ACCESSORY DWELLING UNITS IN TAHOE BASIN-PLACER COUNTY

What you need to know to build

WHAT IS AN ACCESSORY DWELLING UNIT (ADU)?

An Accessory Dwelling Unit (ADU)—also called an accessory home, granny flat, in-law suite, converted garage, backyard cottage, basement apartment – is a self-contained home that provides complete independent living facilities and is legally part of the same property, not separately sellable, and maintained under common ownership as the primary residence.

An ADU will always contain everything someone needs to live independently, including permanent sleeping, eating, cooking, and sanitation facilities. ADUs can range from 220 square-foot studios to nearly 1,200 square foot houses with multiple bedrooms. ADUs can be detached from or attached to the primary dwelling.

WHAT'S A JUNIOR ACCESSORY DWELLING UNIT (ADU)?

A Junior Accessory Dwelling Unit (JADU), per California Government Code Section 65852.22, is a unit that is built completely within the framework of a single-family residence. It shall include the following:

- A separate entrance from the entrance to the main single-family residence.
- An efficiency kitchen, containing cooking facilities with appliances, and a food preparation counter and storage cabinets that are of a reasonable size in relation to the JADU.
- It may include separate sanitation facilities or share them with the primary residence.

ACCESSORY HOME

HOW ARE ACCESSORY DWELLING UNITS ALLOWED?

ADUs are allowed on parcels zoned for residential use in the Placer County portion of the Tahoe Basin under the circumstances outlined below.

Parcel Specifications

- There is no minimum parcel size for an Accessory Dwelling Unit.
- One ADU and one Junior ADU are allowed per parcel in addition to the primary dwelling.
- All TRPA coverage requirements apply and adequate water and sewer must be demonstrated.

Size of ADU

- An ADU that is detached from the primary home may be up to 1,200 sq. ft. (does not include garage area), regardless of the size of the primary structure (per California Government Code Section 65852.2(a)(1)(D)(v). (TRPA coverage requirements apply)
- An ADU that is attached to a primary dwelling may be up to 50% of the existing unit but shall be allowed to be up to 800 sq. ft. in size (per California Government Code Section 65852.2(a)(1)(D)(iv) and 65852.2(c)(2)(B)&C). (TRPA coverage requirements apply)
- A JADU may be up to 500 sq. ft. (California Government Code Section 65852.22(h)(1).

Coverage

- TRPA evaluates coverage for ADUs just like any other addition to a single-family or multi-family project. See TRPA Code Section 30, Coverage, for more details on specific circumstances. To verify coverage on your parcel, visit the Parcel Tracker (https://parcels.laketahoeinfo.org/). If coverage has not been verified on your parcel you can apply for a Site Assessment or Land Coverage Verification. See https://www.trpa.gov/applications-forms/.
- California law requires that ADUs be approved administratively, and local jurisdictions cannot restrict them based on allowable coverage or place income limits on the units. For this reason, TRPA will perform the review of ADUs until such time as the State Law or TRPA regulation is changed.

Occupancy and Ownership Restrictions

- ADUs and JADUs in California cannot be short-term rented for 30 days or less.
- ADUs do not need to be deed restricted to affordable, moderate, or achievable incomes, however in order to get a free bonus unit, a deed restriction is required consistent with TRPA Code Section 21.3.2.B.3.
- All JADUs require that the owner occupy either the primary dwelling or the JADU, per Placer County Code 17.56.2.F.
- A deed restriction on the JADU shall be recorded with Placer County that requires owner-occupancy of one of the units.

Parking

There is a state requirement for one parking space per ADU or per bedroom, whichever is less. However, additional parking is not required for a proposed ADU that is:

- Within one-half mile of a public transit stop
- Within an architecturally and historically significant historic district
- Within the existing single-family dwelling or residential accessory structure
- Where on-street parking permits are required but not offered to ADU occupant(s)
- Within one block of a car share vehicle pick-up location
- A Junior Accessory Dwelling Unit
- Converted from or due to demolition of a garage, carport, or covered parking space in conjunction with the ADU construction
- In all other scenarios, parking requirements for ADUs shall not exceed one parking space per ADU. These spaces may be provided as tandem parking on a driveway. a) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. b) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the local agency shall not require that those off-street parking spaces be replaced.

Residential Unit of Use

An ADU shall be considered a residential unit subject to the residential allocation limitations and transfer provisions (TRPA Code of Ordinances Chapter 50). ADUs require a development right just as any other residential unit. ADUs can be built either with a bonus unit or with a full Residential Unit of Use (RUU).

ADUs can get a free bonus RUU (per TRPA Code of Ordinances Section 52.3.4):

- If the parcel is located within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of an approved project, or
- If the parcel is located within ½ mile of a Town Center, or
- If the parcel is located within a multifamily zone.
    - Additionally, the following two conditions must be met:
        - The ADU or the main house is deed restricted to prohibit the ADU from being converted to a tourist use or utilized as a vacation rental, and
        - The ADU or the main house is deed restricted for affordable, moderate, or achievable incomes consistent with TRPA Code Section 52.3.4 and Chapter 90, Definitions. Current income thresholds for Bonus Units can be found on TRPA's Housing Webpage under the Residential Bonus Unit Program Section. See: www.trpa.gov/permitting/housing.

If you don't meet the criteria above for free bonus units, property owners would need to provide a Potential Unit of Use (PRUU) with an allocation, or by converting commercial floor area or tourist units. RUUs, PRUUs, and allocations may be available on the open market, or you may contact your local jurisdiction for information about how to obtain an allocation. Please see the TDR marketplace, https://www.trpa.gov/development-rights/tdr-marketplace/ or contact a real estate agent for pricing and availability.

Fees

TRPA application fees for projects utilizing bonus units and that are deed-restricted affordable, moderate, or achievable are waived. There is no additional fee for the processing of the deed-restriction or bonus unit. Mitigation fees such as mobility mitigation and water quality fees still apply, however mitigation fee reductions may be available if the property is within low vehicle miles traveled areas. Water quality mitigation fees depend on amount of coverage added and transferred and will be assessed at the time of the permit review.

- Under the "General" section of TRPA's permitting page, find the Project Impact Assessment Online Tool for determining the Mobility Mitigation Fee. The fee varies by location.
- See the Mitigation Fee schedule in the "Fees" section of TRPA's permitting page for other mitigation fees (note the air quality mitigation fee no longer applies).
- Placer County will not charge impact fees for ADUs smaller than 750 square feet. For a unit that is 750 square feet or more, the impact fees are proportional to the primary unit. School fees still apply to Accessory Dwelling Units that are between 500 and 749 square feet.

Process

California law requires that ADUs be approved administratively, and local jurisdictions cannot restrict them based on allowable coverage or place income limits on the rental rate of the units, nor can they require deed restrictions be imposed. These stipulations currently conflict with TRPA regulations. Currently ADUs are permitted through a 2-step permitting process. Placer County will review and permit ADUs in accordance with California housing law, and TRPA will review ADU applications in accordance with the TRPA Regional Plan.

1. Currently applicants for ADUs shall complete a single-family residential application through TRPA and contact Placer County for local permitting requirements. ADU applicants receive a permit through TRPA and then through Placer County. TRPA's permit review timeline is 30 days for application completeness and 120 days for application review.
2. Once applicant receives a permit from TRPA, applicant should apply for a building permit from Placer County.

Questions?

If you are interested in building an Accessory Dwelling Unit, fill out an ADU & JADU Questionnaire and email it to Meghan Schwartz at mschwartz@placer.ca.gov. You can schedule an appointment by calling Meghan Schwartz at (530) 450-5234 or by e-mail at mschwartz@placer.ca.gov.

Find out more and get inspiration:
www.placer.ca.gov/accessoryhomes

County of Placer
Community Development Resource Agency

TAHOE REGIONAL PLANNING AGENCY

Revised October 10, 2021