

Standards for Specific Land Uses

17.44.190 - Second Units

A. Purpose. This Section is intended to allow the creation of new second residential units on existing lots in residential zones that already contain one legally created unit, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

B. Method of creating a second unit. A second unit may be created by:

1. Alteration of an existing dwelling whereby kitchen and bathroom facilities are not shared in common;
2. Conversion of an attic, basement, garage, or other previously uninhabited portion of a residential structure.
3. Addition of separate unit onto an existing residential structure; or,
4. Construction of a separate structure on a lot in addition to an existing dwelling.

A mobile home, recreational vehicle, or other movable habitable space that does not comply with the Building Code shall not be used as a second unit. A manufactured or modular unit placed on a permanent foundation may be used as a second unit in compliance with this section.

C. Second unit design and development standards. Except as described herein, each second unit shall comply with the development standards of the applicable zone, including setback requirements, height and lot coverage limits, but excluding density standards. Each second unit shall also comply with all of the following standards.

1. Number of units allowed. Only one second unit shall be permitted on a lot. However, pursuant to Government Code section 65852.2, the City shall ministerially approve applications for building permits to create multiple accessory dwelling units within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with applicable state building standards.
2. Required facilities. A second unit shall contain separate kitchen and bathroom facilities; an attached second unit shall have an entrance separate from the primary dwelling.
3. Maximum floor area. Second units may consist of any of the following:
 - a. A minimum square footage for an efficiency unit, defined as a unit for occupancy by no more than two persons with a minimum floor area of 150 square feet and which may have partial kitchen or bathroom facilities.
 - b. A one-bedroom second unit that is less than 850 square feet or, for a second unit that provides more than one bedroom, 1,000 square feet.
 - c. A detached second unit that is up to 800 square feet and 16 feet in height with four-foot side and rear yard setbacks that is constructed in compliance with all other local development standards.
 - d. Except as provided above in 17.44.190 C. 3. a – c, a second unit shall not exceed 1,200 square feet. or 50 percent of the floor area of the primary dwelling, whichever is less.
4. Conversion of existing primary unit. An existing dwelling may be converted to a second unit and a new, larger primary unit constructed if the resulting second unit complies with all applicable requirements of this Section.
5. Building Code requirements. Each second unit shall be constructed in compliance with all applicable Building Code requirements. The approval of a second unit attached to an existing dwelling shall require that the entire structure be improved to comply with current Building Code requirements.

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6. Parking requirement. Except as provided in Table 3 – 3, one accessible off-street parking space shall be provided for each studio or one-bedroom second unit in addition to the two off-street parking spaces required for the primary dwelling. A second unit with more than one bedroom shall require two off-street parking spaces. Required parking may be tandem. Replacement parking is not required if a garage, carport or covered parking structure is demolished in conjunction with construction of a second unit or is converted to a second unit.
7. Exterior design. Each second unit shall be constructed so as to be compatible with the existing primary dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping, and shall comply with the standards for single-family dwellings in Section 17.44.210 (Single Dwellings).
8. Building separation for detached unit. A detached second unit shall be separated from the primary dwelling by a minimum distance of 10 feet.
9. Setback requirements. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to a second unit or to a portion of a second unit. Four-foot setbacks from the side and rear lot lines shall be required for a second unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

D. Procedure for legalizing other existing second units.

1. A second unit legally existing at the time of adoption of the Grass Valley Zoning Ordinance No. 69 N.S. (December 26, 1965) may be continued as a nonconforming use in compliance with Chapter 17.90 (Nonconforming Uses, Structures, and Parcels).
2. A second unit legally reestablished by Variance or Use Permit for a nonconforming use after the adoption of the Grass Valley Zoning Ordinance No. 69 N.S. (December 26, 1965) may be continued in compliance with all applicable conditions of approval of the Variance or Use Permit.
2. A second unit legally established by Use Permit in compliance with Ordinance No. 332 N.S., adopted December 27, 1983, may be continued in compliance with the conditions of the Use Permit.

E. Separate sale of second unit prohibited. No second unit shall be created for sale or financing through a condominium plan, community apartment plan, housing cooperative or other subdivision. A second unit may be rented.

F. Sale of ADU by Qualified Nonprofit. An ADU may be sold or conveyed separately from the primary residence to a qualified buyer of low or moderate income if the following conditions are met:

1. The property was built or developed by a qualified nonprofit corporation with a tax exemption for properties intended to be sold to low-income families who participate in a special no-interest loan program.
2. There is a recorded contract between the buyer and nonprofit ensuring that the property is preserved for affordable housing.
3. The property is held pursuant to a recorded tenancy-in-common agreement that requires the buyer to occupy the property as the buyer's principal residence, gives the option of first offer of sale to the non-profit, and includes an affordable restriction that ensures the property is preserved as low-income housing for at least 45 years for owner-occupied housing units that can only be sold or resold to a qualified buyer.

G. Development and Utility Fees. The City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.