

# Eastbluff Homeowners Community Association

## Special Members' Meeting to Discuss New State Regulations Authorizing Alternative Dwelling Units (ADU's)

- **Welcome and Introductions – Ron Rubino, HOA Board President**
  - **Board Members**
  - **Scott Smith - South Coast Property Management**
  - **Jeff Smith – Smith Architecture, Association's AR Consultant**
  - **Matt Ober – Partner Richardson, Ober, DeNichilo, LLC, General Counsel**
- **Meeting Format & Objectives**



# Matt Ober

## AB 670 - Accessory Dwelling Units

1. ADUs and JADUs *aka casitas, granny flats, etc.*
2. Cannot prohibit in Planned Developments.
3. Any covenant or rule that *effectively prohibits or unreasonably restricts an ADU is void.*
4. Allows for garage conversions.



# AB 670

## Accessory Dwelling Units

Adds civil code Section 4751

*“It is the intent of the Legislature ... 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.”*

# AB 670: Accessory Dwelling Units

## ▶ “Accessory Dwelling Unit”

▶ A second unit on a lot up to 1,200 square feet in size Either completely detached or contained within the walls of the house of the lot

▶ Allows dwellings to include cooking, sleeping, and bathroom facilities.

## ▶ “Junior Accessory Dwelling Unity”

▶ Up to 500 square feet

▶ Outside entrance and cooking facilities

▶ May share bathroom facilities with main house



Raised Basement



Garage Conversion



Backyard Cottage

## ***Can impose reasonable restrictions***

- must not unreasonably increase cost to build
- must not effectively prohibit construction of
- must not extinguish the ability to otherwise construct.



## **Are ADUs subject to:**

1. Use Restrictions?
2. Rental restrictions?
3. Architectural Enforcement?
4. Assessment reallocation?
5. Zoning Issues?
6. Legal Challenges?

# Other Legislation Impacting HOA (1)

**AB 587 (Friedman)** – Authorizes local governments to permit the sale of an ADU separate from the primary residence if certain conditions are met (e.g., property built by a qualified nonprofit corporation)

**( May signal a door opened to do the same in CIDS although unlikely as it would require annexation, separate ownership of lot, assessment allocation, reserve contributions etc. etc.)**

**AB 671 (Friedman)** – Requires local governments to promote and incentivize the creation of affordable ADU rentals. Low, very low, moderate income housing.

**SB 13 (Wieckowski)** – Prohibits local governments from imposing a requirement that the primary dwelling or ADU be owner-occupied and streamlines the permit application process (must be approved or denied within 60 days) and prohibits requiring replacement parking if garage is converted to ADU.

# Other Legislation Impacting HOA (2)

**AB 881 (Bloom)** – Further removes the ability of local governments to restrict construction of ADUs

- Prohibits min lot size ordinance
- (e.g., local governments cannot require replacement of off-street parking when converting a garage into an ADU)
- Setback- requires set back of no more than 4 feet for an ADU that is not converted from an existing structure
- Cuts permit approval from 120 to 60 days of receipt of application
- Prohibits owner occupant requirement for either the main dwelling or ADU
- No parking standards if located within ½ mile of public transit

# Next Steps:

- ▶ **ADU review and approval under the existing Governing Documents**
  - ▶ To ensure harmony of the external design and location of proposed ADU in relation to surrounding structures and topography
  - ▶ To ensure compatibility with the existing homes of the proposed structure's materials, colors and architectural style
  - ▶ To minimize the impact of proposed ADU on privacy, noise, landscape view impairment
- ▶ **Establishing an ADU policy**
  - ▶ Input From Community
  - ▶ Input from City Planning
  - ▶ Board Adoption of ARC rules for ADUs



# Jeff Smith – ARC Guidelines

- ▶ ARC Guidelines Current Restriction on Granny Units and ADU
- ▶ What is happening with Other CA HOA in dealing with new regulations
- ▶ Board has requested Draft Modifications to AR Guidelines
- ▶ Proposed ARC Guidelines for ADU's on Agenda 1/06/2020
- ▶ Potential ADU Proposals and Issues





600 S.F.

250 S.F.

810 S.F.





760 S.F.

Alta Vista Dr

STOP

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Google Earth







## **Scott Smith - Alternate Dwelling Unit (ADU) Guidelines Schedule**

### **December 2, 2019 Monday**

Board approves calendar for considering SDU guidelines and obtaining Member feedback.

### **December 3, 2019 Monday**

Ron Rubino sends email to members who have previously expressed interest in ARC Guidelines asking them to attend special meeting Monday December 9 at 7 pm.

### **December 5, 2019 Thursday**

Scott Smith sends email blast to members inviting them to attend special meeting Monday December 9 at 7 pm.

### **December 9, 2019 Monday 7 pm**

Hold Special Meeting of Members to Inform & Educate interested owners on ADUs. (E-mail blast on November 25, 2019 with a reminder blast scheduled for December 5, 2019)



**January 6, 2020 Monday (Regular HOA Meeting)**

Review initial Guidelines provided by Jeff Smith, Smith Architects

Determine if Member Workshop is needed, set date at least 10 days prior to February meeting

**January 27, 2019 Monday**

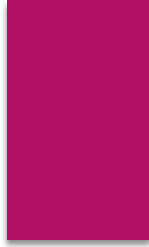
Scott Smith sends email blast meeting reminder to members with copy of draft guidelines and request comments.

**January 28, 2019 Tuesday**

Ron Rubino sends email blast meeting reminder to members with copy of draft guidelines and request comments.

**February 3, 2020 Monday (Regular HOA Meeting)**

Board discusses feedback from members and adopts "Draft" Architectural Guidelines on ADUs



### **February 3, 2020 Monday (after meeting)**

Scott Smith posts guidelines and 28-day notice to bulletin board.

### **February 4, 2019 Tuesday**

Scott Smith sends guidelines under 28-day notice requirement to HOA web site and sends email blast to members.

### **February 24, 2020 Monday**

Scott Smith sends email blast meeting reminder to members with copy of draft guidelines and request comments.

Updated ARC guidelines become effective.

### **March 2, 2020**

Board adopt Final Architectural Guidelines related to potential ADUs.

### **March 3, 2020**

Send ARC guideline update to members using email blast and HOA web site.  
(Starts 30-day notice period.)

### **April 2, 2020**

Updated ARC guidelines become effective.

# Questions and Answers

- ▶ HOA Members' questions and suggestions
- ▶ Board wants to hear ideas from Members Architectural Guidelines that should apply to ADU's
- ▶ **Next Meeting Monday January 6 ay 7 pm Oasis Senior Center**
- ▶ E-mail your comments they will be included in future report

**[Ron@Eastbluff.net](mailto:Ron@Eastbluff.net)**

**Thank you for your participation and time.**