



November 7, 2023

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 concurrent with a response to notice of incompleteness issued by the City on October 19, 2023 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 acre. With an 80% increase above the maximum, this project is eligible to propose 32.4 dwelling units. 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 46 spaces and proposes 58 (see Table 1 below). 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.

Table 1

Unit Size	# of Units	IZO Table 11.1	State DBL	Proposed
1 Bedroom	13	13	13	16
2 Bedroom	10	20	15	20
3 Bedroom	9	27	18	22
Total	32	60	46	58

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 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 11 types of units, ranging from a 583 S.F. one-bedroom apartment up to a 1,831 S.F. 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, and a gym. Residents will have access to a small dog run, 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 58 parking spaces which is a 1.8 spaces per unit ratio.

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 two concessions 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. The equipment required to make a multifamily building all-electric operable and maintainable, and the corresponding construction costs, are not financially feasible for affordable housing projects.
- 2) Residential Visitability and Universal Design [Municipal Code §17.14.050(C)]: Meeting the Universal Design standards for 30% of the proposed units would necessitate a reduction in density of the project resulting in significantly fewer affordable units. The loss of units would result in lower operational income and higher per unit costs making the project significantly more difficult to achieve financing for. The project as submitted does apply the Universal Design standards specified in Chapter 17.14 to as many units as is feasible but does not achieve the requested 30% of the proposed units.

Waivers

Per State Density Bonus Law [Cal Govt Code §65915(e)(1)]: *In no case may a city, county, or city and county apply and 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.

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 rations: (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.”