

DRAFT

45 DAY NOTICE

PROPOSED NEW STANDARDS RULES:

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

As you know, for some years California has faced a housing crisis, and in particular the lack of sufficient affordable long term housing units. The response from the State has been to adopt certain laws and regulations that supersede local zoning and land use laws, and that require local jurisdictions to facilitate and encourage the construction and use of accessory dwelling units (ADU's) and junior accessory dwelling units (JADU's) .

That state wide effort has expanded to include homeowner's associations. Effective as of January 1, 2020, Assembly Bill 670 will amend the Davis Stirling Act and render void and unenforceable any restriction in association governing documents that would effectively prohibit or unreasonable increase the cost to construct or use an ADU or JADU.

Tahoe Donner's Covenants and Restriction has a prohibition of accessory dwelling units. With the passing of AB670, that prohibition will no longer be in force starting January 1, 2020.

The challenge for our unique community is therefore to adopt new Architectural Standards Rules for the construction and use of ADU's and JADU's, while at the same time ensuring that residents of our community are not adversely impacted by a proliferation of new structures, an exponential increase in short term rentals, and parking, noise, and other nuisances that often result from an increase in density.

We have attempted to balance those interests in the enclosed proposed ADU and JADU rules. The board of directors is expected to take action to adopt the proposed new rules, as they are presented here, at its February 2020 meeting, currently scheduled for Saturday, February 22, 2020. The board welcomes any input you may wish to offer regarding the proposed rules and process.

BACKGROUND

In 2017, in an effort to provide more affordable local housing, the State revised Gov. Code sections 65852.2 to allow the construction of accessory dwelling units in many areas otherwise zoned for single-family use only. This law applies only to a “local agency” i.e. to a “city, county, or city and county...” Thus, this law does not apply to homeowners’ associations. The 2017 law provided upper limits on unit size, lot size, setbacks and other aspects of construction, and allowed cities and counties to enact more stringent regulations “include, but are not limited to, parking, height, setback, lot coverage, architectural review, [and] maximum size of a unit.”¹

On August 30, 2019 Governor Newsom signed into law Assembly Bill 670 (AB670) which becomes effective January 1, 2020. The stated intent of this new law is to “... encourage the construction of affordable accessory dwelling units and junior accessory dwelling units that are owner-occupied and that are used for rentals of terms longer than 30 days.”

As noted above, as of January 1, 2020, these units are no longer prohibited in our community. However, in accordance with this new law, our community can enforce existing restrictions and rules, and adopt new rules, in order to implement the intent of this law while at the same time ensuring that any adverse impacts on our community are minimized.

Following an informative presentation at the October 19, 2019 board of directors meeting (see CITE for further background information), the board of directors directed staff and the Architectural Standards Committee to draft rules pertaining to the construction and use of

¹ Following the 2017 legislation, the Town of Truckee adopted Ordinance 18.58.230 to govern the construction and use of secondary residential units which includes accessory dwelling units and junior accessory dwelling units. Permits issued by Truckee will presumably require compliance with this new ordinance, as well as ordinances and regulations applicable to short term rentals, and the Town’s obligation to provide long term affordable housing stock.

accessory dwelling units. Draft rules were developed, reviewed and discussed by staff and the Architectural Standards Committee.

Among other things, the new rules are intended to:

- Express the intent of the legislation;
- Define the regulations on construction and use of accessory dwelling units in Tahoe Donner;
- Protect the character of the community; and
- Encourage affordable housing as one way to address the lack of affordable housing in the Truckee community.

The new proposed rules would:

- Provide definitions for an accessory dwelling unit and a junior accessory dwelling unit, and applicable regulations and restrictions;
- Provide guidance to members and the TDA as to application of the Governing Documents to these units, including size, parking, and setback requirements;
- Clarify the application process for permitting for accessory dwelling units (detached and attached) and junior accessory dwelling units will fall under existing permit categories.
- Expressly permit members to construct or use accessory dwelling units as long as they are rented for terms longer than 30 days.

The permitting for an accessory dwelling unit either attached, detached or as a junior accessory dwelling unit is proposed to fall under existing permitting categories and fees. Depending on the project scope of the accessory dwelling or junior accessory dwelling, the project permit application will fall under one of the following categories:

Major Projects: this includes new houses, multiples, commercial buildings, additions (over 500 SQ FT), garages with addition. All these projects require neighbor notification. *Detached and attached accessory dwelling units (over 500 SQ FT)*

Minor Projects with Neighbor Notification: Garages, additions (under 500 SQFT), decks, sheds, auxiliary structures, variances, miscellaneous including fences. *Detached and attached accessory dwelling units (under 500 SQ FT)*

Minor Projects without Neighbor Notification: changes to existing including but not limited to, driveway parking pads, small deck extensions, window size changes, patio pavers, walkways, etc. *Detached and attached accessory dwelling, and junior accessory dwelling units with changes to existing exterior only, and junior accessory dwelling units with no changes to existing exterior.*

The proposed new rules for accessory dwelling units and junior accessory dwelling units are as follows:

{INSERT PROPOSED RULES HERE}

Key Dates:

- January 1, 2020: 45-Day Member Notification and comment period begins.
- January 25, 2020: board of directors meeting; hears additional member comment, discussion item only.
- February 22, 2020: Board of Directors consider taking action on proposed new rules with or without modifications.

Member Comments:

Please submit your written comments to: [\(new 45-day notice email\)](#), or US Mail: Tahoe Donner Association 11509 Northwoods Blvd., Truckee, CA. 96161. To ensure the board of directors has time to review all member comments, written comments must be submitted by 12:00 p.m. February 21, 2020.

The board will hear member verbal comments at the January 25 and February 22, 2020 board of directors' meetings.