



January 30, 2020
2:30 p.m.

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

January 28 thru 30, 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 eleven (11) comments submitted between January 28 thru 30, 2020.

As homeowners in Tahoe Donner our family supports the proposed rules and regulations pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as outlined by the board. These proposed regulations strike a good balance in meeting the spirit of the new law while maintaining our quality of life in Tahoe Donner by discouraging an increase in short term rentals. Further, the parking regulations make common sense and seem appropriate for the situation. Additionally, the deed restriction as proposed will ensure ADUs and JADUs are not illegally exploited as short term rentals, which would violate the law as intended by the legislature and governor. Lastly, prohibiting the main dwelling unit from converting into a short term rental if an ADU or JADU is proclaimed on the property prevents speculators from attempting to use Tahoe Donner as merely a real estate speculation with no concern for the quality of life Tahoe Donner currently enjoys. These proposed regulations appear to comply with the law while balancing what makes Tahoe Donner unique.

Thank you for your time,

We support the proposed ADU rules and urge that the board adopt them at the next Board meeting. Having a deed restriction seems like a proper way to ensure that such units remain available for the intended purpose of the legislation - to increase the supply of affordable housing for long-term residents. This is a serious issue in Truckee as in most of California and important as a tool to provide housing for service workers and others we rely on when we are in Truckee.





I support the draft rules that the proposed ADU rules strike the important balance of protecting the residential nature of Tahoe Donner and insuring that any ADUs are utilized for long-term housing needs as intended.

I have just read the agenda item regarding ADU and JADU. Having read the 45 day notice and a number of letters to the Board, I believe it is critical that the Short-Term Rental provision remain as written. I noticed a number of letters questioning the covenant provision. I believe it is absolutely necessary that this provision **MUST** remain in the new ADU rules. It must be clear to the current owner and any future owners that this property can no longer be used as a STR otherwise; I believe it will defeat the purpose and intention of the new law. Having this restriction will force the owner to clearly know the rules and their intention, when they make the decision to construct an ADU. The area needs more permanent and seasonal housing. Thank you for time and effort being on the Board.

I am writing to you and the other board members to express my strong support for the proposed Accessory Dwelling Unit (ADU) rules that are being considered pursuant to a 45-day notice.

The rules are a response to recent California legislation pertaining to ADUs that passed last year, was signed by the Governor, and just became law January 1st. The proposed rules are needed to avoid potential parking issues and other CC&R compliance problems if a TD property owner wishes to construct or designate something like an existing "granny unit" above an existing garage on the property as an ADU. More importantly the rules will ensure the ADU is actually used to meet this region's long-term housing needs as the Legislature intended, not as a short-term rental "STR" property.

This should be a no-brainer for the board to adopt.

Thank you.





I am writing to express my strong support for the proposed Accessory Dwelling Unit (ADU) rules that are pending and being considered pursuant to a 45-day notice. They are a response to California legislation pertaining to ADUs that passed last year, was signed by the Governor and just became law on January 1, 2020. The proposed rules are intended to avoid potential parking issues and other CC&R compliance problems if a TD property owner wishes to construct or designate something like a "granny unit" above an existing garage on the property as an ADU. More importantly the rules will ensure the ADU is actually used to meet long-term this region's long-term housing needs as the Legislature intended, not as a short-term rental *STR" property.

I support the Board's proposed rules regarding ADUs and JADUs, but believe they do not go far enough to address the impacts of AB 670 on the Tahoe Donner community. California clearly has an affordable housing problem, and I support the intent behind AB 670 to address the issue. In passing AB 670, however, our representatives have applied an over-reaching, one-size-fits-all solution to a complex problem. We now must deal with the consequences.

Firstly, it seems clear the Legislature understood the danger of opportunists and profiteers exploiting the law for personal gain. Why else would they have included a carve out allowing restrictions on short-term rental of ADUs when they rejected virtually all other restrictions. STRs do not help address the affordable housing problem. Arguably, they exacerbate it. The Board's proposed rules restricting use of ADUs for STRs are wholly consistent with AB 670's intent, and I support the Board in seeking a covenant against the title of a lot to prevent construction of ADUs for the purpose of short-term rental of either the ADU or the primary residence. In fact, it is crucial that STR of the primary residence be restricted because a profit maximizer will always choose to live in the ADU and rent the primary residence. Such an arrangement makes a mockery of the law.

I would also like the Board to consider whether the annual assessment should be increased for lots with ADUs. The assessment is currently the same for each lot. That system was put in place when our CC&Rs made it safe to assume there would only be one dwelling per lot. Now, that assumption is no longer valid. The future occupants of ADUs will put demands on Tahoe Donner amenities and infrastructure that must be paid for. ADU occupants should not be allowed to become "free riders" on TDA services. I suggest the Board consider putting an additional assessment on any lot with an ADU or JADU.





Next, I would like the Board to consider how ADUs affect the fire risk to the community. The largest and most dangerous source of fuel on most lots is the structure itself. As we saw in Santa Rosa and Paradise, it is often the homes that burn down the forest rather than the other way around. Building ADUs will invariably increase the fire risk to the entire community by adding that much more fuel to any potential wildfire incident. The Board must seek ways to reduce that risk. Here are some ideas:

1. Require annual defensible space inspections of any lot with an ADU and impose fines if a lot has violations
2. Require ADUs be constructed with the latest fire resistant materials, construction techniques, and suppression technologies
3. Require the primary residence be upgraded to use the latest fire resistant materials, construction techniques, and suppression technologies as a condition of being permitted to build an ADU

There very well may be many other potential actions the Board could take. I recommend the Board set up a task force to study the issue and make recommendations.

Lastly, I believe neighbors should be informed and have an ability to provide feedback to the ASC if an ADU is proposed to be built on a nearby lot. Neighbors may have legitimate concerns regarding privacy, access, parking, traffic, etc. that the ASC should hear before approving any ADU design.

Thank you for your consideration,

Dear Tahoe Donner board members, I can't make it to the meeting on Friday but wanted to let you know that I am very much in favor of adopting the proposed ADU rules for our neighborhood. The state's intention in overriding the prohibition on secondary units in HOA's was to help solve the housing crisis. So, I think these ADU's, if built, should be used for long term rentals only. The parking terms are critical to avoiding neighborhood problems and unsightly and dangerous conditions. The deed restriction is the only effective way to prevent the illegal use of ADU's as short-term rentals and to be sure that anyone buying a property is aware of and will abide by the restriction. I urge you to adopt the proposed ADU rules, please ensure that we continue to enjoy our beloved quality of life in Tahoe Donner!

We are writing in support of the draft ADU rules as they strike a needed balance of protecting the residential nature of Tahoe Donner and insure that any ADU's are utilized for long-term housing as intended. We are home owners who spend more than 75% of our





time at our home here in Tahoe Donner and love the community here. Thank you for working to protect our beautiful community.

The purpose of this e-mail is to support the ADU rules as outlined in the January 2020 Tahoe Donner news.

I feel that given the need for housing in the Truckee area, the rules as written are appropriate and necessary. The rules provide for reasonable units to be built that will be in keeping with the Tahoe Donner environment. The parking requirements insure that adequate parking will be provided and that cars will not be crowding our streets summer or winter or parked on portions of lots that may be fire prone. Finally, the deed restriction precluding ADU's or the primary residence from being used as a short-term rental will ensure that the properties do add to the Truckee housing stock and address the acute housing shortage in the area.

Thanks to the Board and staff for all of the hard work and thought put into these rules.

This is to comment on the proposed rules for the regulation by TDA of Accessory Dwelling Units and Junior Accessory Dwelling Units within the limitations of AB 670. It is unfortunate that the state government chose to enact this provision so late in the year and without providing sufficient time for reflection on serious implementation issues associated with the bill. Nonetheless, in all material respects I support the rules as proposed and urge you to adopt them.

AB 670 represents a partial state override of TD's founding vision as a "single family residential community" with longstanding restrictions on commercial and multi-family uses. Fortunately the law permits reasonable restrictions. The proposed rules are reasonable:

- The rules do not unduly restrict ADU's, while
- Protecting the character of Tahoe Donner and
- Supporting the core purpose of the law, to increase the inventory of affordable housing in California.

Some TD owners have objected to the restriction on utilizing both the ADU and current residence as Short Term Rentals (STRs). After all, TDA covenants permit STRs for existing





residences. I believe this is a reasonable trade-off in light of the impact of greater density (single to multiple residences) and higher traffic/parking/utilization impacts associated with STRs. As I see it, all of us as owners have the right to build an ADU and rent it on a long term basis (assuming compliance with physical constraints) and in return we give up the right to use either residence or ADU for short term rentals. An owner thus may increase his property's value, adding an income component, serve the public interest in more affordable housing, and also avoid harm to the value of neighboring residences by preserving as much as possible the peace and quiet which is a key component of Tahoe Donner.

The deed restrictions are necessary to make these rules self-enforcing.

The physical restrictions (setbacks, etc.) and parking requirements simply extend TD's existing requirements and protect the neighborhood.

Thank you for your attention to this matter.

