

Accessory Dwelling Rules Rule Making Process

NOVEMBER 23, 2019 BOARD OF DIRECTORS MEETING

REGULATIONS OVERVIEW

- 2017 Government Code 65852.2 & 65852.22
 - Town of Truckee Ordinance 18.58.230 adopted in answer to new Gov. Codes
 - Other companion legislation recently enacted effective January 1, 2020 to reduce barriers to permit and construct affordable accessory dwelling units for counties and cities
- Assembly Bill 670 signed into law August 30, 2019 effects homeowner associations
- Tahoe Donner Association
 - Informed presentation October 19, 2019 Board of Directors Meeting
 - 5:0 Board direction to staff and Architectural Standards Committee to draft rules based on concepts presented (see October 19, 2019 presentation slide deck)

PROPOSED DRAFT RULES

Definitions

Accessory Dwelling Unit (ADU) shall mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, on the same parcel as the single-family dwelling is situated.

Junior Accessory Dwelling Unit (JADU) shall mean a unit that is no more than 500 Square Feet (sf) in size and contained entirely within the living space of an existing single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

California ADU Law shall mean Sections 65852.150, 65852.2 and 65852.22 of the California Government Code.

Truckee Municipal Code shall mean any and all applicable laws, ordinances, and regulations applicable to ADU's and JADU's, including Section 18.58.230 of the Town of Truckee Municipal Code titled "Secondary Residential Units."

Governing Documents shall mean any and all applicable provisions of the Tahoe Donner Association First Restated Declaration of Covenants and Restrictions (CC&Rs), Bylaws, Articles, Rules, and Policies, including the Tahoe Donner Architectural Standards Rules, Procedures and Restrictions.



PROPOSED DRAFT RULES cont.

The Following Rules apply to ADU's and JADU's:

1. **One ADU or JADU per Lot:** Only one accessory dwelling unit or junior accessory dwelling unit may be constructed and/or used or occupied on any single-family residential lot.
2. **Compliance with the Truckee Municipal Code:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall comply with the requirements of the Truckee Municipal Code.
3. **Compliance with the Governing Documents:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall also comply with the requirements of the Governing Documents. The Governing Documents may be more restrictive than the Truckee Municipal Code, but shall not be applied in situations where the Architectural Standards Committee has determined that such application would unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to construct an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of the California ADU Law. For certain common issues that may arise under the Governing Documents, the ASC shall follow the guidelines below in making a decision on an application for approval of an ADU or JADU.
 - 3.1 **Setbacks and Coverage:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall comply with the setback and coverage requirements set forth in the Governing Documents.
 - 3.2 **Floor Area Limitation:** An ADU shall have no less than 150 sf and no more than 800 sf of fully enclosed floor area devoted to living purposes and a JADU shall have no more than 500 sf of fully enclosed floor area devoted to living purposes.
 - 3.3 **Parking:** An ADU or JADU shall provide for one designated on-site parking space in addition to the 400 sf minimum parking paved on-site area required for the lot. The number of cars permitted for the accessory dwelling and junior accessory dwelling unit tenants shall not exceed the available off-street parking spaces provided. ADU and JADU tenants shall be required to utilize the parking spaces provided.

PROPOSED DRAFT RULES cont.

4. Unpermitted or Unapproved Accessory and Junior Accessory Dwelling Units: These rules shall not validate any existing ADU or JADU's that have not been permitted by the Town of Truckee and approved by the Tahoe Donner Association. To convert such a unit to a permitted and approved ADU or JADU, the applicant must meet the requirements of the Truckee Municipal Code and the Governing Documents, and the Town of Truckee must permit the unit and the Tahoe Donner ASC must approve the unit for it to be a legal unit. Applicants with existing units must apply for permit and/or approval within 90 days of adoption of these rules. Unpermitted units that discovered not to be compliant after this period shall be subject to an enforcement process.

5. Short-Term Rental of an ADU or JADU:

Option 1: An ADU or JADU shall be prohibited from being used as a Short Term Rental (a rental for a term less than 30 days). As a condition to approval, the applicant shall be required to record a covenant against title to the lot, which shall set forth this restriction and confirm that this restriction shall run with the land and will bind successors in interest. This prohibition does not affect the ability of a lot owner from using the primary residential living area for Short Term Rental purposes pursuant to the Governing Documents and the Truckee Municipal Code.

Option 2: If a lot has an ADU or JADU, both the primary dwelling and ADU or JADU shall be prohibited from being used as a Short Term Rental (a rental for term less than 30 days). As a condition to approval, the applicant shall be required to record a covenant against title to the lot, which shall set forth this restriction and confirm that this restriction shall run with the land and will bind successors in interest. This prohibition does not affect the ability of a lot owner from using the primary living area for Long Term Rental purposes (a rental for term more than 30 days).

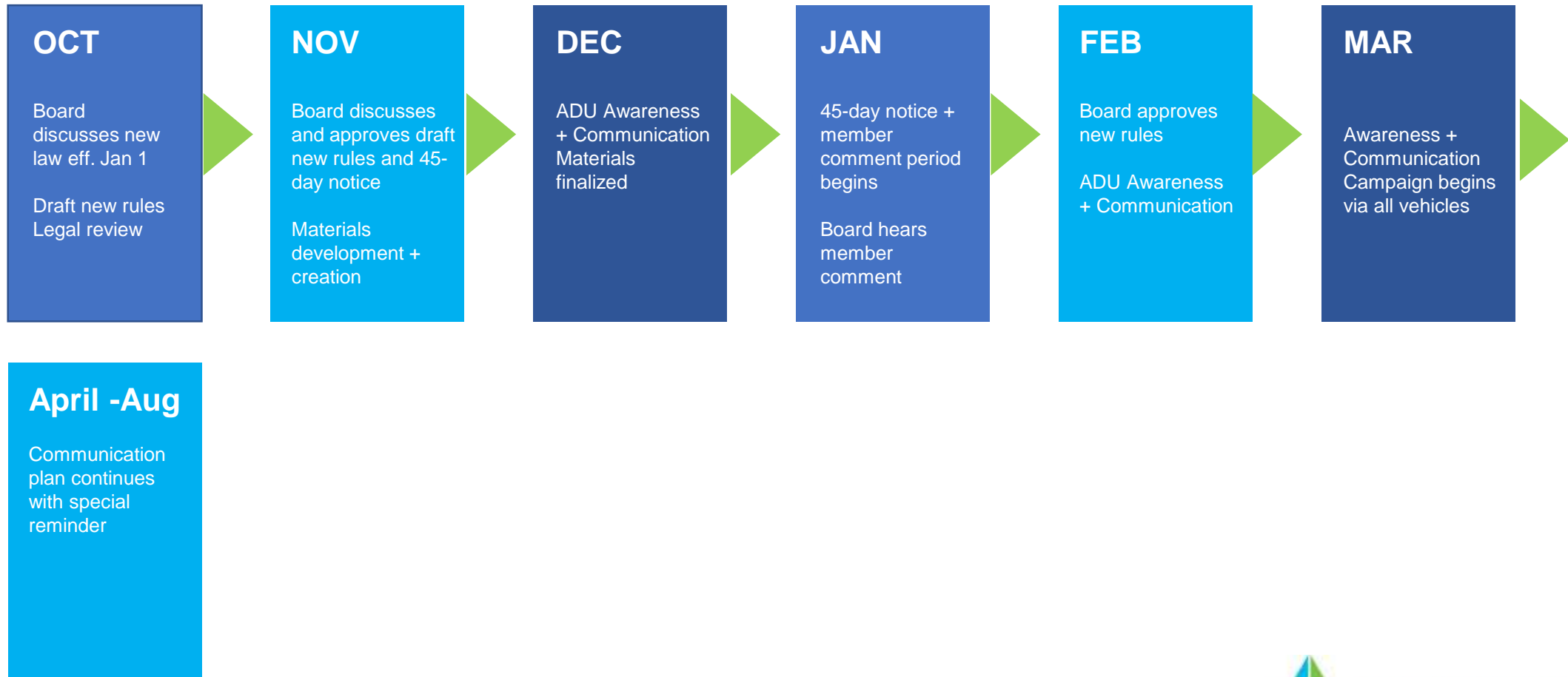
6. Conditions and Variances: The ASC shall retain the right to impose reasonable conditions on its approval of an ADU or JADU, and to grant variances on a case by case basis, as provided for in the Governing Documents.



KEY DATES—

- October - Drafting of proposed rules and required documents for decision making
- November 1-8 - Attorney Review
- November 15 - Board Meeting Materials Deadline
- November 23 - Board of Directors Meeting: approval of 45-day Notice
- December 14 – Board of Directors Meeting
 - (if needed, further discussion/action on 45-day notice)
- January TDNews – 45-day Notice and Member Comment Period Begins
- January 25, 2020 -Board hears member comment
- February 22, 2020 – Board considers adoption

RULE DRAFTING AND CONSIDERATION TO ADOPT TIMELINE



DETAILED TIMELINE

ACTIVITY	DATE	STATUS
Drafting of proposed rules, decision paper, 45-day notice	October 21-24	Completed
Final reviews of draft documents	October 26-30	Completed
Development of communication assets and website page	October 26-November 10	In progress
Attorney Review	November 1-11	Completed
Discussions from attorney review and any further edits for final draft	November 11-14	Completed
Board meeting materials deadline	November 15	Completed
Board of Directors Meeting	November 23	
Email Board Meeting Recap	November 25-28	
December TDNews ADU rules coming Awareness	December 1	
45-Day Notice January TDNews Layout	December 1-10	
45-Day Notice Web Content	December	

COMMUNICATION VEHICLES

TD TOOLS

- Magazine: Jan. 45-day notice and Feb. The Report feature
- Website: build out ADU info packet + permit documents
- Email: Dedicated 45-day notice header, & weekly blast inclusion
- Architectural Standards & Member Services

OTHER TOOLS AVAILABLE

THANK YOU