



STAFF REPORT

City Council

Meeting Date:

5/19/2026

Staff Report Number:

26-088-CC

Public Hearing:

Introduce and waive the first reading of an ordinance to repeal and replace Chapter 16.79 (Accessory Dwelling Units) of Title 16 of the Menlo Park Municipal Code for consistency with State law and incorporating local objective standards

Recommendation

The Planning Commission and staff recommend that the City Council introduce and waive the first reading of an ordinance to repeal Chapter 16.79 of the Menlo Park Municipal Code (Accessory Dwelling Units Ordinance) and replace it with a new Accessory Dwelling Units (ADU) Ordinance, which would modify the City's ADU regulations for consistency with state law and incorporate local objective standards allowed by state law. The proposed ordinance is included as Attachment A. The current ordinance is included as Attachment B for reference.

Policy Issues

The ADU Ordinance amendments would ensure compliance with current state regulations, specifically Government Code Sections 66310-66342, and incorporate local objective standards allowed by state law.

The adopted 2023-2031 Housing Element includes programs that are directly related to this effort, including H2.D: ADU Amnesty Program; H3.I: Accessible ADUs; H4.F: Modify ADU Development Standards and Permit Process; and the partial implementation of H7.A: Create Objective Residential Design Standards.

State law grants amnesty for any unpermitted ADU that can demonstrate that it has existed before Jan. 1, 2020, but the proposed changes to the ADU Ordinance would enable additional amnesty for all ADUs in existence prior to the City's Housing Element adoption date of Jan. 31, 2023. The proposed ADU Ordinance also includes a provision that would allow an ADU, subject to local objective standards and all required accessibility provisions of the California Building Code, an additional one-time square footage exceedance of 100 sq. ft. above the 800 sq. ft. per lot, to further incentivize additional accessible housing development.

On Dec. 5, 2025, the State Housing and Community Development Department (HCD) sent a technical assistance letter requesting an update on the City's ADU Ordinance, since it was last adopted in 2020 and may be inconsistent with current state ADU law. Staff initiated the comprehensive ADU Ordinance update prior to receipt of the technical assistance letter, pursuant to Housing Element program H4.F. Program H4.F (Modify ADU Development Standards and Permit Process) requires the City to bring the ADU

Ordinance into full compliance with current state requirements within six months of receipt of the aforementioned HCD letter. Additionally, the program included an evaluation of parking flexibility to reduce barriers to ADU production, a streamlined approval process, and an increased City role in providing guidance and marketing. The proposed ADU Ordinance update would partially implement this program by bringing the ADU Ordinance into compliance with state law, and by providing parking exemptions for studio and one-bedroom ADUs that are subject to local objective standards, which are discussed in more detail later in this staff report.

Background

ADUs are residential dwelling units that are either attached to a primary residence, attached to an accessory structure, or detached, and provide complete independent living facilities and are located on lots with proposed or existing primary residences. Per the City's 2023-2031 Housing Element, "ADUs are a cost-effective housing type because they do not require new land or major infrastructure improvements. ADUs tend to be smaller and are thereby more inherently affordable by design." Junior accessory dwelling units (JADUs) are another category of ADUs allowed to be created within the walls of a proposed or existing single-family residence, and contain no more than 500 square feet of interior livable space. They may contain a basic kitchen utilizing small plug-in appliances, and may share a bathroom and central utility systems with the primary dwelling, which could further reduce development costs.

Since 2016, state ADU laws have continued to evolve to lower barriers to the development of more affordable housing and address the housing crisis across the state. Local ADU ordinances are optional, and if a jurisdiction does not have a local ordinance or a conflicting ordinance, state law applies. Local ADU ordinances allow a jurisdiction to apply local objective development standards as long as those standards would be more permissive than state law, are consistent with and would not conflict with state law and are not applied to ADUs and JADUs created pursuant to Government Code Section 66323 (called "State ADUs" or "66323 Units"). State ADUs are discussed in detail later in this staff report.

Planning Commission review

On Dec. 15, 2025, the Planning Commission conducted a study session to consider proposed changes to the ADU Ordinance. Staff sought feedback from the Commission on local objective standards for ADUs that could be established through amendments to the City's ADU ordinance subject to the provisions of Government Code Section 66314 ("Local ADUs"). A detailed discussion on the changes incorporated into the draft ordinance from the study session is included in the staff report for the Dec. 15, 2025 Planning Commission meeting (Attachment C).

On April 13, the Planning Commission reviewed the revised draft ADU ordinance, which included several changes to the proposed regulations based on feedback from the December 2025 study session. The Planning Commission recommended (4-2-1, with one absent) that the City Council approve the proposed amendments to Chapter 16.79 with the following changes:

- Eliminate all parking minimums for all accessory dwelling units; and
- Allow one ADU to exceed the total floor area limit (FAL) for a property by up to 800 square feet, but remove the one-time limitation. This would allow one ADU to take advantage of any remaining square footage up to the 800 square-foot exceedance through subsequent permits for remodeling or additions.

The two Planning Commissioners who opposed the recommendation expressed that the ADU Ordinance should contain more permissive regulations (i.e. larger ADUs and increased heights) for the local objective standards, with the goal of increasing ADU production.

The Planning Commission also included a recommendation that the City Council direct staff to evaluate ADU subdivisions so that ADUs could be owned and sold separately from other units on a property, as a separate future effort. Staff received no written or in-person public comments at the April 13 Planning Commission meeting. The April staff report is included as Attachment D.

Staff revision following Planning Commission review

Lastly, the Planning Commission staff report included a description of a requirement from the California Building Standards Code to have a shared accessory room between an attached ADU and a primary residence. Upon further evaluation, the accessory room is not required and will not be enforced. Regardless of the building code requirements, staff proposes to maintain the requirement to have two separate doors with independent locking mechanisms between the two units, in addition to compliance with California Building Standards Code requirements.

Analysis

“State ADUs” and “Local ADUs”

All ADUs can be characterized into two categories, per State law:

- State ADUs: State-mandated ADUs that are subject to very limited legal requirements pursuant to Government Code Section 66323 (also known as “66323 Units,” but hereafter referred to as “State ADUs”), and
- Local ADUs: Non-State-mandated ADUs that are subject to local objective standards, set forth by the local jurisdiction pursuant to Government Code Section 66314 (also known as “66314 Units,” but hereafter referred to as “Local ADUs”).

State ADUs could include the following types of ADUs on single-family residential lots:

- Internal ADU and/or JADU (within existing or proposed primary dwelling or existing accessory structure); and
- New detached ADU on single family lot (\leq 800 sq. ft.).

State ADUs could also include the following types of ADUs on multi-family residential lots:

- Internal converted non-livable space within an existing structure; and
- Detached ADUs (up to two with proposed dwelling; up to eight with existing dwelling but not more than existing number of units).

Local ADUs represent all ADU types not covered by Government Code Section 66323, including:

- Attached ADUs (additions to existing structure);
- New detached ADUs exceeding 800 sq. ft.; and
- ADUs in historic districts (subject to objective historic standards).

Within this framework, the two categories (i.e., State and Local) have significant differences. The April Planning Commission staff report (Attachment D) further defines the two types of ADUs and includes

tables with more detailed information regarding administrative differences and development standard differences between State and Local ADUs. The April Planning Commission staff report also describes the objective standards applicable to State ADUs, JADUs (subset of State ADUs) and Local ADUs in more detail, and the rationale behind recommended objective standards for Local ADUs.

Updates after Planning Commission recommendation

Following the April 13 Planning Commission meeting, staff updated the draft ADU ordinance to incorporate the Planning Commission’s recommendations for Local ADUs:

- Elimination of all parking minimums (Table 16.79.070 (1) within Section 16.79.070); and
- Removal of a one-time limitation to allow one ADU to exceed up to 800 square feet of the FAL or floor area ratio (FAR) of the lot (Section 16.79.070(2)).

Table 1 provides a breakdown of proposed Local ADU regulations, incorporating the Planning Commission’s recommended changes.

Table 1: Proposed objective standards for Local ADUs	
Topic	Summary of objective standard
Setbacks	<ul style="list-style-type: none"> • Same standards for Local ADUs as State ADUs: <ul style="list-style-type: none"> • New Detached: 4 ft. side/rear setbacks. • Front setback subject to local standards; state guaranteed allowance may override if necessary to accommodate 800 sq. ft. unit.
Maximum square footage	<ul style="list-style-type: none"> • ADU square footage may not exceed 50% of an existing primary dwelling or 850 sq. ft. for up to one bedroom and 1,000 sq. ft. for units with more than one bedroom, notwithstanding the guaranteed allowance of 800 sq. ft. ADUs greater than 800 sq. ft. may only exceed the FAL or FAR of the lot by 800 sq. ft. • After incorporating the April 2026 Planning Commission recommendation, the 800 sq. ft. exceedance would be allowed without any limitations on timing for the one exceeding ADU. • An accessible Local ADU that meets all required accessibility provisions of the California Building Code would be allowed an additional one-time square footage exceedance of 100 sq. ft. above the 800 sq. ft. per lot.
Height	<ul style="list-style-type: none"> • Same standards for Local ADUs as State ADUs.: <ul style="list-style-type: none"> • Detached single-family: not less than 16 ft. base; or 18 ft. if within ½ mile walking distance to a major transit stop, and up to 20 ft. for pitched roof to match primary residence • Attached single-family: Lesser of 25 ft. or zoning district height • Multifamily: 18 ft.
Daylight plane and building profile	<ul style="list-style-type: none"> • Local ADUs would be required to comply with the applicable daylight plane requirements in Chapter 16.67. • In multifamily and commercial zoning districts, attached ADUs would be subject to the building profile requirements of the applicable zoning regulations, and the building profile would not affect detached ADUs.
Interior access	<ul style="list-style-type: none"> • Interior access between a Local ADU and a primary dwelling unit is allowed, provided the connection includes two separate fire-

	rated doors with independent locking mechanisms and complies with California Building Standards Code requirements.
Exterior access	<ul style="list-style-type: none"> Require independent exterior access separate from the primary dwelling unit, consisting of an all-weather pathway from the street, publicly accessible right-of-way, or easement to the Local ADU entrance.
Encroachments	<ul style="list-style-type: none"> Eaves permitted to encroach 18 inches into four-foot required yards irrespective of the type of ADU. Local ADUs would be allowed exterior stairs/elevated path to a second floor provided the stairs/elevated path are located at least four feet from the side or rear property lines and no greater than the minimum size that is required for egress, unless the second floor landing complies with the balcony setbacks in Chapter 16.60 (Encroachments and Balconies).
Covered porches	<ul style="list-style-type: none"> Covered porches or similar features would be limited to no greater than 20% of the livable space of the Local ADU.
Exterior lighting	<ul style="list-style-type: none"> Local ADUs would require exterior lighting to be shielded downlighting and/or directed such that it does not produce glare visible off-site or illuminate adjacent or nearby property.
Parking	<ul style="list-style-type: none"> Not required with the inclusion of the April 2026 Planning Commission recommendation. However, all existing overnight parking restrictions within the City still apply.

The proposed modification to remove the one-time limit for the FAL/FAR exceedance would provide flexibility for homeowners and developers to modify an ADU over time as the needs of the property owner or occupant change.

Next steps

Following review and consideration of the proposed ADU ordinance, the City Council may introduce and waive the first reading of the ordinance. The City Council could adopt the ordinance at a second meeting, tentatively scheduled for June 9. Following adoption, the ordinance would be reviewed by HCD for compliance with State law. HCD review can take up to 60 days and staff anticipates submitting the ordinance to HCD soon after the June 9 City Council meeting. Any comments from HCD that would result in amendments to the adopted ordinance would require additional Planning Commission review and City Council adoption. The proposed ADU ordinance will become effective and enforceable 30 days after City Council adoption. All ADU projects will be reviewed for compliance with the code based on the date of building permit application submittal. For an existing building permit application, an applicant may opt into the new regulations if approved.

Outreach is intended to be an ongoing, continuous process during implementation of a new ADU ordinance. Staff is currently working on updates to the City webpage with a more user-friendly format to assist the community in understanding ADU regulations. Staff also continues to promote ADU resources and updates at community events such as the recent Belle Haven Community Resource Fair, held March 28, the Love Our Earth Festival, held April 26, and the upcoming Housing and Neighborhood Resource Fair May 16. Other process improvements and outreach activities will be undertaken as the City implements the new ADU ordinance in the coming months.

Conclusion

Staff believes the recommended objective standards would bring local regulations into consistency with State law, incorporate new regulations to allow the City to effectively regulate Local ADUs, and support the City's existing policies to continue to provide a mix of housing types to address local housing needs. Staff also believes that the proposed changes acknowledge the need for additional accessible housing units and housing units to support a variety of household sizes. The proposed development standards have been updated to reflect feedback provided by the Planning Commission and the community at the Dec. 15, 2025, study session and April 13 public hearing. Staff believes that the current proposed ordinance balances feedback from the two Planning Commission meetings with enhanced ADU development opportunities to ensure a variety of housing types across the City. Staff recommends the City Council introduce and waive the first reading for the draft ordinance in Attachment A. Staff also requests that the City Council authorize staff to complete non-substantive corrections prior to HCD submission, including clean-ups, typographical corrections, formatting adjustments, correction of statutory cross-references to match current code numbering, and conforming the ordinance numbering to the municipal code, provided that no such correction alters any objective standard, timeline or other substantive requirement of the ordinance as adopted.

Impact on City Resources

This ordinance update is being accommodated within the existing budgets of the Planning Division, Building Division, Engineering Division, and City Attorney, and is not expected to otherwise affect City resources.

Environmental Review

This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance by a city or county to implement Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, which is State ADU and JADU law. This ordinance implements state law governing ADU and JADUs, and is therefore statutorily exempt from CEQA.

Public Notice

Public notification consisted of publishing a notice in the local newspaper. Public notification was also achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. In addition, information about the April; 13 public hearing was included on the City's Weekly Digest email, and a new Weekly Digest email will be published on May 18.

Attachments

- A. Ordinance
- B. Hyperlink – Existing ADU Ordinance (Menlo Park Municipal Code Chapter 16.79):
<https://ecode360.com/47187943>
- C. Hyperlink – Dec. 15, 2025, Staff Report #25-057-PC:

www.menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/planning-commission/2025-meetings/agenda/20251215-planning-commission-agenda-packet.pdf#page=9

D. Hyperlink – April 13, Staff Report #26-009-PC:

www.menlopark.gov/files/sharedassets/public/v/2/agendas-and-minutes/planning-commission/2026-meetings/agenda/20260413-planning-commission-agenda-packet.pdf#page=150

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ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
REPEALING CHAPTER 16.79 (ACCESSORY DWELLING UNITS) OF TITLE 16
(ZONING) OF THE MENLO PARK MUNICIPAL CODE AND ADOPTING A NEW
CHAPTER 16.79 (ACCESSORY DWELLING UNITS) FOR CONSISTENCY
WITH GOVERNMENT CODE SECTIONS 66310-66342 AND INCORPORATING
LOCAL OBJECTIVE STANDARDS**

WHEREAS, accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) are internal, attached, or detached residential dwelling units that provide independent living facilities and are located on lots with proposed or existing primary residences; and

WHEREAS, ADU development across Menlo Park provides additional housing opportunities for all residents and has consistently contributed to meeting the City's regional housing needs allocation (RHNA) in recent years; and

WHEREAS, the City seeks to encourage additional ADU development and provide clear and consistent regulations that comply with State ADU law and fit within the context of local single-family and multifamily neighborhoods; and

WHEREAS, since 2016, State ADU laws have continued to evolve to lower barriers to the development of more affordable housing to address the housing crisis across the state; and

WHEREAS, local ADU ordinances are optional, and if a jurisdiction does not have a local ordinance, State law applies; and

WHEREAS, the City last adopted a comprehensive ADU ordinance in 2020 through Ordinance No. 1066; and

WHEREAS, Dec. 5, 2025, the state Department of Housing and Community Development (HCD) sent a technical assistance letter to the Community Development Department requesting an update on the City's ADU Ordinance, and identified that the current ordinance may potentially be inconsistent with current State ADU law; and

WHEREAS, Dec. 15, 2025, the Planning Commission conducted a study session to review an updated ADU ordinance and proposed local objective standards; and

WHEREAS, City staff evaluated comments received at the Dec. 15, 2025, study session, current State ADU laws, and the City's adopted 2023-2031 Housing Element in preparing a draft ordinance; and

WHEREAS, at a duly and properly noticed public hearing held on April 13, 2026, the Planning Commission considered proposed amendments to Chapter 16.79 (Accessory Dwelling Units), as more fully described herein and below; and

WHEREAS, the Planning Commission having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter adopted Planning Commission Resolution No. 2026-007, recommending that the City Council adopt an ordinance approving the amendments to Chapter 16.79 with the following changes: 1) eliminate all parking minimums for ADUs, and 2) allow one ADU per property to exceed the total floor area limit (FAL) or gross floor area (GFA)

for the lot by up to 800 square feet, but remove a one-time limitation to the exceedance, and the two recommended modifications were incorporated into the draft ordinance; and

WHEREAS, the City Council desires to implement objective standards and an application process for projects undertaken pursuant to Government Code Sections 65852.21 and 66411.7 by the adoption of such an ordinance; and

WHEREAS, the ADU Ordinance would implement Housing Element programs that are directly related to this effort, including H2.D: ADU Amnesty Program; H3.I: Accessible ADUs; H4.F: Modify ADU Development Standards and Permit Process; and the partial implementation of H7.A: Create Objective Residential Design Standards; and

WHEREAS, the ADU Ordinance would bring the City's ADU regulations into compliance with State ADU law and address potential inconsistencies noted in HCD's December 2025 technical assistance letter; and

WHEREAS, within 60 days of adoption of an ADU Ordinance by the City Council, the City will provide the adopted ordinance to HCD for review, as required by law; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, at a duly and properly noticed public hearing held May 19, 2026, the City Council fully reviewed, considered, and evaluated the whole of the record including all public and written comments, pertinent information, documents and the ordinance, prior to taking action regarding the proposed ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

Section 1. Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

Section 2. Repeal.

Chapter 16.79 – Accessory Dwelling Units of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

Section 3. Addition.

Chapter 16.79 – Accessory Dwelling Units of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby added in its entirety, as follows:

- 16.79.010 Purpose.**
- 16.79.020 Definitions.**
- 16.79.030 Permitted uses.**
- 16.79.040 Conditional uses.**
- 16.79.050 Units subject to limited standards (“66323 Units”).**
- 16.79.060 Junior Accessory Dwelling Unit (JADU) development standards.**
- 16.79.070 Units subject to local standards (“66314 Units”).**
- 16.79.080 Administration.**
- 16.79.090 Two (2) unit housing developments and urban lot splits (SB 9).**

16.79.010 Purpose.

- 1) Provide for the creation of accessory dwelling units and junior accessory dwelling units in a manner consistent with state law;
- 2) Establish local objective standards for accessory dwelling units not mandated by state law ("66314 Units") to ensure that they are compatible with existing neighborhoods; and
- 3) Expand the opportunity to provide a variety of housing opportunities, specifically smaller units and rental housing units.

16.79.020 Definitions.

In addition to the terms defined in Chapter 16.04 (Definitions), terms in this chapter shall have the following meanings:

- 1) "Accessory dwelling unit" ("ADU") means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary dwelling unit defined in Section 16.04.240. The unit shall include permanent provisions for living; sleeping; eating; cooking; and sanitation. The following units are also considered ADUs:
 - a) An efficiency unit as defined in Section 17958.1 of the Health and Safety Code; and
 - b) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- 2) "Attached accessory dwelling unit" ("Attached ADU") means an ADU that expands and/or adds any square footage to the primary dwelling unit structure or to an accessory structure.
- 3) "Business day" means a day that the City Hall Administration building is open to the public.
- 4) "Detached accessory dwelling unit" ("Detached ADU") means an ADU that is constructed as a separate structure from the primary dwelling unit on the lot.
- 5) "Efficiency Unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- 6) "Internal accessory dwelling unit" ("Internal ADU" or "Conversion ADU") means an ADU that is contained within the proposed space of a single-family residence or existing space of a single-family residence or accessory building or accessory structure, has independent exterior access, and adds no more than 150 square feet of floor area to an existing accessory building or structure for ingress and egress and is greater than five hundred square feet in size.
- 7) "Junior accessory dwelling unit" (JADU) means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- 8) "Livable space" means the interior space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation. Notwithstanding this definition, ADUs and JADUs shall count towards the floor area or gross floor area maximums for a development set by the underlying the zoning district, pursuant to Sections 16.04.313 and 16.04.325, respectively.
- 9) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory building or accessory structure.
- 10) "Major transit stop" as defined in Section 21155 of the Public Resources Code, is:
 - a) A high-quality transit corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours;
 - b) A major transit stop included in the Bay Area regional transportation plan;
 - c) An existing rail or bus rapid transit station.
 - d) A ferry terminal served by either a bus or rail transit service; or
 - e) The intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods;

- 11) "Multifamily dwelling" means a structure with two or more attached dwellings on a single lot. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purpose of this Chapter.
- 12) "Objective development standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
- 13) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.
- 14) "Public transit" means 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 fixed routes, and are available to the public.
- 15) "Tandem parking" means two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another.

16.79.030 Permitted uses.

- 1) Attached, internal, or detached ADUs subject to the development regulations in Sections 16.79.050 and 16.79.070 are a permitted use in all zoning districts that allow single-, multi-family, and mixed-use residential uses.
- 2) JADUs subject to the development regulations in Section 16.79.060 are a permitted use in all single-family zoning districts.

16.79.040 Conditional uses.

- 1) ADUs subject to local objective standards (pursuant to Government Code Section 66314) and Section 16.79.070 of this Chapter that require modification to the development regulations set forth in this Chapter are conditionally permitted subject to the use permit requirements of Chapter 16.82. A conditional use permit cannot be used to modify Section 16.79.070(1).

16.79.050 Units subject to limited standards ("66323 Units").

Government Code Section 66323 provides that certain units shall be ministerially approved notwithstanding local regulations that may otherwise apply. This section sets forth three (3) types of ADUs that constitute "66323 Units." 66323 Units need only comply with the development standards set forth in this subsection. Lots with existing or proposed single family developments are entitled to no more than three 66323 Units: one (1) internal ADU, one (1) JADU, and one (1) detached ADU, as more specifically described below.

- 1) Single-Family Developments.
 - a) One (1) internal ADU and one (1) JADU. For a lot with an existing or proposed single family dwelling, one (1) internal ADU and/or one (1) JADU if all of the following requirements are met.
 - i) The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling, accessory building, or accessory structure. ADUs converted from an accessory building or structure are eligible for a 150-square-foot expansion. An expansion beyond the physical dimensions of the existing accessory building or structure shall be limited to accommodating ingress and egress.
 - ii) The space has exterior access from the proposed or existing single-family dwelling.
 - iii) The side and rear setbacks are sufficient for fire and safety.
 - iv) The JADU complies with the requirements of Government Code Section 66333 et seq.

- v) Internal ADUs and JADUs, constructed concurrently with the primary dwelling unit, shall not exceed the maximum allowed floor area limit or floor area ratio of the zoning district.
 - b) One (1) detached ADU. For a lot with an existing or proposed single-family dwelling, one (1) detached, new construction ADU that meets all the following requirements.
 - i) *Maximum floor area.* The ADU shall not exceed 800 square feet of interior livable space.
 - ii) *Minimum rear and side setbacks.* Four (4) feet.
 - iii) *Maximum height:*
 - a. Sixteen (16) feet for a detached ADU on a lot with an existing or proposed single family unit.
 - b. Eighteen (18) feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one (1) mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two (2) feet in height is allowed to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit.
- 2) Multifamily Developments
- a) Internal Multifamily ADUs. ADUs are permitted within portions of existing multifamily residential structures not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with building standards. At least one (1) internal ADU and up to twenty-five percent (25%) of the existing number of multifamily dwelling units are permitted.
 - b) Detached Multifamily ADUs. ADUs that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling, are subject to the following:
 - i) *Maximum Number:*
 - a. On a lot with an existing multifamily dwelling, not more than eight (8) detached ADUs. However, the number of ADUs allowable pursuant to this clause shall not exceed the number of existing units on the lot.
 - b. On a lot with a proposed multifamily dwelling, not more than two (2) detached ADUs. Once two detached ADUs have been constructed as part of a new or proposed multifamily development, no additional detached ADUs can be constructed on site.
 - ii) *Maximum Height:*
 - a. A height of sixteen (16) feet for a detached ADU on a lot with an existing or proposed multifamily dwelling unit.
 - b. A height of eighteen (18) feet on a lot within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two (2) feet in height shall be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - c. A height of eighteen (18) feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
 - iii) *Setbacks:*
 - a. Minimum rear and side setbacks: four (4) feet.
 - b. If the existing multifamily dwelling has a rear or side setback of less than four (4) feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an ADU that satisfies the requirements of this subsection.

- 3) Rental. ADUs and JADUs approved under this section shall not be rented for a term shorter than thirty (30) days, consistent with Government Code Section 66323(e).
- 4) No objective development or design standard shall be imposed on an ADU authorized by this section unless expressly authorized by Government Code Section 66323(b). Correction of nonconforming zoning conditions shall not be required as a condition of ministerial ADU or JADU approval, consistent with Government Code Section 66323(c). The installation of fire sprinklers shall not be required in an ADU or JADU if sprinklers are not required for the primary dwelling unit, consistent with Government Code Section 66323(d).

16.79.060 Junior Accessory Dwelling Unit (JADU) development standards.

Development standards for JADUs are located in Table 16.79.060(1) and shall be subject to objective standards listed in this subsection.

Table 16.79.060(1): JADU Objective Development Standards		
Minimum Floor Area	150 square feet of interior livable space	
Maximum Floor Area	500 square feet of interior livable space ¹	
Lot Coverage Maximum	N/A	
Setbacks	(Minimum)	
	Front	N/A
	Side	N/A
	Rear	N/A
Maximum Height	N/A	
Parking	None	
Separate independent entrance required?	Yes	
Interior access allowed?	Yes	
Separate sanitary facility required	No ²	
Kitchen required	Yes ³	
<p>1. The JADU may include an expansion of not more than one hundred fifty (150) square feet beyond the physical dimensions of the existing single-family residence. The expansion shall be limited to accommodating ingress and egress.</p> <p>2. If a JADU does not include a separate bathroom, the JADU must include both a separate entrance from the main entrance to the structure, and an interior entry to the main living area.</p> <p>3. The JADU shall have a permanent efficiency kitchen as defined in Section 16.79.060(3). Only one (1) kitchen is allowed per junior accessory dwelling unit.</p>		

- 1) Maximum Size. JADUs shall be no greater than five hundred (500) square feet of interior livable space and contained entirely within a single-family residence. The JADU may include an expansion of not more than one hundred fifty (150) square feet beyond the physical

dimensions as the existing single-family home. The expansion shall be limited to accommodating ingress and egress.

- 2) Location. No more than one JADU is permitted on a residential lot within an existing single-family dwelling. No setbacks apply to fully internal JADUs.
- 3) Kitchen. The JADU shall have a permanent efficiency kitchen, which shall include a cooking facility with appliances that do not require electrical service greater than one hundred twenty (120) volts, a food preparation area, a sink with a minimum 16-inch diameter, and storage cabinets that are of reasonable size in relation to the size of the unit. Only one (1) kitchen is allowed per JADU.
- 4) Sanitation Facilities. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing single-family dwelling. If a JADU does not include a separate bathroom, the JADU must include a separate entrance from the main entrance to the single-family dwelling, with an interior entry to the main living area.
- 5) Owner Occupancy. When a JADU shares sanitation facilities with the existing single-family residence, the property owner shall occupy either: (a) the remaining portion of the single-family residence, or (b) the junior accessory dwelling unit. Owner-occupancy shall be maintained for the duration of the JADU's use. Owner occupancy shall not be required when the JADU provides separate sanitation facilities from the primary dwelling unit. For purposes of this standard, "owner" is defined as a person or entity with a majority (i.e., fifty-one percent or greater) interest in the property. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest. Owner-occupancy shall not be required if the property owner is: a governmental agency, a land trust, or a housing organization.
- 6) Prohibition on Sale. JADUs shall not be sold separately and the owner must record a deed restriction, which shall run with the land, and shall include both of the following: (a) 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 (b) a restriction on the size and attributes of the junior accessory dwelling unit that conforms with this chapter.
- 7) Rental. The JADU may be rented separate from the primary dwelling unit but may not be rented for a period of less than thirty (30) consecutive days or used as a vacation rental.
- 8) Fire and Safety Regulations. A JADU shall not be considered a separate or new dwelling unit for any purposes of any fire or life safety ordinance in regulation. Nothing in this Chapter prohibits the City or the Menlo Park Fire Protection District from applying fire and life safety requirements that apply uniformly to all single-family residences within the same zone, provided that such requirements do not impose standards solely by reason or the existence or construction of a JADU, consistent with Government Code Section 66337.
- 9) No objective development or design standard shall be imposed on a JADU authorized by this section unless expressly authorized by Government Code Section 66323(b). Correction of nonconforming zoning conditions shall not be required as a condition of ministerial ADU or JADU approval, consistent with Government Code Section 66323(c). The installation of fire sprinklers shall not be required in an ADU or JADU if sprinklers are not required for the primary dwelling unit, consistent with Government Code Section 66323(d).

16.79.070 Units subject to local standards ("66314 Units").

This section sets forth local objective standards for ADUs that do not qualify as 66323 Units, such as Attached ADUs added to existing primary dwelling units, and constitute "66314 Units." 66314 Units shall be ministerially approved and need only comply with the development standards set forth Table 16.79.070(1) and this subsection. The standards in this subsection

shall not be applied to impose any restriction that precludes the construction of an ADU that meets the requirements of Sections 16.79.050 or 16.79.060 of this Chapter.

Table 16.79.070(1): 66314 Units Objective Development Standards				
		Attached ADU ^{1,2}	Detached ADU ¹	Internal ADU ¹
Minimum Floor Area		150 square feet		
Maximum Floor Area				Greater than 500 square feet but no more than 1,000 square feet of interior livable space. ⁴
	One Bedroom or Less	850 square feet of interior livable space ²		
	More than One Bedroom	1,000 square feet of interior livable space ³		
Maximum Building Coverage		Based on zoning district ⁵		
Setbacks ⁶	(Minimum)			
	Front	Front setback per zoning district; setback must yield to the extent necessary to enable the construction of an 800 square foot ADU with four-foot side- and rear-yard setbacks		
	Side	4 feet		
	Rear	4 feet		
Maximum Height		25 feet from grade ⁷	16 feet from grade ^{8,9}	N/A
Daylight Plane		Per Chapter 16.67 of this Title	N/A	N/A
Building Profile		If applicable, subject to zoning district requirements	N/A ¹⁰	If applicable, subject to zoning district
Architectural Feature Encroachments		Permitted 18 inches into side and rear yard setbacks		
Stair and Landing Encroachments		All stair landings and balconies shall have minimum four (4) foot side and rear yard setbacks ¹¹		
Parking		None ¹²		None
Separate independent entrance required		Yes		

Separate sanitary facility required	Yes
Kitchen required?	Yes
Interior access allowed?	No
<p>1. All types of 66314 ADUs shall be granted an additional 100 sq. ft. exceedance if the ADU meets the accessibility requirements of the California Building Code. An accessible ADU shall also include an accessible access pathway from the on-site parking space or if no parking space is required to be provided, then from the street, a publicly accessible right-of-way, or an access easement.</p> <p>2. The total interior livable space of an attached ADU may not exceed 50% of an existing primary dwelling unit, notwithstanding the guaranteed allowance.</p> <p>3. For lots greater than 10,000 sq. ft, the total interior livable space shall not exceed 1,000 sq. ft.</p> <p>4. Internal ADUs that are equal to or less than 500 square feet of interior livable space are defined as JADUs, and are subject to the requirements in Section 16.79.060, unless subject to the requirements in Section 16.79.070.</p> <p>5. Lot coverage limits may be exceeded only to accommodate one detached ADU of at least 800 square feet of interior livable space.</p> <p>6. No setback shall be required for an existing living area or accessory building, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing building. ADU conversions of existing accessory buildings or accessory structures may result in an ADU with a smaller footprint than the existing building and the resulting ADU may include greater setbacks than the existing building, including less than the required four feet minimum setback for an ADU that is not converted from an existing building. The ADU conversion shall be within the same footprint of the existing building and any additions (up to the maximum of 150 square feet ingress and egress) beyond the footprint must have a minimum four (4) foot side and rear setback and comply with the provisions of this Chapter. The height of the ADU, even if the footprint is modified, shall be the same height or lower than the existing height (including the wall height and overall height).</p> <p>7. The height restriction for an attached ADU is 25 feet or the zoning ordinance height limit, whichever is lower. Where the zoning district allows a height limit greater than 25 feet, the primary dwelling unit may go up to the maximum height but the attached ADU would be limited to a maximum of 25 feet in height.</p> <p>8. A detached accessory dwelling unit on a lot with an existing single-family residence, one half of a mile walking distance away from a major transit stop (as defined in Section 21155 of the Public Resources Code) shall not exceed a max height of eighteen (18) feet. An additional two feet in height is permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.</p> <p>9. An ADU on a lot with an existing or proposed multifamily, multistory dwelling unit shall not exceed a max height of eighteen (18) feet.</p> <p>10. Detached ADUs are not subject to building profile requirements.</p> <p>11. For access to a second-story ADU, the stairs and landing shall not exceed the minimum required for building code-compliant egress, unless the second level landing meets the minimum requires balcony setbacks in Chapter 16.60 (Encroachments and Balconies).</p> <p>12. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces need not be replaced. If desired, parking may be provided as tandem parking on a driveway.</p>	

- 1) **Maximum Number.** Only one 66314 Unit is allowed on a lot.
- 2) **Guaranteed Allowance.** Maximum floor area limit, floor area ratio, building coverage, open space, and parking standards shall not prohibit a 66314 Unit of at least 800 square feet of interior livable space, a height not to exceed the limits established by Section 16.79.050 of this Chapter, and four (4) foot side and rear yard setbacks. Exceedance can occur over multiple phases for the unit identified in this Section 16.79.070.
- 3) **Internal Access.** Internal access between a 66314 Unit and a primary dwelling unit shall comply with the applicable requirements of the California Building Standards Code, and the two units shall be separated by two fire-rated doors with independent locking mechanisms.
- 4) **Exterior Access.** ADUs shall have independent exterior access separate from the primary dwelling unit.
- 5) **Exterior Access Pathway.** An all-weather pathway from the street or publicly accessible right-of-way or access easements shall be provided.
- 6) **Parking.** No parking spaces are required for units identified in this Section 16.79.070.

- 7) Encroachments. Encroachments are permitted into yards, subject to the following requirements.
 - a) Exterior stairs or elevated access pathway attached to an ADU shall be a minimum of four (4) feet from a side or rear property line and shall be designed to be no greater in size than the minimum size required to comply with the minimum building code egress/access requirement.
 - b) Eaves or cornices may encroach no more than 18 inches into a required side or rear setback.
- 8) Covered Porches and Accessory Structures. Covered porches or other similar non-habitable accessory structures may be attached to a detached ADU and shall not be included in the calculation of the ADU's "interior living space." When the total area of such structures does not exceed twenty percent (20%) of the ADU's floor area, they shall be regulated by the provisions of this Chapter as part of the ADU. When the total area of such structures exceeds twenty percent (20%) of the ADU's floor area, they shall be regulated as accessory structures under Section 16.68.030. The standards of Section 16.68.030 shall not be applied to impose any restriction that precludes the construction of an ADU that meets the requirements of Section 16.79.050 of this Chapter.
- 9) Lighting. Lighting shall be shielded and/or directed such that it does not produce glare visible from off-site or illuminate adjacent or nearby property. All proposed exterior lighting shall have shielded downlighting.
- 10) Rental. The ADU may be rented separate from the primary dwelling unit but may not be rented for a period of less than thirty consecutive days or used as a vacation rental.

16.79.080 Administration.

This section provides for the establishment and regulation of ADUs and JADUs in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare of the city.

- 1) Application and Fee. Applications for an ADU shall be processed ministerially and shall be accompanied by the appropriate fee. An ADU shall be permitted through issuance of a building permit.
- 2) Completeness Review. Upon receiving an ADU or JADU application, the Community Development Director or designee shall, within 15 business days, provide written notice to the applicant stating whether the application is complete; if the application is determined to be incomplete, the Community Development Director or designee shall identify all incomplete items and describe how the application may be made complete. Upon resubmittal the Community Development Director or designee shall not require items beyond those identified in the original notice and shall issue a new completeness determination within 15 business days. If completeness notice is not issued within 15 business days, the application is deemed complete.
- 3) Processing. Once a completed ADU or JADU application on a lot with an existing single-family or multi-family dwelling is received, the Community Development Director or designee must approve or deny the building permit application in writing within 60 calendar days. If a decision is not made within this 60-day period, the application is deemed approved. For an ADU or JADU application submitted concurrently with a permit for a new primary dwelling unit, the City may act on the ADU or JADU at the same time it acts on the primary dwelling unit permit provided review remains ministerial for the ADU or JADU. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the requested delay.
- 4) Right to Appeal. An applicant may appeal a completeness determination pursuant to 16.79.080(2) or a denial pursuant to Section 16.79.080(3) in writing to the Planning Commission, no later than 15 calendar days from either action. Following the receipt of the applicant's written appeal, the Planning Commission must issue a written determination on

- the appeal within 60 business days of the City's receipt of the written appeal, and this deadline cannot be extended. The Planning Commission's decision is final.
- 5) Unpermitted ADUs and JADUs. Any permit for an unpermitted ADU or JADU that was constructed before Jan. 31, 2023, shall not be denied due to the ADU or JADU's violation of building standards or its noncompliance with this Chapter unless community development director or their designee makes a finding that correction is necessary to protect the health and safety of the public or occupants of the structure, consistent with Section 17920.3 of the Health and Safety Code.
 - a) Prior to submission of an ADU or JADU application, the community development director or designee shall inform homeowners that they may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.
 - b) A homeowner applying for a permit for a previously unpermitted ADU or JADU constructed before Jan. 31, 2023, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when such a fee is authorized by subdivision (e) of Section 66311.5 of the Government Code.
 - c) Upon receiving an application to permit a previously unpermitted ADU or JADU constructed before Jan. 31, 2023, an inspector from the local agency may inspect the unit for compliance with health and safety standards and provide recommendations to comply with the standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, an applicant shall not be penalized for having an unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.
 - d) Documentation required to demonstrate that an unpermitted ADU or JADU was constructed before Jan. 31, 2023, could include but is not limited to utility records, assessor records, aerial imagery, dated photographs, contractor invoices, rental agreements, and insurance records.
 - 6) Administrative Review. If the ADU meets the objective design standards outlined in this Chapter, the decision of the director granting or denying an ADU permit is a ministerial decision as required by state law, and not subject to a public hearing.
 - a) For an ADU incorporating the guaranteed allowance as specified in Section 16.79.070 (2) of this chapter, the building permit for the primary dwelling unit shall receive final inspection before the final inspection of the ADU.
 - 7) Density. Pursuant to California Government Code Section 66319, no ADU approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the General Plan, and ADUs are deemed a residential use that is consistent with the existing general plan and zoning for the lot.
 - 8) Fire District Regulations. The ADU shall comply with all applicable Menlo Park Fire Protection District regulations, subject to provisions and limitations set forth in Government Code Section 66314.
 - 9) Sanitary Service. Adequate sanitary service capacity for the additional increment of effluent resulting from the ADU shall be available. If the lot is connected to the public sewer system, the applicant shall submit a letter from the appropriate sanitary district to that effect. If the lot is not connected to the public sewer system, the applicant shall submit a letter from the West Bay Sanitary District confirming that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed ADU.
 - 10) Separate Utility Connection. New and separate utility connections shall be required directly between the ADU and the utility when the ADU is constructed with a new single-family dwelling. Consistent with Government Code Section 66013, the connection may be subject

to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

- 11) Exception. An ADU or JADU described in Government Code Section 66323(a)(1) (i.e., 66323 Units) shall not be required to install a new or separate utility connection directly between the ADU and the utility or be required to pay a related connection fee or capacity charge, unless the ADU was constructed with a new single-family dwelling or the ADU is approved for separate conveyance pursuant to Government Code Section 66342.
- 12) Rental and Sale. The ADU may be rented separate from the primary dwelling unit but may not be rented for a period of less than thirty consecutive days or used as a vacation rental. The ADU may not be sold separately from the primary dwelling unit unless the conditions in Section 66341 of the Government Code are met.

16.79.080 Two (2) unit housing developments and urban lot splits (SB 9).

- 1) Pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (1) an urban lot split has been approved pursuant to Chapter 15.31; and (2) a two (2) unit housing development has been approved for construction pursuant to Chapter 16.77.
- 2) Accessory dwelling units and junior accessory dwelling units shall be permitted on lots with two (2) unit housing developments, subject to the provisions of this chapter, and where the lot has not been created through an urban lot split pursuant to Chapter 15.31.

Section 4. Severability.

In any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

Section 5. Compliance with California Environmental Quality Act.

The City Council hereby finds that the action to adopt this ordinance is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15282(h), which provides an exemption for the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city to implement the provisions of Government Code Sections 65852.1 and 65852.2, as set forth in Public Resources Code Section 21080.17.

Section 6. Publication; Effective Date.

This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance, shall be published in a local newspaper used to publish official notices for the City of Menlo Park before the effective date.

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INTRODUCED on the nineteenth day of May, 2026.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the ___ day of ___, 2026, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Betsy Nash, Mayor

ATTEST:

Judi A. Herren, City Clerk