

**TOWN OF TRUCKEE
California**

ORDINANCE 2022-11

**AN URGENCY ORDINANCE OF THE TOWN OF TRUCKEE
AMENDING SECTION 18.58.025 OF THE TRUCKEE MUNICIPAL CODE REGARDING
ACCESSORY DWELLING UNITS**

WHEREAS, the Town of Truckee California ("Town") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Town of Truckee has existing requirements in the Truckee Municipal Code, Title 18, Development Code for the creation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in the fall of 2022, the California Legislature approved, and the Governor signed into law, Assembly Bill 2221 and Senate Bill 897, which modify the Government Code sections pertaining to ADUs and JADUs, impose new regulations on the creation and permitting of ADUs and JADUs, and preempt local authority; and

WHEREAS, the above-referenced State legislation becomes effective on January 1, 2023, and any local ordinances which are not in compliance with the legislation by that date will be rendered null and void; and

WHEREAS, updates to the Development Code are necessary in order to bring the Town's existing ADU and JADU requirements into compliance with the State laws; and

WHEREAS, the need to have an ordinance in effect by January 1, 2023 that complies with the new state laws, so as to ensure that ADUs and JADUs are constructed in a manner that provides safety for those persons who occupy the units as well as the general public, renders this an ordinance for the immediate preservation of the public peace, health or safety; and

WHEREAS, California Government Code Sections 36934 and 36937(b) authorize the Town Council to adopt by four-fifths (4/5) vote, without a second reading and with immediate effect, an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency.

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The Town Council of the Town of Truckee Does Ordain as Follows:

Section 1. Recitals. The recitals above are incorporated herein.

Section 2. Enactment. Title 18, Development Code, of the Truckee Municipal Code Section 18.58.025 (Accessory Dwelling Units) is hereby amended as designated in Exhibit "A," attached hereto and incorporated herein by reference.

Section 3. Urgency Ordinance Findings.

a. The Town Council hereby finds, determines, and declares that this urgency ordinance is necessary to promote the immediate preservation of the public peace, health and safety by ensuring that ADUs and JADUs can be constructed in Truckee in accordance with state law for the safety of the occupants and the general public.

b. The Town Council hereby enacts this urgency ordinance by not less than a four-fifths vote, and in light of the findings set forth herein, under the authority granted to it as a charter city by the California Constitution, and Sections 36934 and 36937(b) of the California Government Code, which allow the Town to adopt an urgency ordinance, in order to protect the public peace, health, and safety.

Section 4. Development Code Amendment Findings. The Council hereby adopts the following findings in support of adoption of this ordinance and the amendments identified in Exhibit "A" to Title 18, Development Code:

a. The proposed amendments directly implement and are internally consistent with the goals, policies, and actions of all elements of the 2025 General Plan.

b. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.

c. The proposed amendments ensure and maintain internal consistency with other applicable provisions of the Development Code, California law, Federal law, and the Subdivision Map Act.

d. In addition to the standard findings above, the proposed amendments comply with Government Code Section 65852.2, 65852.22 and Health & Safety Code Section 17980.12 regarding accessory dwelling units and junior accessory dwelling units; however, the following development standards are found to be necessary due to severe regional weather conditions which impact life safety of Truckee residents:

1. In Section 18.58.025.D.3.a.2.b (Roof design and materials), it shall be required that the pitch of any portion of the roof within a reduced setback shall not be directed toward the side or rear property line, or the structure shall have a non-shedding roof material and/or snow retention mechanism for the life of the structure. The Town of Truckee finds that, in accordance with Truckee Municipal Code Sections 15.03.080 (Declaration as High Snow Area) and 15.03.110 (Snow Loads) which declare that all of the Town of Truckee is classified as a severe climate and "high snow" area, the aforementioned design standards shall apply to roofs within setback areas to address snow-related issues associated with life safety, structural integrity, and property damage prevention.
2. In Section 18.58.025.D.3.b.1.a (Front & street-side setback reductions) reductions to the standard front and street-side setback areas for the purpose of creating an ADU shall only be permitted if it is infeasible to construct an 800 s.f. ADU elsewhere on the property, and specific standards will apply. The Town of Truckee finds that the incorporation of this standard is in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and is necessary for life safety to protect residents within or exiting the ADU during snow removal operations as large ice chunks can be projected through the air

into front and street-side setbacks and toward buildings and windows within those areas.

3. In Section 18.58.025.D.3.c.3 (Garage conversions) it shall be required that an existing legally constructed garage located within a front yard or street side setback that is approved for conversion to or replacement with an ADU shall not include any windows, doors, or other wall openings on the elevation(s) that is/are parallel to and facing the street(s) within the standard setback area. The Town of Truckee finds that the incorporation of this standard is in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and is necessary for life safety to protect residents within or exiting the ADU during snow removal operations as large ice chunks can be projected through the air into front and street side setbacks and toward buildings and windows within those areas.
4. In Section 18.58.025.E.5 (Parking location), the Town of Truckee finds that in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and due to Truckee's unique winter climate, the necessity to provide fast and efficient snow removal operations to accommodate emergency response vehicles and enhance driver safety, and the need to minimize property damage to parked vehicles during snow removal operations, required parking for ADUs and any required replacement parking for the main dwelling shall meet the following criteria:
 - All required parking shall be entirely on the private property and not in the right-of-way (Development Code 18.78.070.A, Location [of off-street parking]);
 - No required parking shall be located within a snow storage easement (Municipal Code Section 10.17.030, Obstructing snow removal equipment prohibited);
 - No required parking shall be located within five feet of side property lines (Public Improvements and Engineering Standards Section 4.07, Driveways); and
 - Unless otherwise restricted by the above requirements, tandem parking and/or parking within setback areas is permitted.

Section 5. CEQA Findings. The Council has determined the proposed amendments to the Development Code are exempt from the provisions of the California Environmental Quality Act per Section 15061(b)(3) of the CEQA Guidelines, which applies to projects where it can be seen that there is no possibility that the activity in question may have a significant effect on the environment, and Public Resources Code Section 21080.17, which exempts adoption of an ordinance to implement Government Code Section 65852.2 pertaining to Accessory Dwelling Units.

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 7. If any section, subsection, sentence, clause, or phrase of this ordinance is deemed not to conform with a mandatory provision of Government Code Section 65852.2, 65852.22 or

65852.23, such section, subsection, sentence, clause, or phrase shall be deemed stricken from the ordinance and the corresponding provision of Government Code Section 65852.2, 65852.22 or 65852.23, if any, shall apply.

Section 8. Effective Date. This urgency ordinance shall take effect immediately upon its adoption.

Section 9. Records. The Custodian of Records for this Ordinance is the Town of Truckee Town Clerk and the records comprising the administrative record for this Ordinance are located at 10183 Truckee Airport Road, Truckee, California.

Section 10. Summary Publication. The Town Clerk is hereby directed to publish this ordinance in accordance with the law.

* * * * *

The foregoing Urgency Ordinance was introduced and adopted at a regular meeting of the Truckee Town Council held on the 13th day of December, 2022; Council Member _____ moved for the adoption, the motion was seconded by Council Member _____ and was upon roll call carried by the following vote:

AYES:

NOES:

ABSENT:

Courtney Henderson, Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Price, MMC, Town Clerk

Andrew Morris, Town Attorney

Attachments:

Exhibit A –Development Code Amendments

* * * * *

ORDINANCE 2022-11

EXHIBIT “A”

Section 18.58.025 of the Truckee Municipal Code is hereby amended to read as follows (additions are shown by underline type; deletions are shown in ~~striketrough~~-type):

Section 18.58.025 - Accessory Dwelling Units

This Section establishes standards for the development and operation of accessory dwelling units, previously known as secondary residential units and hereafter referred to as “ADUs.” For information specific to junior accessory dwelling units (JADUs), see Subsection O below.

A. Applicability. Accessory dwelling units (ADUs) are allowed in all zoning districts that allow single-family and multifamily dwelling residential uses (i.e., DRS, DRM, DRH, RR, RS, RM, DMU, DC, DM, DVL, CN, CG, CS, M, RC and REC zoning districts) subject to compliance with the development standards of the underlying zoning district for the primary dwelling and the requirements of this Section. If a conflict arises between the general development standards and the development standards applicable to ADUs, the development standards of this Section shall supersede any conflicting development standard of Article II or Article III.

B. Types of ADUs.

1. Attached ADU. An attached ADU is within or directly connected to an existing or proposed primary dwelling or its attached garage, having a wall and/or other conditioned space in common. This can include remodeling an existing permitted living space into an ADU, converting existing non-living space into an ADU, adding square footage or an additional floor to the primary dwelling or its attached garage to create an ADU, etc.

2. Detached ADU. A detached ADU is physically separated from an existing or proposed primary dwelling and its attached garage, not sharing a common wall or other conditioned space. This includes converting an existing detached structure into an ADU, adding square footage or an additional floor to an existing detached structure to create an ADU, constructing a new detached structure to create an ADU, etc.

3. Junior ADU (JADU). A JADUs is a smaller type of attached dwelling unit that is no more than 500 square feet in size. Standards for JADUs are described in Subsection 0 below.

4. Conversion ADU/JADU. A conversion ADU is the conversion or replacement of any existing portion of a legally constructed single-family dwelling, garage, or residential accessory structure for the purpose of creating an attached or detached ADU or an attached JADU. Standards for conversion ADUs on multifamily lots are described in Paragraph C.2.b below, and conversion ADUs on single-family lots are described in Paragraph D.3.c below.

C. Number of units allowed. An ADU that conforms to the development standards in this Section is deemed to be an accessory use and/or an accessory structure and will not be considered to exceed the allowable density for the lot upon which it is located.

1. **Single-family parcels.** One accessory dwelling unit (attached or detached) and one junior accessory dwelling unit (JADU) shall be permitted on a legal parcel developed with one single-family dwelling. An ADU and/or JADU may be developed concurrently with a new single-family dwelling; however, final occupancy of the ADU/JADU shall not be issued prior to final occupancy of the new main dwelling.
2. **Multifamily parcels.** JADUs are prohibited on multifamily lots. ~~On a lot with existing multifamily dwellings,~~ The property owner of the underlying parcel may choose one or both of the following methods to create ADUs:
 - a. **Multifamily Detached ADUs.** ~~On a lot with existing or proposed multifamily dwellings,~~ Up to two detached ADUs shall be permitted with ~~16~~18-foot height limits and 4-foot rear and side yard setbacks. Multifamily detached ADUs with a maximum gross floor area of 800 square feet each are eligible for the deviations to development standards applicable to smaller ADUs described in Subparagraph 18.58.025.D.3.b.2 below.
 - (1) **Additional Height Allowance:** On a lot with an existing or proposed multifamily dwelling that is within a half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Public Resources Code Section 21155, up to a 20-foot height limit will be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling. For example, if the primary roof plane on the multifamily dwelling has a 7/12 pitch, the detached ADU may exceed the standard 18-foot height limit up to a maximum 20-foot height only for the purpose of replicating the 7/12 pitch roof on the main structure.
 - b. **Multifamily Converted ADUs.** ~~Converted~~ ADUs within portions of existing multifamily dwelling structures that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, attached garages) shall be permitted; the number of converted ADUs permitted shall be one unit per existing multifamily development or up to 25 percent of the existing unit count in the building, whichever is greater.

For example, a multifamily property with 12 ~~existing~~ units could add two detached ADUs and three new attached ADUs converted from within the existing, non-livable space.

D. Size and location standards.

1. **Development envelopes and easements.** For ADUs constructed on lots where the recorded subdivision map established development/building envelopes and/or where there are recorded easements on the property, the building envelope and easement restrictions shall take precedence over any setback reductions provided within Subsection D.3 (Size limits, Setbacks and Standards) below.
2. **Proximity.** A detached ADU shall be located within ~~100 feet~~ the following distance of the main dwelling or the main dwelling's attached garage, unless a greater distance is determined to be necessary by the Director to avoid on-site septic systems, water supply systems, geographic constraints, and/or environmentally sensitive areas as defined in Section 18.46.030.B (Environmentally Sensitive Areas):
 - a. For single-family parcels under 1 acre in size and all multifamily parcels: 100 feet.

b. For single-family parcels of 1 acre to 1.99 acres in size: 150 feet.

c. For single-family parcels 2 acres in size or larger: 200 feet.

3. **Size limits, setbacks and standards.** ADU size (i.e., floor area and height), setbacks, and development standards are directly correlated, therefore they are combined in this Subsection D.3 (Size limits, setbacks and standards). Where side yard setback reductions are allowed in this Subsection, these reductions do not apply to street-side setbacks on corner lots. Additionally, on a through lot, both lot lines facing streets are front lot lines and subject to standard front yard setback standards; the lot is considered to have no rear lot line in accordance with the Development Code definition of “Lot Line.”

a. Standard ADUs.

- (1) **Standard maximum floor area.** The gross floor area of an attached or detached ADU is subject to the following standards:

(a) For single-family parcels under 1 acre in size and all multifamily parcels, the maximum gross floor area of an ADU shall not exceed the following:

i) 850 square feet* for an efficiency unit, studio or 1-bedroom ADU; or

ii) 1,000 square feet* for an ADU with two or more bedrooms.

(b) For single-family parcels of 1 acre or more, the maximum gross floor area of an ADU shall not exceed 1,200 square feet*, regardless of the number of bedrooms within the unit.

** The actual gross floor area of a standard ADU may be limited to less than these maximum sizes based on the application of the setbacks, height limits, and general development standards described in Subparagraphs (2) and (3) below. For example, a 2-bedroom ADU may be limited to 900 square feet in order to comply with the maximum allowable site coverage on the property.*

- (2) **Setbacks and height.** Any portion of an ADU that is 16 feet* in height or less is permitted to be constructed with reduced side and rear yard setbacks, no closer than 4 feet to the side and/or rear property lines, including eaves. Any portion of an ADU structure that exceeds 16 feet* in height from natural grade, shall comply with standard side and rear setbacks and height limits applicable to the main dwelling. (Note: Detached ADUs on multifamily lots shall ~~not be permitted to exceed 16 feet in~~ comply with the height limits in per Paragraph 18.58.025.C.2.a above.) ADUs shall comply with the standard front yard and street-side setbacks applicable to the main dwelling regardless of ADU height. The following standards shall apply to ADUs within the reduced side and/or rear yard setbacks:

(a) ***Additional Height Allowance:** An 18-foot height limit with the setbacks described above is permitted on a lot with an existing or proposed single-family dwelling that is within a half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Public Resources Code Section 21155.

On these lots, up to a 20-foot height limit with the setbacks described above will be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling. For example, if the primary roof plane on the main dwelling has a 7/12 pitch, a detached ADU may exceed the standard 18-foot height limit up to a maximum 20-foot height only for the purpose of replicating the 7/12 pitch roof on the main structure.

(a)(b) Roof design and materials. The pitch of any portion of the roof within the reduced setback shall not be directed toward the side or rear property line, or the structure shall have a non-shedding roof material and/or snow retention mechanism for the life of the structure. The Town of Truckee finds that, in accordance with Truckee Municipal Code Sections 15.03.080 (Declaration as High Snow Area) and 15.03.110 (Snow Loads) which declare that all of the Town of Truckee is classified as a severe climate and "high snow" area, the aforementioned design standards shall apply to roofs within setback areas to address snow-related issues associated with life safety, structural integrity, and property damage prevention.

(b)(c) Architectural projections. All architectural projections shall comply with Table 3-2 (Allowed Projections in Setbacks) based on the standard setbacks for the zoning district, excluding eaves which are allowed up to 4 feet from side and rear property lines. For example, on a standard single-family residential lot in the RS zoning district, a deck may project up to 3 feet into the 10-foot side yard setback or 6 feet into the 20-foot rear yard setback. Projecting features shall not be permitted unless they comply with development standards (i.e., site coverage, floor area ratio, and open space).

(3) Other development standards. ADUs shall comply with all other general development standards applicable to the main dwelling, including site coverage, floor area ratio, and open space unless an exception is provided elsewhere in this Subsection D.3 (Size limits, setbacks and standards).

b. Deviations for smaller ADUs. An attached or detached ADU that has both a maximum gross floor area of 800 square feet and a maximum height of 16 feet* from natural grade shall be permitted with the deviations to general development standards below. An ADU that exceeds either 800 square feet of gross floor area or 16 feet* in height from natural grade shall comply with Paragraph D.3.a (Standard ADUs) above. (*Note: Or up to 18 or 20 feet in height based on the eligibility criteria described in Subparagraph 18.58.025.D.3.a.2.a (Additional Height Allowance) above.)

(1) Rear & side yard Ssetback reductions. This category of smaller ADUs is permitted to be constructed with reduced side and rear yard setbacks, no closer than 4 feet to the side and/or rear property lines, including eaves. ADUs within the reduced side and/or rear yard setbacks shall comply with Subparagraphs D.3.a.2.ab (Roof design and material) and D.3.a.2.bc (Architectural projections) above.

(a) Front & street-side setback reductions. Smaller ADUs shall comply with standard front and street-side setbacks unless the property owner demonstrates to the satisfaction of the Community Development Director that it is infeasible to construct either an attached or detached ADU up to 800 square feet in size

without encroaching into the standard front and/or street-side setback areas. If an ADU is approved to be located within a front or street-side setback, 1) the encroachment shall be the minimum necessary, 2) the portion of the structure within the setback area(s) shall not exceed one story, and 3) the ADU shall not include any windows, doors, or other wall openings on the elevation(s) that is/are parallel to and facing the street(s) within the standard setback area. An ADU shall not be permitted within a recorded easement. The Town of Truckee finds that the incorporation of these standards is in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and are necessary for life safety to protect residents within or exiting the ADU during snow removal operations as large ice chunks can be projected through the air into front and street-side setbacks and toward buildings and windows within those areas.

- (2) **Deviations to development standards.** This category of smaller ADU is permitted to deviate from the site coverage, floor area ratio, and open space standards applicable to the property. Any deviation(s) shall be the minimum necessary to accommodate the floor area of the ADU living space, not to exceed an 800-square-foot deviation, and any existing nonconforming conditions to the zoning/development standards proposed to be exacerbated by the creation of an ADU must be legal.

c. **Conversion ADUs.** The following special standards apply to Conversion ADUs on lots with an existing single-family dwelling; however, they do not apply to multifamily or mixed-use properties:

- (1) **Setback Exceptions.** An existing legally constructed portion of a single-family dwelling, garage, or residential accessory structure that is converted to or replaced with an ADU shall not be required to meet additional setbacks beyond those that were required at the time the original structure was built. For replacements, if the structure is partially or completely demolished and replaced with a structure for a new ADU, the replacement structure shall be in the same location and shall not exceed the dimensions of the original structure, including footprint, floor area, and height, except as permitted below.

- (2) **Proximity & Size.** ~~The maximum gross floor area of the ADU portion of a converted or replaced structure shall not exceed the~~ The conversion or replacement of any portion of a legally constructed single-family dwelling, garage, or residential accessory structure for the purpose of creating an attached or detached ADU shall not be subject to the proximity requirements of Subsection D.2 (Proximity) or the maximum ADU size limitations of Subparagraph D.3.a.1 (Standard maximum floor area) above. For example, on a 3-acre parcel, a permitted 1,500 s.f. detached garage that is located 300 feet from the main dwelling could be converted to a detached ADU, which exceeds the 1,200 s.f. maximum size and the 200-foot maximum distance from the main dwelling. If the converted or replaced structure is 1,500 square feet, the ADU portion of the structure shall not exceed 1,000 square feet of gross floor area for a 2-bedroom ADU, and the remainder may be used for other residential accessory uses.

1. **Expansions of conversion ADUs.** If a conversion ADU results in less than the standard maximum allowable floor area for an ADU described in Subparagraph D.3.a.1 (Standard maximum floor area) above, an expansion/addition may be approved; however, any expansions shall be subject to the standard unit size,

height limit, setbacks, site coverage, floor area ratio, open space, and other development standards that would be applicable to a new ADU.

2. Ingress/Egress for conversions. In addition to any expansion allowed under Subparagraph D.3.c.2.a (Expansions of Conversion ADUs), a conversion ADU may include an expansion of the existing structure up to 150 square feet for the purpose of accommodating ingress and egress to/from the ADU. This is permitted only for space that is unconditioned and not fully enclosed (e.g., front porch, covered stairway, breezeway, wheelchair ramp). This space is allowed to deviate from site coverage, floor area ratio, and open space standards applicable to the property up to 150 square feet, and, if relevant, may be used in addition to the deviations permitted for smaller ADUs in Subparagraph D.3.b.2 (Deviations to Development Standards) above.

i) Setbacks for ingress/egress. A new ingress/egress feature for a conversion ADU shall be no closer than 4 feet to the side or rear property line and shall not extend further into standard front yard or street-side setbacks than the walls of the conversion ADU unless the feature is an architectural projection in compliance with Table 3-2 (Allowed Projections in Setbacks).

~~(4)~~(3) Garage conversions. In addition to the standards within Paragraphs D.3.c.1 (Conversion ADUs, Setback Exceptions) & D.3.c.2 (Conversion ADUs, Proximity & Size) above, an existing legally constructed garage located within a front yard or street-side setback that is approved for conversion to or replacement with an ADU shall not include any windows, doors, or other wall openings on the elevation(s) that is/are parallel to and facing the street(s) within the standard setback area. The Town of Truckee finds that the incorporation of this standard is in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and is necessary for life safety to protect residents within or exiting the ADU during snow removal operations as large ice chunks can be projected through the air into front and street-side setbacks and toward buildings and windows within those areas.

~~(2)~~(4) Roof modifications. If the converted or replaced structure is within the standard setbacks applicable to the main dwelling, and if substantial modifications are proposed to the existing roof design or surface/material as a part of the ADU creation, the modifications shall comply with Subparagraph D.3.a.2.~~ab~~ (Roof design and material).

~~1. Expansions of conversion ADUs.~~ ~~If a conversion ADU is less than the maximum allowable floor area for an ADU, an expansion/addition may be approved; however, any expansions shall be subject to the standard unit size, height limit, setbacks, site coverage, floor area ratio, open space, and other development standards that would be applicable to a new ADU.~~

~~2. Ingress/Egress for conversions.~~ ~~In addition to any expansion allowed under Subparagraph D.3.c.3 (Expansions of conversion ADUs), a conversion ADU may include an expansion of the existing structure up to 150 square feet for the purpose of accommodating ingress and egress to/from the ADU. This is permitted only for space that is unconditioned and not fully enclosed (e.g., front porch, covered stairway, breezeway, wheelchair ramp). This space is allowed to deviate from site coverage, floor area ratio, and open space standards applicable to the property up to 150 square~~

~~feet, and, if relevant, may be used in addition to the deviations permitted for smaller ADUs in Subparagraph D.3.b.2 (Deviations to development standards) above.~~

~~1. **Setbacks for ingress/egress.** A new ingress/egress feature for a conversion ADU shall be no closer than 4 feet to the side or rear property line and shall not extend further into standard front yard or street side setbacks than the walls of the conversion ADU unless the feature is an architectural projection in compliance with Table 3-2 (Allowed Projections in Setbacks).~~

d. Minimum floor area. A minimum floor area of 150 square feet is required for all ADUs.

E. Parking and driveways.

- 1. Parking standard.** One on-site parking space shall be provided for each ADU, in addition to any parking required for the main dwelling unit, in compliance with Chapter 18.48 (Parking and Loading Standards), unless an exemption is provided below:
- 2. ADU garage size.** If a garage or carport for an ADU is proposed, it shall not exceed 500 square feet, shall comply with all general development standards applicable to garages and carports, including site coverage, floor area ratio and open space, and shall be consistent with Section 18.58.220.FE.1.c (Residential Accessory Uses and Structures – Garages).
- 3. Parking exemptions.** The one on-site parking space ~~for the per~~ ADU shall not be required if any of the following situations apply:
 - a.** The ADU is located within a half-mile walking distance of a public transit stop or within the Downtown Specific Plan Area General Plan Land Use Designation; or
 - b.** The ADU is part of (attached to) an existing or proposed primary residence or an existing accessory structure; or
 - c.** When on-street parking permits are required but not offered to the occupant of the ADU-; or
 - d.** A car share vehicle station is located within one block of the ADU-; or
 - e.** When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies at least one criterion listed in Paragraphs a-d (Parking Exemptions) above.
- 4. Replacement parking exemption.** When a legally constructed garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted to an ADU, replacement parking for the main dwelling is not required.
- 5. Parking location.** The Town of Truckee finds that in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and due to Truckee’s unique winter climate, the necessity to provide fast and efficient snow removal operations to accommodate emergency response vehicles and enhance driver safety, and the need to minimize property damage to parked vehicles during snow removal operations, required parking for ADUs and any required replacement parking for the main dwelling shall meet the following criteria:

- a. All required parking shall be entirely on the private property and not in the right-of-way (Development Code 18.78.070.A, Location [of off-street parking]);
 - b. No required parking shall be located within a snow storage easement (Municipal Code Section 10.17.030, Obstructing snow removal equipment prohibited). Required parking shall be prohibited within easements unless either: (i) the easement is amended, with the consent of all entities with an interest in the easement, to clarify that the parking can remain in place in perpetuity notwithstanding any other provision of the easement; or (ii) all entities with an interest in the easement provide written consent for the parking to remain in place in perpetuity, which such consent is absolute, irrevocable, permanent, supersedes the easement to the extent it is inconsistent with the easement, and is recorded in the official records of Nevada County;
 - c. No required parking shall be located within five feet of side property lines (Public Improvements and Engineering Standards Section 4.07, Driveways); and
 - d. Unless otherwise restricted by the above requirements, tandem parking and/or parking within setback areas is permitted.
6. **On-street parking restriction.** Nothing within Subsection E (Parking and driveways), including the exemptions, shall be deemed to permit on-street parking during any time when such parking is prohibited. This includes, but is not limited to, the on-street parking restriction throughout Truckee from November 1 to April 30 annually (Truckee Municipal Code Section 10.17.030, Obstructing Snow Removal Equipment Prohibited).
7. **Shared driveway.** An ADU shall be served by the same driveway encroachment as the main dwelling unit. A second driveway for an ADU will be permitted only if all of the following standards are met: 1) The ADU is located on a corner lot or through lot where the ADU will be accessed from a street other than the street providing access to the primary residence, or the ADU is on a lot with road frontage exceeding 150 lineal feet; 2) the proposal shall demonstrate compliance with the maximum allowable site coverage applicable to the property; and 3) the proposal shall comply with all other applicable Development Code standards and Public Improvement and Engineering Standards for single-family driveways and required off-street parking locations, except as modified within [this](#) Subsection E (Parking and driveways).

F. ADU design features.

- 1. **ADU entrance.** The ADU shall have an exterior entrance separate from the main entrance to the proposed or existing main dwelling; this egress/entrance shall include a continuous and unobstructed path of travel to/from the public way. ~~Alternatively~~**Additionally**, the ADU may share with the main dwelling and/or JADU a single interior entryway (e.g., airlock, mudroom) not to exceed 80 square feet that provides direct, private access to each unit; however, in no case shall the primary entrance to the ADU be through the main dwelling living area, JADU, garage, or other interior space. A shared entryway is considered part of the main dwelling and is subject to general development standards applicable to the main dwelling, including setbacks, height limit, site coverage, floor area ratio, and open space.
- 2. **Interior access.** Interior access between the ADU and the main dwelling, attached or detached garage for the main dwelling, and/or other residential accessory structures shall be allowed, in

compliance with all applicable California Building Standards Code requirements, as adopted by the Town of Truckee. If interior access is proposed, the tenant of the ADU shall be able to lock the shared door from the interior of the ADU for privacy.

3. Kitchen or cooking facilities. An ADU shall include a permanent kitchen or cooking facility, consistent with the Development Code definition of a kitchen (Section 18.220.020.K, Kitchen or Cooking Facilities, Residential). At a minimum, an ADU kitchen shall include the following equipment:

- a. Cooking facilities (i.e., a standalone cooking appliance with at least two burners that is connected to a gas stub or 220 electric volt outlet; does not include portable cooking accessories such as hot plates and other temporary heat sources);
- b. A refrigerator (no minimum size); and
- c. A sink for dishwashing and sanitation purposes.

G. ADU historic design standards. *(Reserved for future use.)*

H. Water supply and sewage disposal. All water supply and sewage disposal shall be provided by an established community system or by an on-site system approved by the Nevada County Environmental Health Department. An ADU shall not be allowed on a parcel that is served by an on-site septic system unless approval is obtained from the Nevada County Environmental Health Department and the unit complies with the Lahontan Regional Water Quality Control Board.

I. Occupancy and rental requirements. The short-term rental of an ADU for a term of less than 31 consecutive days is prohibited. There are no occupancy restrictions for long-term rentals of 31 days or more on either the primary dwelling unit or the ADU.

J. Sale of unit prohibited. No ADU shall be subdivided from the main dwelling through a condominium plan, community apartment plan, housing cooperative, or other subdivision. The sale or conveyance of an ADU independent and/or separate from the main dwelling shall be prohibited.

K. ADU Deed restriction requirements. Prior to the issuance of a temporary or final certificate of occupancy, an ADU requires the recordation of a deed restriction in a form approved by the Town of Truckee, which shall run with the land, and shall include the following:

- a. A prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction ~~may~~will be enforced against future purchasers, as described in Subsection J (Sale of Unit Prohibited) above.;
- b. A restriction on the size and attributes of the accessory dwelling unit in compliance with this Section; and
- c. A prohibition on the short-term rental of the accessory dwelling unit for a period of less than 31 consecutive days, as described in Subsection I (Occupancy and Rental Requirements) above.

- L. Building code requirements.** Each ADU and JADU shall obtain a building permit from the Town of Truckee and shall be constructed in compliance with all applicable California Building Standards Code requirements, as adopted by the Town of Truckee.
- 1. Fire sprinklers.** ADUs are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
 - 2. Manufactured home, tiny homes, etc.** A manufactured home (a.k.a. mobile home), modular home (a.k.a. factory-built or prefabricated home), tiny home, park model home, or similar unit may be used as an ADU if it is permanently attached to a foundation and complies with the California Building Standards Code, as adopted by the Town of Truckee. A tiny home on a chassis or park model home on a chassis is not permitted for use as an ADU unless it is modified to meet the aforementioned standards.
 - 3. Movable units.** A recreational vehicle (e.g., motorhome, campervan, truck camper, travel trailer, pop-up trailer, fifth wheel trailer, toy hauler), travel van, or other movable habitable space generally cannot be approved as an ADU; however, it may be approved if it is permanently attached to a foundation and complies with the California Building Standards Code, as adopted by the Town of Truckee.
- M. Illegal accessory dwelling units.** This Section shall not validate any existing illegal ADU. To convert an unpermitted ADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed ADU, including the a building permit application, any required permitting documentation, permitting fees, correction of all deficiencies identified by local agencies and special districts, and the execution of an ADU deed rental restrictions, as described in Subsection I-K (~~Occupancy and rental~~ ADU Deed Restriction Requirements) above. An ADU will be denied a building permit if there are violations that are necessary to correct in order to protect the health and safety of the public or occupants of the structure, pursuant to Government Code Sections 65852.2(d)(2) and 65852.23(b).
- N. ADU reversions.** If an ADU or JADU is legally permitted and constructed with deviations to the development standards that would otherwise be applicable to the property, as permitted by the Subsections D (Size and location standards) and/or E (Parking and driveways) above, and the ADU is subsequently reverted or converted to another use other than an ADU/JADU, any deviations from development standards (e.g., setbacks, site coverage, floor area ratio, open space, parking) shall be brought into compliance with the standards in effect at the time a complete application for a reversion or conversion of the space is submitted to the Community Development Department.
- O. Junior Accessory Dwelling Units (JADUs).**
- 1. Applicability.** JADUs are allowed in all zoning districts that allow single-family residential uses (i.e., RS, RR, DRS, DMU, RC and REC zoning districts), subject to compliance with the requirements of this Section.
 - 2. Number of units allowed.** A maximum of one junior accessory dwelling unit (JADU), in addition to one attached or detached ADU, shall be allowed on a parcel with an existing or proposed single-family dwelling.

3. **Location on site.** A JADU must share at least one wall, floor, and/or ceiling with the living space of the attached main dwelling. A JADU may be created by converting existing space within the walls of an existing single-family residence (living or non-living space) or attached garage, built as an attached addition to an existing residence, or constructed concurrently as an attached unit to a new single-family residence. If a JADU is created as an addition to an existing residence or concurrent with a new residence, the JADU shall comply with all development standards applicable to the main dwelling, including setbacks, height limits, site coverage, floor area ratio, open space, etc.
4. **Floor area limitation.** The gross floor area of the JADU shall not exceed 500 square feet and shall not be less than 150 square feet.
5. **JADU separate entrance.** A JADU shall have an exterior entrance separate from the main entrance to the existing or proposed single-family residence; this egress/entrance shall include a continuous and unobstructed path of travel to/from the public way. ~~Additionally~~Alternatively, the JADU may share with the main dwelling and/or ADU a single interior entryway (e.g., airlock, mudroom) that provides direct, private access to each unit; however, in no case shall the primary entrance to the JADU be through the main dwelling living area, ADU, garage, or other interior space. A shared entryway is considered part of the main dwelling and is subject to general development standards applicable to the main dwelling, including setbacks, height limit, site coverage, floor area ratio, and open space.
6. **Interior access.** Interior access from the JADU to the main dwelling may be maintained; however, if the sanitation facilities are shared with the main dwelling as allowed in Subsection 8 below (Sanitation Facilities), unrestricted interior access to the sanitation facilities is required at all times. If interior access is proposed, the tenant of the JADU shall be able to lock the shared door from the interior of the JADU for privacy.
7. **Cooking facilities.** The JADU shall include an efficiency kitchen, which shall include the following:
 - a. A cooking facility with appliances. (Note: Government Code Section 65852.22(a)(6) does not permit local jurisdictions to specify exactly what “a cooking facility with appliances” must include for JADUs. This standard can be met with basic plug-in kitchen appliances (e.g., microwave, hot plate, mini-fridge) or with a full, high-end kitchen (e.g., gas range, double oven, large sink with disposal, commercial refrigerator). Therefore, a JADU is not required to comply with the Development Code definition of a “Kitchen or Cooking Facility,” which specifies several types of appliances required in residential kitchens.)
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
8. **Sanitation facilities.** A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
9. **Water supply and sewage disposal.** A JADU shall not be considered a separate or new dwelling unit for the purposes of providing service for water, sewer or power.
10. **Parking.** No additional parking shall be required for a JADU.

11. Occupancy and rental requirements.

- a. **Short-term rental restriction.** The short-term rental of a JADU for a term of less than 31 consecutive days is prohibited for all JADUs, including after-the-fact permits for existing illegal ADUs described in Subsection 13 (Illegal junior accessory dwelling units) below.
- b. **Owner occupancy.** On a parcel with a primary dwelling unit and a JADU, only one of the units may be rented; the owner must reside in either the remaining portion of the main dwelling or in the JADU. For example, the owner could reside in the main dwelling and long-term rent the JADU, or the owner could reside in the JADU and choose to long-term or short-term rent the main dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

12. **JADU Deed restriction requirements.** Prior to the issuance of a temporary or final certificate of occupancy, a JADU requires the recordation of a deed restriction in a form approved by the Town of Truckee, which shall run with the land, and shall include the following:

- a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
- b. A restriction on the size and attributes of the junior accessory dwelling unit in compliance with this Section.
- c. A prohibition on the short-term rental of the junior accessory dwelling unit for a period of less than 31 consecutive days.
- d. Requires owner occupancy consistent with Subparagraph O.11.b (Owner occupancy) above.

13. **Illegal junior accessory dwelling units.** This Section shall not validate any existing illegal JADUs. To convert an unpermitted JADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed JADU, including the ~~rental JADU deed~~ restrictions described in Subsection ~~11-12~~ above (~~Occupancy and rental JADU Deed Restriction~~ Requirements). A JADU will be denied a building permit if there are violations that are necessary to correct in order to protect the health and safety of the public or occupants of the structure, pursuant to Government Code Sections 65852.22(d). and 65852.23(b).