



REGULAR MEETING AGENDA

Date: 12/15/2025
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 846 9472 6242 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

Members of the public can listen to the meeting and participate using the following methods.

How to participate in the meeting

- Access the live meeting, in-person, at the City Council Chambers
- Access the meeting real-time online at:
zoom.us/join – Meeting ID# 846 9472 6242
- Access the meeting real-time via telephone (listen only mode) at:
(669) 900-6833
Regular Meeting ID # 846 9472 6242
Press *9 to raise hand to speak
- Submit a written comment online up to 1-hour before the meeting start time:
planning.commission@menlopark.gov*
Please include the agenda item number related to your comment.

*Written comments are accepted up to 1 hour before the meeting start time. Written messages are provided to the Planning Commission at the appropriate time in their meeting.

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Regular Meeting

- A. Call To Order**
- B. Roll Call**
- C. Reports and Announcements**
- D. Public Comment**

Under “Public Comment,” the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission once under public comment for a limit of three minutes. You are not required to provide your name or City of residence, but it is helpful. The

Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Consent Calendar

- E1. Approval of minutes from the November 17, 2025 Planning Commission meeting ([Attachment](#))

F. Study Session Item

- F1. Study Session/City of Menlo Park/Accessory Dwelling Unit Ordinance update:
Study session to receive an overview and provide feedback on proposed amendments to accessory dwelling unit regulations (Chapter 16.79 of the Zoning Ordinance, Title 16 of the Menlo Park Municipal Code) for consistency with State law and to implement city objective development and design standards. The proposed amendments will require additional review and action by the Planning Commission and the City Council at future scheduled public meetings, anticipated in 2026. ([Staff report #25-057-PC](#))

G. Informational Items

- G1. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.
- Regular Meeting: January 12, 2026
 - Regular Meeting: January 26, 2026

H. Adjournment

At every regular meeting of the Planning Commission, in addition to the public comment period where the public shall have the right to address the Planning Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during the Planning Commission's consideration of the item.

At every special meeting of the Planning Commission, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or before, the public hearing.

Any writing that is distributed to a majority of the Planning Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.gov. Persons with disabilities, who require auxiliary

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REGULAR MEETING DRAFT MINUTES

Date: 11/17/2025
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 846 9472 6242 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Andrew Ehrich called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Ehrich (Chair), Ross Silverstein (Vice Chair), Linh Dan Do, Katie Ferrick, Jennifer Schindler, Misha Silin

Absent: Katie Behroozi

Staff: Matthew Ball, Assistant Planner; Jacob Garcia, Contract Planner; Corinna Sandmeier, Principal Planner

C. Reports and Announcements

Principal Planner Corinna Sandmeier said the City Council's November 18 agenda would have a study session on the phased improvements for the public plaza along the 600 block of Santa Cruz Avenue.

Chair Ehrich said in future meetings that he would experiment with hand raised votes for the consent calendar, continuations already noted on the agenda, and for any extensions to a meeting beyond the 11 p.m. time, notably noncontroversial items.

D. Public Comment

Chair Ehrich opened public comment and closed it as no persons requested to speak.

E. Study Session

E1. Study session/Menlo Park Fire Protection District/300 Middlefield Rd. and 114 Santa Margarita Ave.:

Request for a study session to redevelop Fire Station 1, including the demolition of the existing fire station and training tower, and subsequent construction of a new fire station (two stories), training tower (five stories), district operations center (two stories), and underground parking. The project would include rezoning from R-1-S (Single Family Suburban Residential) to PF (Public Facilities), an associated General Plan Land Use Designation amendment, a Zoning Ordinance text amendment to allow greater than 60 percent FAR (Floor Area Ratio), a General Plan text amendment to allow the proposed FAR within the Public Facilities designation, a Use Permit for the higher FAR, overall development as an emergency services facility (Special Use), and the use

of hazardous materials (diesel fuel for an emergency generator and propane for training exercises), and Architectural Control for the buildings and site improvements. The applicant is also requesting use permit approval for a temporary emergency services facility (Special Use) at 114 Santa Margarita Avenue during construction of the project. ([Staff report #25-051-PC](#))

Contract Planner Jacob Garcia presented a summary of the project and proposed entitlements, the project sites, and the next steps in the review and entitlement process.

Austin Dunklee and Kelly Clancy, PBK Architects, spoke on behalf of the proposed project.

Replying to the Commission, Jonathan Hitchcock, project manager, said in 2020 the District conducted a facility needs assessment and determined a projection of future growth.

Chair Ehrich opened the public comment.

Public Comment:

- Jeff Schmidt noted he represented District 3 on the City Council but was speaking as a resident, and drew attention to multiple projects happening within a five to seven year period in the vicinity of this proposal and related traffic and transportation matters. He referred to the Regional Housing Needs Assessment (RHNA) cycle coming up and asked both from a transportation and public building perspective if that amount of growth was being considered.
- Dean Rubinson, Director of Development for Ellis Partners, said his building was across the street from the temporary facility at the corner of Santa Margarita and Middlefield Road. He said they were supportive of the City and Fire District planning for future needs but noticed the plans for the temporary facilities were not as developed. He encouraged the Planning Commission to require the applicant to further develop those plans. He said it appeared a seven-foot fence was proposed but suggested a higher fence to screen the 15-foot apparatus there, and to require plantings in front of the fence to mitigate the negative visual impact on their building, and suggested retaining the tree on the southeast corner.

Chair Ehrich closed public comment.

Replying to Commissioner Schindler, Planner Sandmeier said staff would need to get more information from the applicant about their long term goals for the temporary site.

Replying to Commissioner Schindler, Mr. Dunklee said one sign would emphasize that this was a District building, and the two other signs would identify the other buildings within the campus – fire station, administration building and training tower.

Commissioner Schindler said the one insignia sign with illumination seemed too much compared to other fire stations' signage.

Mr. Dunklee said it was intended to be illuminated but also tied into the alerting system to communicate what might be happening to the community.

Discussion ensued between staff and the Commission regarding heritage tree removal and the ordinance, planting replacement trees on another site, and the potential of an in-lieu fee instead. Commissioner Ferrick observed impacts on property insurance because of fire hazards from trees close to buildings and branches overhanging roofs.

Commissioner Ferrick noted the increase from 30% FAR to 75% FAR and suggested in return consideration be made of housing for staff. She said the accessible public meeting space and antique fire display proposed were nice elements that provided some public benefit in regard to the increased FAR.

Replying to Commissioner Ferrick, Chief Mark Lorenzen said their entire staff used to be at 300 Middlefield Road, but they outgrew it. He said they wanted to conduct training within the city and not in other jurisdictions that left coverage gaps. He referred to the Housing Element and noted the proposal included room for expansion.

Commissioner Ferrick suggested that a transitional housing component be included in the future proposal.

Commissioner Do said she liked the aesthetics of the proposed buildings and the statement sign but suggested it might be smaller to not overwhelm people walking or biking through the neighborhood. She suggested on the Santa Monica elevation to create some demarcation of the public lobby to Building B to break up the length of that wall. She suggested bicycle racks for when there were community meetings. She said although she shared concerns about the precedent of replacement trees planted offsite that it seemed to make sense here because the properties were so close. She suggested that the expanse of roof might provide opportunities for a green meeting space for employees as well as solar panels.

Commissioner Silverstein raised concerns about FAR limits on public facility zoned parcels. He said he supported use of the roof expanse and solar panels and the addition of bike parking. He expressed concern about the increased parking and acknowledged the undergrounding of it but noted the available surface parking and that potentially the site at Santa Margarita could become a parking lot.

Commissioner Silin referred to concerns raised about other projects in the pipeline in this area. He said the illuminated sign might fit well in the future, but it was unclear if it would in the current aesthetic of the neighborhood. He agreed with the addition of a bike rack and suggested benches as well to add to the community feel. He said he would like to see a proposal for staff housing at 170 Middlefield Road and/or 114 Santa Margarita.

Replying to Commissioner Silin, Mr. Dunklee said he understood the point to have separation between the property and road for safety referring to the Santa Margarita property.

Chair Ehrich said as had been suggested he supported introducing more green into the design such as a green roof as well as a bit more public space, bike parking, or other things to emphasize community space. He said overall he loved the design. He said he was not comfortable approving the zoning ordinance changes as proposed as they seemed too small and reactive based on one project and that it did not take a holistic and future looking view of what was needed. Chair Ehrich recessed the meeting for a five minute break.

Chair Ehrich reconvened the meeting at 9:02 p.m.

Replying to Commissioner Schindler, Mr. Dunklee said they were not pursuing LEED certification but were meeting CalGreen standards. He said it was not in their plans to evaluate the crosswalk at Linfield. He said they could look into it noting their return drive would be moved north and closer to alignment with Linfield.

Commissioner Schindler said related to rezoning she appreciated the macro issue raised and the opportunity to refine how the city approached zoning. She said she would support that effort unless it slowed this project down. She noted comments on sign review. She said she had no concerns as it related to hazardous materials, or use permit for the diesel or propane generator as that was a key component of training exercises. She said related to architectural control that she appreciated the specific description of the metals in the design but that the reflective properties of those mentioned did not come through in the drawings. She noted in particular that the very corner of the building above the glass wall at the corner of Middlefield and Santa Monica could be softer. She said she did not have anything to comment upon for the environmental review component at this time.

Commissioner Silverstein said regarding zoning that they had the opportunity to improve processes and municipal code. He said he would not be comfortable approving a recommendation to change the zoning unless they were confident that it would be far enough so the need to redo was obviated and to do future-proofing. He said regarding traffic and response times that he would urge the District and anyone listening to continue to advocate for safer streets, better bicycle infrastructure, and better public transportation.

Responding to the zoning questions, Planner Garcia said staff could research more possible alternatives to the phrasing of such a development standard for public facilities but noted that attaching that to this project might also complicate the CEQA review in determining the implications of the project.

Responding further, Planner Garcia said the project would come back to the Planning Commission with reference and summary of the feedback provided at tonight's meeting and then would continue forward with a formal recommendation to the City Council.

F. Informational Items

F1. Future Planning Commission Meeting Schedule

- Regular Meeting: December 1, 2025

Planner Sandmeier said the December 1 agenda would have some single-family home projects and a project on Sandhill Road.

- Regular Meeting: December 15, 2025

Agenda not yet finalized.

G. Adjournment

Chair Ehrich adjourned the meeting at 9:19 p.m.

Staff Liaison: Corinna Sandmeier, Principal Planner

Recording Secretary: Brenda Bennett



STAFF REPORT

Planning Commission

Meeting Date:

12/15/2025

Staff Report Number:

25-057-PC

Study Session:

Consider and provide feedback on proposed amendments to the City's accessory dwelling unit regulations (Chapter 16.79 of the Municipal Code) to comply with State law and incorporate local objective standards

Recommendation

Staff recommends that the Planning Commission consider and provide feedback on potential amendments to Chapter 16.79 of the Menlo Park Municipal Code ("the ADU Ordinance") that would modify the City's accessory dwelling unit ("ADU") regulations to be in compliance with State law and incorporate local ADU objective standards. The draft ADU Ordinance is included in Attachment A.

Policy Issues

Study sessions provide an opportunity for Planning Commissioners and the public to offer preliminary feedback, with comments used to inform future review and consideration of the proposal. The ADU Ordinance amendments would ensure compliance with current State regulations, specifically Government Code §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; H4.F: Modify ADU Development Standards and Permit Process; and the partial implementation of H7.A: Create Objective Residential Design Standards.

Background

ADUs and junior accessory dwelling units (JADUs) are attached or detached residential dwelling units that 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." ADUs are sometimes referred to as "missing middle" housing.

Per State law, JADUs are 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. JADUs offer additional housing options. They may share central utility systems, contain a basic kitchen utilizing small plug-in appliances, and may share a bathroom 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 to address the housing crisis across the state. Local ADU ordinances are optional, and if a jurisdiction does not have a local 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 (e.g., modifications to the footprint for converted accessory buildings and accessory structures), would not conflict with State law (e.g., daylight plane requirements), and are not applied to ADUs and JADUs that are created pursuant to Government Code section 66323 (“State mandated ADUs”). State mandated ADUs are discussed in detail later in this staff report. During the Housing Element Update process, the State Department of Housing and Community Development (HCD) reviewed the City’s ADU ordinance and indicated there were areas that did not comply with State ADU law, which would be addressed in a future letter.

On Dec. 5, 2025, HCD sent a technical assistance letter to the Community Development Department 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 (Attachment B). Staff initiated the comprehensive ADU Ordinance update prior to receipt of the technical assistance letter and ahead of schedule, pursuant to Program H4.F. The technical assistance letter contains a series of bulleted lists that summarize the updates to State ADU law since 2019. Staff is evaluating the draft ADU Ordinance update for consistency with the technical assistance letter. If any changes to the draft ADU Ordinance are required, staff will incorporate those changes into the draft ordinance and analyze the modifications for the Planning Commission’s review when the Planning Commission is scheduled to consider a recommendation to the City Council on the draft ADU Ordinance update.

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. This program contemplated the action occurring within six months of receipt of HCD’s letter. Additionally, this 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, but the other aforementioned items are still under review. On Jan. 1, 2025, the City began implementation of an ADU preapproval application process for design professionals to obtain non-site-specific preapproval of an ADU plan that homeowners could utilize to potentially reduce the time and costs associated with designing and permitting an ADU. No preapproved ADUs have been approved at this time, although five eligible applications are currently under review. Concurrent with the proposed ADU Ordinance update, staff is evaluating opportunities for the City to promote ADUs per Program H4.F.

Current ADU Ordinance

In Feb. 2020, the City Council adopted the ADU Ordinance to modify various regulations in Title 16 of the Municipal Code, the zoning ordinance, to comply with State law changes that became effective Jan. 1, 2020. This action resulted in the City’s first chapter within the Municipal Code dedicated to ADUs, Chapter 16.79. The following list provides a summary of key items from the ADU Ordinance to comply with State law at the time, primarily in Chapter 16.79 but also within other select sections of Title 16:

- Permitting one ADU and one JADU by right on a lot with single-family zoning;

- Allowing ADUs by right in multifamily and mixed-use zones that allow residential uses;
- Prohibiting minimum lot size for ADUs;
- Requiring four-foot side and rear setbacks for newly constructed ADUs;
- Allowing 800 square feet for an ADU in relation to lot coverage, floor area limit/ratios, and open space requirements; and
- Allowing a minimum 16-foot height.

Over time, several of these requirements, in addition to local objective standards in Chapter 16.79, were superseded by changes in State law. State law allows local agencies to require additional standards on ADUs, provided these standards are objective in nature and meet the following criteria:

- Involve no personal or subjective judgment by a public official;
- Are uniformly verifiable by reference to an external and uniform benchmark or criterion available; and
- Are knowable by both the development applicant or proponent and the public official prior to submittal.

As such, the potential for additional standards by local jurisdictions is limited based on these criteria. Specifically, State law does not allow cities to impose additional development regulations on ADUs and JADUs that are created pursuant to Government Code section 66323 (sometimes referred to as “66322 Units” or “State exempt” ADUs, but hereafter referred to as “State mandated” ADUs). Government Code section 66323 creates four categories of ADUs (and JADUs) that must be approved ministerially and are not subject to standards set forth in Government Code §66314-66322. These four categories are single-family converted ADUs and JADUs, single-family detached ADUs, multifamily converted ADUs, and multifamily detached ADUs. Attached ADUs are not State mandated ADUs. Units created by section 66323 of Government Code shall be no greater than 500 square feet of interior livable space for a JADU or 800 square feet of interior livable space for a detached ADU. For conversion ADUs, State law does not set a maximum square footage and no limit can be imposed by the City. For example, State mandated ADUs do not have to comply with lot coverage, front setbacks, or design standards. However, these ADUs must comply with building code and health and safety requirements for dwellings. The draft ADU Ordinance section 16.79.070 (Units subject to limited standards) consolidates State law related to these State mandated ADUs. The City can adopt local objective standards for detached ADUs that exceed 800 square feet and attached ADUs, referred to as non-State mandated ADUs in this report.

More information on objective standards and ADUs, including a list of frequently asked questions, is available in the HCD ADU Handbook (Attachment C).

Analysis

The intent of this Planning Commission study session is to provide the Commission with the opportunity to receive community input, review the proposed development standards, and provide feedback on the proposed comprehensive ADU Ordinance update to comply with State law. The proposed changes to the ADU Ordinance can be categorized into three groups:

1. Definition updates for consistency with State law;
2. State regulatory updates that are mandatory and cannot be modified or removed;
3. Local objective standards for non-State mandated ADUs based on the City’s existing ordinance, implementation of State law, and staff recommendations following ADU permit reviews; and
4. Administration and processing timelines.

Planning Commission considerations

The Planning Commission may wish to consider the following items when reviewing the staff report and providing direction to staff. However, this list is not exhaustive and is intended to help guide the Commission's discussion. Commission discussion is not limited to these specific topics; however, the Commission should focus discussion on local objective standards and not requirements mandated by State law.

For non-State mandated ADUs:

- More permissive ADU conversion allowances for accessory structures or accessory buildings;
- Standards for interior and exterior ADU access;
- Limitations of ADU stairs and landing areas to extent required for egress and required setbacks of four feet;
- Encroachments for eaves;
- Size limitation on covered porches for detached ADUs;
- ADU exterior lighting requirements;
- Window sill height requirements; and
- ADU final inspection sequencing.

For State mandated ADUs, the Planning Commission may wish to discuss whether additional flexibility beyond minimum State law requirements is desirable. For example, the Commission may wish to discuss whether eave encroachments into the minimum four-foot setback should be allowed (recommended for non-State mandated ADUs) or additional parking reductions/flexibility should be explored for State mandated ADUs.

State law has changed considerably over the past few years, resulting in a need to provide the comprehensive series of updates presented below. The current text of Chapter 16.79 would be repealed in its entirety and replaced with the draft ADU Ordinance (Attachment A). The existing Chapter 16.79 is available via hyperlink in Attachment D. This staff report summarizes the draft ADU Ordinance update prepared by City staff and analyzes whether local objective standards for non-State mandated ADUs should be incorporated, in addition to State law requirements, or whether any local modifications to State law should be made to provide more flexibility.

Definition updates

The following definitions were modified or added for consistency with State law and to implement the City's local objective standards. These definition updates are intended to provide clarity on the requirements and improve implementation for ADUs and JADUs. Definition updates apply to all ADUs, including State mandated and non-State mandated ADUs.

- Refinement of the definitions of "attached accessory dwelling unit" and "detached accessory dwelling unit" to ensure consistency with the State definition.
- Naming change of "interior ADU" to "internal accessory dwelling unit," to better account for its fully internalized nature and modify the definition to affirm that no floor area increase would occur for a conversion contained within the primary dwelling unit.
- Definition added for "business day."

- Definition added for an “efficiency unit.”
- Definition added for “livable space.”
- Definition added for “living area.”
- Definition added for a “major transit stop.”
- Definition added for “multifamily dwelling.”
- Definition added for “objective development standards.”
- Definition added for “passageway.”
- Definition added for a “tandem parking,” which builds on the previous understanding that ADU parking could be provided in tandem with other required off-street parking.

Staff is recommending the definitions remain within Chapter 16.79 for consistency with State law and to provide clarity in implementing the ADU standards. The definitions in the ADU Ordinance would not conflict with any existing definitions in the “Definitions” chapter of the zoning ordinance (Chapter 16.04). The definitions would provide clarity on the criteria for ADUs and JADUs and an easy reference to State law definitions (e.g., major transit stop). The definition of “business day” relevant to processing timeline, is not in State law and staff developed a definition to provide clarity that processing timelines are based on days when the City Hall Administration building is open.

Mandatory State regulatory changes

Table 1 provides a breakdown of key changes to development standards for ADUs per State law. These changes would codify a series of updates over the past five years that are intended to expand opportunities for single-family and multifamily developments to provide ADUs, with increased square footage allowances, reduced setbacks, increases in maximum height, and reduced parking requirements. These minimum requirements must be applied to all ADUs.

Table 1: ADU changes to development standards per State law	
Topic	Summary of change
Square footage limitations	<ul style="list-style-type: none"> • A minimum floor area of 150 square feet for any ADU. • For attached ADUs and detached ADUs, the maximum size of a one-bedroom ADU (or smaller) shall be no greater than 850 square feet of interior livable space. • For internal ADUs and JADUs, the language has been clarified to indicate that the size of a JADU could be between 150 and 500 square feet of interior livable space, while an internal ADU could be greater than 500 square feet and no more than 1,000 square feet of interior livable space. • The maximum building coverage for all ADUs has been revised to equally state that it would be based on the applicable zoning district (notwithstanding the guaranteed allowance).
Front setback for attached and detached ADUs	<ul style="list-style-type: none"> • Whatever setback is necessary to enable the construction of an 800-square-foot ADU with minimum four-foot side and rear setbacks.
Maximum height	<ul style="list-style-type: none"> • Attached ADUs: 25 feet or the applicable standard, whichever is lower. The remainder of the primary residence is regulated by the maximum height of the applicable zoning district. • Detached ADUs: 16 feet, and up to 18 feet if located on a multifamily-zoned lot.

	<ul style="list-style-type: none"> Detached ADUs within a half mile of a major transit stop: 18 feet, and an additional two (2) feet in height (for a total maximum height of 20 feet) if the roof pitch is aligned with the roof pitch of the existing primary dwelling unit.
Guaranteed allowance	<ul style="list-style-type: none"> Floor area, floor area ratio, building coverage, or open space standards shall not prohibit an ADU with at least 800 square feet of floor area.
Multifamily ADU allowances	<ul style="list-style-type: none"> One (1) internal ADU within an existing multifamily dwelling shall be allowed and up to 25% of the existing multifamily dwelling units. On a lot with an existing multifamily dwelling, up to eight detached ADUs are allowed but cannot exceed the existing number of units. On a lot with a proposed multifamily dwelling, up to two detached ADUs are allowed, but no internal ADUs would be allowed.
Parking	<ul style="list-style-type: none"> One (1) space per unit unless a parking exception applies (e.g., within one-half mile of public transit, inability to obtain required on-street parking permits, internal ADU conversions, proximity to car share, etc.).
Fire regulations, sanitary sewer requirements, utility connections, and fees	<ul style="list-style-type: none"> Additional provisions have been added to memorialize satisfaction of fire district requirements, sanitary sewer requirements, utility connection requirements, and connection fees.
JADU owner occupancy	<ul style="list-style-type: none"> Only required if the JADU bathroom is shared with the primary residence.
City review timelines	<ul style="list-style-type: none"> 15-business-day completeness review. 60-calendar-day approval/denial review. 60-business-day appeal determination if an appeal is filed following approval/denial.
Number of overall ADUs	<ul style="list-style-type: none"> Single family development: One (1) internal/attached, one (1) detached ADU; and one (1) JADU. Multifamily development: at least one (1) ADU within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units; Up to two detached ADUs on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs are allowed on a lot with an existing multifamily dwelling.
Amnesty for certain unpermitted ADUs	<ul style="list-style-type: none"> A provision for amnesty to permit an unpermitted ADU or JADU that was constructed before Jan. 1, 2020.

Parking requirements

Updated parking requirements in State law, are generally consistent with several of the existing regulations of the City's current ADU Ordinance. City and State requirements for parking do not require parking to be covered, allow for parking spaces to be located within required yards and in tandem, and do not require replacement parking when covered parking or uncovered required parking for the primary dwelling is converted/removed for an ADU. The City's current ADU Ordinance does not require replacement parking for garage conversions or when off-street parking is removed to accommodate an ADU in single family districts. Current State law is clear that these exceptions for replacement parking apply to multifamily ADUs as well. State law also restricts the City from applying any parking standards to State mandated ADUs. Staff believes these provisions would remove parking as a potential barrier to ADU construction and would implement Housing Element Program H4.F by providing additional flexibility

regarding on-site parking. Cities are permitted to further reduce parking requirements, such as requiring no parking spaces or fractional parking spaces. The Commission may wish to provide feedback on whether staff should explore additional parking reductions and flexibility for non-State mandated ADUs.

Processing timeline

Per recent State law updates, there is a more streamlined timeline required for reviews, approvals, and potential appeals for ADUs and JADUs. These timelines would become effective on Jan. 1, 2026, and consist of the following actions. First, upon receipt of an application for an ADU, staff would have 15 business days (i.e., a day that the City Hall Administration building at 701 Laurel St. is open to the public) to provide a determination indicating whether the project is complete or incomplete, and if no determination is provided in that window, then the project is deemed complete by default. The use of business days, only once in this review process, is noted in State law and differs from other timelines regarding reviews and appeal periods, which are generally based on calendar days and inclusive of days in which City Hall is closed.

Once the completeness determination is made, a second period of 60 calendar days begins, where a determination to approve or deny the application must occur within that period. Staff and the City Attorney are evaluating whether a comment letter outlining items that are inconsistent with State and Local law constitutes a denial. For an ADU or JADU application submitted concurrently with a permit for a new primary dwelling, the City may act on the ADU or JADU at the same time it acts on the primary dwelling permit, provided the review remains ministerial for the ADU or JADU. Applicants may elect to have the ADU processed under the City's statutory review timeline for the primary dwelling unit, which would pause the 60-day time period for the ADU.

Staff incorporated into the draft ADU Ordinance an appeal period of 15 calendar days for the completeness determination or application denial, in which an applicant could file an appeal and it would be reviewed by the Planning Commission. The Planning Commission would then be required to issue a written determination within 60 business days of the City's receipt of the written appeal, and this written determination would be final, with no potential for additional appeal. Since State law is silent on the timeframe for an appeal, staff recommends utilizing 15 calendar days to be consistent with the appeal period for administrative and conditional use permits. State law also does not designate the hearing body for an appeal. Staff recommends that the Planning Commission adjudicate any appeals of staff's determination, given the Commission's experience with land use permits.

Number of overall ADUs

In single family zoning districts, the City's current ADU Ordinance allows a maximum of three (3) units, including the primary dwelling on a lot. The current ordinance permits only one (1) JADU or attached/conversion ADU on a single-family lot, but not both and one (1) detached ADU. The current ordinance is similar to State law, where a maximum of three (3) ADUs for single family development is permitted but with more flexibility for unit combinations. State law allows for potentially four (4) units to be built on a lot. This maximum unit scenario would involve the primary unit, one internal ADU, one detached ADU, and one JADU. State law is silent on whether an attached ADU is counted within the maximum three (3) ADUs. Staff recommends including a provision in the draft ADU Ordinance update stating that for purposes of counting the maximum number of units on a single family lot an attached ADU is equivalent to

an internal ADU. Staff is evaluating this provision with the city attorney.

For multifamily developments, the City's current ordinance allows at least one (1) ADU within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units; and up to two detached ADUs for an existing building. This is not consistent with State law, which now permits up to eight (8) detached units (not to exceed the existing number of units) on a lot with an existing multifamily building. Further, for new multifamily developments, two (2) detached ADUs are permitted.

Staff does not recommend allowing additional ADUs within either single family or multifamily developments beyond what is permitted in State law. As mentioned previously, staff recommends including a provision to ensure that attached ADUs on single family lots are included in the maximum three (3) ADUs.

Amnesty for unpermitted ADUs and JADUs

The amnesty program in State law for all unpermitted ADUs and JADUs constructed before Jan. 1, 2020, is a direct implementation of Housing Element program H2.D: ADU Amnesty Program, which can spur ADU growth and recognition. State law prohibits the City from denying an unpermitted ADU or JADU because of a violation of building standards or its noncompliance with the Zoning Ordinance, unless the City 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. The draft ADU Ordinance incorporates the Jan. 1, 2020 date from State law. The Planning Commission may wish to consider whether the amnesty program should be extended to ADUs constructed after Jan. 1, 2020. State laws adopted since the City's ADU Ordinance have continued to encourage ADU production by removing potential constraints. While the City's ADU Ordinance is inconsistent with State law, the City has applied State law to encourage ADU production and reduce the prevalence of unpermitted units. For discussion purposes, the City adopted its 6th Cycle Housing Element on Jan. 31, 2023, which the Commission may wish to consider as an alternate date for amnesty. If the Commission recommends staff explore modifying the amnesty date, staff would coordinate with the Building Division and Menlo Park Fire Protection District.

Additional requirements

State law also includes requirements for ADUs to comply with applicable fire district regulations, provisions for sanitary sewer and utility connections, and connection fees. The draft ADU Ordinance includes these provisions; however, the Planning Division is evaluating the utility provisions, including the connection fee language, with Menlo Park Municipal Water, the Building Division and the Engineering Division. These provisions are not typically embedded in zoning ordinances; however, given the complexity of State law, staff believes incorporating these requirements into the ADU Ordinance will improve implementation. Local modifications may be proposed following additional discussion on this topic. Fire and sanitary sewer services are provided by separate special districts (e.g., Menlo Park Fire Protection District, West Bay Sanitary District, etc.) and applicable State law is implemented by those special districts.

Local objective standards

In addition to the required updates per State law, staff is recommending a number of modifications within the draft ADU Ordinance update, as shown in Table 2. These local objective standards would apply to ADUs regulated by Government Code 66314-66322, or, in other words, non-State mandated ADUs. The

local objective standards are intended to memorialize current application of State law, provide additional flexibility, incorporate concepts from the Zoning Ordinance applicable across multiple districts, and reduce potential impacts on neighboring properties. These objective standards also incorporate requirements to ensure ADUs function as independent units and comply with life safety requirements.

Table 2: Proposed new and modified local objective standards

Topic	Summary of objective standard
Internal ADU conversions	<ul style="list-style-type: none"> Allow for ADU conversions of single-family and accessory structures with smaller footprints than an existing structure, provided wall height and overall height are not increased. Conforming and non-conforming structures would be allowed this conversion.
Daylight plane and building profile	<ul style="list-style-type: none"> Attached ADUs required to comply with the applicable daylight plane requirements found in Chapter 16.67. In multifamily zoning districts, attached ADUs are subject to the building profile requirements of the applicable zoning regulations, and the building profile does not affect detached ADUs.
Interior access	<ul style="list-style-type: none"> No interior access is allowed between a primary residence and an ADU, except for a JADU.
Exterior access	<ul style="list-style-type: none"> Require a direct, all-weather pathway from the public right-of-way to the entrance to the ADU.
Encroachments	<ul style="list-style-type: none"> Eaves are permitted to encroach 18 inches into four-foot required yards. ADUs may have 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.
Covered porches	<ul style="list-style-type: none"> Limit covered porches or similar to no greater than 20% of the livable space of the ADU.
Exterior lighting	<ul style="list-style-type: none"> Require exterior lighting to be shielded and downcast.
Timing of ADUs in relation to primary residences	<ul style="list-style-type: none"> Require the primary residence to complete final inspection before the ADU final inspection to allow for the ADU to exceed the maximum FAL or FAR by up to 800 square feet, if necessary.
ADU square footage	<ul style="list-style-type: none"> ADU square footage shall not exceed 50% of an existing primary dwelling or 1,000 square feet, whichever is less.
Additional JADU requirements	<ul style="list-style-type: none"> A maximum electrical service of no more than 120 volts, a sink that is a minimum of 16 inches in diameter, and storage cabinets that are of reasonable size in relation to the unit.

Internal ADU conversions

State law allows an existing building or structure to be converted to an internal ADU, including the demolition and reconstruction of the structure. State law allows for an internal ADU conversion and the demolition and reconstruction of the existing structure if all dimensions (e.g., footprint, height, etc.) are identical to the existing condition. This recommended objective standard by the City would provide more flexibility than the State requirement. However, this can, at times, prove challenging for an applicant interested in refurbishing an existing accessory building or accessory structure (e.g., detached garage or shed) and converting it into an ADU. The draft ADU Ordinance includes a recommended standard that would allow internal ADU conversions to have a smaller footprint than the existing building, provided the ADU conversion is 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 comply with the minimum four (4) foot setbacks. The height of the ADU, even if the footprint is modified, would be required to be the same height or lower than the existing height (including the wall height and overall height). Staff believes these requirements would provide more flexibility for applicants to repurpose existing buildings as ADUs (e.g., increased setbacks could make it easier to comply with building code requirements) while potentially lessening impacts to neighboring properties (e.g., a larger setback could reduce the visual presence of an ADU to a neighboring property). Conversion ADUs, a subset of State mandated ADUs, are required to meet the same dimensions of the existing accessory building or structure (if demolished and reconstructed as part of the conversion) with an allowance for 150 square feet addition for ingress and egress where the conversion is an accessory building or accessory structure.

Daylight plane and building profile

No daylight plane or building profile requirements for ADUs exist in State law, but the City can impose objective design and zoning standards if an ADU is created pursuant to Government Code 66314-66322. For reference, non-State mandated are generally ADUs which are greater than 800 square feet in size and could have greater impacts on neighboring property owners. Non-State mandated ADUs also include attached ADUs.

With a daylight plane requirement for attached ADUs, the City would be maintaining continuity with other developments in single-family zoning and potentially lessen impacts of attached ADUs on neighboring properties. The same is true for building profiles, which are less common for ADU construction but apply to setbacks contiguous to public rights of way in multifamily zoning districts and function like a daylight plane for façades along public right of ways. Since State law guarantees a minimum setback and maximum height for detached ADUs, staff did not include a daylight plane or building profile requirement for detached non-State mandated ADUs (i.e., the daylight plane would need to begin at the maximum allowed height at the minimum side setback and therefore the height limit would regulate the massing of the structure). Further, the building profile requirement would also need to begin at the maximum allowed height for the detached ADU to avoid conflicting with State law.

No interior access between a primary residence and ADUs

State law does not expressly permit the City to prohibit internal access between a primary residence and a State mandated ADU, but all ADUs are required to comply with the current Building Code. Additionally, the City is authorized to impose objective design and zoning standards on ADUs that are not State mandated. The City's current ADU Ordinance does not include this requirement and ADUs have been permitted with internal access. However, the recommended amendment would prohibit internal access for non-State mandated ADUs, which ensure more independent living between multiple units on a site. This proposed requirement would not apply to JADUs, since JADUs may have shared facilities with a primary residence, per State law. JADUs are capable of sharing certain living facilities (e.g., kitchen and bathroom) and would be an option for homeowners interested in internal access.

State mandated ADUs must comply with building code and health and safety requirements for residential dwellings. The Assistant Community Development Director/Building Official recently evaluated the City's building permit process and determined that internal access between an ADU and a primary dwelling cannot be permitted based on the California Residential Code (CRC) as it applies to two family dwellings

(JADUs and primary dwelling units are not considered two family dwellings). Previously, the City had permitted internal access. The City will be implementing this change in 2026 with the 2025 building code independent of the ADU Ordinance update; however, consistent with the 2025 building code, staff recommends including the prohibition on internal access in the ADU Ordinance for additional clarity.

Exterior access

Staff incorporated a standard in the draft ADU Ordinance to require a direct all-weather pathway from the public right-of-way to the entrance to the ADU. This standard would reinforce the independent use of the non-State mandated ADU as a separate living unit

Encroachments of stairs and landings

The proposed ADU Ordinance would permit eaves to encroach up to 18 inches into the required four-foot side and rear setbacks. Additionally, there are instances in which a staircase is needed for access to an ADU, along with a landing. This is usually the case for second-story ADUs that are being accessed from the side of a residence but can also be necessary for first-floor ADUs that contain a few risers leading to a raised landing and entrance. Staff recommends that the stair and landing areas be required to meet a minimum four-foot side or rear setback, and for access to a second-floor ADU, the stairs and landing shall not exceed the minimum required for building code-compliant egress.

Covered porches

State law guarantees an ADU a minimum of 800 square feet of livable area. Porches or accessory structures may be attached to an ADU. To ensure that the covered porch or similar accessory structure is proportional to the ADU, staff incorporated a requirement in the draft ADU Ordinance update that would allow for porches to be regulated by the ADU Ordinance, provided the covered porch does not exceed 20 percent of the floor area of the ADU. If the covered porch or similar accessory structure exceeds 20 percent of the floor area of the ADU, then it would be required to comply with the accessory buildings and structures chapter of the Zoning Ordinance (MPMC Section 16.68.030). Staff believes this objective standard would provide flexibility for appropriately scaled covered porches/entries, while limiting potential impacts on neighboring properties. Covered porches would still need to comply with building coverage maximums overall. State mandated ADUs do not include a provision for a covered porch/entry.

Exterior lighting

No exterior lighting requirement is provided for ADUs within State law, but based on the potential for lighting impacts, and in reviewing other lighting requirements that have been established with newer zoning districts, a restriction for all ADU exterior lighting to be downcast would further limit the visual impacts of new ADUs, specifically concerning light spillover into neighboring properties. This is an objective design and zoning standard and is consistent with State law.

ADU square footage

The City's current ADU Ordinance states "The total floor area of an attached or interior ADU may not exceed fifty percent (50%) of an existing primary home or one thousand (1,000) square feet, whichever is greater." State law is clear that an ADU cannot exceed 50% of the existing primary residence or 850 square feet for studio/one-bedroom units and 1,000 square feet for units with two or more bedrooms, whichever is less. Staff believes that reverting to the requirements of State law is appropriate to ensure

that the size of ADUs are proportional to the existing primary dwelling and are accessory in nature.

Objective JADU requirements

Staff is recommending three additional, objective requirements for JADUs: a maximum electrical service of no more than 120 volts, a sink that is a minimum of 16 inches in diameter, and storage cabinets that are of reasonable size in relation to the unit. These requirements are objective and consistent with State law to ensure that a reasonably functioning and accessible JADU can provide adequate kitchen amenities within the unit.

Next steps

Following this study session, staff will evaluate and update the draft ordinance as necessary based on feedback from this study session and address any items in HCD's Dec. 5, 2025 technical assistance letter. The Planning Commission will review and provide a recommendation to the City Council on the draft ordinance at a future meeting. The Council would then need to review and introduce the ordinance (the first reading) and then adopt the ordinance (the second reading). The draft ordinance will need to be reviewed by (HCD) for compliance with State law. This review can take up to 60 days and staff anticipates submitting the updated draft ordinance to HCD in early 2026 for review before the Planning Commission reviews and provides a recommendation to the City Council; however, the City could also submit the adopted ordinance to HCD for review. Any comments from HCD on the adopted ordinance that would result in amendments to the adopted ordinance would require additional Planning Commission review and City Council adoption. Staff believes it would be more efficient to solicit HCD's input before adoption. Upon receipt of HCD's review, staff would incorporate any modifications necessary to comply with State law for the Planning Commission's consideration as part of its recommendation to the City Council. Staff anticipates the Planning Commission's review and recommendation toward the end of the first quarter of 2026, with City Council review and potential adoption in the second quarter 2026.

Correspondence

As stated earlier, the City received a letter from HCD outlining that the City may not be in compliance with State ADU law. Staff has not received any other correspondence regarding the proposed ADU Ordinance update.

Impact on City Resources

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

Environmental Review

A study session is not a project within the meaning of the California Environmental Quality Act (CEQA).

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper. In addition, information about the meeting was included on the project webpage and the City's Weekly

Digest email.

Attachments

- A. Draft ADU Ordinance update
- B. Letter from HCD concerning ADU Ordinance Compliance – dated Dec. 5, 2025
- C. Hyperlink – California Department of Housing and Community Development Accessory Dwelling Unit Handbook (Jan. 2025): <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/adu-handbook-update.pdf>
- D. Hyperlink – Existing ADU Ordinance (Menlo Park Municipal Code Chapter 16.79): <https://ecode360.com/47187943>

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DRAFT Chapter 16.79 Accessory Dwelling Units

- 16.79.010 Purpose.
- 16.79.020 Definitions.
- 16.79.030 Permitted uses.
- 16.79.040 Conditional uses.
- 16.79.050 ADU development standards.
- 16.79.060 JADU development standards.
- 16.79.070 Units subject to limited standards.
- 16.79.080 Administration.

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 objective standards for accessory dwelling 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 (Ord. 1066 § 2 (part), 2020: Ord. 1031 § 3 (part), 2017: Ord. 1005 § 2 (part), 2014: Ord. 1000 § 2 (part), 2013: Ord. 923 § 1 (part), 2003: Ord. 688 § 1 (part), 1983).

16.79.020 Definitions.

In addition to the terms defined in Chapter 16.04 (Definitions), the following terms 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 shares a common wall with the primary dwelling unit on the lot, either by being constructed as a physical expansion (i.e., addition) of the primary dwelling unit, conversion of an

existing garage attached to the primary dwelling unit, or installation of a new basement underneath an existing primary dwelling unit.

- (3) "Detached accessory dwelling unit" ("Detached ADU") means an ADU that is either
 - (a) constructed as a separate structure from the primary dwelling unit on the lot; or
 - (b) created by the conversion (full or partial) of an existing detached accessory building or accessory structure into an accessory dwelling unit.
- (4) "Internal accessory dwelling unit" ("Internal ADU" or "Conversion ADU" means an ADU that is contained within the 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.
- (5) "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.
- (6) "Business day" means a day that the City Hall Administration building is open to the public.
- (7) "Efficiency Unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (8) "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) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods;
 - (D) A ferry terminal served by either a bus or rail transit service; or
 - (E) An existing rail or bus rapid transit station.
- (9) "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. (See

Objective Development Standards table for accessory dwelling units in Sections 16.79.040 and 16.79.050 of this Chapter).

- (10) "Livable space" means the interior space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (11) "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.
- (12) "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.
- (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. (Ord. 1066 § 2 (part), 2020).
- (15) "Tandem parking" means that two or more automobiles are 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 and 16.79.070 are a permitted use in all single-family zoning districts.

16.79.040 Conditional Uses.

- (1) ADUs 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 Sections 16.79.070(1) and 16.79.070(2).
- (2) ADUs which exceed the maximum size are conditionally permitted subject to the use permit requirements of Chapter 16.82.

16.79.050 ADU Development Standards

Development standards for ADUs not subject to the requirements in Section 16.79.070 are located in Table 16.79.050(1). 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 Section 16.79.070 of this Chapter.

Table 1: Objective Development Standards				
		Attached ADU ¹	Detached ADU	Internal ADU
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	(Minimum)			
	Front	A front 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.		None ⁶
	Side	4 feet		
	Rear	4 feet		
Maximum Height		25 feet ⁷	16 feet ^{8,9}	N/A
Daylight Plane		Per Chapter 16.67 of this Title	N/A	N/A
Parking		1 space ^{10,11}		None
Separate independent entrance required		Yes		
Separate sanitary facility required		Yes		
Kitchen required?		Yes		
Interior access allowed?		No		
<div>1. The total interior livable space of an attached ADU may not exceed 50% of an existing primary dwelling, notwithstanding the guaranteed allowance.</div> <div>2. For lots greater than 10,000 sq. ft, the total interior livable space shall not exceed 1,000 sq. ft.</div> <div>3. The total interior livable space of an attached ADU may not exceed 50% of an existing primary dwelling, notwithstanding the guaranteed allowance.</div> <div>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.</div> <div>5. Lot coverage limits may be exceeded only to accommodate one ADU of at least 800 square feet of interior livable space.</div> <div>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</div>				

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).

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.

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.

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.

10. One off-street parking space per accessory dwelling unit shall be required, unless parking exceptions as set forth in this section apply.

11. 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.

- (1) **Guaranteed Allowance.** Maximum floor area limit, floor area ratio, building coverage, and open space standards shall not prohibit an ADU with at least 800 square feet of livable space, a height not to exceed the limits established by Sections 16.79.050 and 16.79.060 of this Chapter, and four-foot side and rear yard setbacks.
- (2) **Exterior Access Only.** ADUs shall have independent exterior access separate from the primary dwelling, and no interior access between ADUs and the primary dwelling(s) shall be allowed.
- (3) **Exterior Access Pathway.** An all-weather direct pathway from the public right-of-way to the entrance to the ADU shall be provided.
- (4) **Parking.** One off-street parking space per ADU shall be required, unless the following parking exceptions apply:
 - (A) The ADU is located within one half of a mile walking distance of public transit.
 - (B) The ADU is located within an architecturally and historically significant historic district.
 - (C) Where the ADU is part of the proposed or existing primary residence or an accessory building or accessory structure.
 - (D) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (E) When there is a car share vehicle located within one block of the ADU.

- (F) When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this subdivision.
- (G) When the existing floor area is converted to an accessory building or accessory structure. This includes the conversion of an existing garage or carport.
- (5) 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.
- (6) 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 16.79.070 of this Chapter.
- (7) 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.
- (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) 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 66342.
- (12) **Rental and Sale.** The ADU may be rented separate from the primary 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 unit unless the conditions in Section 66341 of the Government Code are met.

16.79.060 JADU Development Standards

Development standards for JADUs not subject to the requirements in Section 16.79.070 are located in Table 16.79.060(1). The standards in this subsection shall not be applied to impose any restriction that precludes the construction of a JADU that meets the requirements of Section 16.79.070 of this Chapter.

Table 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

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.
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.
3. The JADU shall have a permanent efficiency kitchen as defined in Section 16.79.060(3). Only one kitchen is allowed per junior accessory dwelling unit.

- (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 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, and a food preparation area, 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 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 unit does not include a separate bathroom, the JADU unit 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 residence. 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 unit but may not be rented for a period of less than thirty consecutive days or used as a vacation rental. The JADU may not be sold separately from the primary unit.

(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 of the existence or construction of a JADU, consistent with Government Code Section 66337.

16.79.070 Units Subject to Limited Standards.

Notwithstanding Sections 16.79.010 through 16.79.060 above, the city shall ministerially approve an application for a building permit within a residential or mixed-use district to create the following types of ADUs and JADUs, which may be combined as allowed by the site and lot conditions. For each type of ADU, the city shall require compliance only with the development standards in this subsection. For single family developments, units allowed by Sections 16.79.070(1)(A) and 16.79.070(1)(B) shall be permitted in combination. For multifamily developments, units allowed by Sections 16.79.070(2)(A) and 16.79.070(2)(B) shall be permitted in combination.

(1) Single-Family Developments.

(A) One (1) internal ADU (“Conversion ADU”) and one (1) JADU. For a lot with an existing or proposed single family dwelling, the City shall approve one (1) ADU and 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 and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory building or structure. 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 California Government Code Section 66333 et seq.

(B) One (1) Detached ADU. For a lot with an existing or proposed single-family dwelling, the City shall approve 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 feet.
- (iii). *Maximum height:*
 - a. Sixteen feet for a detached ADU on a lot with an existing or proposed single family unit.
 - b. Eighteen 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 mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

(2) Multifamily Lots

(A) Interior Multifamily ADUs. The City shall approve ADUs located 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. The City shall allow at least one (1) interior ADU and up to twenty-five percent (25%) of the existing multifamily dwelling units.

(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 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 detached ADUs.
- (ii). *Maximum Height:*

- a. A height of 16 feet for a detached ADU on a lot with an existing or proposed multifamily dwelling unit.
- b. A height of 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 those terms are defined in Section 21155 of the Public Resources Code. An additional two 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 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 feet.
- b. If the existing multifamily dwelling has a rear or side setback of less than four feet, the city shall not require any modification of the existing multifamily dwelling 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 § 66323(e).

(4) The City shall not impose any objective development or design standard on an ADU or JADU authorized by this section unless expressly authorized by Government Code § 66323(b). The City shall not require the correction of nonconforming zoning conditions as a condition of ministerial ADU or JADU approval, consistent with Government Code § 66323(c). The installation of fire sprinklers shall not be required in an ADU or JADU if sprinklers are not required for the primary residence, consistent with Government Code § 66323(d).

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, the City may act on the ADU or JADU at the same time it acts on the primary dwelling 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) 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. The Planning Commission must issue a written determination on the appeal within 60 business days of the City's receipt of the written appeal. The Planning Commission's decision is final.
- (5) Right to Appeal. If a permit application for an ADU or JADU is deemed incomplete or is denied, the permitting agency is required to establish a process allowing the applicant to appeal the decision in writing. This appeal must be directed to the Planning Commission per section 16.79.080(4) of this Chapter. Following the receipt of the applicant's written appeal, the Planning Commission must issue a final written determination on the appeal within 60 business days, and this deadline cannot be extended. The Planning Commission's decision is final.
- (6) Unpermitted ADUs and JADUs. Any permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, 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 January 1, 2020, 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 January 1, 2020, 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, the city shall not penalize an applicant for having an unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.

(7) 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 16.79.050 (1) of this chapter, the building permit for the primary dwelling shall receive final inspection before the final inspection of the ADU.

(8) 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.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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Sacramento, CA 95811
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December 5, 2025

Deanna Chow
Community Development Director
City of Menlo Park
701 Laurel Street
Melo Park, CA 94025

Dear Deanna Chow:

**RE: City of Menlo Park – Accessory Dwelling Unit (ADU) Ordinance Updates –
Letter of Technical Assistance**

The most recent ADU ordinance on file for the City with the California Department of Housing and Community Development (HCD) is from 2020. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the City's ADU ordinance:

Updates to the [ADU Handbook \(2025\)](#)

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an "additional standard" and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that a local agency may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

Changes to ADU Law in 2025:

- Specifies that if a JADU has shared sanitation facilities with the primary structure, owner-occupancy will be required. If the JADU does *not* have shared sanitation facilities, owner-occupancy will *not* be required (Gov. Code, § 66333, subd. (b)).
- Require rental terms for JADUs for terms longer than 30 days (Gov. Code, § 66333, subd. (g)).
- Specifies that if a local agency fails to submit an adopted ADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when permitting ADUs (Gov. Code, § 66326, subd. (d)).
- Revises the definition of a "junior accessory dwelling unit" to require the size of a JADU to be no more than 500 square feet of interior livable space (Gov. Code, § 66313, subd. (d)).
- Revises the limitations on impact fees to, instead, prohibit impact fees upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less, and to require that any impact fee on an ADU that has more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit (Gov. Code, § 66311.5, subds. (a) – (d)).
- Requires a permitting agency to determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application (Gov. Code, § 66317, subd. (a)(2)(A)).
- Requires the permitting agency to provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice and authorizes the applicant to cure and address the application, as specified, if it is determined that an application is incomplete (Gov. Code, § 66317, subd. (a)(2)(B)).
- Requires the permitting agency to provide a process for the applicant to appeal a denied application, as provided, and requires the permitting agency to provide a final written determination by not later than 60 business days after receipt of the written appeal if a permit application is determined to be incomplete or is denied (Gov. Code, § 66317, subd. (d)(1)).
- Specifies that an ADU or JADU that contains less than 500 square feet of interior livable space does not increase assessable space.
- Revises size limitations to be based on the square footage of interior living space of the ADU (Gov. Code, § 66321, subds. (b)(2)(A), (b)(2)(B), and (b)(3)).
- Specifies the number of allowable ADUs per lot with a proposed or existing single-family dwelling (Gov. Code, § 66323, subd. (a)).

- Clarifies that fire sprinklers are not required for a JADU if the primary residence does not have fire sprinklers and that the addition of a JADU cannot trigger the requirement for fire sprinklers (Gov. Code, § 66323, subd. (d)).
- Adds section 66333.5, which specifies that if a local agency fails to submit an adopted JADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when processing applications for ADUs.
- Requires a local agency to issue a certificate of occupancy for an ADU constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation (Gov. Code, § 66328).
- Creates an exception to areas that fall under the California Coastal Act by requiring a local government or the Coastal Commission, as specified, to either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application (Gov. Code, § 66329, subd. (a).)
- Specifies that no reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556 (Gov. Code, § 66329).
- Specifies that reasonable restrictions in covenants, restrictions, and conditions, as described in the Civil Code, shall not include any fees or other financial requirements (Civil Code, § 714.3, subd. (b)).

Changes to ADU Law in 2024:

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subds. (a)-(c)).
- Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).

- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

Changes to ADU Law in 2023:

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

Changes to ADU Law in 2021:

- Allows a local agency to permit the separate conveyance of ADUs from the primary dwelling under Government Code section 66341 in certain circumstances.

Changes to ADU Law in 2020:

- Requires that an application for the creation of an ADU or JADU is deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Allows for rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Allows a homeowner to create “any of the following”: one converted or attached ADU; one detached, new construction ADU; and one JADU (Gov. Code, § 66323, subds. (a)(1)-(2)). More information can be found in HCD’s 2025 ADU Handbook.

Changes to ADU Law in 2019:

- Prohibits a local agency from including requirements on minimum lot size in development standards for ADUs (Gov. Code, § 66314, subd. (b)(1)).
- Allows a local agency to designate areas where ADUs may be located based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner occupancy requirements by a local agency for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Prohibits a local agency from requiring replacement of off-street parking spaces for ADUs created through the conversion of a garage, carport, or covered parking structure (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Adds impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees, but those fees must be proportional in size (by square foot) to fees charged for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines of an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows for a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).

- Makes covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use void and unenforceable (Civ. Code, § 4751)).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by January 4, 2026 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Mike VanGorder at Mike.vangorder@hcd.ca.gov.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit