



Community Development Department
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

For the Meeting of July 1, 2025

☐ Consent Item; ☒ Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director

A handwritten signature in blue ink, appearing to be "K Caldwell", written over the name Kevin Caldwell.

Through: Kyle Knopp, City Manager

Date: June 25, 2025

Subject: State Mandated Housing Text Amendments (1) Density Bonus Regulations Section 17.30.110; (2) Reasonable Accommodations Regulations, Section 17.30.290; (3) Single Room Occupancy Units Section 17.30.320; and (4) amending the Town Center (TC) and Residential Multifamily (RM) designations to allow Single Room Occupancy Units.

Recommendation:

That the City Council:

1. Allow staff to introduce and discuss Ordinance No. 415-2025 (1) repealing the existing Density Bonus Regulations, establishing new Density Bonus Regulations, Section 17.30.110; (2) establishing new Reasonable Accommodations Regulations, Section 17.30.290; (3) Single Room Occupancy Units Section 17.30.320 of the Rio Dell Municipal Code (RDMC); and (4) amending the Town Center (TC) and Residential Multifamily (RM) designations to allow Single Room Occupancy Units.

2. Open the public hearing, receive public input, and deliberate, including amending the Planning Commission's recommendations; and
3. Continue the second reading and approval of the Ordinance to the meeting of July 15, 2025.

Background

The Housing Element contains a number of policies and programs mandated by the State to encourage and facilitate housing opportunities. The Department of Housing and Community Development recently reached out to the City on our progress in implementing some of the required programs.

Program B-2 of the Housing Element requires a number of zoning text amendments, including Density Bonus, Reasonable Accommodations, and Single Room Occupancy Units (SRO's). The recommended amendments will bring the City into compliance with these State mandates.

Density Bonus

The City's current Density Bonus Regulations do not comply with current State Law. The California Density Bonus Law, codified in California Government Code Sections 65915-65918, incentivizes affordable housing development by allowing developers to increase the density of their projects in exchange for providing a certain percentage of below-market-rate units. This law mandates that cities and counties grant a density bonus (and other incentives/concessions) to housing developments that include a specified percentage of affordable units for low-income, very-low income, senior citizen, moderate-income, or student housing. The bonus amount is based on the percentage of affordable units, with higher percentages leading to greater bonuses.

Reasonable Accommodation

California, like federal law, mandates reasonable accommodations in housing for individuals with disabilities. This is primarily enforced through the **California Fair Employment and**

Housing Act (FEHA), which often provides broader protections than federal statutes like the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA).

A reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested. The request is an administrative process reviewed and approved by the Planning Director. The Planning Director or appointed designee may refer the matter to the Planning Commission, as appropriate. The process is identified in the draft ordinance.

Single Room Occupancy Units

California recognizes Single Room Occupancy (SRO) units as a vital component of its affordable housing strategy, particularly for lower-income individuals and those transitioning out of homelessness. While there isn't one single statewide "SRO regulation" that covers every detail, SROs are governed by a combination of state laws, the California Building Standards Code (Title 24 of the California Code of Regulations), and most importantly, local ordinances that interpret and apply these general frameworks.

"Single room occupancy" means a facility providing six or more dwelling units where each unit has a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred (400) square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

The draft regulations include a number of development standards. Please refer to the draft regulations which satisfy the State's requirements for SRO's.

Town Center and Residential Multifamily

Staff is recommending that SRO's be allowed in the Town Center zone on the upper floor of multistory commercial buildings and the Residential Multifamily zone.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

Again, Housing Element contains a number of policies and programs mandated by the State to encourage and facilitate housing opportunities. The Housing Element is one of seven (7) state mandated elements of the General Plan.

The proposed amendments are not only consistent with the General Plan, they are consistent with Implementation Program B-2 of the Housing Element. The recommended amendments will bring the City into compliance with the State approved Housing Element and State mandates.

2. California Environmental Quality Act

Staff recommends that the City Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) the common sense exemption because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment. The recommended ordinance merely implements the provisions of state law and includes no provisions beyond those included in State Density Bonus, Reasonable Accommodation and Single Room Occupancy Unit laws.

Attachment 1: Draft Ordinance No. 415-2025

ORDINANCE NO. 415-2025



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING
CHAPTER 17, “ZONING,” OF THE MUNICIPAL CODE TO UPDATE THE CITY’S
DENSITY BONUS ORDINANCE TO REFLECT CHANGES MADE IN STATE LAW,
ESTABLISH REASONABLE ACCOMMODATION’S REQUEST AND SINGLE ROOM
OCCUPANCY REGULATIONS AND AMEND THE TOWN CENTER AND RESIDENTIAL
MULTIFAMILY DESIGNATIONS TO ALLOW SINGLE ROOM OCCUPANCY USES**

WHEREAS, Sections 65915 et seq. of the California Government Code, known as State Density Bonus Law, requires the City to provide a developer that proposes a housing development within the jurisdictional boundaries of the City containing affordable and other types of housing with a density bonus and other incentives; and

WHEREAS, California Government Code Section 65915(a) requires that all jurisdictions within the state adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented; and

WHEREAS, since adoption of the City’s current density bonus ordinance, the State Legislature has passed, and the Governor has signed into law numerous changes to State Density Bonus Law; and

WHEREAS, California, like federal law, mandates reasonable accommodations in housing for individuals with disabilities; and

WHEREAS a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested; and

WHEREAS, California recognizes Single Room Occupancy (SRO) units as a vital component of its affordable housing strategy, particularly for lower-income individuals and those transitioning out of homelessness; and

WHEREAS, in order to accommodate Single Room Occupancy Units, the Town Center and Residential Multifamily designations must be amended; and

WHEREAS, the 2019- 2027 Housing Element, which was adopted on November 3, 2020, and subsequently found in compliance with housing element law by the California Department of Housing and Community Development, provides that the City will update its Density Bonus regulations, Reasonable Accommodation regulations and Single Room Occupancy regulations to comply with State law; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Municipal Code, has found that the proposed amendments are consistent with goals and policies of the City's General Plan, and recommends adoption of the proposed amendments by the City Council; and

WHEREAS, the City Council finds and determines that the proposed amendments to the Municipal Code are adopted pursuant to the City's police power authority to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rio Dell as follows:

SECTION I. Incorporation of Recitals.

The City Council of the City of Rio Dell finds that the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Amendments to Chapter 17 of the Rio Dell Municipal Code.

(a) Chapter 17.30 of the Rio Dell Municipal Code is amended as follows:

- 17.30.290 Recreational vehicle park development standards.
- 17.30.300 ~~Removal of natural materials.~~ Reasonable accommodations.
- 17.30.310 ~~Repealed.~~ Removal of natural materials.
- 17.30.320 ~~Signs and nameplates.~~ Single room occupancies.
- 17.30.330 ~~Street dedication and improvement.~~ Signs and nameplates.
- 17.30.340 ~~Swimming pools.~~ Street dedication and improvement.
- 17.30.350 ~~Tract offices.~~ Swimming pools.
- 17.30.360 ~~Vacation dwelling units.~~ Tract offices.
- 17.30.370 Vacation dwelling units.

(b) Section 17.30.110, Density Bonus regulations of Chapter 17 of the Rio Dell Municipal Code is repealed and replaced with the Ordinance shown in Exhibit “A” attached hereto and incorporated herein by reference.

(c) Section 17.30.300, Reasonable Accommodation regulations of Chapter 17 of the Rio Dell Municipal Code are established with the Ordinance shown in Exhibit “B” attached hereto and incorporated herein by reference.

(d) Section 17.30.320, Single Room Occupancy Units of Chapter 17 of the Rio Dell Municipal Code are established with the Ordinance shown in Exhibit “C” attached hereto and incorporated herein by reference.

(e) Section 17.20.040, the Town Center regulations and Section 17.20.035 Residential Multifamily regulations are hereby amended with the Ordinance shown in Exhibit “D” attached hereto and incorporated herein by reference.

SECTION 3. California Environmental Quality Act (CEQA) Considerations.

The City Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (the common sense exemption) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements the provisions of state law and includes no provisions beyond those included in State Density Bonus Law that may result in a direct or indirect impact on the physical environment.

SECTION 4. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted, or otherwise invalid.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 3, 2025, and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on June 17, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 415-2025 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on June 17, 2025.

Karen Dunham, City Clerk, City of Rio Dell

EXHIBIT “A”
Section 17.30.110 - Chapter 17
DENSITY BONUS

17.30.110 Density Bonus

(1) **Purpose.** In accordance with California Government Code Sections 65915, et seq., this Division specifies how compliance with State Density Bonus Law will be implemented. Specifically, the purpose of this Division is to provide density bonuses, incentives, concessions, and waivers of development standards for the production of housing for very low -, low-, and moderate-income households, senior households, provision of daycare facilities, student housing, and donations of land, and for other housing types as provided by state law. In enacting this Division, it is also the intent of the City to implement the goals, objectives, and policies of the City’s Housing Element of the General Plan.

(2) **Definitions.** The definitions found in State Density Bonus Law shall apply to the terms contained in this Division. “Incentives” include “concessions” as defined in State Density Bonus Law.

(3) Application Requirements.

(a) An applicant for a “housing development” as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory benefits that are provided by State Density Bonus Law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915(b), (c), (f), (g), (h), and (v), or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with State Density Bonus Law.

(b) The granting of a density bonus, incentive, or concession, pursuant to this Division, shall not be interpreted, in and of itself, to require a general plan amendment, development code amendment, zone change, other discretionary approval, or the waiver of a City ordinance or provisions of a City ordinance unrelated to development standards.

(c) All requests for density bonuses, incentives, parking reductions, and waivers for a housing development shall be filed with and on a form provided by the Community Development Director, or their designee, concurrently with the filing of the planning application for the first discretionary or ministerial permit required for the housing development, whichever permit is earliest. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.

(d) The application shall include the required fee and the following minimum information:

(l) For a requested density bonus.

(aa) Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

(bb) Subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that subparagraph.

(cc) Where the housing development is seeking an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.

(dd) A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.

(ee) The zoning and general plan designations and assessor's parcel number(s) of the housing development site.

(ff) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.

(gg) If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period, but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.

(hh) The phasing of the construction of the affordable housing units in relation to the nonrestricted units in the housing development.

(ii) If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915 (g) can be met.

(II) **Requested incentives.** Incentives are those defined by State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law. The application shall include the following minimum information for each incentive requested, shown on a site plan (if appropriate):

(aa) The City's usual regulation and the requested regulatory incentive or concession.

(bb) Except where mixed- use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.

(cc) If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed- use zoning will provide for affordable housing costs and rents.

(III) **Requested waivers.** For each waiver requested, the applicant shall include a list, and shown on a site plan (if possible), the City's required development standard and the requested development standard.

(IV) **Parking reductions.** If a housing development is eligible for a density bonus pursuant to State Density Bonus Law, the applicant may request an on -site vehicular parking ratio specified in Government Code Section 65915(p). An applicant may request this parking reduction in addition to the incentives and waivers permitted by paragraphs (2) and (3) of this subsection. The application shall include a table showing parking required by the zoning regulations, parking proposed under State Density Bonus Law, paragraph under Government Code Section 65915(p) (or other statute) under which the project qualifies for the parking reduction, and reasonable documentation that the project is eligible for the requested parking reduction.

(V) **Density bonus or incentive for a childcare facility in a housing development.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.

(VI) Density bonus or incentive for a condominium conversion. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915. 5 can be met.

(4) Application review process.

(a) All requests under State Density Bonus Law shall be part of the planning application and shall be applied for, reviewed, and acted upon concurrently with the planning application by the approval body with authority to approve the development, within the timelines prescribed by California Government Code Section 65950 et seq. or other statute. Appeals of the planning application in accordance with the requirements of the Rio Dell Municipal Code shall include all requests under State Density Bonus Law if appeals are authorized for the discretionary or ministerial permit applied for.

(b) To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the staff report presented to the decision -making body shall state whether the application conforms to the following requirements of State Density Bonus Law, as applicable:

(I) The housing development provides the housing required by State Density Bonus Law to be eligible for a density bonus and any incentives, parking reduction, or waivers requested, including housing required to replace units rented or formerly rented to very low- and low-income households as required by California Government Code Section 65915(c)(3).

(II) If applicable, the housing development provides the housing required by State Density Bonus law to be eligible for an additional density bonus under Government Code Section 65915(v)(1).

(III) If an incentive is requested, reasonable documentation has been presented showing that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing or costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).

(IV) If a waiver is requested, the development standards for which a waiver is requested would have the effect of physically precluding the construction of the housing development at the densities or with the incentives permitted.

(V) The housing development is eligible for any requested parking reductions under Government Code Section 65915(p) or other statute.

(VI) If the density bonus is based all or in part on donation of land, the requirements of Government Code Section 65915(g) have been met.

(VII) If the density bonus or incentive is based all or in part on the inclusion of a child care facility or condominium conversion, the requirements included in Government Code Section 65915(h) or 65915.5, as appropriate, have been met.

(c) The decision-making body shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

(I) The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or

(II) The proposed incentive would be contrary to state or federal law; or

(III) The proposed incentive would have a specific, adverse impact upon the public health or safety or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low - and moderate- income households. For the purpose of this subsection, “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589. 5.

d) The decision- making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

(I) The proposed waiver would be contrary to state or federal law; or

(II) The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or

(III) The proposed waiver would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low -and moderate-income households. For the purpose of this subsection, “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.

e) If a child care center complies with the requirements of Government Code Section 65915(h), the decision-making body may deny a density bonus or incentive that is based on the

provision of child care facilities only if it makes a written finding, based on substantial evidence, that the City already has adequate child care facilities.

f) A request for minor modification of an approved density bonus housing plan may be granted by the City Manager, or their designee, if the modification substantially complies with the original density bonus housing plan and conditions of approval. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

5. Density bonus housing agreement.

(a) If a density bonus, incentive, parking reduction, or waiver is approved pursuant to this Division, the applicant shall enter into a binding affordable housing agreement and/ or restrictive covenant, as described below, with the City, which sets forth the conditions and guidelines to be met in the implementation of State Density Bonus Law and that ensures compliance with all of the provisions of this chapter. The agreement will also establish specific compliance standards and remedies available to the City upon failure by the applicant to comply with State Density Bonus Law, this Division, or the affordable housing agreement.

(b) For rental projects, the applicant shall enter into an affordable housing agreement with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, or their designee. The agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; shall specify the eligible occupants; shall specify phasing of the affordable units in relation to the market- rate units; and shall contain other relevant provisions approved by the City Attorney. Rents for the lower income density bonus units shall be set at an affordable rent as defined in State Density Bonus Law.

(c) For for-sale projects, the applicant shall enter into an affordable housing agreement with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, or their designee. The affordable housing agreement shall require that, the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and shall contain other relevant provisions approved by the City Attorney. The City shall enforce an equity sharing agreement consistent with State Density Bonus Law unless it is in conflict with

the requirements of another public funding source or law. The affordable housing agreement shall require the continued affordability of the for-sale units for 45 years.

d) Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, or their designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.

e) The executed affordable housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development, whichever is earliest. The affordable housing agreement shall be binding on all future owners and successors in interest.

6. Density bonus calculations.

(a) In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

(b) When calculating the number of affordable units needed to qualify for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.

(c) Except where a housing development is eligible for an additional bonus, pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.

(d) In determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law, units added by a density bonus are not included in the calculations.

(e) The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of affordable units required by State Density Bonus law. Regardless of the number of affordable units, no housing development shall be entitled to a density bonus greater than what is authorized under State Density Bonus Law.

(f) Nothing in this Division requires the provision of direct financial incentives from the City for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City, at

its sole discretion, may choose to provide such direct financial incentives.

7. Development standards.

a) Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and for any affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction, so that the affordable units comprise the required percentage of total units.

b) The external finish appearance of affordable units shall be indiscernible from that of the market rate units in the project. The internal finish of affordable units shall be identical to those of the market rate units in the project, except that the applicant may request City approval of substitutions for luxury interior finishes, appliances, or fixtures, if such substitutions do not violate any other City Code requirement.

c) To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market- rate units. In mixed- income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market -rate housing units, and the affordable units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

8. Density bonus for commercial development.

A Commercial Development may request and receive a Development Bonus pursuant to the provisions of Government Code Section 65915.7.

9. Interpretation.

If any portion of this Division conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this Division. Any ambiguities in this Division shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this Division include successor provisions.

EXHIBIT “B”
Section 17.30.290 - Chapter 17
REASONABLE ACCOMMODATION

Section 17.30.290 REASONABLE ACCOMMODATION

(1) Purpose and intent.

This chapter is established pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955(1) to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

(2) Applicability.

In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter applies only to those persons who are defined as disabled under the Acts.

(3) Application process.

(a) In order to make housing available to an individual with a disability, an applicant may request a reasonable accommodation in zoning and other land use regulations, policies, practices and procedures.

(b) All requests shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability. Requests for reasonable accommodation shall be submitted via a form approved by the Planning Department, together with the appropriate fee, as established by resolution adopted by the City Council, and shall be filed with the Planning Department. The applicant is requested to provide the following information:

- (i) Name and address of the applicant;
- (ii) Name and address of the property owner(s);
- (iii) Address of the property for which accommodation is requested;
- (iv) The current use of the property for which accommodation is requested;

(v) Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the accommodation;

(vi) The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;

(vii) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and

(viii) How the property will be used by the applicant and individual(s) with disabilities.

(c) Any information identified by the applicant as confidential shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.

(d) A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.

(e) If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible. Such assistance shall be limited to that which can be provided by existing City staff, and in no case shall the City be responsible for hiring any outside expert to assist an individual.

(f) The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

(4) Approval process.

(a) Administrative Review. The Planning Director or an appointed designee has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The Planning Director or appointed designee may refer the matter to the Planning Commission, as appropriate.

(b) Planning Commission Review. The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Planning Director or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.

(c) Notice. No advance notice or public hearing is required for consideration of reasonable accommodation requests by the Planning Director. Requests for reasonable accommodation subject to review by the Planning Commission shall require advance notice and a public hearing pursuant to the requirements of Chapter 17.35 of the Rio Dell Municipal Code.

(d) Decision. The Planning Director or an appointed designee shall render a decision or refer the matter to the Planning Commission within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Chapter 17.35 of the Rio Dell Municipal Code. The decision shall be in writing and mailed to the applicant.

(i) If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the Planning Director or an appointed designee, unless the reasonable accommodation request has been referred by the Planning Director or an appointed designee to the Planning Commission for consideration.

(ii) If the application for reasonable accommodation is referred to, or reviewed by, the Planning Commission, a decision to approve, approve with conditions, or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth above.

(5) Findings and decision.

(a) Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

(i) The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.

(ii) The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

(iii) The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.

(iv) The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

(v) There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.

(b) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection (a) of this section.

(6) Appeals determination.

Any decision on an application under this chapter shall be subject to appeal pursuant to Section 17.35.060 of the Rio Dell Municipal Code.

EXHIBIT “C”
Section 17.30.320 - Chapter 17
SINGLE ROOM OCCUPANCY UNITS

Section 17.30.320 SINGLE ROOM OCCUPANCY UNITS

(1) Purpose and intent.

It is the purpose and intent of this chapter to regulate the development and operation of single room occupancy land uses. Single room occupancy (SRO) units provide housing opportunities for lower-income individuals, persons with disabilities, seniors, and formerly homeless individuals.

(2) Definitions.

For the purposes of this chapter, the following word shall have the meaning respectively ascribed to it in this section:

“Single room occupancy” means a facility providing six or more dwelling units where each unit has a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred (400) square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

(3) Standards.

(a) Single Room Occupancy Units. The following standards apply to single room occupancy units. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

(i) Unit Size. The minimum size of a unit shall be one hundred fifty (150) square feet and the maximum size shall be four hundred (400) square feet.

(ii) Bathroom Facilities. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor.

(iii) Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

(iv) Closet. Each SRO shall have a separate closet.

(v) Code Compliance. All SRO units shall comply with all requirements of the California Building Code.

(b) Single Room Occupancy Facilities. In addition to the development standards in the underlying zoning district, the following standards apply to single room occupancy facilities. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

(i) Density. A single room occupancy facility is not required to meet density standards of the general plan.

(ii) Common Area. Four square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.

(iii) Bathroom Facilities. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences with at least one full bathroom (including toilets, sinks, and bathing facilities) per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.

(iv) Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten (10) units, with at least one washer and dryer per floor.

(v) Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

(vi) Management Plan. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the community development director and housing programs manager. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.

(vii) Facility Management. An SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (10) units shall provide a management office on-site.

(viii) Parking. Parking shall be provided for an SRO facility at a rate of one parking space per unit plus an additional space for the on-site manager. Different parking standards apply in the form-based code area. See Section 17.30.230(17).

(ix) Accessibility. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.

(x) Existing Structures. An existing structure may be converted to an SRO facility, consistent with the provisions of this section.

EXHIBIT “D”
Section 17.20.40 & 17.20.35 - Chapter 17
TOWN CENTER & RESIDENTIAL MULTIFAMILY

17.20.040 Town center or TC zone.

The purpose of the town center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

The following regulations shall apply in all town center or TC zones:

(1) Principal Permitted Uses.

- (a) Resident and visitor-serving retail and service uses conducted entirely within an enclosed building, including, but not limited to: grocery stores; drug stores; hardware stores; variety stores; sporting goods stores; bakeries; coffee shops; fruit and vegetable markets; bicycle sales, rentals and repair shops; bowling alleys; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning (not including processing plants); laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
- (b) Apartments on the upper floors of multistory buildings;
- (c) Service establishments, such as spas, nail salons, beauty salons, and barbershops;
- (d) Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, financial advisors, medical and dental offices;
- (e) Banks and financial institutions without drive-up facilities;
- (f) Restaurants and licensed premises (bars) appurtenant thereto;
- (g) Movie theaters;
- (h) Galleries, museums and gift shops;
- (i) Emergency shelters, supportive and transitional housing projects, **and** low barrier navigation centers **and single room occupancy units subject to the operational standards in RDMC 17.30.320** on the upper floors of multistory buildings.

(2) Uses Permitted with a Use Permit.

- (a) Civic and cultural organizations such as Elk and Moose Lodges, Rotary clubs, garden clubs;

- (b) Hotels and motels; bed and breakfast inns;
- (c) Licensed premises (bars) not appurtenant to any restaurant;
- (d) Artisan studios and showrooms including, but not limited to: woodworking, glass blowing, metal works, ceramics, crafts, and clothing manufacturers;
- (e) Live-work units where residential activities are located at the back of buildings, and do not occupy more than 40 percent of the gross floor area;
- (f) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

17.20.035 Residential multifamily or RM zone.

The purpose of the residential multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all residential multifamily or RM zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings, multiple dwellings and dwelling groups;
- (b) Community care facility for six or fewer individuals;
- (c) Family day care home for 12 or fewer children, including children who reside at the residence;
- (d) Emergency shelters/transitional housing subject to the operational standards in RDMC [17.30.120](#);
- (e) Low barrier navigation centers;
- (f) Residential care facilities with six or fewer persons.

(g) Single Room Occupancy Units subject to the operational standards in RDMC 17.30.320.

(2) Uses Permitted with a Use Permit.

- (a) Mobilehome and recreational vehicle parks;
- (b) Community care facility for seven or more individuals;
- (c) Family day care home for 13 or more children, including children who reside at the residence;
- (d) Public and private noncommercial recreation facilities;

(e) Churches, civic and cultural uses;

(f) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone.