inches. Each intervening step is a minimum width of 36 inches. All retaining walls greater than 4 feet shall be terraced and a minimum planting pocket of 36 inches shall be provided in between terraced walls. Each individual terraced wall shall exceed 36 inches in height. This standard is not met along all property lines. A waiver from this standard is requested in the Density Bonus application.
7. **Retaining Wall Terracing and Coverage – IZO Section 13.050.A.1** allows retaining walls not exceeding three (3) feet, six (6) inches in height in the required front setback, provided that the coverage does not exceed five (5) percent of the area of the required front setback. On corner lots, such structures shall not be located within thirty-five (35) feet of the intersected street lines. The project proposes unterraced retaining walls greater than 3’-6” in height that cover more than 5 percent of the required front setback. A waiver from this standard is requested in the Density Bonus application.
8. **Maximum Combined Height of Fence on Retaining Wall – IZO Section 13.030.B** requires the maximum height of a fence on a retaining wall to be 10 feet, as measured per IZO Figure 13.2. Fencing and safety guardrails are proposed atop on-site retaining walls where the grade differential exceeds 30 inches, which exceeds the maximum combined fence and wall height required by this standard. A waiver from this standard is requested in the Density Bonus application.
9. **Usable Open Space – IZO Table 4.9** requires 300 square feet of usable open space per unit. The project proposes 169 sf/unit. A waiver from this standard is requested in the Density Bonus application.
10. **Maximum Compact Stalls – SPAR Appendix A, Parking Standard 2** allows up to 30% of the minimum required parking spaces to be reduced in size to accommodate compact cars. The project proposes 55% below-standard size parking stalls and thus requests a waiver from this requirement. A waiver from this standard is requested in the Density Bonus application.

11. **Minimum Tree Requirement – SPAR Appendix C, Landscape Design Standard 31** requires at least one on-site tree for every 500 square feet of open space and at least one tree for each 4 off-street uncovered parking stalls. The project proposes 12 trees on-site, where 16 are required. A waiver from this standard is requested in the Density Bonus application.
12. **Minimum Parking Requirement – IZO Table 11.1** requires the minimum parking for multiple household dwellings to be 1 per bedroom or 60 parking spaces. The project proposes 51 parking stalls. A waiver from this standard is requested pursuant to CA Gov't Code §65915(p)(1)(A-B) in the Density Bonus application.

In accordance with CA Gov't Code § 65915, subd. (a)(3) (D)(i)(III) and IZO Chapter 27, you are hereby notified that you have provided adequate information in the form of a clear statement of how the requested concessions or incentives and waivers are necessary to make the proposed housing development economically feasible and result in identifiable, financially sufficient and actual cost reductions or relief from standards that will have the effect of physically precluding construction. The information that has been provided for the City to make a determination as to granting the requested concessions and waivers of development standards is sufficiently detailed to enable City staff to examine the conclusions reached by the developer. However, this Notice of Density Bonus Eligibility should not be construed as granting those requested concessions or waivers.

Compliance with IZO Section 27.090 – Density Bonus Agreement and Terms is required.

Sincerely,



Mike Janusek, AICP
Senior Planner

Attachment: Request for Density Bonus, Concessions, and Waivers
Exhibit A – Physical Site Constraints Diagram



April 17, 2024

City of Petaluma Planning Division
 Attn: Michael Janusek
 11 English Street
 Petaluma, CA 94952

Re: Updated Request for Density Bonus, Concessions, and Waivers: Rovina Affordable Housing

Address: 2 Rovina Lane, Petaluma, Ca
APN: 019-210-009
Zoning: R4
General Plan: Medium Density Residential

To Whom It May Concern:

Pacific West Communities, Inc. as the project Applicant is requesting a Density Bonus and development concessions and waivers for the Rovina Lane Apartments project pursuant to State Density Bonus Law. Submittal of this memo is a response to the letter of consistency issued by the City on February 13, 2024 in regard to the Major SPAR and Tree Removal Permit applications, pursuant to SB-330. The project provides 32 rental units of which 100% are affordable to lower-income households, as defined in Health and Safety Code §50079.5ⁱ.

Pursuant to State Density Bonus Law, a project that is 100% affordable to very low- and low-income households is eligible for an 80% increase in the maximum allowable densityⁱⁱ and a decrease in the required parkingⁱⁱⁱ. The zoning of R4 Multifamily and General Plan designation of Medium Density Residential allows for 8-18 dwelling units per net acre. The proposed site plan dedicates 1,278.5 square feet to the public right of way, leaving a net acreage of 42,181.97 square feet (or 0.968 acres). With an 80% increase above the maximum, this project is eligible to propose 31.36 dwelling units exclusive of a manager’s unit. Pursuant to §65915(p)(1)(A-B), the proposed project is required to provide one parking space per studio or 1-bedroom unit and one and a half parking spaces per 2 or 3-bedroom unit. Under these requirements the project must provide 43 spaces and proposes 51 (see Table 1 below).

Table 1 – Parking Requirements

Unit Size	# of Units	IZO Table 11.1	State DBL	Proposed
1 Bedroom	10	10	10	10
2 Bedroom	10	20	15	19
3 Bedroom	12	30	18	22
Total	32	60	43	51

Additionally, pursuant to §65915(d)(2)(D)^{iv} and §65915(e)^v we the Applicant are requesting **concessions that result in actual, identifiable cost savings and waivers from standards that would physically prevent the project from being built at the proposed density.**

Project Description

The proposed development consists of two multi-family residential buildings situated at the corner of Jacquelyn and Rovina Lanes on a 1-acre vacant site. Both three-story buildings have two stories of dwelling units over one level of units with tuck-under tandem parking at grade. Together they provide 31 deed-restricted apartment units affordable to families earning 30-60% of Sonoma County AMI and a manager's unit. There are four types of units, ranging from a 694 square-foot one-bedroom apartment up to a 1,278 square-foot three-bedroom apartment. Each unit has either a private patio at the ground floor, or a private deck on the upper floors. The exteriors are clad in horizontal and vertical siding, with gabled roof elements to blend with the craftsman style homes of the surrounding subdivision. The buildings include a leasing office, laundry facilities, community space, and a gym. Residents will have access to a small, enclosed dog relief area, tot lot and open turf area for gatherings and free play. Access to the complex will be off Rovina Lane going north toward Petaluma Blvd. S. with a right-in, left-out driveway. The proposed project provides outdoor bicycle racks and 51 parking spaces which averages 1.59 spaces per unit. Tandem parking will be assigned by management to specific units.

Site Plan & Vicinity Map

The Site Plan was submitted with the SPAR application and includes a vicinity map.

Concessions

Pursuant to State Density Bonus Law, an eligible housing development shall be entitled to four concessions for projects meeting the criteria in §65915(b)(1)(G)^{vi}. We request the concession(s) below which result in actual, identifiable cost savings. The remaining two concessions are not needed at this time and are reserved for future use in the event they become necessary.

- 1) **All-Electric Construction [Municipal Code §17.09.030]:** This ordinance requires all new construction to be 100% electric. We are seeking a concession for a portion of the all-electric ordinance as it would result in actual, identifiable cost savings in construction, maintenance, operations, and tenant usage. The plan proposes to make most major appliances all-electric, including the cooking range which is one of the most frequently used mixed-fuel appliances. The concession would enable the use of a mixed-fuel central water heater (located in the building to service all units) and possibly mixed-fuel forced air conditioning and heating units in each unit. Whether the forced air units will be mixed-fuel requires further investigation which is cost prohibitive and would be inaccurate at this stage of the project.

Eliminating the use of natural gas in the cooking range significantly addresses the City's concerns about resident health and safety as that is the most largely used appliance that would be in-unit. And, should we determine that electric forced air units are feasible, there would be no mixed-fuel appliances in the units as the central water heater would be located elsewhere. The determination of the feasibility of using electric forced air units requires an in-depth study of the costs of fuel sources and types of units which will occur prior to construction.

This concession allows the flexibility to make the best determination of end-user costs as close to resident occupation as possible. [Here](#) you can see the Sonoma County utility allowances showing the multiples higher cost of electricity over natural gas. Reiterating the proposal discussed, we would accept a condition that a reassessment be made of the conversion to all-electric in 3-5 years considering the updated costs of equipment, maintenance, and end-user burden. As noted above, further studies will be done prior to construction.

** Subdivision (k)(1) of the Density Bonus Law defines "concession" as "a reduction in site development standards... that exceed the minimum building standards approved by the California Building Standards Commission as provided by Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code." The All-Electric Construction ordinance is a development standard that exceeds the minimum CBC standards.*

- 2) **Residential Visitability and Universal Design [Municipal Code §17.14.050(C)]:** We are seeking a concession to reduce the total unit count requirement of the Universal Design and Visitability ordinance. This project provides six accessible dwelling units (19% of the project's units) that comply with 1) the City of Petaluma Municipal Code Section 17.14 requirements for universal design, and 2) the California Building Code for accessibility and aging-in-place requirements. All are located on the ground floor adjacent to parking and community amenities, as required by the California Building Code. To provide four additional units that are accessible per the code section and meet the 30% requirement, an elevator would be required which would significantly increase the cost of building and operating the project. Reducing this requirement results in actual, identifiable cost savings.

Waivers

Per State Density Bonus Law [Cal Govt Code §65915(e)(1)]: *In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section.* We request the following waivers as the development standards would physically preclude the site from development at the density permitted under the Zoning Code and State Density Bonus Law.

- 1) Maximum Height [Municipal Code §4.040, Table 4.9]: Building height is limited to 35' and the proposed project building height is 38'. To comply with the standard height would physically preclude the project from meeting the permitted density under §65915(f)(3)(D)(ii).
- 2) Maximum Fence or Wall Height [Municipal Code Table 13.1] – Front Setback: This table specifies a maximum 42-inch fence in the front setback. The project proposes a retaining wall in the front setback that, at its tallest, is approximately 5.5' with a 3.5' fence on top. To comply with the standard height would physically preclude the project from meeting the permitted density under §65915(f)(3)(D)(ii) because of the natural slope of the site.
- 3) Maximum Fence or Wall Height [Municipal Code Table 13.1] – Street Side Setback: This table specifies a maximum 42-inch fence in the streetside setback. The project proposes a retaining wall in the street side setback along Jacquelyn Lane that, at its tallest, is approximately 11.5' retaining with a 3.5' fence before the wall splits in terraces. To comply with the standard height would physically preclude the project from meeting the permitted density under §65915(f)(3)(D)(ii) because of the natural slope of the site.
- 4) Maximum Fence or Wall Height [Municipal Code Table 13.1] – Rear Setback: This table specifies a maximum 6' fence in the rear setback. The project proposes a retaining wall in the rear setback that, at its tallest, is approximately 10' with a 3.5' fence. To comply with the standard height would physically preclude the project from meeting the permitted density under §65915(f)(3)(D)(ii) because of the natural slope of the site.
- 5) Maximum Fence or Wall Height [Municipal Code Table 13.1] – Outside of Setback: This table specifies a maximum 6' fence in the interior setback. The project proposes a retaining wall that, at its tallest, is approximately 8' with a 3.5' fence. To comply with the standard height would physically preclude the project from meeting the permitted density under §65915(f)(3)(D)(ii) because of the natural slope of the site.
- 6) Embankment Retaining [Municipal Code §13.050.A]: Terracing to the specifications of section 13.050.A is not possible without reducing the buildable area by approximately 25%, thus significantly reducing the developable density below what is allowed by zoning. Please see Exhibit A for a visual depiction of the effects this requirement would have on the site plan and thus on the density.

- 7) Embankment Retaining [Municipal Code §13.050.A.1]: Terracing to the specifications of section 13.050.A.1 is not possible without reducing the buildable area by approximately 25%, thus significantly reducing the developable density below what is allowed by zoning. Please see Exhibit A for a visual depiction of the effects this requirement would have on the site plan and thus on the density.
- 8) Fencing [Municipal Code §13.050.B]: The maximum height of a fence on a retaining wall is 10 feet as measured per IZO Figure 13.2. The project proposes a minimum 3.5' fence atop every retaining wall where the difference between top and bottom grades exceeds 30" thus exceeding this specification in several areas of the project. As explained above, the retaining wall heights proposed are required to effectively maximize the density allowed on the site by City Zoning Code and State Density Bonus Law. The additional fencing height is required for safety.
- 9) Usable Open Space [Municipal Code Table 4.9]: 300 sf/unit of usable open space is required per unit. The project proposes 160 sf/unit. See Table on A0.2. To comply with the standard required open space per unit would physically preclude the project from meeting the permitted density under §65915(f)(3)(D)(ii).
- 10) Municipal Code 13.050.A.1: This section states that "retaining walls not exceeding three (3) feet, six (6) inches in height, may be permitted in the required front setback provided that the coverage does not exceed five (5) percent of the area of the required front setback." This requirement is not possible to meet without significantly reducing the allowed density on the site due to the natural slope of the site. Proposed retaining walls greater than 3'-6" in height account for approximately 40% of front setback length.
- 11) SPAR Appendix A, Parking Standard 2: The parking standards allow up to 30% of the minimum required parking spaces to be reduced in size to accommodate compact cars. The project proposes over 30% below-standard size parking stalls and thus requests a waiver from this requirement. Reducing the overall number of parking spaces would lead to a required reduction in unit count due to leasing concerns which would burden the project with a higher cost per unit to develop.
- 12) SPAR Appendix C, Landscape Design Standards #31: Projects are required to provide at least one on-site tree for each 500 square feet of open space and at least one tree for each 4 off street uncovered parking stalls. The proposed project provides 13 new trees on site and 2 new trees in the public right of way along Jacquelyn Lane. The total open space is 8,118 SF which requires 16 new trees.

We look forward to continuing to work with the City of Petaluma to bring more affordable housing to the community. Please feel free to reach out to us with any questions or comments resulting from this preliminary application. You can reach me at lauren@theharmonyco.com or (650) 465-8782.

Thank you,



Lauren Alexander
Pacific West Communities, Inc.

ⁱ § 50079.5 “Lower income households” means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income, adjusted for family size and revised annually.

“Lower income households” includes very low income households, as defined in Section 50105, and extremely low income households, as defined in Section 50106. The addition of this subdivision does not constitute a change in, but is declaratory of, existing law.

As used in this section, “area median income” means the median family income of a geographic area of the state.

ⁱⁱ §65915(d)(2)(D)(i) “For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), the following shall apply: (i) Except as otherwise provided in clauses (ii) and (iii), the density bonus shall be 80 percent of the number of units for lower income households.”

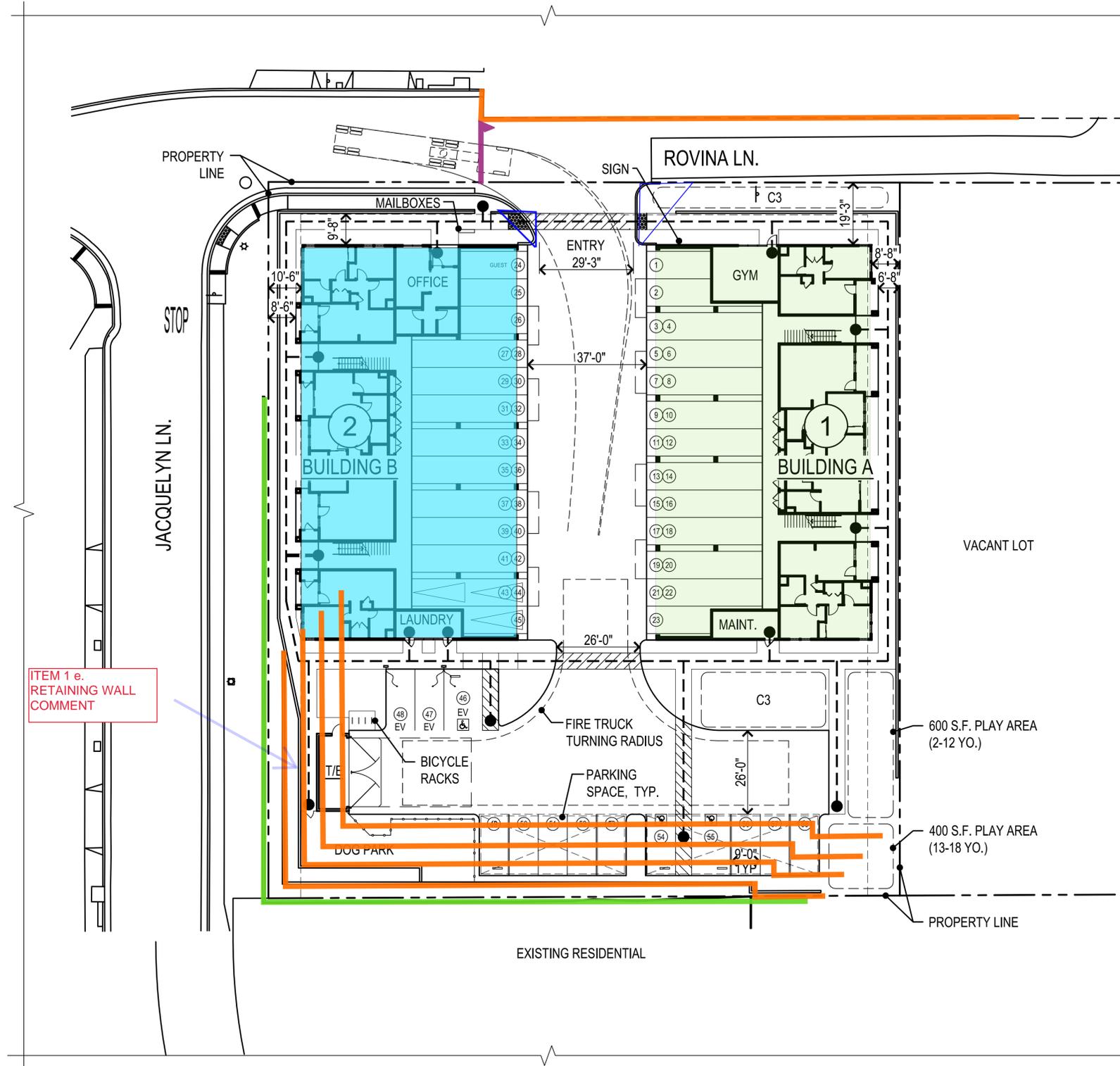
ⁱⁱⁱ §65915(p)(1)(A-B) “Except as provided in paragraphs (2), (3), and (4), upon the request of the developer, a city, county or city and county shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios: (A) Zero to one bedroom: one onsite parking space, (B) Two to three bedrooms: one and one-half onsite parking spaces.”

^{iv} §65915(d)(2)(D) “Four incentives or concessions for projects meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b).”

^v §65915(e) (1) “In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), an applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county.”

^{vi} §65915(b)(1)(G) “One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager’s unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate- income households, as defined in Section 50053 of the Health and Safety Code.”

Exhibit A



PROJECT DATA	
Jurisdiction	Petaluma, CA
Proposed Zoning	R4
Gross Land Area (Including Easements and Dedications)	43,460 S.F. 1.00 ACRES
Total Units Proposed	32
Density Proposed (DU/AC.)	32.07
PARKING SUMMARY	
Standard Stalls	2
Covered Standard Stalls	15
Covered Tandem Stalls	19 2 38
Covered Accessible Stalls	5% 2.65 2
Uncovered Accessible Stalls	5% 0 1
Total Proposed	58
Total Required	1.5 Space per Bedroom 1.5 32 48
Covered Parking	55

Itemize EV charging spaces required by CalGreen. For example, mandatory 10% EV capable. Tier 1. 35% EV Ready. 10% with EVSE.

CONDITIONED SPACE AREA				
	1st. FLOOR	2nd. FLOOR	3rd. FLOOR	TOTAL
BUILDING A	3,350 s.f.	6,806 s.f.	6,806 s.f.	16,962 s.f.
BUILDING B	3,536 s.f.	6,750 s.f.	6,806 s.f.	17,092 s.f.

CIRCULATION AND PATIO/PORCH AREA				
	1st. FLOOR	2nd. FLOOR	3rd. FLOOR	TOTAL
BUILDING A	1,243 s.f.	1,604 s.f.	1,604 s.f.	4,420 s.f.
BUILDING B	1,189 s.f.	1,701 s.f.	1,604 s.f.	4,465 s.f.

NOTE: LANDSCAPE AS SHOWN IS CONCEPTUAL FOR REFERENCE ONLY. SEE LANDSCAPE PLAN BY OTHERS FOR MORE INFORMATION.

