



# **BOARD OF DIRECTORS MEETING**

*HIDDENBROOKE COMMUNITY MEETING*

August 21, 2018

# Agenda

## I. **Call Meeting to Order – President**

1. Verification of Meeting notice/Agenda
2. Establish a quorum - Attendance/Introductions:
  - a) **Board members:** Chris Brittle, Paul Norberg, Desiree Conley, Allan Yeap, Timothy Moore, James Campagna and Jagdip Singh
  - b) **Service Providers:** Tonya Kalvass (Community Manager)
  - c) **Invited Committee Chairs and Guests:** Ed Medina (Welcome Center Manager), Birgit Rickert (HMD Chairperson)

## II. **Guest Speakers** – City of Vallejo Staff to speak on review of Landmark Custom Homes and ADU Ordinance

# Agenda

## **III. Committee Reports**

1. Committee Member Reports:
  - a) Hiddenbrooke Architectural Review Committee (HARC)
    - i. Custom Homes on Landmark
      - Referral to Planning Commission
    - ii. City's ADU Ordinance
  - b) Hiddenbrooke Maintenance District Advisory Committee (HMD)
    - i. Parkway Landscaping/Removal of City Street Trees

## **IV. New Business**

1. Immediate Options for Restricting ADUs

# Agenda

**V. Open Forum** – *Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of HPOA may speak now. Each speaker should state his/her name and address for the record and is limited to three (3) minutes. Secretary will track time.*

**VI. Board President Report**

**VII. Approval of Minutes**

- Approval July 17, 2018 Open Board Meeting Minutes and Annual Meeting Minutes - *Motion*

# Agenda

## **VIII. Report from Closed Session 8/21/18 – summary**

- 1. Member Discipline: Hearings and Fines – Tonya Kalvass**
  - a) Meet & Confer Hearings Conducted
  - b) Reimbursable Assessments levied
  - c) New Fines Assessed
  - d) Collection activity – Pro Solutions
  - e) Homes with Small Claims Court Actions
  - f) Judgments received since last Board Meeting

## **IX. OMNI Community Management: Compliance Report**

1. Compliance notices sent since last meeting
2. Compliance issues resolved since last meeting

## **X. Financials**

1. Review and accept July 2018 Financials - *Motion*
2. Comments on any large non-recurring expenditures or unusual bills

# Agenda

**IX. Upcoming Events and Future Agenda Items**

**X. Adjourn Meeting – Next Open Board Meeting (Last Slide)**

# Board Policy Statement

- We fully support the vision for Hiddenbrooke articulated in the Specific Plan.
- We want a well planned community with quality development and minimum potential for new uses that could be disruptive or considered a nuisance
- The two Landmark Custom Homes present unique challenges for our governing documents because of the age of the documents and unanticipated effects of new State Laws promoting Accessory Dwelling Units (ADUs).
- HPOA has articulated our concerns with the Custom Homes in various letters to the Builder and about the ADU Ordinance in several letters to the City.
- While HPOA/HARC have provided due process for the Custom Home Builder, we understand there remain significant concerns with these Custom Homes in the community, particularly regarding their future use and occupancy.
- With these concerns in mind, we think that further review by the Planning Commission would be appropriate for areas that are beyond HARC's Design Review Process, yet could produce significant future impacts for our community.

# Recap of ADU Workshop

- Plans for Landmark Custom Homes
- HARC Review
- ADU Survey Results
- City Review of Homes
- CC&Rs – Strengths & Weaknesses
- Proposed City ADU Ordinance



# Workshop Feedback

- Homes not consistent with HB Specific Plan
- Concerns with multiple occupants/nuisances
- Effect of ADUs on property values
- Ask for Planning Commission review of Homes
- Like to hear more about legal issues from Counsel
- What does Development Agreement say?
- CC&R enforcement of Short-term rentals (Airbnb)
- CC&R ADU fixes will take too long; need Moratorium

# Referral to Planning Commission (Action Item)

- Board agrees with many concerns expressed at the ADU Workshop
  - Can the Board object to the project after HARC completed its review (April)? – Answer: No, the project is with the City
  - Can the Board present new information that Planning Staff and/or the Commission could consider? – Answer: Yes
- Major Workshop concerns center around how homes will be used in the future (currently unknown):
  - Very flexible design - many rooms; many possible uses
  - Possible problem - too many individuals/families living in one home
    - How many occupants allowed by City to live in home?
    - What controls on occupancy does City have?

# Referral to Planning Commission (Cont.)

- Possible problem - what if both Homes become care facilities for seniors or sober living?
  - Over concentration of care facilities in one area
  - Additional parking requirements may be needed
- The City should require Owner Occupancy for Custom Homes
  - Owner must reside in main house or ADU
  - City has discretion under State ADU Law to require
  - Best way to ensure homes are well run & maintained
  - But, controversial issue with Council

# RECOMMENDATION

- Send letter to City Planning Department providing Workshop concerns:
  - HPOA would like to submit additional information from the community based on a recent Workshop held on the Custom Homes and ADUs
  - Many residents at the Workshop feel the Homes and new ADUs are not consistent with their vision for Hiddenbrooke
  - The Staff Report for the Custom Homes should address concerns about how these homes will be used as well as require Owner Occupancy
  - HPOA feels these concerns are legitimate and may warrant review by the Planning Commission and/or City Council

# Comments on City ADU Ordinance (Action Item)

- Council Action postponed to September 25
- HPOA has already sent two letters commenting on Ordinance and testified at Planning Commission and Council
- Ordinance must include requirement for Owner Occupancy (including a Deed Restriction, as originally proposed)
- Short-term rental prohibition already included in Ordinance (as well as in our CC&Rs)

# RECOMMENDATION

- Send Letter to City Council requesting re-instatement of Owner Occupancy requirement in the City's proposed ADU Ordinance
  - Per original Ordinance, also include Deed restriction requirement

# Immediate Restrictions on ADUs (Action Item)

- Option 1 – Moratorium on ADU applications to HARC until CC&Rs updated
  - Legal questions about how to prohibit ADUs
- Option 2 – Allow ADUs, but restrict with new Rules
  - The stricter the Rule, the more limiting for ADUs
  - Rules do not need a Member vote; can be adopted by Board
  - Rules clarify or add detail to CC&Rs & Design Guidelines
  - Prepare Rule, 30 day comment period, adopt Rule
  - Probably a 2 month process

# Sample ADU Restrictions with New Rules

- Restrict ADUs by size of Lot
  - Limit to Custom Home lots (1 acre), or
  - Limit to lots greater than one quarter (1/4) acre
- Allow only 1 Bedroom
- Not more than 800 sq. ft.
- Strict parking requirements (different for existing and Custom Homes)
- Must be in rear of house (for existing homes)
- Must be Owner-Occupied
- Lease Restrictions (could apply to all homes)



# RECOMMENDATION

- Immediately start work with Legal Counsel to develop a new Rule (s) for restricting *new* ADU applications while CC&Rs are being updated
- Investigate prohibiting ADUs, but focus on restrictions that are likely more defensible (legally)
- Publish the Rule and obtain Member Comments
  - 30 day review period
- Board Adopts new Rule
  - May take several months

# Next Open Board Meeting

**September 18, 2018 at 7:30 PM**

