

Hello Brian and Tyler,

I recently tried to contact Patrick Dobbs about when the supervisors will be voting on the planning commission's recommendations and learned he no longer works for the county. Did his contract end?

Who is the contact person on this now?

I am attaching a revised comment below sent to Patrick that he wouldn't have been able to respond to.

Greg Zaller

As an investor attempting to build affordable housing, I am encouraged that the Nevada County Planning Commission on July 13 endorsed the concept that banning investors from building affordable housing isn't right.

I learned at the planning commission meeting that the single justification for banning investor built ADU's is not based on written findings. The presumption is that ADU's built by those who claim they live on the property when the permit is issued would be good for the neighborhood and that those built by investors who don't live on the property would be bad. This ban on investor built affordable housing, based on hearsay, thwarts the basis of why the state of California is encouraging the development of ADU's in the first place: to alleviate a shortage of affordable housing. Please read GOVERNMENT CODE SECTION 65000-65010 and SB-167 Housing Accountability Act.: "The Housing Accountability Act, among other things, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on substantial evidence in the record."

Specified written findings would be required, supplied by the county if I must bring this to court if the supervisors do not support the planning commission and deny my permit application to build an ADU as a non-occupying owner. There must be a reasonable and legal basis for the claim that banning non-occupying owners from building ADU's would harm neighborhoods and that allowing owners who claim to occupy their property when the permit is issued would not.

I suggest that we jointly investigate what problems ADU rental properties have so that a thoughtful policy can be developed that addresses the true basis of problems and is not discriminatory nor blatantly opposed to the need for affordable rentals. My experience as a developer, owner, and manager of highly affordable housing for 30 years is that problem rentals share in common that they are not professionally managed, and whether or not an occupying owner originates them is inconsequential. I propose that anyone be allowed to build an ADU and that professional management be made a requirement.

# Rural Quality Coalition

August 28, 2017

Re: Revisions to Nevada County Second Unit Ordinance

Dear Planning Commissioners:

The proposed changes to the County's Second Unit Ordinance are intended to meet new State law. However, the proposed changes bring to light the fact that the current ordinance could be made better as an affordable housing tool beyond the minimum of State law and be more neighborhood friendly. Recommended additions:

1. **Make second unit maximum size smaller.** Currently a 1200 sq ft maximum is in place for second units. In the past we have recommended that this max be 800 sq ft.... 1200 sq ft is generally not affordable any more in Nevada County to low income households (approx. \$1200/month rent max would be needed) and our largest need is for small households of 1 and 2 persons. 800 sq ft provides for a small 2 bedroom house (for example, this is the Nevada City max). 640 sq ft. is an even more needed size, providing for a 1 bedroom unit.

Smaller units are cheaper to build and thus more affordable. In addition, because they house smaller households, they generate less traffic as well as less septic system waste.

2. **Accessory units should not be allowed to be rented as vacation rentals.** (AirBnB etc.) This was not the intent of State or local law when enacted. They are supposed to provide for long term housing. Even though vacation rentals provide income to the primary home owner, they do not provide local resident housing. If the main unit is not to be occupied by the homeowner, it should also be restricted from use as a vacation rental also, since the intent appears to be to provide additional long term rental housing.
3. **No mitigation fees as incentive for low rent.** The County should consider not requiring mitigation fees for construction of second units if the owner agrees that if rented it will not exceed low or very low income rental rates. This would assist in making them affordable and encourage their construction.
4. **Home owner in main house.** This is needed for the following reasons:
  - The intent of second units is to be accessory to the main unit, which logically has meant that the homeowner is in the main unit.
  - If both units are rentals, they become just investment properties with the intent of maximizing return on the main unit as well as the second unit. This generally results in greater housing cost for the main unit by a renter than a homeowner. We are seeing a trend in these situations of both units being rented as vacation rentals in this case.
  - 2 unit/parcel rental properties are already handled in part by R-2 zoning.

Thank you for the opportunity to comment,

Laurie Oberholtzer

To: Nevada County Planning Commission

From: Tenants of Nevada County

Re: Revised Accessory Unit Ordinance

August 29, 2017

Tenants of Nevada County is working to increase the supply of affordable housing in Nevada County and advance the interests of tenants more generally. At our first General Meeting of tenants and allies, we received directives from our membership to: (1) increase construction of affordable second units and (2) control the number of vacation rentals. Many of our members, in their search for housing, have noticed the supply of both primary and accessory units decrease because so many are being used as vacation rentals, contributing to an extreme lack of affordable rentals in the area. Our membership also identified creating incentives for landowners to build more accessory units as an immediately actionable strategy for increasing the available housing stock for tenants in search of affordable housing.

We offer the following comments on the proposed revisions to the Nevada County Accessory Units Ordinance:

1. Add a requirement that accessory units not be used as vacation rentals to ensure that they are used for long term resident housing.
2. Allow the County to forgive building and other required fees if the homeowner agrees to rent the accessory unit to low or very low households and at a rate affordable to those income groups. This will make it less expensive to build the accessory units and pass this savings on to the renters. This is a cost effective program that will directly create housing immediately.

Furthermore, we ask that the Board of Supervisors consider every reasonable option for increasing the number of accessory units that will be built and used as affordable long-term rentals.

Sincerely,

Mike Berlin, Cody Curtis and Ani Kington

Tenants of Nevada County