



January 27, 2020
12:00 p.m.

MEMBER COMMENTS:
PROPOSED NEW RULES ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY
DWELLING UNITS

January 1 thru 27, 2020

The member comment period for the proposed new rules for Accessory Dwelling Units and Junior Accessory Dwelling Units started January 1 with the notice posted in the January Tahoe Donner News. The notice was also posted on the 45-Day Notice webpage on the Tahoe Donner website. Comments must be submitted noon on February 21, 2020. There were six (6) comments submitted between January 1 thru 27, 2020.

I urge you to remove the restriction on STR ADU rental that was placed as section 5 of the 45-day notice. The purpose of the legislature passed by State of California Assembly was to allow owners that have sufficient space on the lot to build an ADU. The reasoning behind the legislation is to relieve some of the house shortages experienced in many areas of the state including Tahoe region.

The deed restriction that TD Board is proposing to place in item 5, will make the property less desirable to any future owner which will also lower its market value for resale. It goes directly against making an ADU desirable to build by placing a deed restriction on the subject lot.

In my case, I would consider building an ADU, and would not rent out the ADU, but rather keep it for owner use only. This would also allow me and other owners' like me, to be present at the present site when the main home is being rented and keep an eye on the STR renters of the main home to assure rule compliance with town and TD STR rules.

If you are concerned about ADU's becoming additional rental units on owners properties, I would suggest a reasonable regulation that does not affect future property values or infringe on property owners rights. This would be to limit the rental of EITHER the main home or the ADU for STR rental. In other words, the owner would not be able to use BOTH for STR rental at any one time. The owner would either have the main home or the ADU available for STR rental, but not both, at the choice or discretion of the owner.

Your rules allow for one ADU **or** one JADU per lot. However I think the new law says that one ADU **and** one JADU are allowed per lot.





Please remove the provision requiring owners to file a deed restriction regarding vacation/short-term rentals of their primary unit.

At the Board Meeting when this proposal was discussed, you had two versions of the proposal before you. One version met the requirements of the state law and restricted vacation rentals of new ADUs. The other version took the additional step of adding a deed-restriction on the primary unit forever restricting vacation rentals of the original home.

I'm sure you understand the arguments on this. The 45-day notice proposal tests the boundaries of state law and uses the ADU issue to attempt to impose additional restrictions on vacation rentals that are not a requirement of the new state law.

I urge you to adopt the version of the ADU proposal that does not have the objectionable provision related to the primary unit.

(FYI, I have no interest in building an ADU -- it would not work on my property.)

Thank you for considering my views.

I urge you to delete Provision 5 of the New Standards.

Given that

(1) The construction of, or conversion to, an addition of an ADU or a JADU is an **entitlement by State Law**;

(2) The owner's discretionary use of his private home in the TD development for himself, his family, friends, guests and renters is an **entitlement anchored in the TDA covenants**; and

(3) Assembly Bill 670 (AB670) does not include any provision that addresses or diminishes the right of use of the primary dwelling, there is no basis to include any new restrictions on the use of the primary dwelling. Trying to do this is an arbitrary convolution of two unrelated issues.

It appears to me that combining approval of an ADU or JADU with a "*quid pro quo*" requirement to abdicate a substantial right of use of the primary building should not be attempted, as it amounts to improper coercion. If the Board wants to institute a change of covenant to the effect that any TD lot that has an ADU or JADU may not use the primary dwelling for purposes of short term renting, such a change should be submitted for an *ad-hoc* election and approval by the membership as provided in the CC&Rs.





I was reading over the 45 day notice regarding the new ADU law, specifically the section below which I think is counter productive to the intent of this new law. I agree that if you have an ADU or JADU that it should be prohibited from being used as a short term rental, but not the primary unit.

This is penalizing a homeowner from contributing to our long term rental pool but forcing them to limit other avenues of income generation that is currently available to all other property owners. If I were a homeowner that currently leased my house short term and had a property that lent itself to an ADU/JADU I would want and expect to be able to be able to continue to rent the primary unit short term rental and would probably choose not to pursue an ADU due to this provision. Making it counterproductive by not adding a potential long term rental to our community as intended.

I am curious what the benefit/intent of this provision is meant for and would welcome a discussion.

In addition, my partner Anna and I would love to sit down for a short video that explains this new law and the impact on Tahoe Donner, it happens to be our topic for next month. Let me know if that is something you would be interested in.

Thank you!

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





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there is no basis to include any new restrictions on the use of the primary dwelling. Trying to do this is an arbitrary convolution of two unrelated issues.

It appears to me that combining approval of an ADU or JADU with a forced requirement to abdicate a substantial right of use of the primary building should not be attempted, as it amounts to improper coercion. Please delete this unjust provision that will certainly only result in unwanted legal fees to all members.

Note: I don't have a property that yields itself to such a ADU but feel the proposal is unjust, illegal, and will result in unwanted legal fees. Thanks.

