

ORDINANCE NO. 473

AN ORDINANCE OF THE CITY OF GREENFIELD REPEALING CHAPTER 17.90 OF THE GREENFIELD MUNICIPAL CODE RELATED TO “ACCESSORY DWELLING UNITS” AND ADOPTING A NEW ORDINANCE IN ITS PLACE CONSIDERING STATE REQUIRED MODIFICATIONS, AND SUBMITTING THE ORDINANCE TO THE STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR REVIEW

WHEREAS, the State of California has required that cities adopt updated accessory dwelling unit ordinances to be consistent with updated State housing laws to encourage and promote the development of affordable housing; and

WHEREAS, Section 17.16.130 of the City of Greenfield Municipal Code provides that the City Council is the designated approving authority for zoning code amendments, that the Planning Director and Planning Commission provide recommendations to the City Council on the proposed zoning code amendment, and that the City Council approves, conditionally approves, or denies the zoning code amendment in accordance with the requirements of Title 17 of the municipal code; and

WHEREAS, the proposed repeal and adoption of the new ordinance to the City of Greenfield Zoning Code, as described herein, is required for consistency with the State Government Code and the State Health and Safety Code; and

WHEREAS, on April 1, 2025, the Planning Commission held a public hearing and approved a measure recommending the City Council adopt an Ordinance repealing Chapter 17.90 of the Greenfield Municipal Code related to Accessory Dwelling Units and adopting a new Ordinance in its place.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Greenfield has considered all written and verbal evidence regarding the proposed zoning code amendment and has made the following findings regarding the proposed amendment:

1. **FINDING:** That the proposed Zoning Ordinance repeal and adoption of the new Ordinance (text or map) is consistent with the general plan goals, policies, and implementation programs.
 - a. On April 12, 2016, the Greenfield City Council adopted Resolution 2016-20 amending the City of Greenfield General Plan to incorporate the Fifth Cycle Housing Element Update. The adopted Housing Element update established housing goals, objectives, policies, and implementing programs for the preservation, improvement, and development of housing within the City. The Housing Element is currently being updated and is in the process of being certified, and the previous and current Update contain implementing programs that identified amendments to the City’s zoning code that are required to support the established goals, for conformity with the State Government Code and other state laws, to promote housing development for all economic segments of the community — and, in particular, affordable housing for very low, low, and moderate-

income individuals and families and individuals with special needs — and to permit mandated housing uses and types within appropriate zoning districts.

- b. The proposed repeal and adoption of the new Ordinance to the City of Greenfield zoning code are required for consistency with the State Government Code.

2. **FINDING:** That the proposed repeal and adoption of the new Ordinance will have no adverse effects on the public’s health, safety, or welfare.

- a. Several Housing Element programs and policies and implementing the adoption of new ordinances to the City’s zoning code, such as for Accessory Dwelling Units, may result in future residential development projects. Accessory Dwelling Units are considered ministerial projects and are therefore exempt from additional environmental review. Further CEQA review of the proposed repeal and adoption of the new ordinance to the City’s zoning code are not required currently.

BE IT HEREBY FURTHER RESOLVED, that the City Council of the City of Greenfield adopts an Ordinance repealing Chapter 17.90 of the Greenfield Municipal Code related to “Accessory Dwelling Units” and adopting a new Ordinance in its place considering State required modifications, which draft Ordinance is included as “Exhibit A” to this resolution, and submit the Ordinance to the California Department of Housing and Community Development for review and approval.

INTRODUCED at a regular meeting of the City Council of the City of Greenfield on the 8th day of April, 2025.

PASSED AND ADOPTED by the City Council of the City of Greenfield at a regularly scheduled meeting, held on the 22nd day of April 2025, by the following vote:

AYES, and all in favor, therefore, Councilmembers: Mayor White, Councilmembers Ortiz, Jones and Garcia

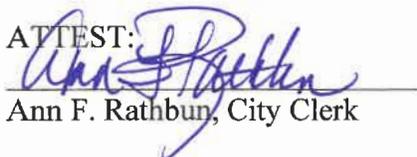
NOES, Councilmembers: None

ABSENT, Councilmembers: Mayor Pro-tem Rodriguez



Robert White, Mayor

ATTEST:



Ann F. Rathbun, City Clerk

EXHIBIT A

Chapter 17.90

ACCESSORY DWELLING UNITS

Sections:

- 17.90.010 Purpose
- 17.90.020 Accessory Dwelling Units (ADU) Development Standards
- 17.90.030 Junior Accessory Dwelling Units (JADU) Development Standards
- 17.90.040 Permit Application Requirements
- 17.90.050 Review Procedures
- 17.90.060 Prohibition on Sale and Limitation on Rental
- 17.90.070 Definitions

17.90.010 Purpose

The purpose of this chapter is to establish development standards for the construction of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in residential zoning districts and on residential property and set forth regulations to ADUs and JADUs in accordance with state law. Implementation of this chapter is intended to expand housing opportunities by increasing the number of rental units available within existing neighborhoods, while maintaining the primarily residential character of the area.

17.90.020 Accessory Dwelling Units (ADU) Development Standards

An ADU, whether attached or detached, shall comply with the following regulations:

- A. *Location Permitted.* An ADU may be located on any property where a residential dwelling is permitted by right or conditionally permitted and where the proposed accessory dwelling unit will be an accessory to the primary dwelling unit.
- B. *Maximum Number of Units and Density.*
 - 1. For lots with a single-family residence, there shall be a maximum of one attached ADU or one detached ADU unit which may be combined with a JADU that is consistent with section 17.90.030. An ADU may be located within a detached garage.
 - 2. For lots with a two-unit residential development, approved as a lot split under Government Code section 66411.7, an ADU or JADU may not be constructed if two primary dwelling units exist on each resulting site.

3. ADUs that conform to this chapter shall be exempted from the calculation of the maximum allowable density for the lot on which it is located.
 4. ADUs on a multifamily property are subject to the following:
 - a. A minimum of one ADU will be allowed within the non-livable portions of the existing multifamily structure, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, and garages. The maximum number of ADUs shall not exceed twenty-five percent (25%) of the number of existing legally established dwelling units within the existing multifamily structure;
 - b. A maximum of eight (8) ADUs that are detached from an existing multifamily structure, provided that the number of ADUs does not exceed the number of existing units on the lot; and /or
 - c. A maximum of two (2) detached ADUs on a lot with a proposed multifamily dwelling.
- C. *State Exempted "By Right" ADUs.* The City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:
1. Single-Family Converted ADUs and JADUs - One ADU and one JADU per lot with a proposed or existing single-family dwelling if: (1) the ADU or JADU is within the proposed space of a single-family dwelling or accessory structure and may include an expansion of one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure to accommodate ingress and egress; (2) the space has exterior access from the proposed or existing single-family dwelling; (3) the side and rear setbacks are sufficient for fire and safety; and (4) the JADU complies with Government Code sections 66333, et seq.
 2. Single-Family Detached ADUs - One detached, new construction ADU with a proposed or existing single-family dwelling if: (1) the ADU does not exceed four-foot side and rear yard setbacks; (2) the total floor area is not more than eight hundred (800) square feet; and (3) the ADU does not exceed sixteen (16) feet in height on a single-family property, eighteen (18) feet in height if the property is within one-half (1/2) of one mile walking distance of a major transit stop or a high-quality transit corridor, or twenty (20) feet in height to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit if the property is within one-half (1/2) of one mile walking distance of a major transit stop or a high-quality transit corridor.
 3. Multifamily Converted ADUs - ADUs within the 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 state building standards for dwellings. This includes at least one ADU within an existing multifamily dwelling and allows up to twenty-five percent (25%) of the existing multifamily dwelling units.

4. Multifamily Detached ADUs - Up to two (2) detached ADUs on a lot that has a proposed multifamily dwelling, or up to eight (8) detached ADUs on a lot with an existing multifamily dwelling, not to exceed the number of existing units on the lot, if: (1) the ADU(s) do not exceed four-foot side and rear yard setbacks; and (2) the ADU does not exceed sixteen (16) feet in height on a multi-family property, eighteen (18) feet for a multifamily, multistory dwelling, eighteen (18) feet in height if the property is within one-half (1/2) of one mile walking distance of a major transit stop or a high-quality transit corridor, or twenty (20) feet in height to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit if the property is within one-half (1/2) of one mile walking distance of a major transit stop or a high-quality transit corridor.

D. *Maximum Unit Size.* The total floor area of an attached or detached ADU shall not exceed one thousand (1,000) square feet for an ADU with more than one bedroom or eight hundred fifty (850) square feet for an ADU with one bedroom or less. However, in no case shall an attached ADU exceed fifty percent (50%) of the total square footage of the existing principal residence. An exception to the fifty percent (50%) maximum shall be waived in order to allow a minimum eight hundred (800) square foot and a maximum one thousand (1,000) square foot ADU.

E. *Minimum Unit Size.* An ADU shall be a minimum of one hundred fifty (150) square feet or the size necessary to accommodate an efficiency unit as defined by Health and Safety Code section 17958.1, whichever is greater.

F. *Setbacks.*

1. *Front Yard.* The minimum front yard setback shall conform to the requirements of the zoning district which governs the property, except where necessary to allow a minimum eight hundred (800) square foot ADU with side and rear yard setbacks as defined below.
2. *Side Yard.* The minimum side yard setback shall be four (4) feet.
3. *Rear Yard.* The minimum rear yard setback shall be four (4) feet.
4. *Existing Structure.* The setback for an existing, legal nonconforming structure shall be allowed to continue on the site. Any addition to the existing structure shall be allowed to use the same setbacks that were previously approved.

5. *Setbacks Between Structures.* A detached accessory structure shall be setback six (6) feet from the primary dwelling unit and all new structures shall be set back a minimum of five (5) feet from the eaves of a habitable structure, measured from eave to eave, and a minimum of three (3) feet to an uninhabitable structure.
 6. *Planned Unit Development.* Where a planned unit development allows a smaller setback for side or rear yards than the setbacks under this chapter, the new ADU shall comply with those planned unit development setbacks.
 7. *Second Story ADU.* For an ADU located on a second story, the second story shall be set back five (5) feet from the main wall of the existing primary dwelling unit.
- G. *Lot Coverage.* The principal residence and ADU combined shall meet the requirements for lot coverage or floor area ratio of the zoning district in which the property is located. The maximum lot coverage or floor area ratio required by the zoning ordinance shall be waived in the amounts necessary to accommodate an ADU with a gross floor area of up to eight hundred (800) square feet with the minimum required side and rear yard setbacks.
- H. *Height.* A detached ADU shall not exceed sixteen (16) feet in height on a single-family property or on a multifamily property. A detached ADU shall not exceed eighteen (18) feet in height for a multifamily, multistory dwelling unit. A detached ADU on a single-family or multifamily property that is within one-half (1/2) of one mile walking distance of a major transit stop or a high-quality transit corridor shall not exceed eighteen (18) feet in height, except the detached ADU may be up to twenty (20) feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit. The maximum height for an attached ADU shall conform to the height requirements of the zoning district where the lot is located.
- I. *Required Parking.* The following parking requirements apply to ADUs.
1. An ADU shall be provided with one off-street parking space per unit in addition to parking required for the principal residence. If the ADU is a studio, no off-street parking space is required.
 2. If a parking space is required, the space may be compact, may be uncovered, and may be in a tandem space with the required parking of the principal dwelling unit, either covered or uncovered.
 3. Off-street parking shall be permitted in setback areas in locations approved by the Planning Director 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.

4. Off-street parking for an ADU is not required in any of the following instances:
 - a. The ADU is created through the conversion of a garage, carport, or covered parking structure.
 - b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is within a new or existing primary dwelling unit or accessory structure.
 - d. On-street parking permits are required but not offered to the occupant of the ADU.
 - e. The ADU is located within one-half (1/2) mile walking distance of a public transit stop.
 - f. The ADU is located within one block of a car share location.
 - g. 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 satisfy any other criteria listed in this section.

- J. *Entrance.* An ADU shall require a separate entrance from the main entrance to the proposed or existing principal residence.

- K. *Public Utilities and Services.* ADUs shall be served by public water and sewer and shall have access to an improved public street. Separate utility connections shall not be required for any ADUs which are the result of a conversion of existing space, plus an addition of up to one hundred fifty (150) square feet as allowed by this section, or within the proposed space of a single-family dwelling (new construction). All other ADUs will require separate utility connections.

- L. *Design.* All attached and detached ADUs which are visible from the street shall have the same architectural style, detail, color, and building materials as the existing or proposed primary dwelling unit. For detached ADUs which are not visible from the street, the detached ADU shall have the same color and materials as the existing or proposed primary dwelling unit.

- M. *Mechanical Equipment.* All mechanical and utility equipment shall be screened from view from the street through a combination of wall or fencing and landscape plant materials sufficient to screen the height and width of the equipment.

- N. *Fire Sprinklers.* Fire sprinklers in an ADU shall not be required if they were not required for the primary dwelling, in accordance with Government Code section 66314. For an ADU in a multifamily structure, the entire residential structure shall serve as the “primary residence” for the purposes of this requirement. If the multifamily structure is served by fire sprinklers, the ADU shall be required to install fire sprinklers.
- O. *Occupancy.* Owner-occupancy shall not be required as a condition of permit approval for ADUs.

17.90.030 Junior Accessory Dwelling Units (JADU) Development Standards

A JADU shall comply with the following regulations:

- A. *Location Permitted.* A JADU may be located on a property within a single-family residential zone with one primary dwelling unit located, or proposed to be built, on the property.
- B. *Relationship to Principal Use.* The JADU shall be located entirely within the walls of a proposed or existing single-family residence, including an attached garage, except that up to one hundred fifty (150) square feet may be constructed outside of the walls of the existing structure in order to provide ingress and egress into the unit.
- C. *Maximum Number of Units and Density.* There shall be a maximum of one JADU per lot. A JADU may be in addition to a detached accessory dwelling unit that is consistent with section 17.90.020.
- D. *Maximum Unit Size.* The total floor area of a JADU shall not be more than five hundred (500) square feet, excluding any shared sanitation facility within the principal single-family residence.
- E. *Setback and Other Zoning Regulations.* For purposes of setbacks and other zoning regulations, the JADU shall be considered to be a part of the principal use of subject site and shall be subject to the same requirements of the underlying zoning district.
- F. *Parking.* No off-street parking is required for a JADU.
- G. *Entrance.* A JADU shall require a separate exterior entrance from the main entrance of the proposed or existing single-family residence. If the JADU shares a bathroom with the

existing dwelling, access from the inside of the unit to the main living area of the dwelling shall be provided.

- H. *Landscaped Planter.* When the JADU is constructed in an existing garage, an in-ground or raised landscaped planter, thirty (30) inches in depth, shall be installed between the driveway and the former garage door. The planter depth may be reduced if necessary to maintain a minimum eighteen (18) foot long driveway, measured from the back of the sidewalk to the landscaped planter.
- I. *Efficiency Kitchen.* A JADU shall include an efficiency kitchen.
- J. *Occupancy and Ownership.*
 - 1. Owner-occupancy of the primary dwelling unit is required. The owner may reside in the remaining portion of the structure or the JADU.
 - 2. A deed restriction which shall run with the land, shall be filed with the building permit application as described in section 17.90.040, subdivision (E).
- K. *Inspection.* Prior to the issuance of a building permit, the JADU shall be inspected by the building official for compliance with applicable building standards and codes and shall pay any fee imposed for that inspection.

17.90.040 Permit Application Requirements

An application for a building permit review of an ADU and/or JADU shall be submitted to the Planning Department. The application package shall include the following:

- A. *Application.* An applicant for an ADU or JADU shall submit an application on a form provided by the City, along with all information and materials prescribed by such form. No application shall be accepted unless it is completed as prescribed, all required materials are submitted, and the application fee is paid.
- B. *Fees.*
 - a. *Application Fees.* Application filing fees are due at the time of application. The required filing fees are based on the entitlements required and type of development application. The filing fees shall be established in an amount set forth by resolution of the City Council.
 - b. *Development Impact Fees.* ADUs and JADUs are not subject to development impact fees if they are less than seven hundred fifty (750) square feet. If the ADU

or JADU is seven hundred fifty (750) square feet or larger, impact fees will be charged in proportion to the square footage of the ADU or JADU to the primary dwelling unit.

- c. **Utility Fees.** For an ADU located within an existing structure, payment of a connection fee or capacity charge is not required. For an ADU that is separate from an existing structure, the City will require payment of a connection fee or capacity charge that is proportionate to the ADU's burden.

- C. **Preliminary Title Report.** A preliminary title report dated within six (6) months of the application submittal date, including a digital copy of all referenced documents.

- D. **Utility and Service Information.** Provide information on available utility easements, services, and connections.

- E. **Recordation of Deed Restriction.** The applicant for a JADU building permit, shall file a deed restriction with the building permit application. The deed restriction, which shall run with the land, shall be filed with the City and recorded with the Monterey County Recorder's Office. The deed restriction shall include the following:
 - 1. A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
 - 2. A restriction on the size and attributes of the JADU that conforms with Government Code section 65862.22; and
 - 3. A restriction on short-term rentals of JADUs for a period of less than thirty (30) consecutive calendar days; and
 - 4. A prohibition on non-residential use of any units, with the exception of home occupations approved by the City.

- F. **Nonconforming Conditions.** The construction of an ADU or JADU shall not create any unpermitted construction or illegal nonconforming zoning conditions; however, an application shall not be denied due to the correction of preexisting nonconforming zoning conditions.

17.90.050 Review Procedures

- A. **Ministerial Permit Approval.** An ADU permit application for either an attached or detached ADU and/or JADU permit application is required in order to demonstrate that a unit is in compliance with the provisions of this chapter. If the ADU and/or JADU is in full compliance with the provisions of this chapter, a ministerial, non-discretionary permit

shall be issued. Notwithstanding anything contrary in this Code, the issuance of a ministerial ADU permit is not appealable.

B. *Discretionary Review as Alternative to Ministerial Approval.*

1. As an alternative to ministerial review, an applicant may submit an application for discretionary review of an ADU proposal that is not in full compliance with the provisions of this chapter.
2. The application for discretionary approval shall be granted if the Planning Director finds each of the following:
 - a. The proposed ADU is consistent with all applicable objective design standards;
 - b. The proposed ADU would not result in a negative privacy impact on an abutting residential lot; and
 - c. The proposed ADU would not result in a negative impact to public health, safety, or welfare.
 - d. The proposed ADU, when detached and exceeding the height limit, should provide at least one additional off-street parking space.
3. The decision of the Planning Director shall not preclude the ability of an applicant to receive a ministerial permit pursuant to section 17.90.050, subdivision (B)(1) for an ADU that is in full compliance with the provisions of this chapter.
4. The decision of the Planning Director may be appealed to the Planning Commission, and the decision of the Planning Commission may be appealed to the City Council.

17.90.060 Prohibition on Sale and Limitation on Rental

- A. Neither an ADU nor JADU shall be sold separately from the primary residence. However, an ADU may be sold separately or conveyed pursuant to Government Code section 66341, and, if and when, the City adopts a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU or units as condominiums pursuant to Government Code section 66342.
- B. If an ADU or JADU is rented, the unit shall not be rented for a period of less than thirty (30) consecutive calendar days.

17.47.070 Definitions

Accessory dwelling unit (ADU) shall have the same meaning as defined under section 66313 of the Government Code and shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling. An ADU also includes an efficiency unit and a manufactured home, provided it is built on a

permanent foundation. An ADU may be located within an existing attached or detached garage, shed, barn, or any other accessory structure. An ADU may add up to one hundred fifty (150) square feet beyond the physical dimensions of the existing accessory structure to provide for ingress and egress, including but not limited to, entryways, stairways, and hallways.

Efficiency kitchen shall mean an area with cooking appliances, food preparation counter(s) and storage cabinets that are of a reasonable size in relation to the size of the junior accessory dwelling unit.

Efficiency unit shall mean a dwelling unit construction in accordance with Health and Safety Code section 17958.1 or the California Building Code section 1208.4.

Junior accessory dwelling unit (JADU) shall mean a unit that is no more than five hundred (500) square feet in size and is contained entirely within a single-family residence, including within an attached garage, and does not result in an addition to the structure for ingress or egress which is more than one hundred fifty (150) square feet in size. A JADU may include separate sanitation facilities or may share sanitation facilities within the single-family dwelling.

Multifamily for the purposes of this chapter, shall mean a property with two or more attached dwelling units on a single lot. Multiple detached dwelling units are not considered a multifamily property.

Primary dwelling unit shall mean a residential dwelling, other than an ADU or JADU, with provisions for living, sleeping, eating, a kitchen for cooking, and sanitation facilities.

Public transit stop shall mean a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on a fixed route, and are available to the public.

Single-family unit for the purposes of this chapter, shall mean a property with one detached residential dwelling unit.

Tandem parking shall mean two (2) or more automobiles parked on a driveway or on any other location on a lot, lined up behind one another.