

**TOWN OF TRUCKEE
California**

ORDINANCE 2024-10

**AN URGENCY ORDINANCE OF THE TOWN OF TRUCKEE AMENDING TITLE 18
(DEVELOPMENT CODE) OF THE TOWN OF TRUCKEE MUNICIPAL CODE BY AMENDING
CHAPTER 18.95 RELATING TO URBAN LOT SPLITS AND TWO-UNIT PROJECTS AND
SECTION 18.58.025 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, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 (SB 9), which among other things, adds Government Code sections 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects; and

WHEREAS, SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects; and

WHEREAS, SB 9 took effect January 1, 2022, and preempted any conflicting local ordinance; and

WHEREAS, on December 14, 2021, the Town adopted an urgency ordinance enacting Chapter 18.95 (Urban Lot Splits and Two-Unit Projects) to comply with the new SB 9 regulations; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law Senate Bill 450 (SB 450), which limits the standards that apply to SB 9 projects and adds processing timelines that local agencies are required to adhere to; and

WHEREAS, the Town desires to amend its local regulatory scheme to comply with Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9 and now SB 450; and

WHEREAS, the Town of Truckee has existing requirements in the Truckee Municipal Code, Title 18, Development Code, for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"), primarily within Development Code Section 18.58.025 (Accessory Dwelling Units); and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law Senate Bill 1211 (SB 1211), which amends Government Code sections 66313, 66314 and 66323 to impose new regulations on the creation and permitting of ADUs and JADUs, which preempt local authority; and

WHEREAS, the above-referenced State legislation in SB 450 and SB 1211 becomes effective on January 1, 2025, and local ordinances are required to be in compliance with the legislation by that date; and

WHEREAS, the Town desires to amend its local regulatory scheme to comply with Government Code Government Code sections 66313, 66314 and 66323 and to appropriately regulate ADUs and JADUs under Development Code Section 18.58.025; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of the new SB 9 and SB 450 laws because if the Town does not amend the ordinances along with the required objective standards for urban lot splits and two-unit projects under SB 9 and ADUs under SB 1211 by January 1, 2025, the Town would thereafter be out of compliance and would be relying on standards which are inconsistent with current State law and applying the objective standards that already are in the Development Code, which did not anticipate and were not enacted with SB 450 and SB 1211 in mind; and

WHEREAS, the approval of urban lot splits, two-unit projects and ADUs based solely on the Town's existing standards, without conforming regulations governing lot configuration, unit size, height, parking requirements, allowable unit count and setbacks, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the Town Council; 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.

* * * * *

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

Section 1. Recitals. The recitals above are each incorporated by reference and adopted as findings by the Town Council.

Section 2. Development Code Amendment Findings. In accordance with Development Code Section 18.160.060 (Findings for Amendments) ,the Council hereby adopts the following findings in support of adoption of this Urgency Ordinance and the Development Code amendments identified in Exhibit "A":

- a. The proposed amendments ensure and maintain internal consistency with all of the goals, policies, and actions of all elements of the General Plan and any applicable specific plan.
- b. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.
- c. With the proposed amendments, adequate and available sites remain to mitigate the loss of any residential density to accommodate the Town of Truckee's fair share regional housing need in compliance with State law (Government Code Section 65863[b]).
- d. The proposed amendments ensure and maintain internal consistency with other applicable provisions of this Development Code.

Section 3. CEQA Findings. Under California Government Code Sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”). Therefore, this ordinance is statutorily exempt from CEQA in that the ordinance implements the laws enacted by SB 9 and SB 450 which are found in Government Code Sections 66411.7 and 65852.21.

Under California Public Resources Code Section 21080.17, the adoption of an ordinance by a city or county implementing the provisions of Article 2 (commencing with Section 66314) of Chapter 13 of Division 1 of Title 7 of the Government Code (Accessory Dwelling Units) is statutorily exempt from the requirements of CEQA. Therefore, this ordinance is statutorily exempt from CEQA in that the ordinance implements the laws enacted by SB 1211 in Government Code Sections 66313, 66314 and 66323.

The SB 1211 amendments are not subject to CEQA because the adoption of this ordinance is not a “project” pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Moreover, under Section 15061(b)(3) of the CEQA Guidelines, the amendments are exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

In addition to being statutorily exempt from CEQA, this ordinance is also categorically exempt from CEQA under the Class 15 exemption set forth in State CEQA Guidelines section 15315. The Class 15 exemption categorically exempts from CEQA, among other things, the division of property in urbanized areas zoned for residential use into four or fewer parcels. Here, the ordinance is categorically exempt under Class 15 exemption because the ordinance regulates a single urban lot split of one parcel into two separate lots between 60 percent and 40 percent of the original lot area in a residential zone. Further, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of a second dwelling unit in a residential zone and a duplex or similar multi-family residential structure totaling no more than four dwelling units as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the construction of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit, in a residential zone. Moreover, the Town Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the Town Council finds that the ordinance will:

- (1) Not result in a potentially significant cumulative impact. Because Truckee is an urbanized area and the targeted parcels already allow residential uses, the Council finds that the additional residential units which result from Urban Lot Splits/Two-Unit Projects will not result in significant cumulative impacts.
- (2) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The targeted parcels already allow residential uses and the potential increase in residential units from the Urban Lot Splits/Two-Unit Projects would not result in unusual circumstances as the appropriateness of residential uses

on these parcels and their associated impacts has already been evaluated through prior environmental review.

(3) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The Town of Truckee does not have any state scenic highways, so this finding is not applicable.

(4) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code. There are no residentially-zoned properties located on hazardous waste sites in the Town of Truckee so this finding is not applicable.

(5) Not result in a substantial adverse change in the significance of a historical resource. Urban Lot Splits/Two-Unit Projects are not allowed in designated historic districts and modifications to historic resources are required to be processed through Historic Design Review. This finding is not applicable.

Each of the foregoing exemptions is asserted in the alternative and each is independently sufficient to fully exempt the whole of the project.

Section 4. Enactment. Title 18, Development Code, of the Truckee Municipal Code is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

Section 5. Effective Date. This urgency ordinance shall take effect immediately upon its adoption.

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other section, subsection, sentence, clause, or phrase or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this are severable. The Town Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

Section 7. Notice of Exemption. The Town Council hereby directs staff to prepare, execute, and file with the Nevada County Clerk a notice of exemption within five (5) working days of the adoption of this Ordinance.

Section 8. 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 9. Posting and Publications. 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 ____ day of _____ 2024; _____ moved for the adoption, the motion was seconded by _____ and was carried by the following vote:

AYES:

NOES:

ABSENT:

Lindsay Romack, Mayor

ATTEST:

APPROVED AS TO FORM:

Kelly Carpenter, Town Clerk

Andrew Morris, Town Attorney

EXHIBIT A

Amendments to Truckee Municipal Code, Title 18 (Development Code)

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. 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, detached ADUs shall be permitted not to exceed the maximum number described below with 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) **Maximum Multifamily Detached ADUs.**

- (a) On a lot with an existing multifamily dwelling, not more than eight detached ADUs shall be permitted; however, the number of detached ADUs allowable pursuant to this clause shall not exceed the number of existing multifamily units on the lot.
- (b) On a lot with a proposed multifamily dwelling, not more than two detached ADUs shall be permitted.

- (2) **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 Conversion ADUs.** Conversion 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.

- (1) **Livable Space Definition:** As defined in Government Code Section 66313(e), “‘livable space’ means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.”

For example, a multifamily property with 12 units could add eight 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 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 comply with the height limits in 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.
 - (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.
 - (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 setback 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.b (Roof design and material) and D.3.a.2.c (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 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.
 - (a) 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.

(b) 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).

(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.

(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.b (Roof design and material).

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.E.1.c (Residential Accessory Uses and Structures – Garages).

3. **Parking exemptions.** The one on-site parking space 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 or an uncovered parking space is demolished in conjunction with the construction of an ADU or is converted to an ADU, replacement offstreet parking for the 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, 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. Design standards for ADUs in the –HP Overlay District.** Any detached or attached ADUs larger than 800 square feet or greater than 18 feet in height within the –HP overlay district that is newly constructed or requires exterior modifications shall be consistent with standards outlined in this section. Designs that do not meet the standards of this section may request Historic Design Review

(Chapter 18.77) and shall be subject to the requirements of the Downtown Truckee Plan Historic Design Guidelines.

1. **Setbacks.** ADUs shall not be located between the primary residence and the front property line, unless the ADU falls under the standards of Section 18.58.025.D.3.b. Setbacks for an ADU shall be in compliance with the standards of the zoning district for the primary dwelling or as otherwise indicated in this section.
2. **Orientation.** The ADU shall be parallel to the side property lines.
3. **Siding.** Painted or semi-solid stained wood siding shall make up over 60% of the exterior wall material. Transparent stained wood siding is prohibited. A maximum of three types of siding shall be used on the ADU. The allowed siding types for any ADU shall be:
 - a. Horizontal wood lap or clapboard siding, four to six inches wide.
 - b. Brick in a running bond pattern for a large field (greater than 25% of the building wall) or used in any pattern as an accent (10% of any building wall).
 - c. Stone for wainscot, up to a third of the wall's height, including the cap or any moldings.
 - d. Wood shingles on gable ends.
4. **Siding for a detached ADU.** For detached ADUs, in addition to the siding material allowed above, the following materials may be used, however the maximum quantity of siding types remains three:
 - a. Board and batten with two- to four-inch battens and six- to eight-inch boards.
 - b. Weathered or powder-coated corrugated metal. If powder-coated metal is used, earthtone colors (shades of brown, green, and warm gray) are required.
 - c. Non-reflective hot-rolled steel.
5. **Windows.** All windows shall be wood or aluminum clad wood. One window material shall be used for all windows on the ADU. The following standards apply to windows on ADUs:
 - a. Windows on facades visible from the public right-of-way shall be vertically proportioned, with at least a 2:1 ratio. "Vertically proportioned" means that the vertical dimension is at least two times the length of the horizontal dimension.
 - b. Only rectangular windows are allowed (e.g., circular, triangle, octagonal, arched windows are not permitted).
 - c. Divided lights are not required, but if used, the divided lights shall be true divided lights or simulated divided lights. True divided lights are constructed with muntin bars between individual panes of insulated glass. Simulated divided lights are constructed with muntin bars permanently adhered to the surface both sides of the glass that create three-dimensional relief on the surface of the window glass.
 - d. Window openings are limited to 30% of the area of each building wall.

- e. Painted wood window trim of at least two inches in width shall be required
6. **Doors.** The following standards apply to exterior doors:
- a. Doors shall be painted wood.
 - b. Doors shall only have window openings up to 20% of the door area.
7. **Roofs.**
- a. **Materials.** All roof material shall have a matte, non-reflective finish and shall be an earthtone color (shades of brown, green, and warm grays). The following materials are allowed:
 - (1) Sawn wood shingles.
 - (2) Composition shingle with uniform shingle shapes. Cutaway corners, scalloped-edge, and other irregular shapes are prohibited. Faux shake shingles are prohibited.
 - (3) Non-reflective corrugated metal.
 - (4) Metal standing seam roofing with a one-inch seam height.
 - b. **Shape.** If the ADU is detached, roofs shall be the same pitch and shape as the main dwelling and the primary ridge line shall be perpendicular to the street. Mansard, flat, and false front roofs are prohibited. The following roof shapes are allowed:
 - (5) Gable. Slopes shall be between 7:12 and 9:12. Gable ends shall face the street.
 - (6) Shed. Slopes shall be 4:12 to 12:12.
 - c. **Accessories.** The following requirements apply to roof accessories:
 - (1) A maximum of two dormers are allowed.
 - (2) Skylights shall be flush with the roof plane. Bubbled or domed skylights are prohibited.
 - (a) Drains, gutters, and vents shall be painted to match the color of the roof or the wall on which it is located.
 - (b) Snow fences or guards shall be metal, non-reflective, and painted the color of the roof.
8. **Decks, balconies, and patios.** The following standards apply to decks, balconies, or patios on ADUs:
- a. Railings may be wood, steel, or cable metal.
 - b. Glass, plastic, and plexiglass railings are prohibited.
 - c. Crusher screen is prohibited.

9. Exterior lighting.

- a. **Materials.** All exterior light fixtures shall be non-reflective natural metal or earthtone colors (shades of brown, green, or warm gray) or black. The following materials are allowed for exterior lights:

- (1) Non-reflective or powder-coated aluminum.
- (2) Cast iron.
- (3) Baked Enamel or porcelain.
- (4) Oxidized copper.

- b. A maximum of two light fixtures are allowed on an ADU.

- 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 unless the unit was developed by a qualified nonprofit corporation and all requirements of Government Code Section 65852.26 are met.
- 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 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 restriction, as described in Subsection K (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. Alternatively, the JADU may share with the main dwelling and/or ADU 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 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 JADU deed restriction described in Subsection 12 above (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).

Chapter 18.95 Urban Lot Splits and Two-Unit Projects (Senate Bill 9)

Sections:

18.95.010 – Urban Lot Splits, Purpose of Chapter

18.95.020 – Urban Lot Split Preparation, Application Contents, Approval

18.95.030 – Two-Unit Projects, Purpose of Section

18.95.040 – Two-Unit Projects Preparation, Application Contents, Approval

18.95.010 – Urban Lot Splits, Purpose of Chapter

This chapter establishes requirements for the preparation, filing, approval and recordation of Urban Lot Splits and Two-Unit Projects, consistent with the requirements of Government Code section 66411.7, enacted in 2020 as part of SB 9.

18.95.020 Urban Lot Split Preparation, Application Contents, Approval

- A. **Definition.** An “urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.
- B. **Application.** Only individual property owners may apply for an urban lot split. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15). Any person with a mortgage interest in the lot to be split under this section must sign the application and the parcel map indicating the person’s consent to the project.
1. An application for an urban lot split must be submitted on the Town’s approved form. Only a complete application will be considered. The Town will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
 2. The Town may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The Town Council may establish and change the fee by resolution. The fee must be paid with the application.
- C. **Approval.** An application for a Parcel Map for an urban lot split shall be approved or denied ministerially, by the Director, without discretionary review.
1. A Tentative Parcel Map for an urban lot split shall be approved ministerially if it complies with all the requirements of this section. Recordation of a Tentative Parcel Map is not required. A Final Parcel Map shall be approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The expiration date of the Tentative Map is determined by Subdivision Map Act Sections 66452.6 and 66463.5 and Development Code Section 18.96.140. An approved Tentative Map is valid for 24 months after its effective date (Section 18.96.090).
 2. The approval must require the owner and applicant to hold the Town harmless from all claims and damages related to the approval and its subject matter.
 3. The approval must require the owner and applicant to reimburse the Town for all costs of enforcement, including attorneys’ fees and costs associated with enforcing the requirements of this code.
 4. The lot created pursuant to the Urban Lot Split cannot be sold/transferred until the Final Parcel Map has been recorded.
- D. **Requirements.** An urban lot split must satisfy each of the following requirements:
1. **Map Act Compliance.** The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., “SMA”), including implementing requirements in this code, except as otherwise expressly

provided in this section. If an urban lot split violates any part of the SMA, the Town's subdivision regulations, including this section, or any other legal requirement:

- a. The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
 - b. The Town has all the remedies available to it under the SMA, including but not limited to the following:
 - i. An action to enjoin any attempt to sell, lease, or finance the property.
 - ii. An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - iii. Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - iv. Record a notice of violation.
 - v. Withhold any or all future permits and approvals.
 - c. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.
- 2. Zone.** The lot to be split is located a single-family residential zone, which only includes lots in the RS (Single Family Residential) and DRS (Downtown Single Family Residential) zone districts.
- 3. Lot Location.** The lot to be split is not located on a site that is any of the following:
- a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b. A wetland.
 - c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by the Truckee Fire Protection District.
 - d. A hazardous waste site that has not been cleared for residential use.
 - e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f. Within a 100-year flood hazard area, unless the site has either:

- i. been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - ii. meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - i. Habitat for protected species.
 - j. Land under conservation easement.
 - i. The purpose of the above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)
 - ii. The applicant must provide evidence that the requirements of Government Code section 65913.4(a)(6)(B)–(K) are satisfied.
- 4. Not Historic.** The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
- 5. No Prior Urban Lot Split.** The lot to be split was not established through a prior urban lot split.
- a. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner. “Any person acting in concert with the owner” here includes any third-party that coordinates or assists the owners of two adjacent lots with their respective urban lot splits.
- 6. No Impact on Protected Housing.** The urban lot split must not require or include the demolition or alteration of any of the following types of housing:
- a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its policy power.

- c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - d. Housing that has been occupied by a tenant in the last three years.
- (1) As part of the urban lot split application, the applicant and the owner of a property must provide a sworn statement by affidavit representing and warranting that subpart (D)(6) is satisfied. The sworn statement must state that:
- i. No housing that is income-restricted for households of moderate, low, or very low income will be demolished or altered.
 - ii. No housing that is subject to any form of rent or price control will be demolished or altered.
 - iii. No housing that has been withdrawn from rental or lease under the Ellis Act at any time in the last 15 years will be demolished or altered.
 - iv. No housing that has been occupied by a tenant in the last three years will be demolished or altered.
- (2) The Town may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the Town may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

7. Lot Size. The lot to be split must be at least 2,400 square feet.

- a. The resulting lots must each be at least 1,200 square feet.
- b. Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.
- c. The Lot width standards listed in Table 2-4 of Section 18.08.040 (Residential Zoning District General Development Standards) do not apply.

8. Easements. The owner must enter into an easement agreement with each public service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

- a. Each easement must be shown on the Tentative Parcel Map.
- b. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the Final Map may be approved, in accordance with subpart (C)(1) above.
- c. If an easement is recorded and the project is not completed, making the easement

moot, the property owner may request, and the Town will provide, a notice of termination of the easement, which the owner may record.

9. Lot Access. Each resulting lot must have access to, provide access to, or adjoin the public right of way. Access shall comply with Section 18.30.020 (Access, General Standard).

- a. Each resulting lot must have frontage on the public right of way of at least 20 feet.
- b. Access driveways shall be developed in compliance with the standards in Section 18.48.080 (Driveways and Site Access).

10. Unit Standards.

a. Quantity. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 18.95.040 of this code, an ADU, or a JADU

b. Unit Size. ~~There is no minimum or maximum size of each unit, other than the limits which result from the site coverage, setback, height, FAR (if applicable) and site disturbance standards established in Table 2-4 of Section 18.08.040 (Residential Zoning District General Development Standards). The total floor area of each primary dwelling that is developed on a resulting lot must be less than or equal to 800 square feet.~~

~~(1) A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.~~

~~(2) A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.~~

11. Height Restrictions. ~~No new primary dwelling unit may exceed 35 feet or three stories, whichever is less, measured in accordance with Section 18.30.090 (Height Measurement and Height Limit Exceptions). No new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the setback.~~

~~a. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.~~

12. Lot Coverage. For lots in size ranging from 1,200 square feet to 5,000 square feet, the maximum lot coverage standard is 70%. For lots ranging in size from 5,001 square feet to 10,000 square feet, the maximum lot coverage standard is 50%. For lots greater

than 10,000 square feet, the maximum lot coverage standard is 40%. These standards are only enforced to the extent that they do not prevent two primary dwelling units on the lot at 800 square feet each.

- 13. Setbacks.** All setbacks must conform to those objective setbacks that are imposed through the underlying zone.

a. Exceptions. Notwithstanding the above:

- 1. Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

- 2. 800 square feet; four-foot side yard and rear yard.** The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being a maximum of 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line. Any portion of a primary dwelling unit proposed within four to 10 feet of a side yard or rear yard, shall be designed with a flat roof. The pitch of this roof shall not exceed 0.25:12.

- b. Front Setback Area.** Notwithstanding any other part of this code, dwellings that are constructed after an urban lot split must be at least 20 feet from the front property lines. There are no exceptions to this standard unless this standard would prevent two primary dwelling units on the lot at 800 square feet each.

- 14. Parking.** Each new primary dwelling unit that is built on a lot after an urban lot split must have at least one off-street parking space per unit unless one of the following applies:

- a. The lot is located within one-half mile walking distance of either a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or,

a site that contains

- i. an existing rail or bus rapid transit station,
- ii. a ferry terminal served by either a bus or rail transit service, or
- iii. the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

- b. The site is located within one block of a car-share vehicle location.

- 15. Nonconforming Conditions.** An urban lot split ~~shall~~ ~~may~~ be approved without requiring a legal nonconforming zoning condition to be corrected.

- 16. Utilities.** Each primary dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.

- a. All water supply and sewage shall be provided by an established community system or by an on-site system approved by the Nevada County Environmental Health Department. A dwelling 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 requirements.

17. Building & Safety. All new structures built on the lot must comply with all current local building standards. An urban lot split shall be considered a change of use.

18. Fire-Hazard Mitigation Measures. A lot in a very high fire hazard severity zone must comply with all of the Truckee Fire Protection District fire hazard mitigation measures for residential construction.

19. Separate Conveyance. Within a resulting lot:

- A. Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
 - B. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
 - C. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
1. **Between resulting lots.** Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

20. Regulation of Uses.

- a. **Residential uses.** No non-residential use is permitted on any lot created by an urban lot split.
- b. **Short-term rentals are prohibited.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.
- c. **Owner Occupancy.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

21. Deed Restriction. The owner must record a deed restriction, acceptable to the Town, that does each of the following:

- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any non-residential use of the lots created by the urban lot split.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. States that the property is formed by an urban lot split and is therefore subject to the Town's urban lot split regulations, including all applicable limits on dwelling size and development.

22. Specific Adverse Impacts. Notwithstanding anything else in this section, the Town may deny an application for an urban lot split if the Chief Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety ~~or on the physical environment~~ and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

- a. "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2), as it may be amended from time to time. As of January 1, 2022, this subsection provides as follows: "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
- b. The Chief Building Official may consult with and be assisted by Planning Division staff and others as necessary in making a finding of specific, adverse impact.

Section 18.95.030 Two-Unit Projects

- A. Purpose.** The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.
- B. Definition.** A "two-unit project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

Section 18.95.040 Two-Unit Projects Preparation, Application Contents, Approval

- A.** Only individual property owners may apply for a two-unit project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
- B.** An application for a two-unit project must be submitted on the Town’s approved form.
- C.** For any lot created in violation of the SMA, the applicant must obtain a certificate of compliance with the SMA for the lot and provide the certificate with the application.
- D.** Only a complete applications will be considered. The Town will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
- E.** The Town may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The Town Council may establish and change the fee by resolution. The fee must be paid with the application.
- F. Approval.** An application for a two-unit project shall be approved or denied ministerially, by the Director, without discretionary review.
 - 1. The ministerial approval of a two-unit project does not take effect until the Town has confirmed that the required documents have been recorded, such as the deed restriction and easements.
 - 2. The approval must require the owner and applicant to hold the Town harmless from all claims and damages related to the approval and its subject matter.
 - 3. The approval must require the owner and applicant to reimburse the Town for all costs of enforcement, including attorneys’ fees and costs associated with enforcing the requirements of this code.
- G. Requirements.** A two-unit project must satisfy each of the following requirements:
 - 1. **Map Act Compliance.** The lot must have been legally subdivided.
 - 2. **Zone.** The lot is located a single-family residential zone, which only includes lots in the RS (Single Family Residential) and DRS (Downtown Single Family Residential) zone districts.
 - 3. **Lot Location.** The lot is not located on a site that is any of the following:

- a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b. A wetland.
 - c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by the Truckee Fire Protection District.
 - d. A hazardous waste site that has not been cleared for residential use.
 - e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f. Within a 100-year flood hazard area, unless the site has either:
 - i. Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - ii. Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - i. Habitat for protected species.
 - j. Land under conservation easement.
 - i. The purpose of the above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)
 - ii. The applicant must provide evidence that the requirements of Government Code section 65913.4(a)(6)(B)-(K) are satisfied.
- 4. Not Historic.** The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
- 5. No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
- a. Housing that is income-restricted for households of moderate, low, or very low income.

- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - d. Housing that has been occupied by a tenant in the last three years.
- (1) As part of the two-unit project application, the applicant and the owner of a property must provide a sworn statement by affidavit representing and warranting that subpart (G)(5) is satisfied. The sworn statement must state that:
- i. No housing that is income-restricted for households of moderate, low, or very low income will be demolished or altered.
 - ii. No housing that is subject to any form of rent or price control will be demolished or altered.
 - iii. No housing that has been withdrawn from rental or lease under the Ellis Act at any time in the last 15 years will be demolished or altered.
 - iv. No housing that has been occupied by a tenant in the last three years will be demolished or altered.
- (2) The Town may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the Town may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

6. Unit Standards.

- a. Quantity.** No more than two dwelling units of any kind may be built on a lot that was created by an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 18.95.030 of this code, an ADU, or a JADU. A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU and/or JADU that must be allowed under state law and the Town’s ADU ordinance.
- b. Unit Size.** There is no minimum or maximum size of each unit, other than the limits which result from the site coverage, setback, height, FAR (if applicable) and site disturbance standards established in Table 2-4 of Section 18.08.040 (Residential Zoning District General Development Standards). The total floor area of each primary dwelling that is developed on a resulting lot must be less than or equal to 800 square feet.

- ~~1. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.~~
- ~~2. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.~~

7. Height Restrictions. ~~No new primary dwelling unit may exceed 35 feet or three stories, whichever is less, measured in accordance with Section 18.30.090 (Height Measurement and Height Limit Exceptions). No new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the setback.~~

- ~~a. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.~~

8. Demolition Cap. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

9. Lot Coverage. For lots in size ranging from 1,200 square feet to 5,000 square feet, the maximum lot coverage standard is 70%. For lots ranging in size from 5,001 square feet to 10,000 square feet, the maximum lot coverage standard is 50%. For lots greater than 10,000 square feet, the maximum lot coverage standard is 40%. These standards are only enforced to the extent that they do not prevent two primary dwelling units on the lot at 800 square feet each..

10. Setbacks. All setbacks must conform to those objective setbacks that are imposed through the underlying zone.

a. Exceptions. Notwithstanding the above:

- 1. Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
- 2. 800 square feet; four-foot side yard and rear yard.** The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line. Any portion of a primary dwelling unit proposed within four to 10 feet of a side yard or rear yard, shall be designed with a flat roof. The pitch of this roof shall not exceed 0.25:12.

b. Front Setback Area. Notwithstanding any other part of this code, dwellings that are constructed after an urban lot split must be at least 20 feet from the front property lines. There are no exceptions to this standard unless this standard would prevent two primary dwelling units on the lot at 800 square feet each.

11. Parking. Each new primary dwelling unit that is built on a lot after an urban lot split must have at least one off-street parking space per unit unless one of the following applies:

a. The lot is located within one-half mile walking distance of either a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or,

a site that contains

- i. an existing rail or bus rapid transit station,
- ii. a ferry terminal served by either a bus or rail transit service, or
- iii. the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

b. The site is located within one block of a car-share vehicle location.

12. Nonconforming Conditions. A two-unit project shall be approved without requiring a legal nonconforming zoning condition to be corrected. A two-unit project may only be approved if all nonconforming zoning conditions are corrected.

13. Utilities. Each primary dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.

a. All water supply and sewage shall be provided by an established community system or by an on-site system approved by the Nevada County Environmental Health Department. A dwelling 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 requirements.

14. Building & Safety. All new structures built on the lot must comply with all current local building standards.

15. Fire-Hazard Mitigation Measures. A lot in a very high fire hazard severity zone must comply with all of the Truckee Fire Protection District fire hazard mitigation measures for residential construction.

16. Separate Conveyance.

A. Primary dwelling units on the lot may not be owned or conveyed separately from each other.

- B. Condominium airspace divisions and common interest developments are not permitted within the lot.
- C. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
- D. No timeshare, as defined by state law or this code, is permitted. This includes any co-ownership arrangement that gives an owner the right to exclusive use of the property for a defined period or periods of time.

17. Regulation of Uses.

- A. Residential-only.** No non-residential use is permitted on the lot.
- B. No STRs.** No dwelling unit on the lot may be rented for a period of less than 30 days.
- C. Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

18. Deed Restriction. The owner must record a deed restriction, acceptable to the Town, that does each of the following:

- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any non-residential use of the lot.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. If the lot does undergo an urban lot split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
- b. Limits development of the lot to residential units that comply with the requirements of this section, except as required by state law.

20. Specific Adverse Impacts. Notwithstanding anything else in this section, the Town may deny an application for a two-unit project if the Chief Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

- a. "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2), as it may be amended from time to time. As of January 1, 2022, this subsection

provides as follows: “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

- b. The Chief Building Official may consult with and be assisted by Planning Division staff and others as necessary in making a finding of specific, adverse impact.

21. Remedies. If a two-unit project violates any part of this code or any other legal requirement:

- a. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
- b. The Town may:
 - 1. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - 2. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - 3. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - 4. Record a notice of violation.
 - 5. Withhold any or all future permits and approvals.
 - 6. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the municipal code.